Legislative Council

Tuesday, the 3rd October, 1967

The PRESIDENT (The Hon. L. C. Diver) took the Chair at 4.30 p.m., and read prayers.

QUESTIONS (2): ON NOTICE

GOVERNMENT DEPARTMENTS AND INSTRUMENTALITIES

Safety Officers and Committees

1. The Hon. R. THOMPSON asked the Minister for Mines:

(1) What Government departments and Government instrumentalities employ safety officers on a—

(a) full time; and

(b) part time;

basis?

(2) What were the respective numbers for the years ended the 30th June, 1965, 1966, and 1967?

(3) What Government departments or instrumentalities have safety committees, and when were they formed?

(4) Have any of these committees employee representation thereon?

(5) What Government departments or instrumentalities have not, as yet, appointed full time or part time safety officers where they are considered necessary?

The Hon. A. F. GRIFFITH replied:

(1) (a) Forests Department.
Metropolitan (Perth) Passenger Transport Trust.
W.A. Government Railways.
Wundowie Charcoal Iron and Steel Industry.

(b) Public Works Department:
(i) State Engineering Works;
(ii) M. & P. Engineers Branch.
Forests Department.
Main Roads Department.
State Electricity Commission.
Government Printer.
Fremantle Port Authority.
Metropolitan Water Supply Board.

Note: The Metropolitan Water Supply will be appointing a full time safety officer in the near future.

(2)

	Full time.	Part time.
30/6/65	2	4
30/6/66	2	4
30/6/67	4	7

(3) Public Works Department:

State Engineering Works	1960
M. & P. E. Branch	1964
Forests Department	1959
Metropolitan Water Supply	1962
Metropolitan Transport Trust	1959
W.A. Government Railways	1959
Wundowie Charcoal Iron and Steel Industry	1966

(4) Yes.

(5) Practically all Government departments and instrumentalities are represented on the State Government Industrial Safety Committee, chaired by Mr. H. A. Jones, Assistant Secretary for Labour. This committee meets at regular intervals every two or three months. On occasions special subcommittees meet in between if considered necessary.

Supervisors and foremen from all Government departments and most instrumentalities have attended recognised safety courses conducted by the Department of Labour and also some have attended courses conducted by the Industrial Division of the National Safety Council.

Safety training is in progress continuously. Supervisors and foremen are expected to implement safety on and in their work projects.

AIR POLLUTION

Readymix W.A.: Quarry at Gosnells

2. The Hon. J. DOLAN asked the Minister for Health:

(1) When the Minister in his reply to question 3 on Wednesday, the 13th September, stated that no complaints about dust emission at Readymix had been received by the department, was he referring to the Public Health Department?

(2) Is the Minister aware that although complaints about the operations of Readymix have not been made specifically to the Public Health Department, they have been made—

(a) at ratepayers' meetings in the Gosnells Shire;

(b) by a Gosnells resident by telephone to the Secretary of the Air Pollution Council, in the last three weeks; and

(c) to the Canning River Conservation Board by telephone, and by personal approach?

The Hon. G. C. MacKINNON replied:

(1) Yes.

(2) (a) No.

(b) Yes, though not at the time I made my reply. The complaint was made over the telephone and passed on to the appropriate officer, resulting in a misunderstanding about the quarry concerned. It was, in fact, Readymix.

(c) No.

EXPLOSIVES AND DANGEROUS GOODS ACT AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by The Hon. A. F. Griffith (Minister for Mines), and read a first time.

MOSMAN PARK

Disallowance of Heights of Buildings By-law: Motion

Debate resumed, from the 19th September, on the following motion by The Hon. J. G. Hislop:—

That the by-law relating to heights of buildings (Saunders Street), made by the municipality of the Town of Mosman Park, under the Local Government Act, 1960-1966, published in the *Government Gazette* on Thursday, the 15th December, 1966, and laid on the Table of the House on Tuesday, the 1st August, 1967, be and is hereby, disallowed.

THE HON. J. G. HISLOP (Metropolitan) [4.44 p.m.]: I am very grateful that this matter has reached the concluding stage. The following statement was received from the municipality of the Town of Mosman Park:—

By-law Relating to Buildings (Saunders St.)

IN pursuance of the powers conferred upon it by the Local Government Act, 1960-1966, the Town Planning Act, 1928-1965, and all other powers enabling it, the Council of the above-mentioned Municipality hereby records having resolved on the 28th day of September, 1967, to make and submit for confirmation by the Governor the following by-law:—

Prohibition of Buildings

(1) The by-law of the Municipality with reference to Heights of Buildings (Saunders St.) as published in the *Government Gazette* of 16th June, 1964, and amended in the *Government Gazette* of 15th December, 1966, is hereby repealed.

(2) (1) No person shall on or over that portion of the Municipal District of the Town of Mosman Park delineated in the plan in the Schedule hereto erect or construct any building or structure of any kind whatsoever other than a building or structure of a class specified in sub by-law (2) hereof.

(2) The classes of buildings or structures which are permitted to be erected in the aforesaid area are:—

(a) Conservatories, shade houses, pigeon lofts, aviaries or similar buildings;

(b) Access ways;

(c) Retaining walls or safety fences: or

(d) Protective stone work designed to prevent erosion.

Then follows the space for the signatures of the Mayor, the Town Clerk (Mr. Fardon), and the Minister for Local Government.

This proposal is to be presented to Executive Council, and I rely on the honesty of the Mosman Park Council, because of the following letter received from Mr. Fardon, the Town Clerk:—

re: Building By-law—Saunders Street.

I wish to advise that at its meeting held on September 28th, the Council resolved to adopt and submit for confirmation of the Governor a by-law prohibiting the construction of buildings (other than certain classifications) over the delineated cliff top in Saunders Street.

The by-law which is currently under statutory advertising also repeals the original building height control gazetted June 16th, 1964 and the later amendment of December 15th, 1966.

At the suggestion of The Hon. H. K. Watson, M.L.C. the following people were consulted on the by-law proposal and generally agreement was signified by those parties to both the by-law and area of control.

(i) Mr. W. H. Clough.

(ii) Messrs. J. & B. McMahon.

(iii) Mr. Justin Seward—representing Sir A. A. Wolff and The Sisters of St. John of God.

I am pleased to be able to enclose a copy of the proposed by-law and schedule and I trust that you will find this in order and to your satisfaction. I presume that the Legislative Council will now deal with its motion in an appropriate manner on the understanding that the Council's new proposal will be promulgated at the earliest opportunity.

I am directed to express the Council's sincere thanks for your persistent and patient interest in this matter because without your assistance the

Council would have lost its cause in the very early stages of debate.

If you have any query upon this proposal please do not hesitate to contact me.

If I distrusted the Council I would not have spoken this afternoon, but would have waited until the by-law had been presented to Executive Council.

The Hon. F. J. S. Wise: Was that addressed to you?

The Hon. J. G. HISLOP: No; to Mr. Logan. In order to make it clear to those who have been so kind and generous to me in investigating the matter, I would point out that we have also been provided with a diagram showing the scheduled by-law appertaining to buildings in Saunders Street. This diagram indicates that some of the areas have been lessened, and certain others have been considerably lessened.

If the by-law is accepted by Executive Council, peace will be restored in Mosman Park. Therefore, trusting those who have charge of the Mosman Park Town Council, I would ask leave of the House to withdraw the motion.

Motion, by leave, withdrawn.

LICENSING ACT AMENDMENT BILL

Third Reading

Bill read a third time, on motion by The Hon. A. F. Griffith (Minister for Justice), and transmitted to the Assembly.

TOWN PLANNING AND DEVELOPMENT ACT AMENDMENT BILL

Second Reading

THE HON. L. A. LOGAN (Upper West—Minister for Town Planning) [4.50 p.m.]: I move—

That the Bill be now read a second time.

This Bill proposes to confer on the public a suitable measure of flexibility in the conclusion of agreements that relate to the prospective subdivision of land but that are entered into prior to the approval by the Town Planning Board of the subdivisions contemplated by the agreements.

At the outset it is emphasised that it must obviously not be made possible for subdivisions to be created without the approval of the Town Planning Board. It would be wrong to allow these agreements to constitute in themselves an approval to subdivision. It is essential that, subject to the usual right of appeal, no subdivision shall come into existence without the approval of the Town Planning Board.

This Bill does not prejudice the performance of the Town Planning Board's duty to look after subdivision. It merely makes it possible for an owner of land and a prospective purchaser of a yet to be created lot or lots to work out the terms of an agreement and establish reciprocal personal rights under it before, rather than after, the ultimate stage of subdivision approval is reached.

The Bill provides most specifically that every such agreement shall be entered into subject to the approval of the Town Planning Board to the subdivision of the land being obtained. It also provides that every such agreement shall have no effect—that real rights as distinct from personal rights cannot flow from it—unless and until the board has given its approval to the subdivision; provided that an existing provision, which stipulates that a purchaser shall be entitled to a refund of any money or other consideration if the subdivision is not approved, shall continue to have effect.

Clause 1 is procedural. Clause 2 proposes to amend subsection (1) of section 20 of the principal Act to subject the prohibition in it of agreements relating to the sale of land except as a lot or lots to the qualified dispensation set out in clause 3.

Clause 3 proposes the amendment of the principal Act by the addition of a new section 20B. This new section would allow, non-retrospectively, the conclusion of an agreement to sell a portion of an unsubdivided lot if the agreement is made subject to the condition that the Town Planning Board's approval of the subdivision shall be obtained, and if the application for the board's approval is made within a period of three months after the date of the agreement. The clause goes on to provide that — without prejudice to the existing right of a party to the agreement to get restitution if full performance of the agreement cannot be made because the subdivision contemplated by it is refused —any such agreement shall have no effect unless and until the board approves the subdivision within six months after the date of the agreement or within a period agreed upon by the parties to the agreement.

I should mention, in conclusion, that this amendment was suggested by the legal profession as a result of a decision of the Supreme Court of Western Australia in Glass v. Ralph. The principle that this Bill seeks to establish is common practice in other States and formed part of the National Emergency Regulations during World War II.

Debate adjourned, on motion by The Hon. W. F. Willesee (Leader of the Opposition).

CHILD WELFARE ACT AMENDMENT BILL

Second Reading

THE HON L. A. LOGAN (Upper West—Minister for Child Welfare) [4.54 p.m.]: I move—

That the Bill be now read a second time.

Social legislation will always need continuous revision and frequent amendment because of changing concepts of social

responsibility and of the roles appropriate to the individual and to the community in modern living. In a rapidly expanding community such as ours, even the speed of social change is accelerated not only by our increasing numbers but also by the industrial changes in which an ever-growing proportion of our population is involved. These industrial changes bring in their train social changes in the lives of parents and children. It is, therefore, desirable to rethink and to amend legislation dealing with child welfare at frequent intervals.

Experience in the administration of the existing legislation sometimes suggests improvements which can be made for the benefit of parents and children, while on some occasions amendments to other Acts not basically concerned with child welfare have their repercussions which necessitate minor amendments to child welfare legislation.

The most important new provisions which are introduced by this Bill are, firstly, the new section providing for the licensing and control of childminding centres. Members will have seen in the daily Press and in the minor news sheets distributed in particular districts, or by firms advertising their goods, a number of advertisements by people prepared to mind children by the day while parents are at work, or are otherwise engaged.

The number of these advertisements indicates that this sort of arrangement is made much more frequently than in the past. The need for it derives from the increasing employment of women in industry and perhaps, too, from an increasing number of women who wish to "park their child" while they have the day in town, or go to their regular recreation.

The Children's Hospital, the Infant Health Service, the Education Department, and the Child Welfare Department have, for some time, been concerned that children so "parked" should be cared for in the best possible way. At present no department has the responsibility of supervising this sort of arrangement. Because the supervision will be directed to conserving the welfare of children, it is appropriate to legislate for it within the Child Welfare Act.

The second addition proposed arises from the increased mobility of people in modern times. It is now far more common than it once was for families to travel interstate to change their employment, or for holidays. It is very much more common for wards, who have passed school-leaving age, to travel interstate, either on their savings or by hitchhiking. When, in either of these circumstances, a ward crosses a State boundary, he automatically passes out of the jurisdiction of the responsible Child Welfare Department. It is desirable that in such cases the ward remain under the control of a proper authority and should not escape supervision or lose the protection of the Child Welfare Department, as he does at present.

