

all the real and personal estate of the judgment debtor in Western Australia. None of the goods of the judgment debtor are protected against seizure from sale.

It is remarkable that in the Local Courts Act and in other ordinances for over 100 years some protection has been provided to debtors in respect of necessities such as clothing and bedding, but that under the Supreme Court Act it has been possible for a debt collector—if I might use that term—to seize from a family everything, including the clothes of a baby.

This amendment to the Supreme Court Act is long overdue, and as it practically conforms with the provisions in the Local Courts Act it would be remarkable if the Bill did not receive the unanimous support of the members of this Parliament. Before I conclude, I understand the Government is undertaking a review of many of the legal and formal Statutes.

I think the Premier and his Government would agree with me that what is provided in the Local Courts Act and here, almost word for word, proposed to be put into the Supreme Court Act, may have been appropriate at the time; but the amounts are now very much out of date, and accordingly should be stepped up to a more realistic figure.

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 12.43 a.m.
(Wednesday).*

Legislative Council

Wednesday, the 21st October, 1964

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

QUESTIONS ON NOTICE

GOVERNMENT BOARDS AND INSTRUMENTALITIES

Number, Personnel, and Functions

- The Hon. R. H. C. STUBBS asked the Minister for Mines:
Will the Minister inform the House—
(a) the number of boards, trusts, councils, and other government instrumentalities that have been in operation pursuant to or administering the various Acts of Parliament in Western Australia during the past five years;
(b) the names of the chairmen and other personnel of each organisation;
(c) the precise function of each organisation;

Meetings Held

- the number of meetings held for each of the years by each organisation;
- the annual attendance statistics of each member of each organisation during the past five years; and

Remuneration of Personnel

- the annual remuneration paid to each member of each organisation during the past five years?

The Hon. A. F. GRIFFITH replied:

- (a) to (f) The Government has concluded an exhaustive examination of the fees paid to authorities of this nature and expects to introduce a new scale of payments in the near future.

A great deal of the information sought by the honourable member was obtained from departments some months ago for the purposes of the examination, and this information, relating to authorities whose members are remunerated, is set out in a statement, a copy of which I shall make available for the honourable member's perusal.

The balance of the information is not available. To obtain it would involve very considerable work by a large number of departments, and even then it might not be complete.

The Hon. G. Bennetts: The more you give them the more they spend.

DENTISTRY

Dental Science: Graduates and Failure Rate

2. The Hon. R. H. C. STUBBS asked the Minister for Mines:

- (1) How many dentists have graduated yearly since the Faculty of Dental Science was established and the course first completed at the University of Western Australia?
- (2) What is the failure rate and percentage of same of students of dental science each year for the previous six years, naming the particular year of failure?

Emigration of Dentists after Graduation

- (3) Is the reason known why dentists are not attracted to remaining in their own State or Australia to practise after graduation?

The Hon. A. F. GRIFFITH replied:

- (1) The number of graduates is set out below:—

1950	....	8
1951	....	12
1952	....	9
1953	....	12
1954	....	7
1955	....	8
1956	....	7
1957	....	8
1958	....	6
1959	....	11
1960	....	11
1961	....	3
1962	....	9
1963	....	11
Total	....	122

- (2) The failure rate for the last six years is as follows:

		Per cent. Failure Rate					
		1958	1959	1960	1961	1962	1963
1st Year	....	8	36	46	50	51	41
2nd Year	....	66	40	23	36	10	27
3rd Year	....	25	16	....	....	11	17
4th Year	....	10	....	....	12	....	....
5th Year	....	25	8	....	40	....	....

- (3) Apart from south-east Asians who must normally return to their country after graduation, the number of Western Australian dental graduates abroad at present is only 10. The majority of these have proceeded abroad to do postgraduate work and have since married overseas.

Normally, our Western Australian graduates who go overseas soon after graduation do so in order to further their professional experience and satisfy a desire to travel to other parts of the world, and the vast majority of these return to this State.

At present the majority of Australian dental graduates in the United Kingdom is from New South Wales, and the reason given for this has been a belief that practice there is more remunerative.

WATER TANKS ON EYRE HIGHWAY

Protection against Vandalism

3. The Hon. R. H. C. STUBBS asked the Minister for Mines:

In view of the previous and present vandalism occurring to rain water catchment tanks on the Eyre Highway, and the vital necessity of water being readily available for use by interstate travellers, will the Minister give consideration to providing a concrete envelope of reasonable thickness to prevent them being holed by objects and bullets?

The Hon. A. F. GRIFFITH replied.

Yes. The department is concerned at the vandalism which is occurring to rain water catchment tanks on the Eyre Highway, and is exploring ways and means of preventing the trouble.

GRASS PATCH DAM

Doubling of Capacity

4. The Hon. R. H. C. STUBBS asked the Minister for Mines:—

When the plant and equipment is at Grass Patch for the excavation for the proposed dam, will the

Minister give urgent consideration to at least doubling the capacity of the dam, to provide adequate storage capacity for the use of the rapidly expanding district for some considerable period?

The Hon. A. F. GRIFFITH replied:

The proposed capacity of the dam is all that is considered justified at this stage.

BILLS (5): THIRD READING

1. Clean Air Bill.

Bill read a third time, on motion by The Hon. L. A. Logan (Minister for Local Government), and returned to the Assembly with an amendment.

2. Bibra Lake-Armadale Railway Discontinuance and Land Revestment Bill.

3. Fremantle Harbour Trust Act Amendment Bill.

Bills read a third time, on motions by The Hon. A. F. Griffith (Minister for Mines), and passed.

4. Water Boards Act Amendment Bill.

5. Rights in Water and Irrigation Act Amendment Bill.

Bills read a third time, on motions by The Hon. L. A. Logan (Minister for Local Government), and passed.

WHEAT MARKETING ACT (REVIVAL AND CONTINUANCE) BILL

Second Reading

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [4.44 p.m.]: I move—

That the Bill be now read a second time.

As the title of this Bill indicates, Mr. President, its purpose is to revive and continue the Wheat Marketing Act, which was passed in 1947 for the purpose of establishing the marketing board, which was to function in emergencies connected with the marketing of wheat.

The necessity for introducing this measure at this stage arises from an oversight in 1961 in the matter of the renewal of the Act for a further period of five years. The Act was renewed in 1951 and again in 1956 but, owing to this procedure having been overlooked in 1961, the legislation expired on the 31st October of that year.

Though it has not as yet been necessary to put into effect the provisions contained in the parent Act, owing to the operation of the wheat industry stabilisation scheme since 1953, it is considered advisable to keep this measure in our Statutes as a backstop in case of any breakdown in wheat marketing arrangements with the

Commonwealth. Though such an occurrence may be considered unlikely, we do not know what the position will be in the years ahead.

The Wheat Industry Stabilisation Act, which is complementary to the Commonwealth Act and controls the wheat stabilisation scheme, was extended for a further period of five years last year and will operate until 1968. This scheme came into operation in 1953, following agreement between the States on common policy. It has been in operation since then and has provided a certain income and security to wheatgrowers throughout the Commonwealth. Nevertheless, as I have mentioned previously, we are not in a position to forecast future eventualities, and it is for this reason considered advisable to have the State Wheat Marketing Act revived with its provisions available as a means of dealing with any possible breakdown in wheat marketing arrangements with the Commonwealth. Its provisions will afford a protection for the industry in the event of there being a failure of agreement when the wheat stabilisation scheme again comes up for review in 1968.

As has already been implied, the Wheat Marketing Act has for all practical purposes been inoperative since its inception, and more particularly so, of course, since the end of October, 1961, on the expiry of the previous continuation Act. So, as a precautionary measure which will remove any doubts as to the validity of any transactions which may have taken place between the expiry date and the passage of this Bill, the Bill contains the necessary machinery for reviving and continuing the parent Act as from the 31st October, 1961. Consequently, with the passing of this measure, the parent Act will be declared to have been in continuous operation from the expiration of the 1956 continuance Act.

In order to refresh the memory of honourable members, it could perhaps be pointed out that in 1947, at the time of the passing of the parent Act, the marketing of wheat was under the control of the Commonwealth Defence Act due to expire at the end of that year. Because of the uncertainty of the position regarding the marketing of wheat in that period, it was decided to legislate in this State to provide wheatgrowers with their own marketing system. This was a precautionary measure taken at the time; and though, as a result of the agreement between the States in the intervening years, it has not been necessary for this State to implement its own arrangements for the marketing of wheat, the availability of such legislation to meet any unexpected contingency affecting this industry, which is a major source of export income to Western Australia, is of sufficient consequence to warrant its revival, and I commend it to honourable members for their consideration.

