

Legislative Council

Thursday, the 22nd October, 1964

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The PRESIDENT (The Hon. L. C. Diver) took the Chair at 2.30 p.m., and read prayers.

QUESTIONS ON NOTICE

VERMIN SCALPS AND BEAKS

Restrictions on Railing

- The Hon. D. P. DELLAR asked the Minister for Mines:
 - Will the Minister inform the House the method employed in railing of dog scalps, fox scalps and emu beaks and other vermin from the following areas—
 - Murchison;
 - North-Eastern Goldfields?
 - Owing to the obnoxious and offensive condition of these vermin, what conditions or restrictions are demanded by the railways where other freight or parcels are involved?

The Hon. A. F. GRIFFITH replied:

- Scalps are parcelled and labelled in the separate lots produced by individuals, and railed in sacks or cases.
 - Under its regulations the Railways Department reserves to itself the right to refuse goods which its officers may adjudge to be offensive, unsafe, or unfit for transit or of a dangerous nature.
- 2 and 3. These questions were postponed.

MOTOR VEHICLE

(THIRD PARTY INSURANCE) ACT AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by The Hon. L. A. Logan (Minister for Local Government), and read a first time.

FREMANTLE BUFFALO CLUB (INCORPORATED) (PRIVATE) BILL

Third Reading

Bill read a third time, on motion by The Hon. F. R. H. Lavery, and passed.

COUNTRY TOWNS SEWERAGE ACT AMENDMENT BILL

Second Reading

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [2.39 p.m.] : I move—

That the Bill be now read a second time.

This Bill, which has been passed in another place, proposes two major amendments of the Country Towns Sewerage Act. There are several other amendments also. There is an important amendment designed to correct an anomaly in the provisions for the constitution of sewerage districts within any sewerage area.

The present procedures necessary under this Act in this regard apparently serve no useful purpose, and it is proposed to repeal and re-enact section 4 and to remove the reference to sewerage districts. This, in itself, will necessitate the passing of more than 22 consequential amendments to other sections. The amendment in clause 2 is an example of these, and I think honourable members will readily identify most of the others when the Bill is being considered in Committee.

A second important amendment appears in clause 15, which repeals and re-enacts section 49, having to do with annual values. It is provided in paragraph (b) of this section of the Act that the annual value may be assessed on the yearly rental less rates, taxes and maintenance. It has been the procedure for

some years to deduct £40 per cent. for rates, taxes and other outgoings; and, incidentally, this provision, is contained in the Metropolitan Water Supply Act.

The proposal contained in clause 15 has been inserted in the Bill to eliminate the possibility that valuations may be challenged on the score that actual rates and taxes are not allowed in each separate case. The amendment brings section 49 into line with the metropolitan Act. Paragraph (c) of the section sets out as an alternative valuation an amount not exceeding £6 10s. per centum on the capital value of the land in fee simple. The Bill amends this to £6 per centum, again in conformity with the metropolitan Act. It has been the practice invariably with valuations based on paragraph (c) of section 49 to calculate at a percentage below the allowable maximum.

The next amendment I shall deal with appears in clause 21 amending section 61. This section at present provides that no appeal against a valuation for rating purposes can be allowed when the valuation does not exceed the current valuation of the same property by the local authority. The provision was used extensively when the department adopted the local authority valuations for its rating purposes. This procedure is not now followed, because the department uses the taxation valuations. In addition, the local authority now uses in a number of cases unimproved capital values. This latter reveals certain anomalies in that in districts where the local authority uses annual rental values as a basis for valuation, there is a right of appeal in respect of water rating only if the valuation for water supply purposes is higher than the local authority valuation. On the other hand, if the local authority uses unimproved capital values, the ratepayer has an appeal in all cases.

A similar provision to that contained in section 61 was deleted from the metropolitan Act, and again it is considered the Country Towns Sewerage Act should be brought into line with the metropolitan Act. It is intended that the Country Areas Water Supply Act be similarly dealt with.

Though this Bill contains 35 clauses, the explanations already given have accounted for the bulk of them and the following brief summary is offered in explanation of the remainder. Proposed changes in terms resulting from the reconstitution of local authorities under the Local Government Act, 1960, are contained in clauses 3, 19, and 29.

The definition "ratable land" in paragraph (c) of clause 3 hinges on the amendments contained in clauses 6 and 13. Clause 6 confers on the Governor the power to declare land in a sewerage area exempt from rates under the Act and to declare land exempt from rates to be ratable under the Act. As a result of this amendment,

certain rephrasing of paragraph (h) of section 47 is necessary, and this is contained in clause 13.

Clause 29 (b) merely corrects an inconsistency brought about by the passing of the Trustees Act of 1962. Finally, the amendment in clause 27 has been designed to clarify the position regarding interim valuations of land following improvements, damage, or demolition.

Debate adjourned, on motion by The Hon. F. J. S. Wise (Leader of the Opposition).

LONG SERVICE LEAVE ACT AMENDMENT BILL (No. 2)

Second Reading

Debate resumed, from the 20th October, on the following motion by The Hon. A. F. Griffith (Minister for Mines):—

That the Bill be now read a second time.

THE HON. F. J. S. WISE (North—Leader of the Opposition) [2.44 p.m.]: This Bill has, in its preparation and planning, a considerable background. Wage earners have not for long, unless they were public service wage earners, had the privilege of long service leave provisions in any Statute in this State. The public service has enjoyed this privilege since 1904—for the last 60 years—in a different category altogether; and quite properly so.

I am one who has a very high regard for the public service in this State—its efficiency and the quality of its officers—and I think the entitlements that public servants have, even from the 1871 Act onwards, only give to them some of the recompense and recognition for services that have validly and conscientiously been given by them to the State.

The provisions within the Public Service Act apply to a seven-year term of qualification for long service leave. There has to be a maturing period for qualification; and except in exceptional circumstances, there is no *pro rata* qualification until the first seven years have been served and the first leave taken, the exceptional circumstances being the application of consideration and compassion to retirements or resignations of female public servants before the first seven years have elapsed.

I can recall the provision for wage earners in government employ, because it was a Labor Government which, by administrative act, instituted the principle of wage earners being entitled to long service leave after 10 years of service. That was done by the Collier Government of which I was a member; and, proceeding from that point the time has arrived when after prolonged endeavours agreement has been reached on the principle that private employers also have a responsibility to their employees after a term of service. The term of service has been

debated. Indeed, it has been presented in a Bill and rejected by this House in earlier days, and not very long ago—I am relying on my memory—perhaps nine years. So, I repeat, this Bill has a background in an endeavour to get long service leave provisions to apply outside the public service.

There is no provision, nor is it intended there should be, in the agreement between the Employers Federation and the trade unions with the Government on this matter of *pro rata* consideration prior to the 15-year period elapsing. However, I understand agreement has been reached; and I simply mention in passing that the complete 15-year period must be served before any *pro rata* entitlement follows; and it does not follow until the next term is being served for entitlement of long service leave.

In general, I think this is something that is long overdue. I appreciate that this Bill is before Parliament by agreement between the people most vitally affected: the employer and the employee. As the measure conforms with the terms of the agreement which has been reached, and on which there has been some public comment, between the Employers Federation and the unions concerned, we should be pleased to pass it to do justice to a vast number of people and give them the entitlement of the long service leave provisions specified within the Bill.

I think there will be—I believe the point was raised in the Legislative Assembly—a time when it will be considered the right of men who have terms of employment even of 10 years in constant employ to have an entitlement of long service leave. I support 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.

ELECTORAL ACT AMENDMENT BILL

Assembly's Amendments

Amendments made by the Assembly now considered.