It is proposed, therefore, to seek a power to make arrangements with Ministers for Child Welfare in other States, both to receive wards from them and to transfer wards to them, by mutual agreement. This will not only deter absconding wards from "going interstate" but will also permit the official supervision of wards, who legitimately travel to other States, while they are absent from Western Australia. We, in return, will exercise official responsibility on behalf of Child Welfare Departments in other States which have similar legislative authority to enter into this sort of arrangement. There are occasions, too, when it would be wise to transfer a particular ward for care in another State where highly specialised care of the type required is available. The new machinery will facilitate such an arrangement.

A third addition to the Act is proposed in three separate sections, but each has the intention of providing a service to children who need help and advice and are not likely to get it without departmental intervention.

The first of these amendments is a widening of the definition of a neglected child. The present definition, which is most commonly used, refers to children who are living under such conditions that their mental, moral, and physical welfare is likely to be in jeopardy. There are children who do not continuously live under these conditions, but who do suffer frequent but irregular harm or temptation either of which, in the long run, has just as much effect on them as if they lived continuously in danger. It is intended, therefore, that the definition be widened to permit the department to help children such as these.

The second aspect of help has been brought to notice by parents coming to the department and asking for help in the management of their children, and who obviously need a period of respite because the immediate responsibility of managing their children is temporarily beyond them. It is not desirable to take such cases before a children's court because this will still further prejudice the relationship between parents and children and will make remedy so much harder.

It is proposed, therefore, that parents in this sort of situation may ask the Minister to admit their children to wardship for a limited period, during which treatment of all the parties to the difficulty can be undertaken. At the end of the agreed period, wardship will be automatically terminated. It is expected that parents who make such an arrangement will pay costs of the maintenance of their child while he is a ward by agreement with the Minister.

The third aspect of help to children has come to notice through the operation of

the Commonwealth Immigration (Guardianship of Children) Act under which the Director of Child Welfare is automatically the guardian of all migrant minors who come to Western Australia not accompanied by a parent or near relative, or not met by such relatives on arrival. Many of these migrant children call at the department for advice and help in a wide range of problems because they have no-one else to turn to, and no-one else has the legal responsibility of offering help and advice.

Experience has shown that a considerable number of young people in Western Australia need a similar sort of service when their parents are deceased or are absent for long periods. Therefore, it is proposed that the Director of Child Welfare be authorised to provide help and advice in such cases and, if necessary, to recover the costs of it without the Western Australian child thereby becoming a ward. These three alterations to the Act will allow a better service to be provided for the children to whom they apply.

The next matter of importance is the deletion of part VI of the Child Welfare Act. In considering this, it should be remembered that the basic Child Welfare Act was enacted in 1907 when the first goldmining development and the early development in the wheatbelt drew a great number of families to Western Australia. Many of the provisions of the Act at that time were concerned with the care and protection of children left at the coast while their parents went inland. These provisions are no longer appropriate and some of them have become completely redundant.

At that time it was common for private persons, and private or religious societies, to undertake the care of children on behalf of parents, and for payment. Part VI of the Act sought to regulate these arrangements by authorising the Governor to license persons and societies to do this work without any payment from Consolidated Revenue. No society has sought such a license for many years and this sort of arrangement has long been replaced by subsidised institutions and by private family foster placements.

Part VI, because of its continued presence in the Act, sometimes embarrasses the department because country courts, unaware of its history, and presided over by lay members, occasionally commit children under its provisions. The Bill provides for the deletion of part VI of the Act.

The Bill also contains a number of minor amendments which result from experience in the operation of the Act, each of which will be described at the appropriate time.

In dealing with the clauses in the Bill, clauses 1 and 2 are self-explanatory. Clause 3 seeks to provide for the deletion of the words "part V," which part was repealed in 1965, and of part VI as it is now proposed that this part shall also be repealed.

Clause 4 seeks to amend section 4 of the Act, which section contains 10 definitions under which a court may find "that a child is neglected." The most frequently applicable definition is No. 10, which states that a child who "is living under such conditions as to indicate that the mental, physical, or moral welfare of the child is likely to be in jeopardy" may be deemed to be neglected.

The assumption behind the existing definition is that a child must live under these circumstances for a considerable continuous period. Many children who need departmental help only suffer or exhibit their neglect for short, irregular periods, but the total effect is seriously damaging to them. The amendment proposes to remedy this situation by inserting the words, "is found in such circumstances, or is behaving in such a manner" in line one of definition 10.

Clause 5 seeks to amend section 20(c) which empowers the children's courts to hear and determine all complaints and applications made under certain sections of the Education Act which refer to compulsory school attendance. The Education Act has been amended to include certain new sections; namely, 17A and 17B. These should be listed in section 20(c) of the Child Welfare Act. The amendment seeks to effect this.

Clause 6 provides for an amendment to section 26. At present section 26 empowers magistrates to refrain from imposing punishment, penalty, or fine upon a child, although he be proven guilty. It is a section under which magistrates generally extend leniency to first offenders. In line 5 of the section, reference is made to the "convicted child." The conference of stipendiary magistrates in 1965 recommended that this expression be changed to remove the word "convicted," which is more properly applicable to adults than to children found guilty of an offence. It is proposed that the word "convicted" be deleted.

Clause 7 seeks to amend section 27. This section provides for the rehearing of a case against a child if the parents, guardian, or the Child Welfare Department make an application for a rehearing. Such applications are sometimes made without adequate reason by disgruntled or irrational parents who interpret the section as giving them an immediate right to attempt to upset the verdict of a children's court which is distasteful to them. In practice, the magistrates hearing such applications have always required the applicant to show good cause why a rehearing should be granted. This is good sense and such a requirement should be inserted into the section by the addition of the appropriate words.

Clause 8 will amend section 28. This section confers the power to grant bail in the case of children on the director, the Clerk of the Children's Court, and the

superintendents of any Government detention house. Because children are now held in detention in a greater number of facilities, the power to grant bail should be conferred on the officers in charge of those places. A proviso to section 28 permits a court to place a child who is charged with an offence, and who appears to be suffering from mental or nervous disorder, in a suitable place for observation for periods up to one month. It is proposed that this consideration should also be shown to neglected children about whom an application is made. It should, in fact, give magistrates a very wide power to place children in a suitable place for observation, assessment, and recommendation for future treatment.

Clause 9 seeks to amend section 29 which sets out the ways in which children suspected of being destitute, neglected, uncontrollable, or incorrigible can be placed while awaiting a court hearing. It is proposed that the same arrangements should be available to children charged with offences. It is also proposed that the first choice of placement of a child awaiting a court hearing is his own home, provided his parents are willing to enter into a bond to ensure his appearance in court. On the other hand, a police gaol or lock-up should only be used to detain the child if no other place is available.

Clause 10 will amend section 32. This section permits parents to charge their child with being uncontrollable or incorrigible. Two changes are proposed. The first is that the word "incorrigible," which means unchangeably bad, be deleted, and that the word "uncontrollable," which means that no-one can control the child, should be changed to "uncontrolled." The second change is that the machinery be altered from laying a charge—which is the procedure for breaches of the law and creates a record—to making an application, which is the procedure for neglected children and does not create a record.

Clause 11 proposes to amend section 33 which permits an officer of the Child Welfare Department, or a police officer, to bring uncontrollable or incorrigible children before a court. It is proposed that the section be amended in the same way by using the word "uncontrolled" in place of "uncontrollable," and by deleting the word, "incorrigible."

Clause 12 proposes to amend section 35. This section provides that a child—that is, a person under the age of 18 years—shall not be imprisoned for default but shall be detained in a children's institution. In those cases where a child commits an offence just before his eighteenth birthday, and appears in a children's court after that birthday and then defaults, the present section cannot apply if the offender is no longer a child.

It is proposed that the section be amended so that the ordinary provisions of the law apply to those who default after the age of 18 even though their offence is committed before 18 and was heard in a children's court.

Clause 13 seeks to amend section 36, which section allows "Justices sitting as a Children's Court" to forgo the setting of a default in the case of non-payment of a fine by a child. It does not, however, confer this discretion on special magistrates who, in fact, hear the vast majority of cases against children. It is proposed that the section be altered to confer this discretion on special magistrates.

Clause 14 will add a new section 47C. In general, children only become wards of the department under the existing provisions of the Act after their maladjustment or difficulty has reached serious proportions. It is obviously desirable that the Minister have power, at the request of parents, to take a child into protective wardship at the early signs of difficulty so that by appropriate treatment and counselling of parents and child, serious maladjustment, and perhaps delinquency, can be prevented. This new section confers a power on the Minister to help parents and their children in these circumstances.

Clause 15 seeks to amend section 51 which authorises the director to arrange for the care of a ward in a number of ways during the detention of the ward. The word, "detention," implies that the ward is strictly confined. The great majority of departmental wards are, of course, living in their own homes, or in foster homes, and while their behaviour is supervised, they are not "in detention." It is more appropriate to refer to the period of their committal rather than the period of their detention.

Clause 16 will amend section 52. This section insists that wards shall attend school during the period of compulsory schooling and that no ward shall be apprenticed under the age of 14 years. Because of changes in the compulsory school-leaving age this section should be brought up to date with the Education Act.

Clause 17 seeks to repeal sections 57, 58, and 59. These three sections of the Act refer to departmental wards "assigned" to foster parents as apprentices, and set out what shall be done in the event of the foster parent transferring the apprenticeship indenture without ministerial consent, or dying, or becoming bankrupt. The practice of assigning wards as apprentices to foster parents is completely outmoded and these three sections, which date back to the original Act of 1907, are now redundant. It is proposed that they be repealed.

Clause 18 proposes to add a new section 66A and also makes reference to section 47B. It is becoming an increasingly common occurrence for wards in all the Australian States to "go interstate" in order

to escape legal supervision. It is becoming increasingly common, too, for the foster parents of wards to travel interstate in the course of their work, or for holiday purposes. It is sometimes desirable, too, that a ward needing highly specialised treatment be sent to the appropriate treatment facility in another State.

At present, the guardianship of a ward ceases when he crosses the State boundary. It is obviously desirable that effective control of wards be maintained when they cross State boundaries, either of their own volition or with ministerial approval. It is therefore proposed that the Minister for Child Welfare have power—

(a) to undertake the care of wards coming to Western Australia from other States;

(b) to transfer the care of Western Australian wards to the appropriate authorities in other States, and to make arrangements for these purposes.

South Australia and Queensland have already enacted legislation for these purposes and the remaining States intend to do so. This reciprocal arrangement will permit a better control of and, in some cases, a better service to a considerable number of State wards.

Clause 19 provides for the addition of a new section 66B. Section 105 of the Act, which forms part of part V, will be removed from the Act by the deletion of part V, which is proposed later in the Bill. Section 105 prohibits a person from removing a ward out of the State without the consent of the Minister being first obtained. While part V in general is redundant, this prohibition should be preserved. Because it relates to the interstate movement of wards, it is appropriate to place it after the new section 66A.

Clause 20 seeks to add a new section 66C. The Child Welfare Department is frequently approached by older children under the age of 18, whose parents are deceased or outside the State, or who are not available, to give advice and help in a wide variety of circumstances. These children are at a disadvantage because, in their difficulties, they have not the counsel and help of a parent. The Child Welfare Department has no real authority to meet their needs and may lay itself open to reproach and legal action if they act on its advice. It is desirable that these young people be given help and that the department be authorised to give it. It is not desirable or necessary that they be made wards for this purpose, as is the case with unaccompanied migrant children entering Western Australia.

It is proposed that a child who is left without parents, guardian, or some other person in *loco parentis* may approach the director who can extend to that child such help as he may have extended if a child were a ward. Any costs and expenses involved in that assistance should be regarded as advanced under the Welfare and Assistance Act, 1961.

Clause 21 proposes to repeal part VI of the Act which dates from 1907. That part provided machinery by which the pioneers of the goldfields and the early agricultural development of the State, were able to leave their children in the care of private persons and private societies in the metropolitan area while they went inland. It authorised the Governor to approve of societies and persons to take care of such children without any payment from Consolidated Revenue. The historical situation in which this part of the Act was developed no longer exists and no person or society has sought approval, or has been granted it for many years.

The department is, on occasion, embarrassed by country courts, constituted by members, committing children under the provisions of this section without realising that it is inappropriate. It is proposed that part VI of the Act be repealed.