Debate adjourned, on motion by The Hon. N. E. Baxter.

NATIONAL TRUST OF AUSTRALIA (W.A.) BILL

Second Reading

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines) [4.48 p.m.]: I move—

That the Bill be now read a second time.

A Bill to set up a national trust in this State was introduced in another place towards the end of the 1962 session but not proceeded with in order to enable the Historical Society to have a further look at its provisions. In the intervening period, agreement has been reached between the National Trust and the Historical Society, which has given this measure its blessing.

The purpose of the Bill is to establish and incorporate as a statutory authority the National Trust of Australia (W.A.). The need for a national trust has occupied the minds of many interested persons in the community for more than three decades past; and in other parts of the world where projected new buildings and highways have threatened historic landmarks, public-spirited members of the community have felt the need for the formation of such a body as the National Trust with statutory authority for the preservation of outstandingly beautiful natural scenes and buildings of historic or architectural merit.

Though the pattern of development of national trust in Australia is of more recent date than the incorporation of the trust in England in 1895, for instance, its development has been on similar lines, with emphasis not only on preservation of assets regarded as the best of our national heritage, but with the equally important function of developing in the public mind an awareness and appreciation of beauty whether natural or artificial. The danger in a young country may possibly be to discount the value of our older buildings, and the National Trust endeavours to educate the public in these matters.

The National Trust of Australia was incorporated in this State under the Associations Incorporation Act in July, 1959, by a group of citizens who felt the urgency of tackling the problem of preservation in this State in its rapid development. The principal aims and objects of the trust are, firstly, to restore and preserve historic buildings and those of outstanding architectural merit. It is desired, where possible, to keep them in use, or at least open for regular inspection by the public. The trust aims at safeguarding the beauty and interest of the countryside and coastline. It desires to preserve wildflower patches, stands of timber, primitive reserves, national parks,

aboriginal relics, and places of importance such as breeding grounds of native birds, animals, and plants.

In the education of the public, the trust endeavours to stimulate and encourage public interest in places and things of national or local importance, historic, architectural, traditional, artistic, or of other special interest. Though the trust seeks to avert thoughtless or heedless destruction, it does not attempt to prevent progress and has no interest in preserving every old building just because of its age.

The National Trust, in the course of time, has realised that its objectives cannot be adequately achieved without legislative safeguards and assistance. Therefore discussions have taken place with representatives of the trust and the Bill now presented to Parliament results from these meetings.

The legislation is based broadly on existing Statutes in Britain, New South Wales, and South Australia, and its main proposals are as follows:—

- (1) The trust will be constituted a body corporate with perpetual succession and a common seal and power to sue and be sued and with power to purchase and hold real and personal property.
- (2) The objects of the trust have been briefly mentioned. They are set out in detail in the schedule to this Bill and were adopted from the existing objects of the present registered body.
- (3) The trust will be managed by a council consisting of 25 members, of whom 16 will be elected by the members of the trust (and these 16 will include a president, two vice-presidents, a secretary, and a treasurer) and nine will be nominated by the following:—
 - (i) The Premier of Western Australia;
 - (ii) the University of Western Australia;
 - (iii) the Royal Western Australian Historical Society;
 - (iv) the Royal Institute of Architects (W.A. Chapter);
 - (v) the Royal Society of Western Australia;
 - (vi) the Country Women's Association of Western Australia;
 - (vii) the Tree Society;
 - (viii) a representative of local governing bodies throughout the State;
 - (ix) the Western Australian Tourist Development Authority.

Provision is made for the chairman and deputy chairman to be appointed by the council from their elected members.

- (4) The trust will have power to make by-laws regarding its various activities. Such by-laws will be subject to Executive Council approval.
- (5) The trust will have power to make rules to regulate the conduct of its own affairs and internal management.
- (6) The trust will be exempt from all rates and taxes (except for a charge for water used) and gifts, devises, and bequests to the trust will be free of probate and stamp duty.
- (7) There are other provisions relating to the trust's powers to accept or disclaim gifts and bequests, to invest, to mortgage, to sell or dispose of its property (but only with the consent of the Governor in Council), also power to let or lease property and appoint managers, servants, caretakers, etc., of all or any of its property.
- (8) The trust's financial accounts will be audited by the Auditor-General.
- (9) The trust will report annually to Parliament.
- (10) Finance: It is not expected that the ordinary running expenses of the trust will be very great. The government is providing office space and is subsidising the salary of a secretary. However, the trust envisages that its property will grow in the course of time by its acquisition of buildings and sites either by gift, or bequest, or purchase. In many cases, arrangements will have to be made for the maintenance and upkeep of these properties where they are not revenue producing and the trust contemplates in each case that this will be done with financial help from the public or from local governing authorities or from the government. Provision is contained in the Bill for the funds of the trust to include all money received by it out of money appropriated by Parliament for the purposes of its Statute.

It will be appreciated the work of the trust will require money, but it is not intended nor suggested that we should divert large government sums for this purpose. When this Bill passes into an Act, the National Trust will enjoy legislative recognition, which will assist it in the carrying out of its functions.

The Hon. F. J. S. Wise: Before the Minister resumes his seat would he tell us whether this Bill is modelled on any existing legislation?

The Hon. A. F. GRIFFITH: That I could not answer offhand but it is an inquiry I will pursue. I presume the honourable Mr. Wise wants to know whether there is any legislation like it in other States. I thank the honourable member for his interjection and will ascertain the information for him, if I can, for the purposes of the debate.

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

FREMANTLE BUFFALO CLUB (INCORPORATED) (PRIVATE) BILL

Second Reading

THE HON. F. R. H. LAVERY (West)
[4.57 p.m.]: I move—

That the Bill be now read a second time.

The reasons for this Bill can be found in the report of the evidence submitted to the Select Committee which inquired into the Bill on the 22nd September, 1964, by the legal adviser to the Fremantle Buffalo Club, Mr. Loris Clifton Wood, of 45 Market Street, Fremantle, and the secretary of the club, Mr. Frank Stanley Maybank, of 11 Broome Street, Cottesloe. I will quote in part from a resume of reasons given for the request for this Bill.

The club was registered in 1920 as a limited liability company under the then Companies Act of 1893. With the effluxion of time and demise of original member-shareholders, a situation developed in which it became obvious that the business of the club could not, as a consequence, be conducted on the basis of a company.

The club was forcibly reminded of this fact, as paragraphs (r) to (x) on page 6 of the evidence submitted to the Select Committee will demonstrate. Those paragraphs read—

- (r) The position of the club was not realised by the secretary or the executive until early in 1963 when the Registrar of Companies, through a circular, required that returns be lodged under section 134 subsection (vii) of the Companies Act, 1961-1962.
- (s) This procedure of course is entirely foreign to the club because it had never acted as a company.
- (t) This instituted enquiries and on the 28th June, 1963, the Registrar of Companies wrote to the club pointing out—

- (i) The club was not an association incorporated under the Associations Incorporations Act, 1895, but was a company to which the provisions of the Companies Act, 1961-1962, applied.

- (ii) On the 2nd March, 1951, the then Attorney General had pursuant to section 29 of the Companies Act, 1933, by license directed that the club be registered as a company with limited liability without the addition of the word "limited" to its name and thereupon the club became known as "Fremantle Buffalo Club."
- (iii) Registrar pointed out that the name of the club did not include the word "incorporated" as shown in the documents tendered by the secretary for filing pursuant to the circular previously referred to.
- (iv) The Registrar pointed out that the requirements of the license of the Attorney General was that the rules of the club must provide that all profits and other income should be applied in promoting the objects of the club and must prohibit the payment of any dividend or share or profit to any member or shareholder.
- (v) It was pointed out that an examination of the documents showed that such provision for prohibition was no longer included in the rules and that therefore the license should be revoked.
- (u) As a result of this the secretary sought legal advice on the instructions of the club committee.
- (v) Subsequent to this it was discovered by a search that the Westralian Buffalo Club in Perth had been in a similar position in 1949 resulting in a Private Act being passed known as the Westralian Buffalo Club Act of 1949.
- (w) Similar conditions leading up to the passing of the Westralian Buffalo Club Act apply to the petition relative to this Bill.
- (x) The committee of the club has authorised the secretary to present this petition.