In Committee

The Deputy Chairman of Committees (The Hon. G. C. MacKinnon) in the Chair; the Hon. A. F. Griffith (Minister for Justice) in charge of the Bill.

The DEPUTY CHAIRMAN (The Hon. G. C. MacKinnon): The amendments made by the Assembly are as follows:—

No. 1.

Clause 6, page 4, line 24—Delete the word "wife" and substitute the word "spouse".

No. 2.

Clause 6, page 4, line 28—Delete the word "wife" and substitute the word "spouse".

No. 3.

Clause 6, page 4, line 37—Delete the word "wife" and substitute the word "spouse".

No. 4.

Clause 6, page 5, line 3—Delete the word "wife" and substitute the word "spouse".

The Hon. A. F. GRIFFITH: The point was correctly taken in the Legislative Assembly that the word "wife" should be deleted and the word "spouse" should be inserted in lieu. Although it may have been intended that the Interpretation Act should deal with the situation, there could be a doubt that it does not deal with it adequately. The clause was intended to apply to the wife of a Legislative Council member in the same manner as it applies to the wife of a Legislative Assembly member where a wife wishes to be enrolled in the district represented by her husband.

This has been a long-standing practice in the Legislative Assembly. Honourable members will recall that when I introduced the Bill in this Chamber, I explained that it was considered to be a fair proposal that the wife of a Legislative Council member should have the same privilege as the wife of a Legislative Assembly member. However, a member of the Legislative Council may be a woman and the word "spouse" would be necessary in lieu of the word "wife." In such an instance the honourable member's husband would have the same entitlement as the wife of a Legislative Assembly member. The word "his" under the provisions of the Interpretation Act cover either sex. I move—

That the Assembly's amendments be agreed to.

The Hon. J. DOLAN: I appreciate that the pronoun "his" refers to the feminine as well as to the masculine gender; but if we change the word "wife" to read "spouse" and still retain the pronoun "his," would it not have only a masculine connotation?

The Hon. F. J. S. Wise: No; the Interpretation Act covers that.

The Hon. J. DOLAN: I understand that point, but would it not clear the matter up completely if we removed the word "his"?

The Hon. R. Thompson: No; look at page 210 of your Standing Orders.

The DEPUTY CHAIRMAN (The Hon. G. C. MacKinnon): If I can get a word in edgewise, I would point out to the honourable Mr. Dolan that section 26 of the Interpretation Act is quite specific in providing that the pronoun makes no difference. It applies to either gender.

Question put and passed; the Assembly's amendments agreed to.

Report

Resolution reported, the report adopted, and a message accordingly returned to the Assembly.

WHEAT MARKETING ACT (REVIVAL AND CONTINUANCE) BILL

Second Reading

Debate resumed, from the 21st October, on the following motion by The Hon. L. A. Logan (Minister for Local Government):—

That the Bill be now read a second time.

THE HON. S. T. J. THOMPSON (South) [3.2 p.m.]: This is a particularly important Bill to the wheat industry, and the Minister, in his remarks, adequately covered the reason for its introduction. He stated it is a measure that is extremely necessary as a backstop in the event of our existing marketing arrangements breaking down. Western Australia is in a fortunate position in having this legislation on the Statute book, because, coupled with the administration carried out by the trustees of our grain pool, it does, as I have said, constitute a substantial backstop in this State should the existing arrangements break down.

The trustees of our grain pool have done an excellent job in handling the marketing of our products over the past nine or 10 years, at least. I cannot do more than emphasise the importance of reviving this continuance legislation.

THE HON. J. HEITMAN (Midland) [3.4 p.m.]: I support the Minister and the previous speaker in what they have said on the importance of the revival and continuance of this Act. Whilst the Australian Wheat Board is administering the wheat stabilisation scheme there is not much need to worry about this legislation. I feel sure that if anything did go wrong, this Act would represent a good backstop, as the honourable Mr. Syd Thompson has stated.

I would like to add that if we consider this legislation is necessary in the future, it should be brought up to date to conform with the rules and regulations of the wheat pool. Like the previous speaker, I consider the Western Australian wheat pool has done a marvellous job in handling the marketing of our coarse grains, and the whole of this type of harvest, for the wheatgrowers. I consider that this body would be quite capable of taking over the affairs of the Australian Wheat Board in this State if that was ever found to be necessary. I do not think the Act goes far enough, and if it

has to be brought up to date, I hope the next amending Bill will bring it into line with modern-day thinking.

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.

NATIONAL TRUST OF AUSTRALIA (W.A.) BILL

Second Reading

Debate resumed, from the 21st October, on the following motion by The Hon. A. F. Griffith (Minister for Mines):—

That the Bill be now read a second time.

THE HON. F. J. S. WISE (North—Leader of the Opposition) [3.7 p.m.]: This Bill has comparable enactments in other States. Its objects are very sound, and the ambit of its operations is intended, quite properly, to be extremely wide. Since the measure was introduced yesterday evening, I have been able, through the courtesy of the Clerks of the House, to locate comparable legislation in other States.

It is obvious that the foundation for this Bill has been drawn from the Statutes of New South Wales and South Australia. Members may recall that prior to the Minister resuming his seat last evening, I asked him the origin of the Bill, and he advised the House that the principles contained in it originated in other States. I asked that question because, while the Minister was speaking and I was casually scanning the clauses in the Bill, I noticed there were no marginal notes to indicate that any clause had been lifted from a Statute in another State.

I raise that point deliberately, because it is most important in the printing of a Bill to have a reference printed for all time in the Statute indicating to members from whence any provision has been lifted or obtained. I know there are hundreds of Acts which have been wholly initiated within a State—including this State—and therefore the marginal notes contain no such reference. Often we get Statutes of a nature that is well known to country members in particular. The one I readily recall is the Dried Fruits Act which became a standard Statute for legislation in several States. In the marginal notes of Acts, such as the Dried Fruits Act, are found references to the South Australian Act or the Victorian Act. I raise this point in passing, because it is important. Such references will assist members of Parliament, and no difficulty is presented in specifying in the marginal notes the source from which the provisions in the Bill originated.

A considerable part of the measure before us has been taken from the principles contained in the New South Wales Act, and many of its clauses are comparable with sections of that Act. The South Australian Act differs in construction, and it consists of only nine sections. All its authority and intentions can be found in the schedule. Until honourable members have read the schedule to the proposed Act, they might wonder what is the purpose of this legislation. I hazard a guess that the schedule to the proposed Act in this State contains something like the rules under which the National Trust now operates, because those are its published purposes.

The Hon. A. F. Griffith: Without the aid of legislation.

The Hon. F. J. S. WISE: That is so. I imagine, from a reading of the Bill, that is where the schedule is taken from. The authority provided under the Bill to preserve all the things which are of national interest and importance is very wide. The first paragraph in the schedule clearly shows that it is not only proposed to protect with statutory authority public buildings and old structures but also to promote and educate people in the purpose of the creation of the National Trust, and at the same time promote public knowledge of things which are of historical value. It also proposes to arrange for the preservation of these things, including native artifacts, such as drawings in a cave, or the phenomenon of the rock near Hyden. All those things will come within the ambit of the Bill.

The schedule to the New South Wales Act contains 32 paragraphs which clearly set out the functions associated with the Act. I do not intend to be finicky, but having drawn attention to the need for marginal notes, may I also draw attention to the title used? I do not know whether it is by agreement with the other States, but it is noticeable that in the titles of the Acts of the other States, the name of the State is set out in full.

In the Bill before us the short title is shown as "The National Trust of Australia (W.A.) Act." That suggests to me that each State will have its national trust legislation, and in brackets will appear the name of the particular State. In the other Statutes I have been able to examine, the full name of the State is incorporated in the title. I think it would be preferable if we had used the short title of "The National Trust of Australia (Western Australia) Act," because that is the practice in all the other States. I have before me the New South Wales Act. Wherever the title occurs in print the complete name of the State is inserted. It might be a good idea for us to follow that practice.