Clause 22 seeks to amend section 106, which authorises the licensing of male children over 12 years to engage in street trading, the commonest examples of which are the selling of newspapers and of football and show programmes in streets and public places. The section does not prevent the employment of girls in street trading and instances have occurred where girls have been so employed without a license.

It does not seem desirable that girls should be exposed to the dangers of newspaper and programme selling in streets, and the Act should clearly state this. This can be prevented by the addition which is to be made to subsection (3) of section 106.

Clause 23 seeks to amend section 116. This section sets out the conditions under which persons might be licensed to keep premises for the purpose of caring for children separated for long periods from their parents. Subsection (4) of this section authorises the Governor to make regulations for the supervision and inspection of places licensed for these purposes. If the new section—section 118A —which I will mention very shortly, and which refers to the supervision and control of child-minding centres, is accepted, it will be seen that regulations for their control will be more complete than those now obtaining for premises licensed under section 116.

It is proposed, therefore, that section 116 be amended to improve its provisions and bring them into conformity with those set out in proposed new section 118A. Clause 24 adds proposed new section 118A to the Act. The increasing employment of women has given rise to a large number of child minding centres which vary very greatly in the physical accommodation,

meals, and the activities provided for the children, and in the competence of those who run them. These centres compete for patronage by advertisements in the various newspapers and at present no authority has the responsibility of ensuring that the services they provide are of such a nature as to advance the welfare of the children concerned.

Several of the other Australian States are concerned with the same situation, and Victoria has already legislated to bring them under supervision and control. The local situation has been considered by the infant health authorities, the Commissioner of Public Health, the Education Department, and the Child Welfare Department, and it is agreed that appropriate measures for the licensing and control of such centres should be included in the Child Welfare Act. The suggested powers authorise the department to license persons who set up a child-minding centre, and empower the Governor to make regulations for the granting and refusal of licenses, for the periods in which children may be left in child-minding centres, for the manner in which the centres are conducted and staffed, and the ways in which they feed children, for the transfer and renewal of licenses, for the regulation of advertisements, for the keeping of records and registers of children attending the centres, and for such other matters as become necessary for the protection of children in such places.

This new section recognises that the Education Act makes provision for the Education Department to authorise the conduct of kindergartens. These are excluded from the proposed provision in the Child Welfare Act.

Clause 25 repeals and re-enacts section 125. Section 125 sets out the penalty for persons who remove wards from institutions or from foster parents without authority, or counsel wards to leave their proper address, or who harbour absconding wards. The phraseology, however, refers to the time when wards were placed in apprenticeships to foster parents. This is no longer done and the language of the section should be brought up to date by the repeal of the present section and its re-enactment with amendments as printed.

Clause 26 amends section 136. Section 130 makes it an offence for a parent of a child to desert it or wilfully leave it without adequate means of support. Section 136 authorises a court to order the parent of a child to contribute towards the past and future maintenance of the child when section 130 has been invoked. Section 136, as at present worded, refers only to the near relative of such a child, which term includes, as well as parents, the brothers, sisters, and grandparents of the child who have no responsibility in law to maintain it. It is proposed, therefore, that the words "near relative" in line 7 of section 136 be replaced by the word "parent."

Clause 27 amends section 146. Section 106 contemplates the possible arrest of persons under part V and part IX of the Act. As part V was deleted from the Act in 1965, the reference to it in section 146 should also be deleted.

Paragraphs (a) and (c) of the section refer to "the court which has caused the warrant to issue." Warrants in these circumstances are not issued by courts, but are issued at places. The arrested debtor should be returned to the place at, or nearest to, which the warrant was issued so that his case can be adjudicated upon.

The amended section should properly read—

> 146. (1) (a) Whenever any person is liable to arrest under Part IX of this Act and such person is arrested at a distance exceeding twenty miles from the place at which the warrant was issued, the person arrested may, with the consent of the Director, be brought before the Children's Court nearest to the place of arrest and the case shall be forthwith adjudicated upon by such court.
>
> (b) As is.
>
> (c) The court which adjudicates upon the matter so transferred to it may make such order as it may determine, and thereupon such order shall be deemed to have been made by the court at, or nearest to, the place at which the warrant was issued.

Clause 28 amends the second schedule to the Act. The second schedule to the Child Welfare Act sets out those institutions which are subsidised institutions for the care of children under the provisions of the Act. The Tom Allan Memorial Home for Boys, Werribee, and the Benmore Boys' Home, Caversham, no longer operate as homes for children and should be deleted from the schedule.

I apologise that there has been some duplication on account of my describing the clauses, but I think it was necessary in the circumstances.

Debate adjourned, on motion by The Hon. W. F. Willesee (Leader of the Opposition).

PREVENTION OF POLLUTION OF WATERS BY OIL ACT AMENDMENT BILL

Second Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [5.20 p.m.]: I move—

> That the Bill be now read a second time.

You will doubtless recall, Mr. President, that the Prevention of Pollution of Waters by Oil Act of 1960 was passed as a complementary measure to Commonwealth legislation assented to in that year, and that Act came about through the Com-

monwealth Government being a signatory in 1954 to the International Convention for the Prevention of Pollution of the Sea by Oil, which was held in London in April of that year. Each of the Australian States passed complementary legislation similar to that operating here.

The amendments proposed in the Bill were adopted at a conference of the Australian Port Authorities Association, which was held in Melbourne last October, and its provisions may be regarded as affecting two main aspects of the Act's administration. Firstly, there are amendments to make the discharge of oil within a harbour, because of a wrongful act or because of the negligence of some person, or persons, an offence with appropriate penalty; and secondly, some amendments involving equipment that is used, together with the necessity to provide that a record system be kept showing when oil has been discharged from a ship.

Under section 5 of the Act, it is an offence for the owner and the master of a ship or the occupier of a place on land, at which a discharge of oil is carried out, or the person in charge of pumping or other apparatus, to permit such oil to be discharged into any waters within the jurisdiction. Jurisdiction in this connection means the sea lying within three miles of the coast, the ports, harbours, rivers, and the inland navigable waters of the State.

Under section 6, it is a defence to a charge laid under section 5, if the person can prove that the discharge of oil was done for the purpose of securing the safety of the ship, or preventing damage to the ship, or saving life at sea; or that the oil had escaped as a consequence of damage to the ship or of leakage which could not have been avoided, foreseen, or anticipated; and that all reasonable precautions had been taken, after the discovery of the damage or leakage, to prevent or reduce the escape of oil.

In the case of persons on land, it is a defence for the person to prove that the escape of oil was due to an accident which could not have been avoided, foreseen, or anticipated, or that the discharge was caused by the act of a person who was in the place on land without permission, express or implied, and that all reasonable precautions were taken for the prompt discovery of the escape of the oil and its prevention or reduction thereafter.

Section 7 of the Act deals with the removal of oil pollution by the appropriate harbour authority and recovery of all costs and expenses incurred by it from either the owner or master of the vessel, or the occupier of the place on land, or the person in charge of the apparatus from which the discharge occurred. Such costs and expenses may, under section 7(2), be awarded in the course of proceedings for an offence in respect of the discharge or may be recovered as a debt due in any court of competent jurisdiction.

The brief amendment to section 7, which is contained in clause 2 of the Bill, arises from an experience in the Port of Melbourne on the 23rd March, 1965, when the S.S. *Warringa* was being bunkered from a road tanker. The tanker and the ship were connected by a four-inch rubber, wire-reinforced hose, and after being advised by the ship's representative that it was ready to receive the oil, the driver commenced the pumping operation. However, the valve on the receiving line on board ship was shut and, as a result of the pressure building up in the hose, it burst. This event occurred even though the "all clear" was given by the ship's representative to commence pumping.

This was a case, then, where all equipment appeared to be, and was, in reasonably good order, and under the Victorian Act, which is similar to ours, the person in charge of the apparatus could be regarded as being guilty of the offence, although the spillage was a result of mismanagement aboard ship. The only person who could be charged was the person in charge of the pumping apparatus—namely, the tanker driver—and in the legal opinion advanced at the time, it was considered that such a charge would have been dismissed under section 6 of the Act, which, as already explained, provides for a defence to a charge if the person can prove that the spillage had occurred as a result of circumstances which could not have been avoided, foreseen, or anticipated.

The addition of a new section 7A, which appears in clause 3, will enable the master or owner of the vessel to be prosecuted in a case where similar circumstances exist to those experienced in Victoria.

The amendments contained in clauses 4 and 5, as affecting sections 8 and 9, respectively, of the Act, result from an amendment to its articles by the International Convention for the Prevention of Pollution of the Sea by Oil made at a meeting held in London in 1962. The Commonwealth Act has been amended but proclamation is being withheld until all the State Acts have been amended accordingly.

The first amendment in clause 4, as affecting subsection (1) of section 8, deals with equipment installed for the prevention of the discharge of oil into waters covered by the Act, and extends the provisions of section 8 to cover not only equipment but also its maintenance, operation, and management. Under this section, the Governor is empowered to make regulations; and the second amendment in clause 4 will allow regulations prohibiting or restricting the carriage of water in any tank that has contained oil on certain types of intrastate ships.

Section 9 of the Act provides that regulations may be made requiring the master of an intrastate ship to keep records of any occasion when oil, or a mixture containing oil, is discharged or escapes from a ship for any one of a number of reasons.

The amendment, which appears in clause 5, provides that records be made promptly after the occurrence and in the prescribed place. Provision is also made that if records are not kept as required, an offence is committed.

The proposed amendments to sections 8 and 9 cover intrastate ships only, the State having no jurisdiction over interstate ships, for which provision is made in appropriate Commonwealth legislation.

Having dealt with the clauses as they appear in the Bill, I think it is well for members to bear in mind, in considering the proposals submitted in this measure, that we have in this State, the Port of Fremantle, the largest oil bunkering port in Australia and, indeed, in terms of oil fuel bunkered, Fremantle is amongst the first five ports in the southern hemisphere.

The provisions in the parent Act, accordingly, have special application in this State and not only at this main point but also at other ports where expansion and development is taking place to meet the recurrent needs of industry.

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

SHIPPING AND PILOTAGE BILL

Second Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [5.29 p.m.]: I move—

That the Bill be now read a second time.

As the title of this Bill implies, its purpose is for the passing of an Act relating to shipping and pilotage in and about the ports of the State. Existing legislation dealing, amongst other things, with these matters is contained in the Shipping and Pilotage Act, 1855-1954, and the Ports and Harbours Act, 1917.

Many of the provisions contained in the 1855 Act are completely out of date, several matters with which it deals being no longer under State Government jurisdiction. I might mention some of these. Desertions covered by this early piece of legislation are now dealt with under the Commonwealth Navigation Act and the Migration Act; provisions relating to the Collector of Customs agreements with coastal trade owners are long outdated; burial of persons who die at sea is mentioned, but this is a matter now covered by the Coroners Act; courts of quarter sessions are mentioned and this reference is obsolete.

Indeed, I am advised that 30 of the 36 sections in that Act require some amendment and, when the matter was raised, Crown Law officers considered that the most logical approach to the problem was to repeal both the principal Acts mentioned and to re-enact the appropriate parts still currently applicable in the form of the Bill now before members.

In addition to bringing the legislation up to date, and removing some of the difficulties which have been experienced in the past in framing regulations, opportunity is taken to adjust penalties to present-day standards.

The early clauses in the Bill deal with the repeal of the two Acts and the legal protection for matters done within their administration up to date. The terms "harbour master" and "port" are defined in clause 3. Clause 4 empowers the Governor to appoint any person to be the harbour master of any port. Provision for the appointment of a pilot is made.

Clause 5 places the harbour master in control of the entry and departure of vessels, their berthing and mooring, and movements of vessels within the port. Responsibility for the general maintenance of good order, and authority for the removal of wreckage within or adjacent to port approaches are also matters which are covered.

In new subsection (2) there is provision for the recovery of the cost of wreckage removal, and in the event of the owner failing, within a reasonable period, to pay the amount claimed, or should it be not possible to find the owner, the harbour master is authorised to dispose of the wreckage and reimburse his expenses.

There is power under clause 6 for the removal of unserviceable vessels and these powers are akin to those granted the harbour master in respect of wreckage.

Special emergent powers are accorded the harbour master to enable him to contend with dangerous situations which could affect the safety of persons or of vessels or of valuable property within the port. These are contained in clause 7 and provide authority for the scuttling of a vessel, the presence of which constitutes such danger.