Hence the Bill for an Act to resolve certain difficulties concerning the legal position of the Fremantle Buffalo Club, in which provision is made on page 2 to form and to register an association under the Associations Incorporation Act, 1895-1962, to be known as the Fremantle Buffalo Club Incorporated, in which the assets of the original company shall be vested.

The Bill further provides that all present financial members of the club shall become members of the association; and all

property rights, assets, and liabilities, etc., shall pass from the club to the association. Provision is also made to ensure that the club, after becoming an association, shall—

- (1) Not be financially or otherwise liable for failure to comply with the Companies Act, or regulations applying thereto.
- (2) Be dissolved and struck off the Register of Companies.

Provision is further made on page 4 of the Bill to exempt the association from the payment of stamp duty associated with the transfer of property from the club to the association. I trust the Minister will be sympathetic to this provision, when I point out that the State's revenue will benefit to the extent of somewhere in the vicinity of £100 in costs associated with the passage of this measure through both this House and another place.

Another provision will ensure that any license issued under the Licensing Act or its amendments, which applied to the club, shall also apply to the association; and, further, that the club shall be permitted to function during the period of the passing of this Bill and the date of issue by the registrar of a certificate of incorporation, under that Act of 1895-1962; and from that date the then association shall enjoy the same privileges and liabilities as a registered club within the meaning of the Licensing Act, 1911, and amendments thereto. I commend the Bill to the House.

THE HON. A. F. GRIFFITH (Suburban—Minister for Justice) [5.5 p.m.]: I see no reason to impede the progress of the Bill or to delay the debate on it. When the measure was in another place I took the opportunity to have it examined, and it was supported by the Minister who represents me in the other place, and it was passed through all stages without any opposition.

The Fremantle Buffalo Club is one of several bodies the members of which have sought the assistance of Parliament, by way of a private Act, to have their members cease to be members of a company under the Companies Act of the day and become members of an association incorporated under the Associations Incorporation Act.

The honourable Mr. Lavery has given an adequate description of what the Bill seeks to do. It will provide for the transfer of the club's assets, together with its liabilities, to an association with the identical name, and will permit the company to be dissolved without the formalities of the winding up. I repeat: I can see no reason to do other than support the measure.

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.

YOUTH SERVICE 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. J. DOLAN (West) [5.9 p.m.]: The chief purpose of the Bill is to establish a youth council of Western Australia. This council is to consist of a chairman, who shall be appointed by the Minister for a term, subject to the Act, of three years, and of 11 members, each of whom shall hold office for three years or six years as the Minister specifies at the time of their appointment.

The Bill arises from the report of an investigating committee which was appointed to advise the Government on youth service; and I feel at this stage I should make reference to the personnel of that committee, because it consisted of men who have devoted years of excellent service to this State. The chairman was The Hon. A. F. Watts, C.M.G., formerly Minister for Education. The members of the committee included Mr. Collins, headmaster of Wesley College; Dr. Robertson, Director-General of Education; Mr. McCall, Director of the Child Welfare Department; the Rt. Rev. Mons. E. J. Sullivan, the Principal Director, I think, of the Young Christian Workers Movement; Mrs. J. H. Spencer, Past-President, Country Women's Association; Mr. Halliday, Hon. Director of the National Fitness Council and Superintendent of Youth Education; and so on.

Members can realise that this investigating committee was particularly well equipped to examine the youth position in this State and to bring down recommendations. The committee had the benefit of the work of similar investigation committees, particularly those in the States of New South Wales and Queensland. The New South Wales committee spent 23 months on very detailed research and study, and the information it gained was fully availed of by the Western Australian committee. The New South Wales committee had corresponded with, and summarised reports from, Great Britain and 18 other nations in Europe, Asia, and Africa.

There were two points of agreement in the overall world picture, and I would emphasise them as follows:—

First, that youth work must be integrated; there must be some single authority to advise and co-ordinate all activities.

That was the reason for the recommendation that a youth council should be formed—

Second, that the community as a whole should be charged with more responsibility in relation to this work and should vastly increase its interest in it both physically and financially.

At this stage I would refer to my personal experience of the wonderful work and co-operation of the local authorities with youth movements over a long period. I have in mind the particular district in which I lived and worked in Fremantle, where at all times the local governing authorities co-operated to the fullest extent in helping the youth of the district. They provided them with wonderful facilities for sports in the way of grounds; they helped in every possible way to establish youth centres, and the result has been, I would say, that this particular district enjoys excellent behaviour from its youth from the age of 12 to 30, and even older.

In the committee's report, which I have read closely, there are two paragraphs which interest me deeply. They are—

Young people seemed to the observers to have a much clearer conception of the purpose of the club activities in their lives than some of the administrators did.

The second one is—

The observers would also like to record their admiration of the type of young people who dealt with this project.

What notice are we going to take of these observations? I would strongly urge that the Minister, in his appointments to the youth council, should err on the side of youth. I think there should be at least five members of the council under 25 years of age, and there could even be two of those who would be under 21 years of age. It has been my experience over 40 years that youth are better qualified to advise on youth problems, and in regard to solutions thereto, than are persons in older groups. I might mention that the investigating committee received only three written submissions and only one personal appearance from members of the general public.

The youth of today are more progressive, more independent, and franker and better equipped, physically, educationally, culturally and morally, than at any other period of history.

Let us show our faith in our youth by giving them a greater share of the responsibility in dealing with their own problems. I wonder whether the following would have a familiar ring to honourable members—

The children now love luxury; they show disrespect for elders and love chatter in place of exercise. Children

are now tyrants, not the servants, of their households. They no longer rise when elders enter the room. They contradict their parents, chatter before company, gobble up dainties at the table, cross their legs and tyrannise over their teachers.

These words were written by Socrates over 400 years before the birth of Christ. It has been the same in all ages and generations. The youth seems to be a particular target for elderly people, who criticise them at every opportunity they get.

I suppose there are few things associated with the youth of today that do not come in for criticism at some time or another. Let us examine a few of them and see what real justification there is for such criticism. We find all kinds of objections raised to the clothes that our youths wear, but I wonder whether the clothes worn by our lads today could be compared in eccentricity with those of the Beau Brummell era. After all, who designs, and manufactures, and reaps the profits from the sale of such clothes? Not youth, certainly.

We see the long haired types who are scorned today, but I wonder whether they are any worse than the Georgian dandies with their curled, perfumed, and powdered hairdos. Do not our young ladies dress more modestly than those of the Cleopatra or Victorian eras? Can our modern keg parties be compared with some of the bacchanalian orgies of former times? I wonder whether the pioneers of whom we speak so glowingly—and justifiably so—were any more adventurous than our modern underwater spearfisherman, our surfboard riders, or our astronauts? Were the Olympic sportsmen of former years more dedicated than those of today?

Let us face this problem squarely. There were just as many delinquents in my day as there are today. Let us interest ourselves in the problems of youth, but let us not make the mistake of wanting to set the path for them to follow. Youth has not failed this nation in war, and it will not fail it in peace if we have confidence in it and trust it and give it the responsibility it wants, and is equipped with, to exercise.

I commend the Bill to the House and trust that the public will fully support the youth council in its operations and activities. If the public does its part, and all sections of the community do their share, I feel we will create an even better world than that in which we live today.

THE HON. R. THOMPSON (West) [5.19 p.m.]: Like the previous speaker, I support the Bill. I realise the difficulties that have been faced in the past by the organisations that have been trying to do something in this sphere for years. On behalf

of several organisations, I approached the then Minister in charge of national fitness (The Hon. A. F. Watts) to see what assistance could be given to organisations that were paying a very keen interest to youth.

The government, however, was not in a position to assist in any way. The National Fitness Council could not assist, inasmuch as the boys and girls in question at that time were under the age limit. I support the measure, but I would like to point out that areas should be selected in which this committee can go to work immediately. We have many areas, particularly housing areas, in Western Australia, where there are possibly more children and youth to the acre than in the city areas or in the older established areas. I think those are the sorts of places where the youth council should commence to operate.

I know from my personal experience in places like Willagee Park that youth leaders, and other people who have an interest in youth—church identities and the general do-gooders one finds in the community—have been hampered firstly by not having a hall, and, secondly, after securing a place to meet, finding they had no facilities which could hold the interest of the youths.

I can recall that some five years ago the Hilton Park Youth Committee was formed. After two weeks of operation there were 163 boys between the ages of eight and 16 looking for some recreation, leadership, and instruction. The two instructors that could be found at that time could not adequately take charge of this large number and, as a result, the numbers had to be whittled down to a satisfactory level—which was 40—and it then commenced to operate.