Apart from the objects of the Bill, two or three other matters are worthy of mention. This Bill has been introduced with

a message from the Governor, and it was received in this House from the Legislative Assembly; therefore it is a Bill which will impose a charge on the Crown. It authorises the appropriation of moneys from revenue.

In line with that we must consider that the members of the trust, whose appointment is provided for in the Bill, could be—and in one instance is—members of Parliament. There is no specific provision in the Bill for the payment of emoluments, but emoluments could be paid under the rules and by-laws of the trust. As it is a trust to be supported by Crown money, plus money from other sources, the position of a member of Parliament who is appointed to the council of the trust could be jeopardised even if he held office without recompense.

This matter has been decided over the years, and the honourable Dr. Hislop and the honourable Mr. Watson—two of the older members of this Chamber—will recall that the Constitution Act had to be amended to enable Sir Charles Latham to continue in office as Deputy Director of Recruiting for the Commonwealth. It would have been wrong if his position in Parliament had been threatened through his holding that office.

I cannot be confident that such a requirement comes within the scope of the Bill, but I draw attention to the fact that the trust will derive its funds from several sources, mainly from money provided by Parliament. Therefore this is a money Bill. I would not like to see a member of Parliament who is giving his services to a trust of this kind being jeopardised by the non-provision of protection in the legislation. Members of Parliament have been asked to become members of the trust, I know, because I was asked.

Under this legislation, will the position of office of profit obtain? It may not, but it is as well for the Minister not to proceed with the Bill through Committee today so that the matter can be looked at over the weekend.

The Hon. A. F. Griffith: I am trying to find the section in the Constitution Act which deals with offices of profit.

The Hon. F. J. S. WISE: I think it comes under section 46.

The Hon. A. F. Griffith: I agree that members of the trust are likely to be paid.

The Hon. F. J. S. WISE: If that is so we should make sure that a member of Parliament who was giving his services to the trust would not be challenged because of a flimsy frailty in the law setting up a trust of this kind. I merely raise the question. The contention may not be well founded, but I think it is something, considering the experiences of the past, against which we should protect honourable members.

The Hon. A. F. Griffith: It is in section 38 on page 164.

The Hon. F. J. S. WISE: Thank you. Honourable members will recall that we had a similar one in connection with the pharmaceutical chemists. We have to be very careful about these things. Members of Parliament in their own districts are very active in the preservation of matters which this trust will protect; and it would be a very serious matter if any of the three Country Party members at present in consultation on the side bench acted honourably and in an honorary capacity, but were within the scope of being paid.

The Hon. A. F. Griffith: I do not think that would matter, so long as they were not paid, because you do not make a profit out of not being paid.

The Hon. F. J. S. WISE: No. We had the case of Mr. Clydesdale.

The Hon. A. F. Griffith: We had an argument on this on an earlier Bill.

The Hon. F. J. S. WISE: If an honourable member puts himself in the position of being entitled to be paid, he is holding an office of profit.

The Hon. J. M. Thomson: Quite right.

The Hon. F. J. S. WISE: I raise the question to ensure that we do not do anything unfair. I know that Mr. Guthrie from another place is a member of the trust, or was for six or seven years. I simply raise the matter in order that it might be looked at.

In principle I am wholly in support of the Bill. I think it is an excellent one to arouse the public conscience in things that matter nationally—not merely old buildings, but all those things which are national and historical belonging to a community. Once we cease to have some belief in historical and traditional matters, we are very much on the decline. Therefore I strongly support the Bill and hope the minor matter I raised will be looked at to ensure no injustice is done.

THE HON. J. G. HISLOP (Metropolitan) [3.23 p.m.]: I heartily approve of the measure and I am in total agreement with the remarks made by the honourable Mr. Wise. I am not going to say very much about the Bill at this stage except to draw attention to the fact that a committee can appoint persons whether they are members of the trust or not. This means that a committee can appoint a person without the council's knowledge. This provision is contained in clause 15 (4) and reads as follows:—

Any committee (including the Executive Committee) may co-opt any persons to serve on the committee whether or not those persons are members of The Trust.

Where does it end? How many can be appointed? Can it grow into a large committee; and can such a committee appoint

subcommittees with these individuals remaining on them? Is that the purpose of this provision? I intend to give this a little more thought if we do not go on with the Committee stage today. I feel that the consent of the council should be obtained before anyone is co-opted, as in that way the value of such a committee would be enhanced.

I approve of the rest of the Bill, but this particular clause seemed curious to me. I do not think that a committee should be permitted to expand in number without the council having power to control it. I think the council should have the right to approve of the persons who are co-opted by any committee. I support the measure.

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines) [3.25 p.m.]: I am appreciative of the support given to this Bill by the honourable Dr. Hislop and the honourable Mr. Wise. In connection with one of the points raised, by way of interjection I said to the honourable Mr. Wise that I thought it was intended the members of the trust would be paid, but having had another look through the Bill, I see there is no real provision for this. Therefore I think I should withdraw the substance of my interjection, because I cannot see anything in the Bill which suggests they shall, in fact, be paid.

I would suggest one or two courses. I am quite willing, of course, to defer the Committee stage this afternoon. The use of the words, "Western Australia" rather than "W.A." in the title is a matter which can be looked into. It strikes me as being the logical thing to do, and unless there is any other reason for having the title as it is now expressed, I would agree to an amendment if one were moved. On the point raised by the honourable Dr. Hislop concerning clause 15, may I suggest that he put an amendment on the notice paper?

The Hon. J. G. Hislop: I will.

The Hon. A. F. GRIFFITH: The honourable Mr. Wise may like to do the same in connection with the title, but that need not be so. If the honourable Dr. Hislop puts an amendment on the notice paper, I can study it between now and Tuesday, and have it checked. If the amendment proves helpful, it can be accepted, but if it does not look as though it is going to be helpful, I will be able to state why.

In respect of the matter concerning the office of profit under the Crown, I am not so sure about this, but will certainly take the opportunity of inquiring into it.

The Hon. F. J. S. Wise: Will you look at section 10 of the New South Wales Act when you are reviewing that?

The Hon. A. F. GRIFFITH: I will be pleased to do that. I was going to say that in addition to being modelled on the New South Wales Act and the South Australian Act, the Bill has also, I have been advised, been modelled to some extent on the existing Statute in Great Britain. The draftsman got something from there, too. However, I will certainly look at section 10 of the New South Wales Act.

The Hon. J. G. Hislop: The members of the trust would get expenses for travelling, wouldn't they?

The Hon. A. F. GRIFFITH: This is not necessarily an office of profit under the Crown. If a Select Committee is appointed by Parliament, the honourable members on that Select Committee do not get paid for their function, but they may for travelling. I do not think the honourable member would suggest that in those circumstances the honourable members concerned would not be permitted to hold their seats here; that is, because they were paid travelling expenses by a Select Committee.

The Hon. E. M. Heenan: I think we did something to rectify that position.

The Hon. A. F. GRIFFITH: Did we? However, I think, if I may respectfully suggest it, I am wasting time by these conjectures. I will have a look at the matters raised and clear them up.

Question put and passed.

Bill read a second time.

YOUTH SERVICE BILL

Second Reading

Debate resumed, from the 21st October, on the following motion by The Hon. L. A. Logan (Minister for Local Government):—

That the Bill be now read a second time.

THE HON. J. G. HISLOP (Metropolitan) [3.30 p.m.]: This measure takes me back to the days before the formation of the National Fitness Council, and my mind is refreshed by a line in the report on youth service in Western Australia—

The occasional support by Rotary and the special project launched by Apex have been noted previously in this Report.