Clause 8 makes provision for conservancy dues and clause 9, likewise, for pilotage charges and the making of appropriate regulations in regard to pilotage facilities.

There is contained in clause 10 authority for the Governor to declare any place described by proclamation to be a port for the purposes of the Act. This section contains the usual provisions for the variation of boundaries and the revocation of proclamations as conditions may require.

In this section also, the Port of Fremantle is excluded from the provisions of the Act except in respect of section 8, dealing with conservancy dues, and the regulations in force under the Act in so far as they relate to that section.

Clause 11 sets out that any person who fails to comply with any order or direction of a harbour master, given or made under the powers conferred by sections 5 or 7 of the Act, commits an offence and is liable to a penalty of $200.

Similarly, any person interfering with any mooring, beacon, buoy, light, or other port facility, or who deposits or removes earth or spoil within a port beneath high-water mark, is liable to the same penalty.

Regulations may be made under the provisions contained in clause 12, which is the final clause.

Debate adjourned, on motion by The Hon. H. C. Strickland.

EVIDENCE ACT AMENDMENT BILL

Second Reading

Debate resumed from the 21st September.

THE HON. E. M. HEENAN (Lower North) [5.35 p.m.]: There is very little which needs to be added to the explanation given by the Minister when he moved the second reading of this short Bill. The purpose of the measure is to add a new section, 104A, to the Evidence Act. The new section makes provision for the taking of evidence on oath in this State by certain individuals who are nominated in writing by a court, judge, person, or body, authorised under the law of the foreign country to receive evidence on oath in that country.

The section will, in the main, apply to foreign diplomats or representatives who are nominated in writing by an authority in their own country to take evidence in this State for use in that country. There are certain necessary restrictions and safeguards on which I do not think it necessary to elaborate, because they were pointed out to us by the Minister.

A similar provision to that in the Bill has existed for some time in the Victorian Evidence (Foreign Tribunals Act), and the Minister pointed out that the Standing Committee of Attorneys-General has in mind making the provision uniform throughout Australia. The provision in the Bill appeals to me as being worth while and a necessary addition to our Act, and I give the Bill my support.

The Hon. A. F. Griffith: Thank you.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

METROPOLITAN WATER SUPPLY, SEWERAGE, AND DRAINAGE ACT AMENDMENT BILL

Second Reading

Debate resumed from the 21st September.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the Opposition) [5.39 p.m.]: Whilst this Bill contains 63 clauses, only three main issues are involved. Many of the clauses are merely re-enactments of sections which are being repealed, and many are machinery clauses to bring the Act up to date.

Penalties are also revised and are being brought into line with present-day valuations, and present-day currency. We have been accepting this practice without a great deal of query. It sometimes seems that a disproportionate penalty is imposed in one part of a Bill when compared with that proposed in another part of the Bill. The explanation generally given is on the basis of the difference in money values. Because of the changing valuations in currency, we accept these alterations.

The third proposal covered by the Bill deals with additional power which will be given to departmental officers for the administration of the Act. Those powers appear to be reasonable when we consider the problems associated with the administration of the Act, and the changing pattern of the metropolitan area.

The Minister said he thought the Bill was, in the main, a Committee Bill and I think that is generally correct. I notice that where a main drain is to be discontinued within a suburb, or in a particular area, and the Water Supply Board has no further use for it, that drain will become the responsibility of the local authority. It seems to me that this could be a transference of responsibility to a local authority, which would have no option but to accept it. If the local authority could make some use of the drain, this provision would be to the good. On the other hand, if the local authority has no use for the drain I think it would be reasonable to expect the department to restore the land to its original condition.

If the drain was not required it would be neglected and become overgrown with weeds, and so on, and present all the consequent hazards. In many cases the position I envisage would not arise, but I feel that in the course of time such a situation could occur. It seems to me to be an unfair burden to place on a local authority. When land has been used for a number of years by a department, and revenue has been received for it, I think the department concerned should restore the land to its original condition when it is no longer required. I think that would be the main point in the Bill.

If we look at clause 15 we see the term "for domestic purposes" is to be deleted from section 36 of the Act. While I suppose there is no particular reason why this term should not be removed, it seems to me that it clearly defines a particular use for water supplied by a local authority or a water board. To me it indicates water which is used for domestic purposes as distinct from industrial or other purposes. However, with the disappearance of the term I do not suppose anything drastic will happen to water supplied to individual people for domestic purposes.

In the case of a meter breaking down there is a proposal for power to be given to assess the water consumption on an average basis. This proposal is contained in clause 16 of the Bill, and a new section, 40A, is to be added. I think this will probably legalise a practice that has been followed for many years, and the amendment is in the Bill to make the position definite. However, I notice the provision makes reference to an average being taken of water consumed in respect of the land, or any similar land during any similar previous period, and the consumer is then liable to pay the amount assessed to the board.

I would think this is somewhat of a departure from the practice normally followed of assessing the average consumption on a particular property if the meter breaks down. I would think the records in the department would enable an assessment to be made on the average basis for each particular property, because the records would have been kept over a number of years, bearing in mind, of course, that the same person occupied the property over that period. Different people, even in the smallest homes, would use different quantities of water over the same period of time. For instance, two people living next door to each other, and in homes of a similar size, could use entirely different amounts of water over the same period. And yet under the proposal in the Bill the person who used the smaller amount of water could be disadvantaged because of the words "or any similar land during any similar previous period."

There seems to be a general trend throughout the provisions of the Bill to give an occupier priority over and above the owner in any dealings with the board; and I can foresee some difficulty if an occupier does something on the property without the owner's consent. The owner may not even be aware of what has happened; yet, ultimately, he will be responsible for what has taken place.

The Hon. A. F. Griffith: The reverse situation could be hard on the owner, too.

The Hon. W. F. WILLESEE: The difficulty I see is in regard to the occupier who leaves a property, having used up the water allowance for the year, and who has incurred a debt for excess water. In that case the next occupier is in trouble, but I suppose these are problems which are part and parcel of the job of supplying water to the community. I would think every effort is being made to prevent, if possible, any injustice taking place. However, that sort of thing can happen.

I notice, in clause 30, that where a metropolitan main drain is to be discontinued notice must be published in the *Government Gazette*. I suppose this is a safe and reliable method of advertising the fact, but it is generally accepted that in areas where a daily newspaper is operating this is used as the medium for such advertising, because of its wider circulation among the people concerned. That practice is departed from in the provisions in the Bill and although it is not an earth-shattering proposal, it is one in which the House might be interested and about which it would like some information.

Clause 33 contains an amendment to section 72 of the Act, and the provision reads as follows:—

> (iii) Any land declared by the Governor to be exempt from rates under this Act pursuant to paragraph (h) of this section shall be rateable land within the meaning of this Act, if the Governor by subsequent declaration so declares."

I wonder if the Minister, when replying to the debate, could give us some reasons why this provision has been included in the measure. It is unusual to find Crown land which is not exempt from rates; but it appears, by the provision to which I have just referred, such land could be made ratable. I wonder if the Minister could tell us of the circumstances under which this would be done.

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [5.52 p.m.]: The Bill was introduced by my colleague, the Minister for Health, but unfortunately he is temporarily absent this evening attending a function as a representative of the Government. Rather than hold up the passage of the Bill I thought it advisable to listen to what Mr. Willesee had to say, particularly when, as I gathered from his opening remarks, in principle he supports the measure.

As it appears to me that this is a Bill which can more adequately be dealt with in Committee, I suggest to Mr. Willesee that as we come to the clauses on which he would like some information he can pose his questions to me and if I am unable to supply the answers I will postpone the clauses concerned and obtain them for him. Those answers can be given when the Bill is further dealt with. There are some 60-odd clauses and we could deal with many of them without having to postpone them.

The Hon. W. F. Willesee: I think I can improve on that when we get into Committee.

The Hon. A. F. GRIFFITH: In that case I propose to do no more than thank the honourable member.

Question put and passed.

Bill read a second time.

In Committee.

The Chairman of Committees (The Hon. N. E. Baxter) in the Chair; The Hon. A. F. Griffith (Minister for Mines) in charge of the Bill.

Clauses 1 to 14 put and passed.

Clause 15: Section 36 amended—

The Hon. W. F. WILLESEE: I do not think we will gain much by my repeating what I said at the second reading stage in regard to each clause. I think it might be preferable if we let the Bill go through Committee and the Minister can reply to my queries at the third reading stage.

The Hon. A. F. Griffith: I think I can explain your query on this clause.

The Hon. W. F. WILLESEE: Thank you. It does not make that much difference.

The Hon. A. F. GRIFFITH: Far be it from me to stonewall the Bill; but if the honourable member wishes I think I can give an explanation of some of the clauses.

The Hon. W. F. Willesee: Very well.

The Hon. A. F. GRIFFITH: There may be some for which I cannot give a satisfactory explanation and I will seek further information in regard to them. On this clause I think I can satisfy the honourable member. The principal Act limits the allowance of water for rates to domestic water. In practice the board makes an allowance for the full amount of the rates whether or not the water is used for domestic purposes and the amendement merely regularises this by removing the restriction on domestic water. In other words, the proposal in the Bill will regularise what in practice is now carried out.

Clause put and passed.

Clause 16: Section 40A added—

The Hon. W. F. WILLESEE: I drew attention to this clause when speaking to the second reading and I pose the question as to what would happen if an adjoining property were used for averaging purposes. Can the Minister answer my query on this point?

The Hon. A. F. GRIFFITH: Not completely at this stage. If I follow correctly what Mr. Willesee said, he is concerned about the words "or any similar land." I would like an opportunity to get some information on this point and I suggest we postpone the clause and, after the tea suspension, I am sure I will be able to supply the answer. Therefore, I move—

That the clause be postponed.

Motion put and passed.

Clauses 17 to 20 put and passed.

Clause 21: Section 61A added—

The Hon. W. F. WILLESEE: In this case it strikes me that the occupier of the land could possibly usurp the true rights of an owner. The owner of the land should in all circumstances be aware of what could take place. If the occupier of the land fell down on an arrangement he had made the owner of the land appears to have no redress at all. It is possible that if the owner of the land knew what was taking place he might not wish the property to be dealt with in the manner proposed.

The Hon. A. F. GRIFFITH: The honourable member feels the owner should be made aware of the demands made by the occupier; and that being the case I suggest we postpone the clause till later. I therefore move—

That the clause be postponed.

Motion put and passed.

Clauses 22 to 29 put and passed.

Clause 30: Section 71C amended—

The Hon. W. F. WILLESEE: Could the Minister tell me why we advertise only in the *Government Gazette?*

The Hon. A. F. GRIFFITH: I do not quite know, but I could conjecture a number of reasons for this. The *Government Gazette* is regarded as a publication of public interest containing items for public knowledge.

The Hon. W. F. Willesee: Why not in the local paper and the *Government Gazette?*

The Hon. A. F. GRIFFITH: What is a paper of local interest? It may be of local interest to me to know that something is taking place in the Perth shire, in the district in which I live. But if I were to go to the Eastern States for a time, I would be completely unaware of the contents of the local paper as I would, no doubt, be also unaware of the contents of the *Government Gazette.* A person who moves around a good deal may be concerned—the owner of a number of properties situated in a number of places. That owner might not be aware of the local paper. I could have a property in Perth and be living in the country, and a local advertisement may not catch my attention.

The Hon. W. F. WILLESEE: The Minister has a most interesting capacity for conjecture. I cannot imagine that all the residents of a large country town, or any portion of the metropolitan area would leave at the one time. If we used the local paper it would be of greater assistance to a greater number of people. However, if the Minister went to Surfers Paradise we possibly would not wish to advertise the fact.

The Hon. A. F. GRIFFITH: That is a very pleasant thought. The clause seeks to add one provision only. It gives power to cancel the course of a drain.

Clause put and passed.

Sitting suspended from 6.6 to 7.30 p.m.

Clauses 31 and 32 put and passed.

Clause 33: Section 72 amended—

The Hon. W. F. WILLESEE: Can the Minister give some examples where land declared by the Governor to be exempt from rates shall be ratable land within the meaning of the Act, if the Governor by a subsequent declaration so declares?