We found, however, that over 100 young boys were denied the opportunity to participate in something worth while. Similarly the girls' club ran into the same difficulties. If money could be made available for equipment, and if leaders could be sent to these various organisations, they would flourish from their inception.

However, the difficulty in raising money was felt very gravely, and eventually the organisation dealing with boys had to close down. The R.S.L. then sponsored the R.S.L. Boys' Club which was formed; and without casting any reflection whatever on any youth organisation in Western Australia I would say that the discipline and the good citizenship that has been taught those boys has held them in very good stead in competitions and other sporting activities. Where they had a poor beginning with no facilities and no financial assistance they have probably now come to be youth club of the highest standard.

Accordingly I support the measure, because I have seen what those who attempt to do something are up against. This

legislation augers well for the youth of to-day, because as the honourable Mr. Dolan said, not all our youth is bad; only a small percentage of them is bad. I take my hat off to our young men and women of today.

It is possible that the newspapers are responsible for the conditioning of people's minds inasmuch as whenever a youth does something wrong the matter is given headlines in the papers. On the other hand thousands of good deeds go unnoticed; they seldom get a mention, unless it happens to be the success of a brilliant young scholar who wins a Rhodes Scholarship, in which case his photograph appears in the newspaper. In supporting the Bill I would stress to those who are responsible for organising the first part of the legislation that they concentrate on the more heavily populated areas.

THE HON. J. D. TEAHAN (North-East) [5.26 p.m.]: I have taken quite an interest in youth and in boys' clubs over a number of years, and I have seen clubs that have made a lot of progress. I have also seen clubs that have fallen by the wayside very shortly after being established. I think the whole crux of the problem is in youth leadership. I recall on one occasion that we had an excellent boys' club where I lived. It was doing good work, and turning the lads' activities into the right channels.

On examining the reason for this success I discovered it was due to the leader of the club, who happened to be one of the masters at the Boulder State School. He understood the work he was doing; he understood the lads; and he did a wonderful job in establishing a splendid club. This continued for two years, and he was then transferred. This made a tremendous difference. Too often do we find good clubs falling by the wayside when they lose their leader. The only way we can correct this is to follow the example set by the Y.M.C.A. I followed the activities of the Y.M.C.A. on the goldfields. Unlike many other clubs it has had continued success because it has youth leaders coming on all the time. The Y.M.C.A. has a pool from which it can draw. For instance, in Sydney when one of its officers leaves, there is another ready to take his place.

The secret of a club's continued activity lies in its being able to replace its leader. I remember visiting a youth club in Bunbury many years ago. It met in an old two-storied building. The honourable Mr. Dolan suggested that youth should be permitted to administer its own activities, and this was the case with this club at Bunbury.

In one big basement room there were a couple of old cars which were used in teaching the youths mechanics. They found this most interesting, and the youth of that club spent many an interesting hour in this fashion. Within that building were

also football, cricket, and hockey clubs which the youths administered themselves. They would work out the play schedules, and decide when they would play at Boyup Brook, Busselton, and so on. By and large that club was doing excellently. One room of this building was set aside for debates. I recall that the leader of this club was a particularly good type of fellow.

I regret to say, however, that the next time I visited Bunbury I found that the club had been abandoned; and the only reason it was abandoned was that it had lost its youth leader. It is most important to have good youth leaders, and it is essential that we establish a pool from which such leaders can be drawn as and when required. We would then be certain that these leaders were of the right type; that they were men who had a knowledge of youth activity; men versed, perhaps, in physical instruction; and men who were prepared to take some interest in youth leadership.

From my own personal experience I can say without hesitation that the youth of today are not as bad as they are painted. I would point out that I ran a newsagency for 20 years and during that time I employed no less than 500 boys, and I can honestly say that never once did I put a boy off. Some of the lads were regarded as real outlaws, but I trusted them and had confidence in them, and this caused a favourable reaction. Some were inclined to be light-fingered, but because they were treated well they would come to me and tell me that I had overpaid them, or that I had given them too many papers. This was the result of giving them guidance.

The police courts are busy with boys who have idle hands; and this is so in country places because there is not a great deal of activity after tea. Some boy will say to the others, "Come and we will rob such-and-such an orchard, or break such-and-such a window." And they readily do it. However, they would not do this if they had something better to do, such as attending a gymnasium, a debating society, and so on. If these facilities were available I am sure the boys would make use of them.

I would make this observation on boys' clubs: Too often many people think a boys' club is especially established to teach boys how to box. Boxing may be all right, but if it is the major activity, I say it is not all right, because too often a lad is taught at an early age to be a standover artist, to use a common expression. But if this activity is included with others such as mechanics and the administration of athletic teams, it is in its rightful place.

I am glad something concrete is being done and I would stress the fact that good leaders and a pool of leaders will be required in order to take the place of those who give up the jobs they are doing.

THE HON. R. F. HUTCHISON (Suburban) [5.33 p.m.]: I would like to add my thoughts and experience to this debate. I support the Bill and am glad that a measure of this kind has been introduced. In the past I think we have been lax as governments in the provision of facilities for youth.

Before I entered public life and when I was mainly interested in youth, I twice did an Australian tour. I served for 30 years with the scout association and learned much. One of the things that governments fall down on is the finding of buildings for youth clubs. I know that when the building for the Police Boys' Club was erected in Morley, the club was swamped with applications from other youth clubs that wanted to hire it. The provision of a sufficient number of buildings is one of the prerequisites of youth clubs.

I would like to tell the House what happened in England when the war broke out, because there was a serious shortage of buildings which could be used as youth centres; and there will have to be sufficient buildings when this youth council is set up, otherwise it will prove to be the main stumbling block. In England the scout association went to the government and asked it to provide halls throughout the country to be used by the scout association groups. This was necessary on account of the war and the bombing; and the government said it would provide a hall wherever it was wanted on the one condition that any club, society, or meeting of people could have access to it.

There were those who said the money would be wasted. However, that was not the position; just the very opposite happened. As soon as a hall went up in a district the association was swamped with applications for its use; and these halls proved to be one of the greatest services that were provided during the war for the civilian population. They were a means of building up morale; and more and more halls were built in England and, as a result, many problems were solved.

In Western Australia we are up against the same problem. When New South Wales put in its new look for underprivileged children, wherever there was a school, a hall, or a suitable building of any kind, it was immediately used. We are short of suitable meeting places here, and I hope that when the council is set up it will pay attention to this matter. If youth are given a helping hand by being provided with material at reduced prices, they will be able to help themselves.

In some cases the fathers would be architects, and they would be able to look after the job. I am sure that our youth would delight in providing themselves with a building, which would not have to be of an expensive type; it would only need to fit in with the surrounding architecture.

I repeat, that one of the principal tasks confronting the youth council will be the provision of meeting places; and the suggestion I have made would be a challenge to youth to help themselves.

The Press does not do justice to the community, because it highlights all wrongdoing and every crime that is committed. It never tells us of the tens of thousands of young people who never break the law and who are good citizens and good children. We must not forget that many of the lads and girls who get into trouble were born in the early 1940's when, as I have said before in this House, they were even pushed from one back verandah to another to get a bed in which to sleep. A lot of our trouble has been caused by the war years and those immediately after; and it is not only peculiar to this State, but applies throughout Australia.

Nothing was done to improve conditions, because money had to be found for the sinews of war, and the civilian population did not look ahead and think that we might win the war; it thought of what would happen if we did not win it. That is something which can be understood. However, good housing conditions are fundamental in a society.

I shall now deal with another experience I had when I was doing a survey in the Eastern States. I would point out that I stayed at a delinquent home at Rose Bud in Victoria, so honourable members will realise that this was real experience. At the time there was a break-out in Sydney, and the head at the place where I was staying said it would be necessary to put on a night shift because somehow these things get known on the grapevine. However, I have never found out how they do. When there is a rebellion in one place, others always seem to occur somewhere else.

Youth should only be sent to institutions in special cases. It is better for them to remain within their ordinary homelife. I know that at times it is necessary for them to be committed to institutions, but this always leaves its mark.

I used to attend the adult education classes; and, at the summer schools, we used to dance at night. Our long summer nights are particularly suitable for this sort of activity. Because so many people were going to the University to take part in folk dancing, I put forward the suggestion that the same thing could be organised on the Perth Esplanade on Saturdays and Sundays, when thousands of people from the metropolitan area who are living in apartments would attend. They would go out on the summer evenings to enjoy the music or take part in the folk dancing on the greensward down near the river.