If my memory serves me correctly youth service started in the Perth Rotary Club when a youth week was organised and was successfully conducted by Mr. Eric Mothershaw and one or two colleagues. After three years it was found that the task was beyond the small committee which was organising it, and future organisation was discussed. As a result the government instituted the National Fitness Council.

It is interesting to realise that the formation of the committee in this Bill has very much the appearance of the appointment of the National Fitness Council members. In order that I might get some idea of the way these two organisations are going to carry out their activities, I made a study of the National Fitness Act, and I can now see where the difference between them really lies.

The whole basis on which the National Fitness Act was established was physical fitness; and, so far as I can see, the National Fitness Council has relied to a large extent on physical culture and physical education as the basis of its work. It seems to me that as a result the Act has failed, and the council also. But, because of the limited foundation the council was given under the Act, it is not to be blamed. It is interesting to read just what its terms are. They appear in section 11 of the Act as follows:—

- (b) to advise the Governor with respect to the promotion of national fitness and, in particular, in relation to—
 - (i) the measures to be adopted to develop appreciation of the need for physical and cultural fitness in the building of the national character;
 - (ii) the provision of facilities for instruction in the principles of physical education;
 - (iii) the organisation of movements, and the provision of facilities for maintaining personal physical fitness; and
 - (iv) the training of teachers of classes and of leaders of movements or groups formed for the purpose of promoting physical fitness.

You will notice, Mr. President, that the words "physical fitness" appear in three of the four subparagraphs, and the other one includes the words "physical education." It seems to me that is where the breakdown may have occurred. It would also appear that it is accepted by this investigating committee that there has been a breakdown in youth organisation.

In section D of the report of the investigating committee on youth service, certain paragraphs are of interest, as follows:—

- 47. Submissions from the organisations themselves continually mentioned the following:—
 - (i) Lack of trained staff (which was reflected in the lack of attractive and worthwhile "programming").

- (ii) Lack of facilities and finance.
- (iii) Lack of community recognition and backing.

The Committee believes it to be a particularly urgent matter that these groups be given an immediate lead through full-time training of their officers, accompanied by provision for adequate career structures, and strong financial assistance to the groups themselves.

- 48. It was remarked that many administrators and leaders seemed to have a much rosier picture of their group's content and organisation than was actually warranted. The Investigating Committee sensed a rather smug self-satisfaction in some, and points out that such an attitude is likely to militate against the success of any youth scheme.
- 49. There was a distinct lack of agreement among the administrators of the various youth groups and organisations as to the purpose of the work they were doing. Religious and other specific objectives seemed to be clearly marked and notably attained, but in their conception of a "Youth Service", generally speaking no basic core appeared to be common and no very clear ideas as to where they were going seemed to emerge.
- 50. The Investigating Committee wishes to avoid any suggestion of destructive criticism. Its views are honestly presented from observations made and evidence presented during the enquiry, and are intended to lead to constructive improvement for the organisations' own benefit. The Voluntary Youth Organisations of this State are recognised as having pioneered the work among adolescents, and the appointment by the present State Government, of this Investigating Committee itself, is the direct result of their representations. It must be reiterated, however, that the organisations have not kept pace with the times and with a new generation which needs new approaches.

The committee ended up by saying—

The Committee stresses, however, that after giving full recognition to the results, achieved and achievable, by the numerous voluntary organisations which have hitherto existed in Western Australia and the activities of sporting groups and other bodies, the sum of these activities falls far short of a complete Youth Service

sufficient to measure up to the needs of this day and generation—and of generations to come.

Obviously the investigating committee found there was need for a complete revision of what has happened in the past.

I give the Bill my full blessing and I hope it succeeds, but I have very little confidence that it will, because it is too much in conformity with the National Fitness Act and the organisation to be established will be tied down in the same way as is the National Fitness Council. The people who are to be appointed to the youth council are to be very much the same as those who were originally appointed to the National Fitness Council.

I recall that last evening the honourable Mr. Dolan emphasised the need for youth to serve on the organisation. The only two avenues through which youth can be appointed to the council are in accordance with the provisions of clause 5 (3) (b) and (c), because paragraph (b) provides that two persons shall be appointed from a panel of the names of five persons submitted to the Minister by the body known as the Associated Youth Committee of Western Australia, who are members of that body and who are eligible and willing to act as members. I would point out, however, that they could still not be youthful members, because these committees have on them some rather senior persons. Paragraph (c) provides for the appointment of two persons from a panel of five persons submitted to the Minister by the body known as the Associated Sporting Committee of Western Australia.

I would have liked to see some words added to ensure that those persons did not exceed a certain age, say, 25, 26 or 27. Nearly all of the youth activities that one knows of in this State and that have any real purpose or value at all are limited to persons whose ages do not exceed about 25 to 27 years. Anyone beyond 30 years of age is regarded as a person who could move into a higher scheme of activity.

I would also like to comment on the council by saying, first of all, that I have a high regard for those who hold the difficult offices of departmental heads, and other senior positions in our public departments. But there is always a tendency, when somebody from a government department is an active member on a central committee, for youth to feel that somebody is controlling them and telling them how to live their lives; in other words, they believe they are being subjected to governmental control, and this is something which they do not appreciate.

We appreciate it in our later life because we know these people are such that they will give us very sound advice, but the youth do not. I have a feeling

that the committee proposed will become just the same sort of administrative organisation as apparently some of those which the investigating committee has criticised have become. I think we have to get closer to the youth and allow them to have more activity and more control of the organisations which are being formed for their benefit.

There are so many wide fields that could be used for the promotion of youth activity, and it would take a considerable length of time to enumerate them. One could mention such things as the public libraries. I have been quite interested at times, when in Sydney, to see the number of young people who spend their time in the Mitchell Library. It is always crowded and at times it is difficult to find a seat so that one can sit down and pick out a book and read it. I know that our own library is used in much the same way, but I doubt whether we have anything like the percentage of youth in this State using these services. I am told that at the moment quite a large proportion of those who use our library at night are students who have come down from Malaya and other Asian countries.

The Hon. F. J. S. Wise: The Mitchell Library has a great advantage because of its historic collection.

The Hon. J. G. HISLOP: Quite so; but we have a considerable variety of Australian books in our own library from which the history of Western Australia can be obtained. I have read a good deal of Western Australian history from books which I have obtained from our own library. But is its attraction all it should be? I do not know. Is something wanted to instil into the minds of youth that the library and similar services can provide something worth while for their culture?

I do not say that I am an authority on youth services—not by any means—but I feel that the proposed organisation is so much a replica of the National Fitness Council that it may go the same way. All that we do will appeal to the normal youth: the formation of clubs, the building of halls in which clubs can operate, and the inviting of youth to spend their time in the library and in the gallery—and by the way, it could be more frequently opened at night so that people could go there more easily. All those sorts of things will appeal to the normal youth, and we are ready to find further activities for them. But it is the small group who do not conform and who are antisocial that we have to try to get at.

I would suggest that when a youth, male or female, is apprehended for some antisocial act and is charged in court, or even if not charged in court, he or she could be studied by a trained psychologist and we might be able to obtain *en masse* a very much greater insight into what

these young people are thinking than we are able to obtain at the present time by the methods we use.

Sitting suspended from 3.46 to 4.2 p.m.

The Hon. J. G. HISLOP: I was saying that I felt if we could get a report from modern psychologists concerning some or a number of these young people who were antisocial we might go a long way towards learning what was in their minds. They may be antisocial at that stage but they do not always remain antisocial. There comes a period when they change over and become normal citizens.

The Hon. F. J. S. Wise: Would you have implicit confidence in modern psychologists?