The Hon. A. F. GRIFFITH: I am not in a position to give a further explanation. Under the Act the Governor may exempt

land from rates because of special circumstances. I cannot elaborate on these special circumstances. As the Act stands there is no power to cancel the exemption from rates, should the special circumstances cease to exist. The clause proposes that the Governor may declare any such non-ratable land to be ratable land.

Clause put and passed.

Clauses 34 to 63 put and passed.

Postponed clause 16: Section 40A added—

The Hon. A. F. GRIFFITH: The point raised by Mr. Willesee was in connection with the words "or any similar land." I understand these words are necessary, one reason being that a new subdivision could be created. During the first year after water has been connected, the meter might become out of order. In such a case there would be no previous record of consumption to assess what could be the average consumption; therefore it is necessary to arrive at an assessment by some other method.

I am informed by the water board that it has a good knowledge of the water that is usually consumed in various districts at various periods. That is the information on which the average system is based. Upon questioning I was further informed that where any doubt exists the consumer is given the benefit. I was told that the number of complaints against the averaging system in circumstances such as these is not very great.

Postponed clause put and passed.

Postponed clause 21: Section 61A added—

The Hon. A. F. GRIFFITH: The point raised by Mr. Willesee was that the owner should be made aware of the occupier's demand on the board, because the owner could be left with the responsibility of meeting the payment. Such a situation would not arise, because the board does not carry out work without first getting the money. I am told that in practice where an occupier makes a request for a sewer connection, the board gets in touch with the owner to obtain his views. As no work is done by the board without payment being made, no financial obligation will fall on the owner where the occupier vacates the premises. In any case it is the practice of the board to get in touch with the owner first.

The Hon. W. F. WILLESEE: I thank the Minister for the information which he has obtained since the tea suspension. This seems to be a fairly watertight principle when it is applied in the manner outlined by the Minister.

Postponed clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

BULK HANDLING BILL

Second Reading

Debate resumed from the 21st September.

THE HON. R. THOMPSON (South Metropolitan) [7.41 p.m.]: As far as I am concerned this Bill needs no further elaboration, because Mr. Willesee dealt with it very constructively when he spoke to the measure. He gave us a clear indication of what is contained in it.

I am sure all members will agree that Co-operative Bulk Handling has done a wonderful job, particularly when they take into account the installations it has established at Fremantle—and these are claimed to be among the most modern in the world. No doubt they will be extended from time to time and will be kept up to date with the latest developments.

It is interesting to note that the passing of this Bill will bring into being an Act which will be easily and clearly understood by most people. Although most members of Parliament extend their good wishes to the company, not everyone is happy with the present position. In this respect I refer particularly to the residents of Fremantle, because this year they have been called on to pay an increase in rates of between $1.50 and $2. This has been brought about by the amendment to the Local Government Act passed last year. On that occasion Parliament followed the suggestion of the Minister and decided to exempt Co-operative Bulk Handling from paying $20,000 in rates. The debate in this Chamber on that amending Bill extended over quite a lengthy period. It is interesting to read the remarks which were made by some members at the time—those who considered that it was quite just and proper that the company should be exempt.

One point the Minister should clear up is this: He gave an undertaking to Parliament that he would have discussions with Co-operative Bulk Handling to see whether or not a workable arrangement could be arrived at. I am sure the Minister would like me to refresh his memory on this point.

I am not taking it out of context when I quote what was said by the Minister during the third reading stage. The following can be found on page 1823 of volume 2 of *Hansard*, 1966:—

> However, I appreciate the situation. It was my intention to discuss these problems with C.B.H., because I am not over-satisfied that the section dealing with the payment for roads presents an answer to the problem. I can give the assurance that I intend to discuss this matter with C.B.H. in an endeavour to find a solution which may be found in *ex gratia* payments, rates paid on the unimproved capital

value, or implementing the suggestion that has been put forward by Mr. Watson.

Amongst other things that was an undertaking given to Parliament. The City of Fremantle has had to increase its rates, as I stated last year would be the case. I said that this would be necessary to enable the council to balance its budget and meet its commitments. The 1965-66 rate was 17c in the dollar; and this year it has been increased to 17.65c in the dollar. The extra .65c will net $19,600. Therefore it can be seen that this co-operative is being let off.

It was stated last year that the co-operative is owned by the people. No shareholders are involved. We quite understand that by the legislation in front of us. It was also said that the co-operatives in other States were exempt from the payment of rates. That is quite true. However, on the 16th May this year, I received a letter from the Town Clerk of the City of Fremantle in which he said the following:—

> I attach hereto a photo-copy of an advertisement which appeared in the *West Australian* newspaper of 24th March, 1967.
>
> You will recall that when the question of rating of premises owned by Messrs Co-operative Bulk Handling Ltd., was debated in Parliament, some members were quick to point out that grain-storage premises in other States were not subject to rating.
>
> This advertisement, authorised by the Chairman of Directors, reminds grain growers in Western Australia that Eastern States growers did not receive rebates similar to the $3,000,000 paid to W.A. growers in the past two years.
>
> The copy is forwarded to you in belief that it may be used advantageously at some future time.
>
> I am Sir,
> Yours faithfully,
> S. W. PARKS,
> Town Clerk.

The point of this, as Mr. Parks points out, is that it was said the Eastern States co-operatives did not make rebates to the grain growers in their respective States. The following advertisement, which appeared in *The West Australian*, also points this out:—

> GRAIN
> GROWERS
> Toll Credits
>
> C.B.H. has sent you the Full and True Facts in the Statement with your Voting Paper.
>
> No increase will be made unless it becomes unavoidable.
>
> C.B.H. does not require Funds For Operating Costs as these are met fully by Payments from the Marketing Authorities.
>
> C.B.H. does receive Payments as stated by the Farmers' Union but these are NOT INTEREST.
>
> From these Payments YOU RECEIVED $1,317,000 and $1,739,000 as Rebates in the last two years. Eastern States Graingrowers DID NOT Receive this . . .

And so the advertisement goes on. I am pointing out to the Minister now that I am not happy—and neither are the rest of the residents of Fremantle—when at the ratepayers' expense the company is benefiting. They are being rated a further $19,600 this year.

Mr. Baxter was quite quick to submit the expenditure of the Fremantle City Council, and he said the council would not have to increase the rates. However, like every other council, the Fremantle City Council works on a tight budget, and it found it necessary to increase the rates by .65c. Therefore it can be seen that if the Minister has done something, the Fremantle City Council does not know anything about it.

The Minister in his speech at that time did not make any suggestion that he would contact the Fremantle City Council. It was a one-sided affair all the way along the line. First of all he was to contact C.B.H. He stated earlier in his speech that he made a suggestion to the Fremantle City Council that it could charge a proportionate amount of the rates. At that stage I had no answer for him. I found out the day afterwards that because of the council's uniform rating system, it was precluded from making this concession. It had to charge the full amount of rates on all ratable property in its area.

The Hon. L. A. Logan: That was not exactly the way I suggested it.

The Hon. R. THOMPSON: That is what the Minister said. I can tell him what he said.

The Hon. L. A. Logan: I know what I said.

The Hon. R. THOMPSON: I do, too. Those concerned feel they are being let down by the Minister because he has not contacted them since the 1st November last year.

I intend to support the measure, but I feel Parliament itself has to take more than a one-sided view of legislation. No-one here was prepared to listen last year when this unnecessary levy was put on to the ratepayers of Fremantle. Yet we find that $3,000,000 can be repaid over two years to the farmers. It is their money, but $20,000 would not be missed from $3,000,000. I support the Bill, but I want to hear the Minister's explanation as to why something more is not being done in

respect of establishing a better system in regard to rates, instead of the tiddly-winking way the Minister dealt with the legislation last year.

THE HON N. E. BAXTER (Central) [7.54 p.m.]: In dealing with this Bill it is very interesting to look back on the history of wheat handling in Western Australia. My very early memories as a child take me back to the days when the first wheat storage installation was established at Spencers Brook. That was in 1916 when, of course, we were in the middle of the first World War. We could not ship a great deal of wheat overseas, and, consequently, it had to be stored.

At that time my late father, who was Minister for Agriculture, was in charge of the wheat scheme, and the wheat pool which was started at that period. It is interesting to record the pool receipts from that year onwards. These are as follows:—

	bushels
1915-16	15,004,000
1916-17	13,823,000
1917-18	7,530,000
1918-19	7,727,000
1919-20	9,722,000

The drop between 1917 and 1919 was more or less caused by the war and the fact that a number of men were away. Labour was not obtainable and therefore the crops were not grown. Seasonal conditions were also responsible to a certain extent.

Mr. Willesee referred to the original architect of bulk handling in Western Australia. He said that the late Mr. John Thompson was thought to be the architect. I would like to say for his benefit that it was first discussed in this State, as far as I can ascertain from the records, in the years 1912 to 1914 by members of the old Farmers and Settlers' Association. That group was very keen on the idea of bulk handling in this State. The first Bill in this regard was introduced on the 4th April, 1918 in the Legislative Assembly by the Attorney-General and Minister for Industries (The Hon. R. T. Robinson—Canning). In moving the second reading he said—

> The object of the Bill is to confirm an agreement that has been entered into by the Minister in charge of the wheat scheme (Hon. C. F. Baxter) with John S. Metcalf Company, Ltd., of Canada, relating to the preparation of plans, specifications, and estimates for bulk-handling grain elevators; for separate drawings, plans, specifications and estimates for storage bins for the construction of same in advance of the main scheme; for plans, drawings, specifications and estimates for temporary machinery and plant to work same pending the completion of each elevator as a whole; and for the supervision of such work as may be ultimately carried out in connection with the said plans and specifications during the period of five years computed from the date of approval of Parliament. The construction of such storage bins as I have indicated is an integral part of a complete bulk-handling scheme. It is desirable to provide storage bins now, and it is equally desirable that those storage bins should be capable of being used at a later stage as part and parcel of a bulk handling of wheat system. Before, however, such a system can be adopted, a machinery measure dealing with the whole of the necessary proposals, such as engineering, marketing, administrative, and financial, will have to be submitted to and be passed by Parliament.

The Federal Government of those days had offered to provide a certain sum of money for the scheme. In connection with that, the Attorney-General said—

> By that arrangement it is anticipated some £285,000 will be made available to this State for construction of silos, provided they are built to the satisfaction of the Wheat Storage Commission.

The Bill was passed in the Legislative Assembly and was transmitted to the Legislative Council where quite a debate ensued on it. My father was in charge of the Bill in this House, but finally it was defeated by one vote. That was the end of the beginning of bulk handling for many years to come. It is also very interesting to know that the first bulk handling system was put into practice in 1933, as far as I can gather—

The Hon. F. R. H. Lavery: It was 1935, I think.

The Hon. N. E. BAXTER: —and in that year 1,250,000 bushels of wheat were handled. That scheme was run by Westralian Farmers. The system was established because towards the end of the first World War, after the Government pool was disbanded, my father, as Minister, made a recommendation to Cabinet that Westralian Farmers take over the pooling of wheat.

In those days, there were, of course, private buyers of wheat; for example, the firms of Louis Dreyfus and Company and Darling and Company, and one or two other smaller firms. They paid the price to the farmers as they saw fit, and naturally that led to the position where farmers believed that some better method of marketing wheat was necessary.

Comparative figures show the great increase under compulsory pooling and marketing of wheat, because in 1963 over 100,000,000 bushels of wheat were received by Co-operative Bulk Handling as against the 1,250,000 bushels which were received in 1933.

The idea of bulk handling was not dropped in the period which elapsed between when the Bill was defeated in 1918 and another Bill was eventually passed in

1935. At odd times the question cropped up and, in 1919, several questions were asked in connection with bulk handling. One of the questions that was asked by The Hon. H. Carson was as follows:—

> (1) Are the Federal Government still prepared to loan moneys to the State Government for building wheat silos? (2) If so, will the Government introduce this session a Bill for their erection?
>
> The HONORARY MINISTER replied: (1) No. (2) Answered by No. 1.

At that time the Federal Government had pulled in its financial horns and was not prepared to advance the money. Questions were also asked in 1918, 1920, and at other different times. I have not delved in to the extent to which questions were asked or the further moves made in the intervening years, but the major move was not made until 1934, when the Bulk Handling Bill eventually became law.