I do not know of any other capital city that has such a suitable place for this sort of activity as we have. People would be able to relax in an atmosphere of open air refinement, because music is always refining. Many of the youth that come here are lonely. In addition, there are hundreds of people in the city who are lonely. These people would have somewhere to go and would not feel that they were forgotten and alone in the community.

I still think that idea offers a great opportunity; and the Perth Esplanade would be a suitable place for other activities. It is better that our youth attend something like this, rather than have nowhere to go, or run around the city in motorcars and get into trouble.

I support the idea of a youth council, and agree with what the honourable Mr. Dolan said about giving youth an opportunity to implement their own ideas. Do not let us bog down with some statutory body that will have ideas that are generations older than those we have in the scout movement. In that movement we have young leaders; and I have seen them in other movements, too. They are young people aged 18, 19, and 20 years, and some are even younger. These people are more capable of knowing what is wanted by our youth, so they are able to organise properly.

Therefore I hope that in this youth council there will be some elasticity, because youth belong to a different age from older people. One never knows when one hears a sentence spoken just what effect that sentence will have. It is the spoken word that sometimes puts a thought into someone else's mind; and that thought might do some good in the community.

Perhaps the day might come when the Press will change its attitude and publish the good things that youth do, and so encourage them. In doing this we will be able to forget some of the unsavoury things we now read about. When people have experienced two wars, as I have, it makes them think; and we have now entered an atomic and scientific age. That is just as big a change as it was from the middle ages to the present day. This is a very complex age.

Not long ago I took part in a seminar at the University and it made me realise just how complex this age really is for youth; and if we get confused with our experience of life behind us, how confusing it must be for our youth under 20 years.

I support the Bill and have made my contribution in an endeavour to see that the Government makes provision for buildings in which our youth can meet. If suitable buildings are available, our youth will be able to organise functions to assist charities, as well as to raise funds for themselves. The best idea of all is to

see that buildings are available for our youth to go to. There are few places where youth groups can meet, because rents are so high. They are very dear, and should be pegged. The halls should be run for the benefit of youth as a whole.

THE HON. G. C. MacKINNON (South-West) [5.47 p.m.]: There seems to be a general idea that this Bill is probably the first move made by a government to help youth. Whilst this is flattering to the present Government, it is an erroneous impression, because successive governments in this State have rendered invaluable aid to a large number of youth organisations. I think most honourable members are aware of this.

The Hon. F. R. H. Lavery: All honourable members, I would say.

The Hon. G. C. MacKINNON: The general tenor of the debate seems to be that this is an initial move to help youth. I want to state that this is not so. I know that this impression was erroneously conveyed, but it was conveyed to me.

My experience has been, during the term of office of two governments, that the degree of co-operation has been marvellous in regard to land and help of various sorts. I am not altogether sure that the proposed committee will make the radical difference which a lot of honourable members imagine it will do.

The Hon. F. R. H. Lavery: We can hope.

The Hon. G. C. MacKINNON: Hope springs eternal. To those who follow Parkinson's law, this measure could do little else than create a certain administrative structure which would not impinge upon the fundamental problems facing youth organisations.

My personal experience extends in detail to only two organisations. I know what their problems are. In one case—a youth organisation under the National Fitness Council, in which for many years, something like 12, my wife has taken an extremely active part—the problems of accommodation, finance, and those sorts of things, do not arise. This organisation has always been able to get a hall. In regard to renting a hall, it has always received wonderful co-operation from groups like the Railway Institute, the R.S.L., and even from private bodies like the rowing club.

The Hon. R. F. Hutchison: But there is a shortage.

The Hon. G. C. MacKINNON: I am speaking of a specific case; and I know there are shortages, just as the honourable member does. This organisation of which I am speaking has problems, certainly, but those problems do not extend in its case to finance; because I well remember a meeting of the local advisory committee when a certain amount of money was available and a youth club was asked to

accept the money. The president—he would have been about 20—was most upset that the club should have been asked to accept money when it had no need of it. It had adequate finance. It ran its own affairs and it wanted no help in that way.

There is no blanket solution to this problem, and there are no blanket ideas. The honourable Mrs. Hutchison mentioned the Boy Scouts Association. Honourable members will pardon me in this respect. I do not like to speak in a personal way, if I can avoid it, but in this case I am able to give a personal illustration. I hold the office of district commissioner in an area which once had three groups but which now has nine. During the period of this increase, two halls were built and another one is in the course of construction. From my experience, the main problem of this organisation is capital.

The Hon. R. F. Hutchison: That is the price of a hall.

The Hon. G. C. MacKINNON: The honourable member has already made her speech. I agree with a lot that she said, but I disagree with some aspects of her remarks. I did not interject when she was speaking.

The PRESIDENT (The Hon. L. C. Diver): Order! I request the honourable Mrs. Hutchison to refrain from interjecting. She has made one speech, and to make another in undertones is distinctly out of order.

The Hon. G. C. MacKINNON: Thank you, Mr. President. So far as this particular organisation is concerned, capital—or, as the honourable Mrs. Hutchison said, the cost of building halls—is a worry. We can finance these things. Given the right help, one can build an economical and adequate hall. I have found with successive governments—and also with local governments—that land is no problem. We can get that. That is easy. Certain groups want the most elaborate halls, and they finish up having to hire them out four nights a week in order to pay the bill; and the organisations that wish to use the hall are restricted to one night. That is bad.

There is another grave problem which will have to be watched by any organisation set up under the proposed committee, particularly when it involves the spending of government moneys. Capital expenditure per child must not be allowed to go beyond a reasonable amount. It is quite easy to spend hundreds of pounds per child in providing a hall which is quite beyond the reasonable expectations of a particular group. Requirements vary from group to group and from age group to age group; and the sort of requirements they want—storage facilities, and so on—must be taken into account.

It constantly amazes me, when everyone is so obviously aware of the problems and needs of youth organisations, that it is so difficult to find leaders. We have just seen a State-wide appeal for leaders for the Girl Guides' Association. It is obvious from the response given to the appeal that many people would like to assist. The last I heard was that approximately 120 young women had offered their assistance. However, it is amazing how difficult it is to overcome the problem of finding leaders, and the difficulty varies from place to place.

Again there is an aspect of this Bill in connection with which I would like to sound a note of warning. With a set-up such as the one proposed, and with the assistance which one could imagine it would give, there is always the fear—the possibility—that youth leaders might be called upon to do a certain amount of administrative work. The average leader of a youth organisation just has not got the time.

A group scoutmaster—and this association is an organisation about which I know and about which I can speak—should really attend at least one meeting a week. He has his cub pack, his scouts, senior scouts, and possibly rover scouts in a full group. He should attend at least one of those meetings a week. It would take him a month to cover them all. He would also have a scouters' council once a month; he would have various parents' meetings to attend; and he would have to undertake ordinary administrative duties within his group.

The scoutmaster is busier still. He has his scout night and often a "stunt", which may be held on a Saturday or Sunday morning. There are weekend camps. He has to plan for all these activities and work out programmes. None of these things are easy. They all require a lot of time. Load him with any more administrative duties and it becomes really tough. All these activities could take up a tremendous amount of time.

A very good friend of mine—his name is Phil Owen; I mention him because I think he deserves a mention—has held a warrant with one group for some 25 years. This man gives up two weeks of his holidays to take the group camping at Easter. He accompanies me once a month, when during the winter, we jointly run a training camp. This fellow really knows youth—really knows youth inside and out—because he has trained them. This is the sort of chap who can supply a tremendous amount of information.

At the same time, there is the preparation of boats, general maintenance work, and all that sort of thing; and any sort of administrative duties which are placed on this type of person could almost be the straw that broke the camel's back.

One State in Australia—and this is a point which perhaps the proposed committee might investigate; I have no doubt its members will read some of these comments—sets aside in each State housing area a block of land on which is erected a basic hall—a simple hall—which is hired out at a nominal rental. I think that is a very good system. We can place this type of hall on any open space, but it has to be carefully placed. Build a hall for a youth organisation, and have a little bit of noise, and it is amazing how people will theorise about the need for helping children and yet become most irate if there is any disturbance and noise near their homes.

The Hon. F. R. H. Lavery: Such as a model aeroplane club.