The Hon. J. G. HISLOP: We have employed modern psychologists in some of the organisations with which I am acquainted and with which I work, and we have been amazed at what we have learnt about individuals from the reports of modern psychologists.

I recall on one occasion at the rehabilitation centre some three years ago there was a girl whom everyone liked but with whom no-one could make any headway. We had no idea how to break through. We asked for a report from one of the practising psychologists in this State; and it would have interested honourable members to hear what was said when that report was read to the whole staff. The general comment was that if we had any brains at all we would have told ourselves this; that this was exactly the picture of the girl: of what she wanted, and of what she was.

We have since those days employed, without any hesitation, the advice of psychologists and put it alongside that of the notes of a guidance officer to see what is suitable for these children. Since then we have made excellent headway, and we have learnt to know these children and they have learnt to know us, because we can talk to them in their own language. If a little research were carried out among these antisocial people it would reveal a lot more than this Bill will reveal.

The Bill is remote from youth, and any organisation that is remote from youth will make no headway. I sometimes wonder whether it would not be a good thing to have youth organisations conducted along similar lines to the Rotary Club, the Lions Club, or the Apex Club. It might go a long way in overcoming this difficulty. The young people would not hesitate to join these clubs if they were organised, as is the Rotary Club, under their own president and committee with advice given by an adviser. They could possibly have within their clubs their own adviser.

If this were done the future might be a lot brighter than it is today. I have sometimes had it in mind to suggest to the rotary clubs that they adopt a youth

club. But for integration purposes it might be necessary to put in all organisations of this sort. These are the kinds of things that will get closer to our youth. We must also realise that we cannot regard all the changes that are made for youth as being detrimental to them, or low and degrading. Just because some of us were not brought up in the days of the Beatles does not necessarily mean that the music of the Beatles is something that must be abhorred. I find that with my appreciation of music I still have learnt that I can appreciate the rhythm of the Beatles' song, "I want to Hold Your Hand" which one hears so often on the radio. The more one hears the song the more appreciative one becomes of the lilt of its rhythm.

We should develop an attitude of mind on this. I propose to vote for the measure, but with a very doubtful heart. I do not think this organisation can succeed any more than has the National Fitness Council. I hope the committee, when it is formed, will realise that it cannot succeed, and that it will start to organise something by which these youth clubs can be brought together into a collective body. If that is done progress will be made.

The Hon. F. J. S. Wise: Are you saying the National Fitness Council is not a success?

The Hon. J. G. HISLOP: I am only reading the report of the investigating committee, and it is quite obvious that it is not. My reading of the regulations under which it acts indicates that it can only handle physical fitness. There is nothing beyond that so far as I can see. That is the predominant factor. I would like to see this committee go on to wider fields than those laid down in the Bill, so that it will be much closer to the youth.

Might I give the viewpoint of an individual who has seen an organisation grow amongst men in a wonderful way in this State? In 1937 some kind person nominated me as a member of the Rotary Club of Perth. There were then only the Perth club and the Fremantle club; later we had the Bunbury club. In those days it was considered that one had to be most exclusive to belong to such a club. It was an honour. Soon we realised that this could not continue; that we had to spread our membership. I took on the job of Rotary Governor, which extended to rotary clubs from here to the Ballarat line. There were 19 clubs in that district, and we actually had to try to sell the rotary clubs to the community.

There was then a complete change. We felt that this was something which we should give to our brother men. Today there are 43 clubs with just on 2,000 members. They extend to every reasonably

sized country town in the State, and instead of their being 19 clubs between here and Ballarat there are now well over 120—maybe 150. If an organisation similar to that could be instituted among our youth it would be a very good thing indeed. We could start in a small way and let each club expand. In the case of the Rotary organisation one club is responsible for the expansion of another.

The Hon. G. C. MacKinnon: You would have them younger than the Jaycee's or Apex?

The Hon. J. G. HISLOP: Yes. They would appoint their own president and their own secretary. When we extend from one club there is an organiser from another club sent out to the club to be organised, and a further club through its small committee takes care of the new club for at least 12 months. Sometimes an individual who has taken on the responsibility of organising a new club will go on visiting that club year after year, and so the relationship between the clubs continues to be very good. To my mind this is the sort of thing that youth is looking for.

We older men have had this for 50 years. Now we have the Lions and the Apex clubs catering for the middle group. If this idea is carried down to the younger group we will find that the number of antisocial people will be small in each club. They would soon learn that they are brothers. I would very much like to see this type of thing looked at.

I do not say this is the idea of a genius, but it is the idea of a man who was a genius in the first place: the man who started the Rotary clubs; and if this idea can be continued down to the younger groups I am certain we will get results. I will vote for the measure and I hope it succeeds more than I dare to think it will. I am not at all sanguine about it.

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [4.13 p.m.]: I am sure the Minister for Education and I are very appreciative of those who have made contributions to this debate. The subjects covered have been wide and varied, and if, when the committee is set up it follows some of the suggestions that have been made by honourable members of this House I am sure we will have the nucleus of a jumping-off point for its activities.

I will make certain that the Minister has at his fingertips a knowledge of the speeches made in this House so that he might ensure the appointment of youth to the proposed committee. This information will be to the benefit of all of us. The mere passing of this Bill will not do anything of itself, but because of the report from which the honourable Dr. Hislop has read, I think it is obvious that

somewhere along the line there has been lack of direction, co-ordination and co-operation, together with a lack of finance, and buildings, which has allowed things to drift. This has happened because there has been no direction.

Each and every one of these youth clubs has been autonomous; the clubs have run themselves. I think the purpose of the committee is to get them together and to provide some real drive. We must get the youth who have never joined a club and who apparently do not ever propose to join youth clubs in this State.

I think the honourable Mr. Dolan and other honourable members will agree that the percentage of youth in Western Australia belonging to organisations would not amount to more than 15 or 20 per cent. The others are outside any sporting bodies or other associations. They are the ones we want to get at and bring into some youth organisation for their own benefit. I know that every individual does not need to belong to an organisation. There is a section of youth that would be quite content to look after themselves. They would not get into trouble; and they would probably be good church people and good children in the home. However, there are many young people with leisure on their hands and they do not know how to use it. Therefore there is a need for them to be directed into some youth service where they can meet their companions and profitably spend their idle time rather than use it destructively.

The ideas put forward by the honourable Dr. Hislop in regard to Rotary, Lions, and Apex, have some merit as far as they go, but this measure deals with youth aged from 13 years to 25 years. It would be necessary to divide the young people into age groups in order to make the council work. I do not see how those aged 13 years could mix with those of 25 years.

I would remind honourable members that in Western Australia there is a junior farmer movement with its own executives and its own leaders, and it conducts its own affairs. However, there is a senior advisory committee to see that those in the movement do not get off the rails. This movement is doing a wonderful job throughout the country areas in Western Australia, and it is this type of movement that could be extended to the metropolitan area; because the age of a junior farmer is limited to 25 years. After that age he is no longer a junior farmer; but if he has gone through the movement and been a good junior farmer he quite often takes his place on the advisory committee.

I was interested in the honourable Dr. Hislop's remarks about the examination of children and the obtaining of psychologists' reports to find out why children go bad. In this connection I would advise the House that "Longmore," the new remand school near South Perth, will, I hope, be officially opened by me before the end of

the year, and it will have a trained staff. The head will be Keith Maine from the department; and he has been overseas to study the latest developments. Children will be sent to that home for a week, a fortnight, or up to a month, and they will be under constant examination. Therefore I am certain that what the honourable Dr. Hislop is looking for will be found, to a certain extent, in this remand home. I hope that when the opportunity comes for this remand home to be opened, honourable members will have a look at it, because it will be one of the most modern and up-to-date in the southern hemisphere.