As we all know, the measure which is before the House is a reorganisation of the legislation which has been operating from time to time. One of the main provisions is the increase of the toll. As I understand the position, through people who are connected with bulk handling, Co-operative Bulk Handling will require approximately $88,000,000 over the next four or five years for installations which are planned to cover the additional storage that is required in this State. This sum of money will be necessary to provide additional storage and also to replace some of the storage which already exists. At the present time, the estimated income from the toll during that period would be a figure somewhere in the vicinity of $60,000,000. This shows that C.B.H. would be approximately $28,000,000 short of the required amount necessary to build installations and to replace any existing installations.

Some people say, "Why not borrow money?" I understand Co-operative Bulk Handling has tried to borrow money from quite a number of sources but, as it more or less has no security to offer, it has found it very difficult, or almost impossible, to borrow money at reasonable interest rates, or even to borrow money at all for its purposes. Actually, the toll will give the company security by which it can borrow money, or alternatively cover the money borrowed if it can find a lender to advance the amount required.

When the Minister was speaking, he did say that C.B.H. will not impose the increase in the toll unless it is needed for specific purposes. I feel sure that C.B.H. will honour that provision, and will not raise the toll if it is not necessary.

As far as I can see, the possibility exists that the company will have to raise the toll to some extent, at least in order to cover the commitments it anticipates undertaking over the next four or five years. As we all know, this scheme has been financed by the wheat farmers of Western Australia. One must realise that the schemes in the Eastern States are financed by Government moneys. Naturally, one would say that if at any time a rebate from Co-operative Bulk Handling was available, then that money should go back to the farmers who have put the money into the scheme.

Mr. Ron Thompson referred to the amount which had been refunded to farmers. However, he overlooked the fact that the growers in the Eastern States have had their installations financed by the Government. Here, they are financed by the farmers' own money and, of course, the farmers do not receive these rebates every year. Every member is well aware of this fact. There is a big difference between the operations of Co-operative Bulk Handling of Western Australia and the operations of the co-operatives in the other States from the point of view of finance. I do not think the financial situations are in any way comparable with regard to liabilities in connection with rates and other matters.

If the company was a profit-making concern, perhaps it could be argued that it should be liable for the payment of rates; but as it is not, the position is altogether different from that of a profit-making company, or of companies financed by Government sources in other States of Australia.

The Hon. R. Thompson: If it is not a profit-making company how can it buy His Majesty's Theatre and other buildings?

The Hon. J. Heitman: That is not C.B.H.

The Hon. N. E. BAXTER: It is not C.B.H., as Mr. Heitman says, but I will not enter into that argument. In any event, the purchases were not made from profit and do not reflect on the organisation.

The Hon. R. Thompson: Does the report state that?

The Hon. N. E. BAXTER: If a comparison is to be made between this State and the other States of Australia, it should be in connection with the financing of bulk handling installations, machinery, etc. I feel that the measure is worth while, well drafted, and naturally when it becomes law the scheme will be operated as laid down in the legislation.

This will give C.B.H. the opportunity to carry on with the wonderful work it has done in building up the installations in this State, and in handling the big quantity of wheat each year through its silos and the machinery which is available in Western Australia. I support the measure.

THE HON. F. R. H. LAVERY (South Metropolitan) [8.8. p.m.]: I wish to support the Bill. I rise to speak to the measure

because I would like to be one of those people who congratulate C.B.H.—and, for that matter, Westralian Farmers—on their history in handling the wheat stocks in this State since 1916 or 1917.

I wonder whether what I am about to say will cause members to ask themselves, "What hasn't Lavery done?" However, in 1920 and 1921 I worked for Westralian Farmers at Nokaning siding, established for the receival of bagged wheat and delivery of it into trucks for despatch to the sea ports. In those days bagged wheat was priced somewhere in the vicinity of 2s. or 2s. 3d. per bushel. We contractors and siding men received 1d. per bag into stack or into truck direct from the farm wagons, and 1⅜d. out of stack into rail truck. The difference was occasioned because out of stack it was necessary to travel a lot further and, of course, the bag was carried over the shoulder. I know a little about this subject, and I am sure, Mr. President, you will appreciate what I am saying because the siding was in your area. I do want to draw attention to the fact that Louis Dreyfus and Company and Darling and Company were responsible for finding cash to advance to the farmers who dealt with them, because Westralian Farmers was not always able to provide the ready cash, and often wheat had to be sold before it had the cash available.

Times have changed and the situation in this State so far as bulk handling is concerned is a story of progress that would be second to none anywhere in the Commonwealth. One has only to consider the small way in which it started, the short period of time in which it grew, and also the fact that this State was sparsely populated in those days and there were not the same number of farmers as there are today. The farmer today is receiving the benefit of the fine administration, and the handling of the crop through bulk handling, the receiving depots and silos. Farmare in country districts have a lot to be thankful for today compared with the conditions which prevailed in the early 1920s.

Having said that, I want to close my remarks by paying a tribute to those people who today are the heads of the administration of Co-operative Bulk Handling. I refer to men such as Mr. Lane and those who work under him. I, myself, have always felt proud to be associated with the organisation and I still feel a part of it. I handled 31,000 bags over my shoulder in 1921 and 36,000 in 1922.

I would like briefly to comment upon the remarks made by Mr. Ron Thompson in connection with the Fremantle City Council on the question of rating. If one considers the figures which Mr. Thompson gave to the House and the rates which C.B.H. were paying last year to the Fremantle City Council, one will see that the story Mr. Thompson told last year has been borne out by fact. I support the Bill.

THE HON. C. E. GRIFFITHS (South-East Metropolitan) [8.13 p.m.]: I would like to mention briefly that I, too, am happy to support this measure. I take the opportunity to speak, simply to pay a tribute to C.B.H. for the contribution it has made to Western Australia in the relatively short period in which it has been operating on such a large scale.

I had the very good fortune to spend some years working for C.B.H. I know the methods of the company and the contribution it has made towards training people in Western Australia. In addition, I could never say enough about C.B.H. in connection with the facilities which it makes available and the incentives which it offers to the people who work for it. Also, I want to praise the initiative of the people who are employed by the company. The company gives credit to those who have ideas of their own. It is a really progressive firm and it has always been progressive. It pays great tribute to the people who have worked for it over the years and who have contributed the ideas and suggestions which have made C.B.H. such an efficient organisation.

Mr. Lavery suggested that he feels some sentiment for C.B.H. and I, too, share these feelings. I can only wish the company well. I trust this measure will enable the company to continue the good work it has been doing over the years and will make it easier for the company to perform the same functions for the wheat growers of Western Australia that it has performed over the years. I am very pleased indeed to be associated with supporting this measure.

Debate adjourned, on motion by The Hon. J. Heitman.

EDUCATION ACT AMENDMENT BILL

Second Reading

Debate resumed from the 21st September.

THE HON. J. M. THOMSON (South) [8.15 p.m.]: Although the Bill is only a small and simple one, the amendments it contains are very important and will prove very beneficial to students. One provision seeks to grant exemption from attendance at school, for certain definite periods, to those students who wish to take advantage of prevocational courses which are now offering at certain schools. When moving the second reading of the Bill the Minister's comments on this educational training were very interesting to all members of the House. His explanation clearly indicated the necessity for taking into account the Factories and Shops Act and the Workers' Compensation Act when these students are so employed, and that the amendments in the Bill are most necessary and desirable.

That is all I wish to say about normal healthy children who possess all their

physical and mental faculties. I now wish to have a good deal more to say about cerebrally palsied and mentally defective children, because the second amendment in the Bill contains reference to those handicapped children, including the blind, the deaf, and the mute. I am sure the parents of such children will accept this amendment and the intentions and the purpose behind it with satisfaction.

At the present time, in Western Australia, there are over 2,000 cerebrally palsied and mentally retarded children. I am sure that figure is quite disturbing to all members of the House when we realise the distress and anxiety which surrounds the care and attention given to these children. From the authoritative information I have received of recent date, 300 of these young children are coming forward each year for medical examination, and close on 250 of them have this defect. This is indeed a very sad and distressing experience for anybody associated with the care and welfare of these children, and at this point of time we may ask ourselves what we can do, as a State and as a community, to help relieve the burden that is placed on the parents of such children.

I admit that a great deal has already been done, but it is not enough. More relief must be granted to the parents and the organisations which are endeavouring to relieve the strain and stress which the parents are called upon to bear. It must be admitted, of course, that the organisations concerned have provided important and essential occupational activities in endeavouring to train any child or person who is mentally retarded. At this stage I pay a tribute to all Governments, and to the public generally, for the generous contributions they have made, and are still making, to provide these necessary facilities in the occupational centres.

There is still a shortage of such centres to which these children, in increasing numbers, are being sent. For example, I am sure the parents of 32 children have viewed with great concern the action of the Education Department in reluctantly excluding these children from its occupational centres. There is no doubt that the acceptance of these children by the responsible teachers and officers employed by the Education Department, and within the occupational centres, can do a great deal to assist the mentally defective and handicapped children. However, the department feels obliged to turn the children aside, and the only alternative is to return them to their homes, and this creates a great deal of concern among their parents.

The Slow Learning Children's Group of W.A. has provided one centre for such children at Como. Although there are 40 children attending the centre daily it should accommodate only 20. To cope with the increasing number of children coming forward it is essential that at least three occupational activities day centres be provided. To accomplish this it is estimated that the cost involved would be approximately $12,000 to $15,000 for the necessary buildings and equipment in each centre. The Government has been mindful of the need to provide activities centres for these children, but of course the need is greater today than it was even two or three years ago. I therefore appeal to the Minister and to the Government to make an endeavour to stretch a point and meet the situation which is confronting the parents of these children and the organisations which are doing their best to provide training for them.

I have received a letter from the Organising Secretary of the Slow Learning Children's Group of W.A. in which he points out that he has been advised that 11 children are to be excluded from the spastic centre in Mt. Lawley because they are not educable. Further, seven children are to be excluded from Minbalup occupation centre, six from Noalimba occupation centre, and eight from the Innaloo occupation centre, making a total of 32. The secretary went on to state—

> These children are severely mentally retarded and in many cases have a multiple handicap. This will place a very severe strain on their parents particularly the mother.

I understand that other members have received a copy of this letter, which concludes as follows:—

> This is an urgent situation which we feel requires urgent attention by the provision of at least three additional Day Activities Centres.

I support the Bill because, as I said at the outset, it contains two important amendments; one pertaining to the welfare and advancement of those children who are fortunate enough to enjoy the best of both physical and mental health, and the other to those children who are not so fortunate.

The Bill, of course, seeks to provide that the parents of a handicapped child shall no longer be required to pay for the educational facilities that are provided for such a child. Whilst that concession is deeply appreciated, the fact remains, nevertheless, that we have a real and distressing problem within our community of which I am sure the Government is fully cognisant, but I trust it will show greater concern by providing the buildings and equipment to which I have referred. I have much pleasure in supporting the Bill.

THE HON. G. E. D. BRAND (Lower North) [8.26 p.m.]: I, too, support the Bill, and I take this opportunity to thank the Minister for Education and the

officers of his department for realising some few weeks ago that a young man from my home town was better fitted to enter an apprenticeship in the butchering trade than to remain at school. All the facts were laid before the Minister and the department and the officers of that department were only too pleased to reach the decision they did.

I know exactly how that young man felt, because I think those youngsters who are forced to remain at school when they show greater proficiency in a trade are only wasting their time. It therefore gives me great pleasure to record my thanks to the Minister and to the officers of the Education Department for the expeditious way in which they handled this young man's case. I wish to add that his parents were also extremely pleased over the action taken by the department, because they realised that he was wasting his time at school. I hope his case will prove to be a precedent for any other young lad who wishes to enter a trade instead of continuing his school studies, provided he shows more proficiency in a particular trade.

In speaking to this Bill Mr. Jack Thomson referred to the cerebrally palsied and defective children. During the debate on the Address-in-Reply I drew the attention of the House to the needs of these children. At this stage I also wish to acknowledge that a young child has already been sent to Japan to undergo an operation by a specialist who treats these defective children. This child has every chance of being cured of cerebral palsy. Great credit must also be extended to the people of Kalamunda and the workmates of the father of this child for the efforts they made in raising sufficient money to send the child to Japan for treatment. With those few words, I support the Bill.

THE HON. J. G. HISLOP (Metropolitan) [8.28 p.m.]: This is a Bill which must be applauded, because it is one of the measures that has been brought before us in recent years allowing us to inspire young children with education and, at the same time, give them the opportunity to watch and understand various aspects of the careers which they hope to follow in the future. Therefore I must regard the Bill as one of the real adjuncts to the progress of education within this State.