The Hon. G. C. MacKINNON: That is right. We have to take into account all these things. I have the feeling that a lot of the work done to attract youth into some organisations has the effect of taking youth from an already established organisation to fill the ranks of a new one. In other words, there are boys and girls who already belong to organisations, and they are well looked after. I have often thought that probably the greatest need would be for a sort of open club similar to the type of club which men are able to enjoy.

It is difficult today for young men and women to obtain the social club relationship which at one time was supplied almost entirely through church organisations. It is unfortunate that church life does not play as large a part as it used to. I have heard honourable members—and I have also heard people outside—refer to the tendency for young people to go to milk bars. Now, where else are a number of them to go? They have to have some sort of social life. They want to mix with young people of their own age group. They want a cup of coffee. They want to be able to "chiack" other girls and boys, and do all the normal things, and so they go to milk bars. Then somebody starts trouble and they are all in it.

The Hon. G. Bennetts: We have all been in it.

The Hon. G. C. MacKINNON: There might be something in what the honourable member says. This tendency could be made use of by the organisation which is proposed to be set up under this legislation. There could be established a type of open club premises where there would be a minimum of organisation. Certain people just do not like organisation. They like to go to a club and have a beer or a chat. Other fellows who go to the same club prefer a game of snooker or ping-pong. This applies also to young people; and I maintain that a large number of them want the sort of social guidance which can be secured in a club and yet have an absolute minimum of direction

and control; where they can make a cup of coffee, yarn, play records, or have a game of ping-pong if they so wish.

I am very much in agreement with the honourable Mr. Dolan on the point that a youth club should have a committee of its own to control the affairs of the club, the same as an adult club. All youths do not want to be organised into playing sport, games, and learning. Some of them really do need to be organised into whiling away a pleasant hour, and doing nothing else.

Obviously, I intend to support the Bill, because I think it is a move in the right direction. Successive governments have helped youth a great deal in this State, and no doubt they will continue to do so. Whether this legislation results in something good or something bad will depend on the wisdom and tolerance of the committee which the Bill sets out to establish. The mere formation of a committee will not solve any youth problems whatsoever. I support the Bill.

THE HON. G. BENNETTS (South-East) [6.2 p.m.]: I have been drawn into this debate by some of the remarks made by other honourable members. I did not intend to speak, but the honourable Mr. Dolan mentioned the matter of young people taking leadership in their own organisations. I think that is a very good thing for them. In Kalgoorlie, we have been rather fortunate up until 12 months ago, as far as youth leadership goes. We had a police officer by the name of John Lavers, and he put the youth club on a solid footing.

The Hon. D. P. Dellar: Constable Foley started it.

The Hon. G. BENNETTS: Yes, but John Lavers really got it moving. Going back to about 1900, I recall that the late Canon Collick was one of the greatest youth organisers on the goldfields. He not only organised the youth movement, but he organised the natives. He used to put on a big Christmas dinner, and natives from all parts of Western Australia would take part. When the natives arrived they would be issued with a towel and soap and would have to have a bath under the supervision of one of their people. They were then respectably clothed and given a real Christmas dinner.

Another leader was the late Tom Allan, of the Methodist Church in Vivian Street, Boulder. He organised a gymnasium, and, as one honourable member said, he did not believe in boxing. It was found that boxing was causing trouble and some of the young lads were leaving because they did not like that particular sport. Those who liked it would learn to use their fists freely and then stoush the other lads. The result was that lads were leaving.

The training at the gymnasium was organised by Jack and Freddie Ede, two great fellows in the gymnasium movement.

Hundreds would go along to the church for their training. The training did not take place on only one night a week, but on every night of the week. There were all sorts of other interests too.

The Hon. H. C. Strickland: Were you in the Fresh Air League?

The Hon. G. BENNETTS: Yes, I was coming to that. I have been a member since it started on the goldfields and when we had a home at Bunbury.

Coming now to the scout movement, the reason that leaders cannot be obtained for that organisation is similar to the problem faced in the first aid movement. Many years ago, when I was secretary of the Commonwealth Railways Ambulance Division—I was also a foundation member of the Kalgoorlie division—I trained young people and put them "through the ropes". However, whenever there was a big function to attend, the fellows who were doing the bulk of the work would not get any recognition. They were cast aside and a leading official in the first aid movement would take all the credit. The same sort of thing is taking place in the scout movement today.

I know of a case which, fortunately, did not occur in this State. Two people who had organised a scout movement were pushed aside on the big day, and others took the credit. In the first aid movement today there are people attending race meetings, charitable gatherings, and sporting fixtures, and they do so voluntarily. They are not paid.

The PRESIDENT (The Hon. L. C. Diver): I draw the attention of the honourable member to the fact that this Bill deals with youth.

The Hon. G. BENNETTS: I am speaking of the youth connected with these movements. They do those jobs and get no recognition at all. So, of course, they eventually give them away.

Sitting suspended from 6.7 to 7.45 p.m.

The Hon. G. BENNETTS: Before the tea suspension I was about to refer to the dress that is worn by our youth of today and which was mentioned by the honourable Mr. Dolan. I can tell the House that I wore similar dress years ago when I was a young man. I can remember this quite plainly because during this week is the 53rd anniversary of my marriage, and 12 months prior to my wedding, when my wife disembarked from the train on to the Hannan Street railway station in Kalgoorlie, the first thing she said when she saw me was "If this is the type of clothes you are going to wear, I am going back home."

I was wearing very tight trousers—

The Hon. R. Thompson: Snakeproofs?

The Hon. G. BENNETTS: Yes, they were snakeproof trousers, and I had on a close-fitting jacket, with a green waistcoat, pointed-toe white shoes, and a strawdecker with a looking glass inside it. That was the type of dress worn by the young men in those days. Therefore, we cannot criticise the youth of today for reverting to the same type of dress that was worn by the youth in my era. I do not think any honourable member of this House can honestly say that in his youth he did not do many of the same things the boys are doing today.

However, the cause of all the juvenile delinquency in these times is mainly because of the fast tempo of living, and because the children are encouraged to be away from home more than they usually would be since their parents are participating in the indulgence of too much liquor. As a result the boys and other children in the family are neglected, and they often leave their homes to find greater excitement. I think it is a crying shame to see what is taking place in the homes of some families, because there is no doubt that very often the children in those families are forced to become delinquents.

When one looks back and thinks of men such as the late J. J. Simons and realises the work he did for the Y.A.L. boys, one can fully appreciate the need for similar leaders among our youth of today. I was the head conductor on the trans.-line when Mr. Simons used to travel backwards and forwards to the Eastern States in charge of the Y.A.L. boys, and there is no doubt that the boys under his charge were a credit to him.

The Hon. A. L. Loton: That was "Boss" Simons.

The Hon. G. BENNETTS: Over the years we have had several leaders such as Simons among our youth, but there is no doubt that, in making a comparison of my era with that of today, circumstances have changed considerably. In my early years the police had more control over the youth than they have today. When I was a boy the police used to get hold of any boys or girls who had got into trouble, take them down to the police station and give them a good talking to, or a box on the ears, and let them go home. Today, however, no policeman is allowed to place a hand on any boy or girl, and therefore the police have no recourse but to lay a charge against a youth if he commits a misdemeanour.

The present Government as well as previous governments has been responsible for what many youths are doing today, by placing restrictions on police officers in the handling of them. I admit that in my own youth I was up to all sorts of games, but we were scared of the police officers, because we realised we

would receive a kick or slap for doing anything wrong. That would be the best cure.

One honourable member referred to the Fresh Air League. In Kalgoorlie over the years we took various steps to encourage that movement, and the honourable Mr. Teahan, the honourable Mr. Heenan, and I were foundation members of that league. Many years ago the home was established at Bunbury, but we had it shifted to Esperance. Every year we provided two or three hundred children with a fortnight's holiday in Esperance. The funds for this purpose were raised by small deductions from the wages of the miners on the goldfields, and by the generous assistance of the people there. If every part of the State were to do the same as has been done on the goldfields, the youth of this State would be assisted.

One way to check child delinquency, and to bring about better citizens in the future is the implementation of the provisions in the Bill. Later on we might be able to go further. We should encourage popular sportsmen to become instructors of juveniles at the various institutions. I guarantee that if a prominent footballer were to take charge of, or were to instruct at, an institution there would not be enough room to accommodate all the interested youths.

A week ago when I was in Melbourne I inspected some blocks of flats which were being built. One block is 20 storeys high, and the structure is built over pillars over 10 ft. high. Eventually 400 people will be housed in that block. Nearby there are other blocks of flats 10 storeys high. The only playing ground provided is the space under the blocks, and for all the buildings there would not be more than half an acre of land for that purpose.