Mention has been made of the National Fitness Council, and it has been said that that council has not gone as far as it might have. I think its limitations were mentioned by the honourable Dr. Hislop, and how these come about because of the Act under which it operates. However, I would say that within its limitations it has done a good job. It is confined to physical education and it cannot go outside the scope of the Act. I think the experience gained by that council will play an important part in the setting up of the council under this measure, and will provide the necessary guidance. I hope the honourable Dr. Hislop is wrong when he thinks this youth council will not work. I also know that he hopes he is wrong. If each and every one of us makes an effort to impress upon the Minister the need for drive, the need for the representation of youth, and the need for co-operation, we may get somewhere.

It is impossible for us to reach the point of attracting 100 per cent. of the youth, but if we can get some of the 80 per cent.—even 50 per cent. of the 80 per cent.—that are now outside into some youth organisation, I think we will have gone a long way towards solving the problem. Those who do not join will feel they are outcasts and will be looking for a lead. This will result in their coming in, and the thing will snowball.

I am grateful to all honourable members who have contributed to this debate, the tone of which I will convey to the Minister for Education. I am sure he will be happy about it.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (The Hon. G. C. MacKinnon) in the Chair; The Hon. L. A. Logan (Minister for Local Government) in charge of the Bill.

Clauses 1 to 4 put and passed.

Clause 5: Constitution of Council—

The Hon. J. G. HISLOP: As I have already said, I have the greatest respect for the officers who will be appointed to

the posts provided for in paragraphs (d) and (e), but I believe they would do much better service outside this organisation, because the individuals we are attempting to get into this organisation are really antisocial to any government direction. I feel this committee would be better if it had no government representatives on it. I would like to see paragraphs (d) and (e) deleted.

I move an amendment—

Page 3, lines 27 to 32—Delete paragraphs (d) and (e).

The Hon. L. A. LOGAN: Naturally at this stage I could not accept the amendment because I am only acting on behalf of the Minister in another place. In the first place I think it would be preferable to leave the Bill as it is. From my own experience as Minister for Child Welfare over the last 5½ years, I would say there has not been sufficient drive and co-operation from the Education Department.

I believe it could have done a much better job. I had the situation where a particularly good young teacher could have been one of the best leaders in the State in youth services, but because he endeavoured to put his ideas into effect he was frowned on by the Education Department. That was a tragedy; and he left the Education Department and joined a church where he could have full sway in his endeavours to serve the youth of this State. He was at Geraldton; and had he stayed there, in 12 months he could have organised all of the youth in that area. I do not criticise the Education Department, because it was not its policy to allow this young teacher to do what he wanted to do, but it was a tragedy. The Bill will bring the Education Department into the training of leaders, and they will be essential if this measure is to be successful. I do not think they will be old fogies; I think younger members could be trained to serve on this council.

I presume the Child Welfare Department is represented because of the experience of the director, and also because he was a member of the committee of inquiry. I do not know if the director will be appointed to the council, but if he is, I do not see any need for him to continue to be a member over a long period. I would point out that we have some very good welfare officers—young girls between 20 and 24 years of age—in the department. They have a wonderful command and control over the girls under them. These girls have had great experience with youth, and would be excellent leaders; and I do not think those concerned would resent the fact that they came from a government department. If the present constitution of the council does not work, then we can have another look at it.

The Hon. F. J. S. WISE: I think we will all concede that the honourable Dr. Hislop is anxious that this council shall be launched in such a way that it will give to the youth some confidence, even though it be in some form of authority. The attitude of mind of youth in resenting authority is nothing new. All of us have resisted and objected to parental authority at some time in our lives; and our children feel the same toward us. Therefore I think it is necessary to have on the proposed council those persons who have a knowledge of the training of youth and the training of the minds of youth. Such persons have the necessary background by virtue of their experience and office.

I am strongly inclined to support the Minister on this clause. I think the clause should remain as it is.

The Hon. J. DOLAN: I appreciate what the honourable Dr. Hislop has said, but I was delighted to hear the Minister say he hoped the two persons to be appointed by the Education Department would be young. I think it is important to have on the proposed council young people who are fresh in mind and eager to do the job, and who will have the self pride to want to make a success of the job. That is the best way of ensuring that the proposed council will work. An elderly person who is on 20 different councils or other bodies is tired both physically and mentally; so I was delighted to hear the Minister say that he was looking for young people to be appointed. I oppose the amendment.

The Hon. J. G. HISLOP: I do not regret having moved my amendment. We have instilled into the mind of the Minister in this Chamber—although in his case it was unnecessary—and the Minister in charge of the Bill the necessity for having youth on the proposed council. I propose to ask leave of the Committee to withdraw my amendment; but before doing so I would like to make the request that a number of the individuals on the council should be young women.

The Minister mentioned that the Child Welfare Department has excellent welfare officers, both male and female. The department is allowed only one person on the proposed council. Would the Minister consider that the council might be enlarged to enable a male and female welfare officer to be appointed? The views of young women as well as those of young men should be available to this body. Nowhere in the clause is reference made to a division of sexes. There is reference to two persons without there being any distinction between the sexes. There could be a small representation of women and a large representation of men. I ask leave of the Committee to withdraw my amendment.

Amendment, by leave, withdrawn.

The Hon. J. DOLAN: Regarding paragraph (f), I suggest that a person might be appointed for the south-west region, possibly with Bunbury as the centre, and another appointed for the eastern wheat-belt and goldfields areas, with Northam as the centre. If a person is appointed from Kalgoorlie, it might be too far for that person to travel into Perth in order to attend meetings. A representative in Northam could obtain the views of people living in the Kalgoorlie area. However, I have an open mind on this matter. I suggested those two districts as covering as much of the State as possible; and the representatives should err on the side of youth.

The Hon. L. A. LOGAN: The two persons to be appointed under paragraph (f) are likely to be the most difficult ones to select, from the Minister's point of view, because the area is vast and wide and the numbers of youth organisations are many. However, honourable members can rest assured that the two representatives will be selected from different parts of the State. I agree that it would be a good idea to have a representative from the outback areas, but he would have to attend conferences and meetings, and it would be difficult for him to travel over such distances. The representatives would have to be within a reasonable distance of the city in order to fulfil their functions.

The Hon. J. Heitman: There are excellent persons in the one-horse towns.

The Hon. L. A. LOGAN: That is so. I particularly have in mind the junior farmers, who do a wonderful job. All these suggestions are for the guidance of the proposed council.

The Hon. J. G. HISLOP: Would it not be better for the Minister and for the proposed council if a clause were inserted giving the council the right to co-opt country members for a period and for a certain purpose? The State covers a very large area, and a representative in Bunbury might have very little idea of what is happening in the Albany area. The proposed council could call on persons in country districts for a specific purpose.

The Hon. S. T. J. THOMPSON: The need is not so urgent in country towns. In many country towns there are ample opportunities for every boy and girl to belong to an organisation. In some cases 90 per cent., or even 100 per cent., of the youth belong to one organisation or another. They can be out every night of the week at different meetings. In my town we have the junior farmers, and at the majority of centres every church has a youth group. However, the council could help by offering financial assistance wherever it is needed.

Junior farmers are doing a wonderful job in country centres. At a recent agricultural society show, the shire president who attended was an ex-junior farmer; the president of the agricultural society was an ex-junior farmer; and the leading junior farmer in the State opened the show. I moved the vote of thanks, and I have been a leader in the organisation since its inception in the town. I believe there is plenty of scope for youth in country centres.

The Hon. F. R. H. LAVERY: Members of our party have been visiting various parts of the State—as also have members of other political parties. During those visits we found there was an emphasis on decentralisation. The question was asked: "What can we do for the youth of our district to keep them in our district?" I understood the honourable Mr. Syd Thompson to say that there is no need for such a council in country districts. I think there is need for it everywhere.