We still have a long way to go, of course, because as one who at times has spent many hours with children who have been retarded in some way or another, there comes the acceptance of the fact that there is a language which is quite different from English, shall I say, being introduced to Australia.

This applies not only to Western Australia, but also to the rest of the continent. In the future, I think we will have a great deal of agitation from the public to produce a language nearer the English language than that which we are using at the present time.

I can honestly say that in eight years I have seen many retarded children who have passed through the rehabilitation centre; and at the centre there are adults who use the same type of speech and have the same understanding as the children. This almost entirely debars them from rising anywhere in the field of employment.

I wish to refer to certain matters in this regard. Firstly, I consider the Education Department would be very wise to try to increase the number of speech therapists available. Sometimes when a child comes along with its parents and it is decided that rehabilitation would be effective in that child's case, we look towards an alteration (a) in speech; (b) in writing; and (c) in the love of reading. However, beyond that we seem to fail. The real trouble is that we are very short of speech therapists in this country. They are like gold; but when we do have the aid of a speech therapist we make progress.

Young children of 14, 15, and 16 years of age can learn to open their mouths and make certain that they are heard and that their voices carry over a distance. When this happens we do achieve something; but it is a very difficult situation. The rehabilitation centre at Melville has been looking for speech therapists for 12 to 18 months, but none are to be found. This is one of the most serious limitations so frequently found in the training of young children who have not had any real help in being able to convey their thoughts; and later on they are not able to enjoy a higher occupation than that which they are forced to accept.

I would like to draw the attention of everybody in Western Australia to our method of writing. How a bank manager knows his client when he signs a cheque, I would not know.

The Hon. C. E. Griffiths: Have you had a look at my writing?

The Hon. J. G. HISLOP: Has the honourable member ever tried reading mine?

The PRESIDENT: Order!

The Hon. J. G. HISLOP: Members of my profession, I think, are the worst writers of all. When I go down to the rehabilitation centre it sometimes takes me quite a long time to understand what writing means. I know this is brought about by haste, but it is also something that has grown up in the country; and it is something we will have to face up to in the future if we want to become a great race.

It is a pleasure at times to listen to someone who has come out from the old country and speaks to some of our organi-

sations. The moment such a person begins to speak I shudder because I cannot in any way manage to keep up with that beautiful tone. This sort of thing does not apply only amongst the well educated and cultured English people; that method of speech is accepted by the vast majority of people in Great Britain. However, we slur our speech and do not take any real pride in how we speak.

If members could join me and hear some of the children who are seeking rehabilitation, they would find I am correct in saying that they use almost a different language from that which we should expect from people in a British colony or nation. I think in time we will tackle all these problems, but the present position is distressing. We are not encouraging young people to take up the very interesting occupation of teaching young people to speak, to think, and to make them realise what is meant by the conversations to which they are listening.

When we are able to persuade a child to open his or her mouth and learn to speak the language under the guidance of a speech specialist, we will know we can give that individual a better type of occupation than would otherwise be possible. I am convinced that children will not learn what is taught them at school, but will follow the language of their parents. That is one of the most difficult things to overcome.

In a short time this is about the third occasion on which I have spoken in this way because it distresses me so much to see these valuable and worth-while children not being taught to speak correctly; and their writing, at times, is almost illegible.

I hope the Education Department will, little by little, try to take over this type of work from which the community will be heavily rewarded.

THE HON. C. E. GRIFFITHS (South-East Metropolitan) [8.38 p.m.]: I am a little reluctant to speak on this Bill after hearing Dr. Hislop, because I am probably one of those who speak the language in the way he suggested a lot of our young people do. Nevertheless I am pleased to support the Bill.

I was one of those who supported the amendments which were introduced last year when Parliament gave the Minister for Education power to allow a child to leave school, under certain circumstances, if it was thought that perhaps remaining at school was not in the best interests of the child. The present measure goes even further—and desirably so—inasmuch as it allows the Minister to reverse his decision. It also provides for children in their second and third year of high school to be able to go out into industry to obtain a practical working knowledge of some of the trades and to see what it means to earn a living after they leave school. I think this is the beginning of a very enlightened era.

When I went to school I was one of those who took a violent dislike to it from the very first day. I never could get around to taking a keen interest in being at school —to be told that in 1066 William the Conqueror invaded England and shot Harold in the eye. I could never quite work out the point.

The Hon. V. J. Ferry: He got the point!

The Hon. C. E. GRIFFITHS: Harold got the point, but I certainly could not work out what that was supposed to mean to me. None of my electors have ever asked me about it. So when I was looking out the window, and my teacher was throwing dusters or pieces of chalk at me, perhaps my time would have been better spent had I been working somewhere for a couple of months to get an idea of what I wanted to do when I left school.

The Hon. R. F. Hutchison: I do not agree. What you should have been given was 100 lines every day.

The Hon. C. E. GRIFFITHS: In fact, I was. This measure represents a very practical and progressive outlook in regard to education. I am sure there are some children attending school who do not know what they want to do when they leave school.

Things have not changed much in the short period since I left school. When about 12 years of age, a child is given a piece of paper to take home for the purpose of getting it filled in. This piece of paper asks what the child wants to do when he leaves school. A child of that age would not have the slightest idea of what was involved in any type of employment. However, the parent signs the paper, which is taken back to school; and from that day on it is the stone end so far as the child is concerned, because his education is guided along the lines of whatever was decided and written on that form.

The Hon. E. C. House: Didn't they give you an intelligence test?

The PRESIDENT: Order!

The Hon. C. E. GRIFFITHS: I do not believe that any 12-year-old child knows exactly what he wants to be when he leaves school.

The Hon. R. F. Hutchison: He is not expected to know, surely!

The Hon. C. E. GRIFFITHS: I do not know when the honourable member went to school, but this is what happened when I was at school. I am annoyed about this kind of system; and I feel the measure will enable those who have filled in the piece of paper to which I have referred to obtain some firsthand knowledge of different trades. If a child decides he wants to be a plumber he will learn that it involves putting threads on huge pieces of piping with a big set of stocks and dies, and the main requirement is that one weighs about

15 stone. After this, perhaps, he will not want to be a plumber and will change his mind.

The Hon. E. M. Heenan: How did you fill in the form?

The Hon. C. E. GRIFFITHS: I said I wanted to be an electrician and that was what I had to be. It was a long time before I found myself in the position where I could do something else.

The Hon. F. D. Willmott: You got plenty of shocks, did you?

The PRESIDENT: Order!

The Hon. C. E. GRIFFITHS: I sincerely support the principles behind this measure because I think it is the beginning of something in our educational system which will eventually lead to fewer students staying on at school under sufferance. It will tend to make life more pleasant for students and teachers and certainly do much to ensure that young people work in a vocation which they thoroughly enjoy. I am indeed pleased to support the Bill.

THE HON. R. F. HUTCHISON (North-East Metropolitan) [8.45 p.m.]: I did not intend to enter into this debate but I heard some remarkable things said here tonight by some members. Does this Bill mean that when a child leaves school he is supposed to know exactly what he wants to do and where he wants to go? I cannot get the point of some of the speeches which have been made tonight.

I think the Bill means that children will leave school earlier than is the case at the moment. I do not agree with that. I think our school-leaving age is far too low for a child who has to face the modern world. To me the Bill means that a child will be able to leave school to go to work at an earlier age.

The Hon. C. E. Griffiths: No, it does not.

The PRESIDENT: Order!

The Hon. R. F. HUTCHISON: Well, then, I am astray.

The Hon. C. E. Griffiths: You had better read the Bill.

The Hon. R. F. HUTCHISON: I have been looking for mine, but it is a very small Bill and I have been unable to locate it. I thought the debate was on a lower school-leaving age. I am one of those who believe in education, and I think a child should be educated to the limit of his capacity before he is turned out of school to face the world.

I now feel that I have got up on the wrong premise because I have misunderstood what has been said by members. Some members are very hard to understand and I sometimes think some of us should have spent a few more years at school. I am in favour of higher education and I think that insufficient money is spent on the education of youth. Governments could spend much more money on this work than is the case now.

I have been approached many times by parents who want to take their children from school and put them out to work. The reasons which are put forward are sometimes amazing. I have supported only one case and that was when I realised that a girl would be better off if she went to work. Her sisters had left school and were working, and I supported her case.

Education is not taken seriously enough by some parents—not all parents—and I think we could all take more interest in what is done at schools. Character training in schools is very important, and quite often not enough attention is given to this particular aspect.

THE HON. L. A. LOGAN (Upper West—Minister for Local Government) [8.49 p.m.]: I would like to thank members for their support of this Bill, and their contributions to the debate. I am sure the Minister for Education will also be happy to know that this very small Bill has been the subject of such debate in this House. Everybody has supported it and the one or two items which have been mentioned by Dr. Hislop and Mr. Ron Thompson will be brought to the notice of the Minister for Education.

I do not think there is any need for me to delay the second reading and I commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (The Hon. F. R. H. Lavery) in the Chair; The Hon. L. A. Logan (Minister for Local Government) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Section 13 amended—

The Hon. J. DOLAN: I have an amendment on the notice paper to provide for a specified time for absence from school. The Minister for Education, when he introduced the Bill in another place, said it was envisaged that students in the second and third year would have one week of work experience in each term.

The Minister who introduced the Bill here used exactly the same words. When there was an interjection in another place, regarding the period of exemption, the Minister said the period would be no longer than one week. It seemed quite obvious the Minister had in mind that the period should be one week of exemption in each term. As it is, the period has been left wide open and that is why I have placed an amendment on the notice paper. I hope the Minister will give a reason why he wants the period left open. If he can convince me, I will be willing to withdraw my amendment, or vary it accordingly. I move an amendment—

> Page 2, line 8—Insert before the word "during" the words "not exceeding seven days".

The Hon. L. A. LOGAN: It is quite true that the Minister in another place, and I, mentioned that the duration would be for one week. As far as possible, I think this will be the period of exemption; that a child will serve one week in each term. However, I think there must be flexibility. This provision will apply throughout the State, and not only to the metropolitan area. It could be that a child has to travel from one centre to another, and it could be better for everybody concerned for the child to do two weeks' work in one term, rather than one week in each of two terms. Flexibility could also be needed in the case of a child starting a project which would take 10 days. Rather than chop off the training at the end of seven days, he should be given the opportunity to complete the project. So I think that flexibility is required and it would be better to leave the Bill as drafted. If a period of seven days is inserted, we cannot get away from that period.

The Hon. R. F. Hutchison: What is the age of these children?

The Hon. L. A. LOGAN: They will mostly be 14-year-olds and 15-year-olds. Vocational tests are carried out at the schools and if the vocational officer thinks a particular child is fitted for a certain job the child will be able to try out the job whilst still at school. The child will be given an opportunity to see what goes on in the world of commerce and industry. I suggest that rather than tie the Minister's hands, flexibility is required because occasions will arise when an extra day or two could be of benefit to all concerned.

The Hon. J. DOLAN: I take a little bit of convincing. When I moved for a period of seven days, I took it for granted that the period would be seven school days. What I did visualise is that there should be some uniformity. We cannot have children going out at varying periods, because this would upset the routine of teaching. I had in mind that the week should be the week preceding the term holidays. That week at school is generally the time when a teacher is very busy marking examination papers and getting out reports and entering statistics. It is a week when a child could be spared from school.

Many parents say that their children are away from school more than they should be. I visualise that if the children went out during the week before term holidays and it was found that they should go on for some extra days, or weeks, the extra time could be taken. If the Minister feels flexibility is required, and the Act will be administered so that it covers the period required, I am prepared to go along with him and withdraw the amendment.

I had in mind that a boy who was sent to a job could be very happy, and if the employer was happy with the lad, he might sign him on as an apprentice. In this situation the Minister would have an opportunity to agree. Under the Act we passed last year, the time could be extended to allow the boy to leave school.

If a certificate was granted for a period of one week and it was then found that another week was desirable, the boy would have to return to the school and go through the rigmarole again. The application would have to go through the headmaster and the Minister, and they could be away for the weekend. I mention this, not to be difficult, but in a spirit of compromise.

The Hon. J. G. HISLOP: This is a matter of very great interest. I have had considerable experience among the rehabilitation group, and I know just how long it takes for an individual who does not know quite what he wants to do to settle down to a fixed objective.