We drove up to those blocks of flats and saw dozens of children playing in the space under them. Some jumped on to the front and back bumper bars in order to get a ride. How can good citizens be developed from children living under those conditions? How will the parents of those children be able to prevent them from getting into mischief?

That is all I have to say on this Bill. Whatever we can do for the improvement of the youth of this State, who will be the citizens of tomorrow, should be done. I hope that this Government and future governments will finance and will assist the youth council in every way possible.

Debate adjourned, on motion by The Hon. J. G. Hislop.

ELECTORAL ACT AMENDMENT BILL

Returned

Bill returned from the Assembly with amendments.

BILLS (2): RECEIPT AND FIRST READING

1. Country Towns Sewerage Act Amendment Bill.
 2. Supreme Court Act Amendment Bill.
- Bills received from the Assembly; and, on motions by The Hon. L. A. Logan (Minister for Local Government), read a first time.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 2)

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 5 put and passed.

Clause 6: Section 36 amended—

The Hon. R. THOMPSON: I move an amendment—

Page 2, line 32—Delete the passage "paragraph (b)" and substitute the passage "paragraphs (b) and (c)".

The reasons for this amendment are evident, because it is related to the next amendment standing in my name. Before I can move the further amendment it will be necessary for this one to be agreed to.

The Hon. L. A. LOGAN: As I explained during the second reading, the purpose of the provision in this clause is to clear up what was thought to be a legal anomaly. It was decided to retain the *status quo*. The principle behind the parent Act which was introduced in 1960 was that any person, irrespective of whom he might be, who was six months in arrears in the payment of his rates was not entitled to be a member of a local authority. I hope the Committee will not agree to this amendment.

The Hon. R. THOMPSON: I think I went rather fully into this matter during my second reading speech. I read out the submissions which were put before the Fremantle City Council and adopted by that council. It is the second largest civic body in Western Australia and it has expressed its opposition to the intention in this provision.

I do not think we need to debate this for hours on end, but we should show a little more charity in the legislation introduced from time to time affecting pensioners. My amendment would give pensioners who own residential property, and who have applied under the Act for deferment of their rates, an opportunity to nominate for election. After all, when the estates are wound up, the money is recoverable by the local authority. As I have said, when the second largest local authority in the metropolitan area expresses a desire for this amendment I think we should give every consideration to it.

The Hon. C. R. Abbey: Have you any evidence of that desire?

The Hon. R. THOMPSON: If the honourable member had been here when I gave my second reading speech he would have heard the lot. However, in order that he might know exactly what the council said I will weary honourable members by reading it again. The following is the submission from the Fremantle City Council on the Bill to amend the Local Government Act:—

I wish to submit the following comments on clauses contained in the Bill:—

Clause 6: This clause proposes to repeal and re-enact Section 36 (1) of the Act, which section deals with the disqualification from election to the office of Member of a Council where the person nominating for such office owes rates which were imposed more than six months prior to the date of nomination. Generally, it may be said that the new section tidies up some points in regard to which there has been some doubt in interpretation.

The proposed Section 36 (1) (c), however, deals with the matter of disqualification of persons who have availed themselves of the opportunity to defer the payment of rates, as prescribed in Section 561. By virtue of this section, such a person is ineligible to be a Member of a Local Authority when any portion of the rates deferred has been imposed for a period in excess of six months.

As you know, the Council of the City of Fremantle has, by resolution, expressed its opposition to this provision. Although not specially dealt with in the original Act of 1960, the limitations of Section 36 (1) were considered to extend to Pensioners, and the introduction of the proposed Section 36 (1) (c) will leave no doubt as to the intention of the Act.

In a broad expression of opinion, this Council has stated that it believes that good, sound Local Government is more likely where a Council consists of Members who form a cross-section of the community. The experience of the City of Fremantle supports this view, where Council function has progressed with understanding between its Members and without the petty squabbles which occur from time to time in some Municipalities.

Statements have been made questioning the fairness of offering more generous conditions for any person to act as a Councillor than those applicable to persons who are already acting in an honorary capacity and who must pay their rates to continue as a Councillor. But is it reasonable to

provide that a person who becomes a Pensioner and exercises his right to defer the payment of rates, in accordance with Section 561, is thereby disqualified from being a Member of a Local Authority? Many persons now serving in Local Government are aged over 65 years but continue to give excellent service to the community in the capacity of Mayor or Councillor. Is it suggested that the same people would be less competent, or otherwise unacceptable, simply because it had become necessary for them to defer the payment of rates?

It might also be said that a Pensioner desiring to serve in the capacity of Mayor or Councillor should make an effort to pay rates in the same manner as any other individual, but it is well known that many Pensioners have no choice but to defer rate payments in favour of their every-day needs.

The Executive of the Local Government Association offered the comment that instead of considering means whereby non-rate paying Pensioners can enter Local Government, should not the efforts of the Association be directed towards encouraging more young people to serve their fellow-ratepayers.

This comment warrants correction in that Pensioners are not "non-rate paying"—they merely have a statutory right to defer payments.

The need to encourage young persons into Local Government is agreed, but it is also submitted that there is an argument for some older members—to provide the cross-section of the community previously referred to.

If it is to be accepted that a person of 65 years of age is too old to serve as a Member of a Local Authority, then the Local Government Act should include such restriction. It is wrong to apply the proposed Section 36 (1) (c) and thereby provide that a person with means can continue as a Councillor to any age, but a person whose financial position dictates that he apply for deferment of rate payments at the age of 65 years is unacceptable. This more or less introduces a form of "means test" for persons whose age exceeds 65.

It is on the basis of the foregoing argument that the City of Fremantle has expressed opposition to the limitations which are now to be enacted in the form of Section 36 (1) (c), and the opportunity should be taken to have clause 6 of the Bill, in its present form, opposed in Parliament.

The Hon. H. R. Robinson: Is that all a resolution of the council?

The Hon. R. THOMPSON: This document was submitted to the town clerk by Mr. S. W. Parks, the assistant town clerk. It was submitted to council and adopted by council. I know the Minister went to the trouble of finding out the exact voting on the matter and perhaps he will repeat the information at a later stage.

I think that every one of us should oppose this principle. I have made many efforts on behalf of pensioners in regard to rates and taxes and the increases in them that have been made by this Government. They have been definitely unjust to pensioners. I remember quite clearly the motor vehicle registration fee increases and drivers' license increases.

The DEPUTY CHAIRMAN (The Hon. G. C. Mackinnon): Would the honourable member please relate drivers' license fees to this amendment?

The Hon. R. THOMPSON: This type of legislation is unjust because it is dealing with one section of the community which does not owe rates to the council because deferment is provided for under the Act. Under this provision that right of deferment will be taken away and therefore we will be discriminating against pensioners.

During my second reading speech I mentioned that a pensioner who had no enterprise during his working life and spent his money, would receive a pension when he retired, and would apply for a State Housing Commission house or flat. If he is a single person he would pay approximately 15s. or 16s. a week.

The Hon. A. F. Griffith: If he is single initially he would not get into one.

The Hon. R. THOMPSON: The Minister knows what I mean. If he had been married and his wife died, his rental would be adjusted according to his means. If he were married, I think the rate would be 28s. a week, although it may have gone up recently. That person, without having any stake or capital investment in the local authority, could nominate for the council and be elected as a councillor or mayor. But when we look at the amendment we find restrictions are placed on the person who owns property and who has paid rates all his working life until his income has become reduced to that of the pensioner.

The Fremantle City Council points out that in the original Act of 1960 this was not the intention of Parliament; and I do not think any honourable member here would say it was.

The Hon. L. A. Logan: Of course it was.

The Hon. H. R. Robinson: It is clear in the Act.

The Hon. R. THOMPSON: It is not clear in the Act at all. If it were, why would it be necessary to bring this amendment forward?

The Hon. H. R. Robinson: Legal opinion said it was clear.

The Hon. R. THOMPSON: I will prove to the honourable member that he is wrong when we get to another amendment. This is discriminating against pensioners who have given long service to the community. They are to be denied the right to nominate for a local authority.

We debated this question last Wednesday night, and on Thursday the Local Government Association rang some local authorities to find out whether any of their members were affected. I rang about 10 minutes afterwards and I was told that no councillors were affected in the City of Fremantle, but that at least three would have exercised their right under section 561 of the Act if they could still be members of the council. I hope the Committee will show a little charity and allow these people to nominate.