The Hon. S. T. J. THOMPSON: I said that the need was not so urgent in many of our country districts. Youth in those districts are well catered for. A survey made by the advisory committee showed that. It showed that 95 per cent. of the youth of our town belonged to one organisation or another. However, financial assistance, wherever it is needed, is always acceptable.

Clause put and passed.

Clauses 6 to 24 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

BILLS (3): RECEIPT AND FIRST READING

1. Morawa-Koolanooka Hills Railway Bill.

Bill received from the Assembly; and, on motion by the Hon. A. F. Griffith (Minister for Mines), read a first time.

2. Suitors' Fund Bill.

Bill received from the Assembly; and, on motion by The Hon. A. F. Griffith (Minister for Justice), read a first time.

3. Parliament House Site Permanent Reserve (A 1162) Act Amendment Bill.

Bill received from the Assembly; and, on motion by The Hon. L. A. Logan (Minister for Local Government), read a first time.

USED CAR DEALERS BILL

Second Reading

Debate resumed, from the 20th October, on the following motion by The Hon. L. A. Logan (Minister for Local Government):—

That the Bill be now read a second time.

THE HON. H. K. WATSON (Metropolitan) [4.49 p.m.]: I have a few observations to make on this Bill which seeks to control the operations of used-car dealers and to provide for the inspection of vehicles handled by them. In the main, the measure consists of provisions which are already contained in part IIIA of the Traffic Act. Those provisions, in addition to others, have conveniently been consolidated into one piece of legislation to administer the whole matter. The Bill has two objectives; namely, to control the activities of used-car dealers, including the manner and methods by which they carry on their business, and the method of inspection of vehicles sold by them.

The first aspect of the measure appears to me to be essentially the exercise of control over a particular section of commerce. The business of dealing in used cars, like dealing in used furniture or, for that matter, any other commodity, is quite a legitimate business. That is not to say that in the used-car industry, or in any other industry, there are not those who are not altogether a credit to the industry. In the main, one finds that those engaged in this industry are keen businessmen, and I would say fair businessmen; although I must confess that I raised my eyebrows when I read during the past week that Senator Barry Goldwater had posed this question in regard to President Lyndon Johnson: "Would you buy a used car from Lyndon Johnson?"

Looking at it from one angle it seems to me that one rather regrets the control of commercial activities being vested in the Commissioner of Police. Therefore I think there is room for criticism concerning that angle of the Bill; and yet, in view of the fact that part of the Bill deals with the inspection of vehicles to ascertain if they are roadworthy, which is a Police Traffic Branch matter, there is, perhaps, some justification for the control being vested in the Commissioner of Police.

We must realise that the control of commercial business by a department, the essential character of which is the administration of criminal justice, leaves something to be desired, and I express the hope that whoever will be administering the legislation will realise that when he is inquiring into the financial position of any individual to ascertain if his business affairs are sound, he is dealing with a commercial proposition and will not approach the matter as if he were dealing with a person suspected of fraud, stealing, or some other criminal charge.

The other evening, also, the honourable Mr. Heenan drew attention to the fact that when a used-car dealer applied for a license he had to produce the owner's consent; he had to satisfy the Commissioner of Police he had obtained the owner's consent to carry on the business of a used-car dealer; or, in other words, the

owner had to inform the court that he had consented to the conduct of the business in the premises which he owned. To me, that seems to be a little superfluous, because I would have thought that had the owner objected to his premises being used as a place in which to deal in used cars, he would have taken the normal precaution of any owner by expressing in the lease the purposes for which the premises should or should not be used. That, therefore, seems to be an unnecessary pinpricking provision so far as the owner of the premises is concerned.

Clause 22 extends the existing powers of members of the Police Traffic Branch to enter upon the premises of a used-car dealer at all reasonable hours to examine any vehicle contained therein.

Then follow the provisions stating that if upon inspection any vehicle is found to be unroadworthy, it may be so labelled by the inspector as to indicate it shall not be sold until such time as the defects are remedied. To me that seems to be quite a fair proposition, although again, the method and manner by which the power is exercised should be given careful consideration by the Commissioner of Police and the officers to whom he delegates his authority under this Bill.

It is not clear in the Bill, but it has been suggested to me that, because some people might think the perpetual presence of a police officer on the premises of a used-car dealer may indicate he is there for some purpose other than to inspect vehicles, a dealer should have the option of taking any vehicle to the Police Traffic Branch—in the same way as an ordinary individual does—to have it inspected for roadworthiness; or, if it is found to be unroadworthy, there to have placed upon it a notice that it shall not be sold until such time as the defects have been attended to.

That suggestion seems to me to be reasonable because, after all is said and done, the whole purpose of clauses 22 and 23 is to ensure that the vehicles sold are not bombs but are roadworthy. If the Commissioner of Police is to be satisfied that a vehicle is roadworthy, I suggest it matters not whether the inspector visits the premises of the used-car dealer to inspect the vehicle, or the used-car dealer visits the Police Traffic Branch to have the inspection carried out. On the present wording of the Bill it is not clear whether this option is open to the used-car dealer. Clause 23 provides—

Where, in the opinion of any member of the Police Force examining or testing a used motor vehicle, under the provisions of section twenty-two, the vehicle requires any repair . . .

In my opinion the clause could be elaborated to read, "under the provisions of section twenty-two, or upon the delivery of the vehicle to the Police Traffic Branch . . ."

The Hon. L. A. Logan: What clause are you dealing with?

The Hon. H. K. WATSON: Clause 23, which seems to presuppose that the method provided in clause 22 is the only method for testing a vehicle; namely, at a used-car dealer's yard.

The Hon. H. R. Robinson: Would not the last three lines of clause 22 enable the police to take a vehicle away?

The Hon. H. K. WATSON: My point is this should not be left to the discretion of the police. If the used-car dealer has a preference he should be given the right to exercise that preference by allowing the car to remain in his yard for inspection, or to be taken by him to the police for inspection. Other than that I consider the Bill to be a good piece of legislation, and it has my support.

THE HON. F. R. H. LAVERY (West) (5.1 p.m.): I support the Bill, and preface my remarks by stating that, as a result of information which I have received since I placed an amendment on the notice paper, I shall not proceed with it.

The Bill contains a departure to some extent from the conditions governing the sale of used motor vehicles. For some considerable time fairly rigid control under the Traffic Act has been exercised, but that control seems to stop at one point. It allows dealers to offer £50 for a cheap trade-in on a £200 car, and to re-sell the trade-in immediately afterwards. It might be a vehicle which is not roadworthy, and if vehicles of that sort can be kept off the roads, many of the young people who buy them would not be in trouble.

One of the purposes of the Bill is to take from the Traffic Act some extraneous matters covering used-car dealers, and include them in a separate Act. That is a good feature. One of the finest things which happened to the petrol industry was when petrol resellers became covered by a separate organisation: the Automobile Chamber of Commerce; and the Bill proposes something similar for the used-car industry. The Bill, if passed, will take away from the Traffic Act many of the provisions governing used-car dealers. Those sections should never have been administered by police officers, whose activities could be used to better advantage in patrolling and controlling traffic.

Under the Bill backyard dealers, who are permitted to sell up to 15 cars a year, will be covered. In conversation with a police officer I learned that the Police Department was aware of the practice adopted by many backyard dealers to sell in excess of the number permitted. Some of them sell 15 cars in the wife's name, another 15 in the brother's name, another 15 in the sister's name, and 15 in their own name. By using this method, one backyard dealer sold up to 150 cars in a

year. For that reason the reputable used-car dealers are happy at the thought of some control being exercised over backyard dealers.