Very often a person will choose to do, say, metal work, gardening, or something like that, but after 12 or 14 days he will come back and say, "I do not like that as much as I thought I would." If only seven days are to be allowed, I do not think a boy or girl will be able to make up his or her mind.

The Hon. J. Dolan: He gets a chance each term.

The Hon. J. G. HISLOP: We have to realise that at some periods of the year it is very difficult to obtain employment. The moment schools break up there is a rush of individuals seeking employment, and we who work with the rehabilitation department endeavour to have a boy or girl placed in employment before that rush takes place; or, if that is not possible, in the period from March to September.

It is amazing to watch certain individuals. One woman had a heart operation—I think it was about the first of its kind in Western Australia—and she was told that she would never be fit for work. However, she got tired of the inactivity and applied to us for work and we found she could do quite well in many spheres. We were very surprised when one afternoon she appeared in a suit of jeans and started work on one of the wood-working machines. She turned out to be one of the best carpenters we had. She took it up first as a hobby, and from then on she worked in this type of employment.

The temperament of an individual, just as much as anything else, must be watched. I will be very interested to see what happens when this Bill is put into operation. A person might turn down the first type of activity in which he engages, not be happy in the next occupation, and, on the third occasion, return to his original type of employment. However, I think a longer period, if it could be arranged, would be preferable—say a fortnight added to the annual holidays. I realise the difficulties that would occur so far as the teachers were concerned, but I think cer-

tain arrangements could be made. Any help I can give to make the scheme work will be gladly given. Over the last eight years I have been trying to fit individuals into certain occupations and I would be only too happy to pass on any experience I have gained.

The Hon. J. DOLAN: I am afraid Dr. Hislop has confused the position because under the Bill we are not dealing with children who are eligible to leave school. Very often those with whom we are dealing are in the second or third year of high school and are only 13 or 14 years of age.

The Hon. J. G. Hislop: They can leave at 14 or 15, with consent.

The Hon. J. DOLAN: They must be 14 years of age at least. It is possible that after a first experience a child does not want to proceed with a particular trade and may decide to do something different. I think I gave some examples during the second reading debate. However, I would like the Minister to say whether my proposal is feasible. If he does not think it is, I will not persevere with it.

The Hon. E. M. HEENAN: I find myself in full agreement with the proposal in the Bill, and I hope the Committee will agree to leave the drafting as it is. Like the Minister, I think we should allow some degree of flexibility, and the purpose of the measure might be defeated by applying a limit. I am fortified in that view by the provision that the principal of the school has to agree to the engaging of the child in employment, and for the related period. Therefore, first of all we have the employer, who will play some part in the scheme; then we have the principal of the school; and then, of course, we have the Minister as the final arbiter.

For those reasons I am inclined to agree with the Minister that we should not provide a fixed period of seven days, as Mr. Dolan's amendment proposes. We do not want them to go out to work for longer periods, but I have in mind circumstances where a fortnight might be justifiable—

The Hon. J. Dolan: So have I.

The Hon. E. M. HEENAN: —or even longer. However, the principal and the Minister would be the best judges of the circumstances involved.

The Hon. J. DOLAN: The Bill states that the Minister may exempt a child from attendance at school for such period as is specified in the instrument of exemption. If a situation arises, such as was referred to by Mr. Heenan and Dr. Hislop, where an extension is required, I would need some convincing as to how one would deal with it. One would have to wait until the Monday following to approach the principal regarding the instrument of exemption, whatever that might be. That has to be filled in by the principal and fowarded to the Minister. The Minister might be out of town, and then one is in trouble. Therefore, I think unless the period is specified, difficulty could arise.

The period in question could occur just before the holidays, and in those circumstances, although a child would not be exempt from school over the holiday period, he could be in employment for three weeks. If he liked the work he certainly would not mind filling in his time during the holidays. I do not intend to pursue the matter further, and if the Minister is satisfied it would be better to leave the Bill as it is, I will ask permission to withdraw my amendment.

The Hon. J. G. HISLOP: I would like Mr. Dolan to realise that we start training children at 13 years of age, and we train people of up to 50 years of age. Therefore, we can give advice on a large section of the public.

The Hon. J. Dolan: But this is not rehabilitation.

The Hon. L. A. LOGAN: Mr. Dolan is thinking along the lines of a week before the end of each term when these children will be sent to employment, but we have to realise that while this may be the idea, and the general principle from the children's point of view, we still have to get the employer to co-operate. It may not be convenient for certain employers to take children at that stage; some employers may want the children half way through a term. That is why there needs to be some flexibility, and I think the honourable member himself gave a good example of the need for it.

I realise the way the Bill is worded there may be some administrative difficulties, but if there is flexibility it will be easier to overcome them. There must be co-operation not only from the department and the children but also from the employers concerned.

The Hon. J. DOLAN: I ask permission to withdraw my amendment.

Amendment, by leave, withdrawn.

Clause put and passed.

Clause 3 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

TAXI-CARS (CO-ORDINATION AND CONTROL) ACT AMENDMENT BILL

Second Reading

Debate resumed from the 20th September.

THE HON. J. DOLAN (South-East Metropolitan) [9.14 p.m.]: At the outset I would refer to at least one point I have noticed in this Bill which makes it quite different from other measures. This Bill uses the correct spelling of the word "licence" when used as a noun. A good

example was set when the principal Act was introduced in 1963, and that good example has been followed in this measure because every time the word "licence" is used as a noun it is spelt l-i-c-e-n-c-e.

I noticed with some regret while we were discussing another Bill earlier in the evening that the noun "licence" was spelt l-i-c-e-n-s-e. I hope that one of these days all the Acts which contain the word "licence," used as the noun, will spell the word l-i-c-e-n-c-e rather than l-i-c-e-n-s-e.

When the Taxi-cars (Co-ordination and Control) Act was introduced in 1963 it was anticipated that over the years the legislation would require quite a deal of amending. That has been found to be the case; because this is the second amending Bill that has been brought down since the original Act was passed.

I support the measure, because I feel I must go along with the wishes of the operators in the industry who want these provisions. If they make mistakes in the operation of their own affairs that is just too bad; but when we have a pretty mixed grill of individuals—and taxi drivers are certainly a very mixed lot—who have reached uniformity as to what they want, I am prepared to go along with their wishes.

There are a few points on which I think the House should be informed in connection with the control of taxi-cars. When the Bill was introduced in October, 1963, there were 726 taxis operating in the metropolitan area. There was one taxi to every 644 people. Under the Traffic Act the desirable ratio is estimated at one taxi for every 700 persons. So the ratio is somewhere around what is considered necessary. I think we can be satisfied even though the ratio of taxis to the numbers of population is not exactly one to every 700.

One clause in which I was interested is that which makes provision for a substitute vehicle to be used—and one can be excused for feeling that this should have been included in the original Act—where a taxi owner finds that his taxi is run down or has been damaged thus necessitating the carrying out of repairs. This provision is made in the Bill together with the necessary safeguard, that in the event of the taxi changing hands the transfer of plates is permissible only in certain circumstances.

For instance if the owner of the taxi dies and his wife or any other member of his family wishes to carry on the work, the board generally views the case with a great deal of compassion and, in most cases, permits the transfer of the plates. Taxi drivers, like everybody else, become infirm, and they may feel they would like to try some other occupation. Here again the board would permit the sale of the plates. So we find that the board will consider the transfer of the plates in the case of a taxi driver's death, in the case of his feeling he is too old to go on with the job, or in the case of his feeling that he would do better in some other occupation.

Since its inception the board has operated in the manner required of it, particularly in regard to determining the type of taxi necessary, and in seeing that the standard of the taxi is maintained when it is used in the metropolitan area. Apart from this the board controls the area itself and fixes points to be used as taxi stands. The board also takes heed of the conduct of the men in the industry; it fixes the price to be charged; and, generally speaking, it keeps a pretty good eye on the operations of taxi drivers. I certainly have not found reason to complain about the conduct of taxi drivers on the rare occasions I have found it necessary to use taxis.

I have usually found the drivers to be most respectful, well dressed, and very pleasant. If their conversation happens to be a bit limited during the football season or at Melbourne Cup time, that is surely excusable.

There are a few points in the Bill which appear to have caused quite a deal of discussion among members. One such point is that the board must be apprised of any transaction which involves the sale of plates by one operator to another, particularly as it relates to hire-purchase transactions, or the raising of money to finance the deal. All these details must be submitted to the board.

Some members feel that this is an infringement of a person's liberty; that if he happens to be in the sucker class while conducting such transactions, that is his own affair. I think, however, that the board is wise in seeing that the interests of both the buyer and the seller are protected. The board also makes sure that other evils do not arise as a result of a subsequent sale. All sorts of difficulties could arise, particularly when hire-purchase companies are involved in the transactions. In those circumstances I am prepared to go along with this clause in the Bill.

I was distracted for a moment while I was mentioning the case of the taxi driver who finds it necessary to have repairs carried out on his taxi, and who wishes to use another taxi while the repairs are being done. In such a case the board and the Traffic Department apply the same rules to the second vehicle as they did to the one which has been handed in for repair. All necessary precautions are taken to ensure that the public is provided with a comparable vehicle; and provision is made for the second vehicle to be taken off the road the moment the taxi has been repaired. Accordingly, there is no chance of anything being put across the public. The Bill is what the operators have asked for, and I commend it to the House. The operators have asked for the provisions dealing with

elections and so on, and since they are satisfied, I am prepared to support the measure.

THE HON. L. A. LOGAN (Upper West—Minister for Local Government) [9.24 p.m.]: I thank Mr. Dolan for his support of the Bill. I think it is fair to say that since the Taxi Control Board has been in operation the standard of the taxi industry in Western Australia has improved considerably. I think I am right in saying that dissatisfaction among taxi owners and taxi drivers has completely disappeared.

We all know that a few years ago if a member of Parliament hired a taxi he was told in no uncertain terms what the position was. This practice has been discontinued to a great extent. It is possible that there may be one or two people who are discontented but, of course, one finds this in any industry. Generally speaking, however, the standard has been raised to such an extent that there is little doubt the Taxi Control Board has justified its existence. Once again I thank Mr. Dolan for his support of the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

House adjourned at 9.28 p.m.

Legislative Assembly

Tuesday, the 3rd October, 1967

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

LOAN ESTIMATES, 1967-68

Message: Appropriations

Message from the Governor received and read recommending that appropriations be made in accordance with the Estimates of Expenditure from the General Loan Fund for the year ending the 30th June, 1968.

QUESTIONS (14): ON NOTICE

ELECTRICITY SUPPLIES

Substation at Innaloo

1. Mr. GRAHAM asked the Minister for Electricity:

   What would be the approximate cost of moving and re-erecting the installations and electrical gear only, at the substation and switch yard in Scarborough Beach Road, Innaloo, to another site within a radius of a quarter of a mile?

Mr. NALDER replied:

It is not practical to dismantle and re-erect this substation. To maintain continuity of supply to consumers, some new equipment would have to be erected at the new site, feeders rerouted, and the load gradually transferred with a loss of many hours of scarce skilled labour.

The cost would be—

	$
Purchase of new equipment	156,000
Other costs	106,000
	$262,000

WATER SUPPLIES

Bunbury: Underground Sources, and Augmenting

2. Mr. WILLIAMS asked the Minister for Water Supplies:

   (1) What information can be given on the potential of the underground water storage in Bunbury?

   (2) Is it known the approximate population these resources are capable of supplying?

   (3) What proposals have the department in mind for augmenting the Bunbury town supply in future years?

   (4) Should this supply be augmented by Country Water Supply, under what arrangements and conditions would water be supplied to the Bunbury Water Board?

Mr. ROSS HUTCHINSON replied:

(1) Underground resources are considered adequate to meet the forseeable domestic and light industry demand for at least the next 10 years. The full potential has not been determined.

(2) Not less than 20,000.

(3) There are no firm proposals, but a future major industrial development might render such action necessary. Sources of supply are available.

(4) No firm arrangements or conditions have been determined. Should the need arise in the future, the matter will be a subject for negotiation.

RAILWAYS

Superannuation and Family Benefits Fund: Membership

3. Mr. FLETCHER asked the Minister for Railways:

   (1) How many employees were in the railways in each year since the 1st July, 1959, to the 30th June, 1967?