It is not my desire to prevent the man conducting a small business from making a start in life, or from expanding his business; but I am very concerned, because the used-car trade has a very great effect on the youth of this State. Under this Bill there is to be some control over the purchase and sale of the cheaper type of cars, and that would break down the practice of selling motorcars worth £10.

Finance companies and wreckers will have to abide by the same rules as used-car dealers, in that they will have to set up appropriate yards, obtain licenses, and operate in a similar way to dealers, if they wish to sell cars to the public. That is very necessary, because some of the finance companies are taking a great part of the business out of the hands of the used-car dealers.

The checking of vehicles, and the authority for inspection of books, will provide further protection for the public, although regulations to this effect now exist in the Traffic Act. The main bulk of reputable dealers seem to be in full agreement with, and welcome, this Bill. Those opposing it may, in some instances, have justifiable reasons; but in other instances they oppose the Bill because they have not operated properly in the past. The reasons which have been advanced by some used-car dealers contain merit, but not sufficient to delay the passage of this Bill. Some used-car dealers, by providing people with unroadworthy vehicles, virtually put them into potential death traps. That brings me back to the point that young people can buy cars for £10, spend another £25 on them, and use them for six months or six years, because they are licensed. They can do that until they get into trouble.

I would like to see every vehicle tested at least once a year. In the U.S.A. this periodical test is carried out, and the average cost is 12s. 6d. per vehicle. In some of the States in that country the road death toll has been reduced by 28 per cent. since adopting the practice of testing vehicles every year.

I am given to understand that in New Zealand the testing of motor vehicles is conducted on a stricter basis, and they have to be checked every six months. The proprietor of a garage has the authority to issue a certificate of roadworthiness, and if one is not issued he has to report the vehicle concerned to the authorities.

A person with a vehicle worth £40 is able to trade it in on another one worth say, £200 to £300. In many cases the used-car dealer suggests that the buyer should attempt to sell the trade-in himself. The dealer says, "Put the car on the front lawn with a price tag on it." The dealer thus

avoids having the car inspected. When it is sold it can be relicensed for the next five to seven years.

The Hon. H. R. Robinson: Would that be possible under the provisions of the Bill?

The Hon. F. R. H. LAVERY: That can be done, unless such a vehicle reaches the condition where it has to be taken to the Traffic Branch for testing, because it is regarded as being too dangerous to remain on the road. A country car has to be passed by the Traffic Branch before it can be licensed in the metropolitan area, but the trade-in that is sold in the metropolitan area need not be tested. Under the set-up proposed in the Bill this type of vehicle can remain on the road for the next five to seven years. I draw the attention of the Minister to this loophole in the Bill.

Another loophole in the legislation, whereby the payment of transfer fees is avoided, occurs when a used-car dealer agrees to purchase a car from a person, and he knows of another person who wants that type of car. The dealer then transfers the vehicle from the original owner to the prospective purchaser, and so pays only one transfer fee. He is thus able to avoid transferring the vehicle to himself, and then transferring it to the would-be purchaser. The provisions in the Bill will prevent this sort of practice.

A used-car dealer is required to apply for a renewal of his license within two months of the expiry date. That provision applies now, and it should not be departed from. The dealer should be given two months in which to renew his license. Owners of motor vehicles are given 14 days' grace to relicense them, and during that period the vehicles are deemed to be covered by third party insurance.

The crux of the Bill is contained in clauses 22, 23, and 24, relating to the inspection of motor vehicles by the Police Department. It was pointed out by the honourable Mr. Watson that some used-car dealers do not undertake repairs in their yards. If the vehicles which these dealers buy require repairs, they are sent out to reputable garages where the repairs are effected. Then the vehicles are returned to the dealers in good condition, ready for the road.

Some used-car dealers acquire welding plants which they use in their yards for patching up motor vehicles. By patching a bit here and there they are able to add another £100 to the value. That practice has to be done away with. The police will have the right to go into a yard and check a vehicle of that type. I think the honourable Mr. Watson made a good point when he suggested that a reputable firm should have the right to shift a vehicle to have it repaired and then brought back to its yard.

As a result of a request by a reputable dealer in Fremantle, I placed an amendment on the notice paper. However I must plead guilty to the fact that I did not read clause 23 correctly; I only read portion of it and then stopped and read clause 24. I did not read the portion of the clause which referred to a further inspection and the removal of the sticker. I am therefore sorry that I placed the amendment on the notice paper and I hope I did not delay the Bill in any way. I support the measure.

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [5.17 p.m.]: Once again honourable members have taken the opportunity of debating fully a measure which has been presented to them, and they have submitted some very cogent points, whether dealing with shortcomings or otherwise.

The Hon. F. J. S. Wise: You get your Bills well supported.

The Hon. L. A. LOGAN: I feel much better after last night, so it might have done me good. Many matters were raised on this Bill which really have nothing to do with it in a way, but in the overall position the remarks were very pointed. Honourable members referred to the regrooving of tyres, the shocking waste of life of teenage drivers, and the sale of bombs to natives.

Dealing with teenagers, I would say that possibly one of the reasons for the great number of youths being killed in motor-car accidents is that we, as the older brigade, started driving motorcars when they could only travel at 15 or 20 miles an hour. We have grown up with the cars, and the speeds have increased from 15 to 20 to 30, and so on, to 70, and even to 80 when in a hurry.

The Hon. F. J. S. Wise: You want a good rear-vision mirror.

The Hon. L. A. LOGAN: The youth of today gets into a high-powered motorcar without having had any previous experience, and he does not appreciate what he has got hold of.

The Hon. F. R. H. Lavery: I could not agree with you more.

The Hon. L. A. LOGAN: This is where some of the training should come in. We should make these young folk realise what they are handling. If we could instil into them a sense of responsibility we might be able to reduce the death toll.

The Hon. H. C. Strickland: We should put a governor in the vehicles.

The Hon. L. A. LOGAN: The point raised by the honourable Mr. Watson on insurance has some merit and I am having it examined. We may be able to make some amendments.

The honourable Mr. Heenan raised the question of no right of appeal under clauses 16 and 28, and this too is being

studied. The honourable Mr. Watson suggested that as this is a commercial enterprise, it should be controlled from a commercial aspect and not by the police. I would say, generally speaking, he is quite right. However, I think he said also that the nature of the business was one reason why the control should be left to the police; and I quite agree.

He also raised the question of inspection at a place other than the yard, which comes under clause 23. I do not think it was ever intended that this could be done under clause 22. However, clause 23 states that the vehicle cannot be sold unless such work is done. But under clause 22 a police officer can take it out.

The Hon. H. K. Watson: But that suggests that only a police officer can do so.

The Hon. L. A. LOGAN: No. Clause 22 reads—

22. Every licence holder shall permit a member of the Police Force, at all reasonable hours, to enter upon the premises in respect of which the licence is issued, with such persons as he may require to assist him, and there to examine any used motor vehicle; and where, in the opinion of the member of the Police Force, it is necessary to road-test any such vehicle, the licence holder shall permit him, or such other person as the member of the Police Force may nominate, to remove the vehicle from the premises and drive it, for that purpose.

I do not think it was ever intended, but under this clause I think it would be feasible for an owner to ask the police to let him drive the vehicle somewhere else for inspection. However, I will have that matter inquired into and cleared up if necessary.

They were the main points raised. I do not intend to deal with the Bill in Committee today as I want to obtain some information on several points brought forward. I hope to have some notes available on Tuesday. I thank honourable members for their remarks in the debate on the Bill and I commend it to the House.

Question put and passed.

Bill read a second time.

House adjourned at 5.22 p.m.

Legislative Assembly

Thursday, the 22nd October, 1964

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