The Hon. J. HEITMAN: I must oppose the amendment. Contrary to the suggestion that we are being discriminatory in this legislation, it is perfectly clear that we have no intention of being anything like that. We are providing that everyone shall be on the same footing. If a person does not pay his rates, he cannot be a member or mayor of a council; and that is the position irrespective of whether he is King George or a pensioner. That is obviously a fair proposition.

Why should anyone sit on a council and have a voice in the spending of other people's money if he himself does not subscribe to the council's revenue? It is too silly to think we should allow that. If a person does not want to pay rates, he can have them deferred; and then the local authority would only come in on the same terms as anyone else who had a claim on the land when the land was sold.

Another point is that immediately anyone lodges a nomination at election time, the returning officer looks up the rate book, and if that person's rates have been owing for more than six months, he informs him that he is ineligible for nomination. He either pays his rates or does not nominate. That is only fair and reasonable.

How many people would this affect? We have been told about the Fremantle local authority. That is not the ruling local authority in the State. There must be hundreds of local authorities in Western Australia that would oppose the contention that has been put forward, and that is why the Bill has been brought down. Practically all the country shire councils oppose it. They do not want men sitting on councils who owe money. When I first became a member of a council both the secretary and the chairman owed rates, which was not correct.

The Hon. R. Thompson: Were they pensioners?

The Hon. J. HEITMAN: They could have been, but they were not. I think the Minister has introduced very good legislation, and I oppose the amendment.

The Hon. G. BENNETTS: Only a few weeks ago a single pensioner who owns a property worth about £2,500 found he could not keep himself, pay his rates, and so on, so he signed over his property to the local authority; it is to get the property at his death. I would say this amendment is all right, because that pensioner has handed over £2,500 in advance. His rates would be paid up for some years to come.

The Hon. J. Heitman: You could not spend that money.

The Hon. G. BENNETTS: That is so, but the local authority will eventually get it because it will have the first call on it. I have been a member of local authorities for many years, and they get all their money on the death of a pensioner. A pensioner who has given long service to the community is entitled to nominate, the same as anybody else.

The Hon. L. A. LOGAN: Let me correct one or two mistakes that have been made. As the architect of the 1960 Act, and as one who has administered the legislation and the department ever since, I want to say that the intention of the Act which was introduced in 1960 was that pensioners would be in the same position as anybody else who did not pay rates: they would not be eligible to stand. I know as much or more about the Act as Mr. Parks, because I deal with the 146 local authorities, but he deals with only one.

The Hon. R. Thompson: This was a resolution of the council, not of Mr. Parks.

The Hon. L. A. LOGAN: He wrote the report in the first place. In regard to a pensioner living in a State Housing Commission home, I point out that no rates would be owing on such a property.

The Hon. R. Thompson: Who pays the rates?

The Hon. L. A. LOGAN: The State Housing Commission. A State housing home cannot be used as a comparison.

The Hon. F. J. S. Wise: There is no component in the rent.

The Hon. L. A. LOGAN: There is a component in the rent. I do not know what legal advice was received by the person who tried to stand at Scarborough for the Shire of Perth, but I know the advice received by the shire council, and it supported the contention concerning what is in the Act. To make sure of the position—because it was said there was some legal doubt—I have brought this measure forward. This is not taking anything from anybody. There is no member of a council who is a pensioner who has not paid

his rates. I challenged Mr. Ron Thompson on that point and he said there were five.

The Hon. R. Thompson: My advice was—

The Hon. L. A. LOGAN: I challenged the honourable member on that point. I gave him the information here; and this provision has been in the Act and has been a principle of the Act all the way through. We are not changing anything, but are only clearing up a legal doubt that might exist.

The Hon. F. J. S. WISE: The Minister has issued a challenge on a point which, in my view, is not at issue. If, in regard to the amending Act, and the proposed clause, there was no doubt that pensioners were prevented from standing as members of shire councils, city councils, or road districts, there would not be a point at issue. But from the inception of this principle—and that was not at the time of the 1960 Act, of course but 40 years before then—there has not been a case where it can possibly be averred that the intention was to restrict pensioners from standing for a council.

Therefore the challenge I would return to the Minister is that he cannot produce a statement at any stage to the effect that councillors who applied to be accepted under section 561 of the Act, or under the parent Act prior to the Local Government Act, were to be debarred from standing as a councillor because of the claim for deferment.

Let us go back to the origin of this principle. It will be found in the 1922 Statute, and it was advanced, because both Houses of Parliament decided that pensioners should be exempted from rates if they so claimed, and that the rates would become a charge upon the property.

In 1938 the Act was amended to include as pensioners, and within the category of pensioners, any member of the forces within the meaning of the Australian Soldiers' Repatriation Act, his wife, and the widow of such former pensioner. So, not merely the age pensioner, for which the Act was first created in 1933, but all those extended categories had the right to claim for deferment of their rates during their lifetime.

The legislation has always specified that a person who properly claims deferment shall receive such deferment from the local governing body.

The Hon. H. K. Watson: But it does not say that he shall have the right to vote.

The Hon. F. J. S. WISE: No. That is a separate issue altogether. The aspect I have presented is one facet of the whole proposition. This Chamber is asked by the Bill to make it definite that any pensioners, in all of the categories referred to in the 1922 Act and subsequent

amendments, and now included in section 561 of the Local Government Act, who have their rates deferred shall not nominate for a local authority.

I suggest we look at it from another direction and ask ourselves whether it is worth while amending the Bill to make the position quite clear. The words the Minister used in introducing the Bill make it clear that in the attitude of the department and in his own mind there was and is a doubt. It is not a matter of correcting something in the Act to make it definite that a pensioner cannot stand. I prefer to take the other approach and say that these people are entitled by the very services they have given to the community, and by the experience at their command, no matter whether they be war service pensioners, or aged pensioners, even though their rates have not been paid—and by law they are not payable during their lifetime if they have been absolved from paying rates during that period—to be elected to local authorities.

An honourable member: They have not defaulted.

The Hon. F. J. S. WISE: Of course they have not! Although this clause is said to be in the Bill to clarify the situation, I submit it cannot be shown in any debate, from the time the legislation was first introduced by Mr. Ewing in 1923, that the intention was that these people could not stand for election to the Council. So it could be said that the pensioner has all this time had the right to do so—it may or may not have been exercised, but it could have been exercised.

Let us look for a moment at the position of a returned soldier pensioner—maybe a man minus a limb, and maybe one who is on a full pension. I have known some who have been members of Parliament; and there is nothing to prevent a returned soldier pensioner from taking his place in this Chamber or in another place. I am advised that during my time as a member of one House or the other a member of Parliament—I shall not name him—who was a war service pensioner with a distinguished record, claimed and was absolved from paying rates to a local authority. Such a person was entitled to all the rights and privileges of citizenship in every sphere; but with local government we are going to say, if the Bill is passed in its present form, that while his rates are deferred he cannot be elected to a local authority.

I will not for a moment hold with the attitude of the honourable Mr. Heitman, who said it was intolerable for a pensioner to take his place on the council and judge other people's position, and strike a rate for them, and insist on the payment of rates by them while he was not affected himself. Of course he is affected; his estate is affected; and every time a pensioner moved to impose a burden on

others he would directly, at the end of his life, have something taken from his estate to recoup such rates.

The debate on the 1923 legislation was considerable and I think on that occasion much more kindness was shown than is evidenced by the approach here this evening.

The Hon. R. Thompson: And it was not uncharitable, either.

The Hon. F. J. S. WISE: Let us forget for a moment that there is or has been some doubt and let us say that pensioners in all of the categories specified in section 561 should, while being absolved from paying rates, be entitled to stand for election as councillors.

The Hon. R. F. HUTCHISON: I discussed this question with the late Hon. G. Frazer when he was Minister for Local Government and the Act was being consolidated. He said there was no need to put anything into the Act because the rates were only deferred and a pensioner or his estate was not really absolved from the necessity to pay them. He said a pensioner had a perfect right, the same as anybody else, to stand for election.

The Hon. R. THOMPSON: I would have thought the Minister would attempt to answer the case presented by the honourable Mr. Wise, but obviously he has no answer to it. If any honourable member has any doubts as to the legality of the present Act, and what can and cannot be done, he has only to agree to my amendment and it will make the position perfectly clear.

The Hon. J. Heitman: If you wiped it out it makes it perfectly clear, too.

The Hon. R. THOMPSON: No, it does not. The Parliamentary Draftsman went to a lot of trouble to get the correct phraseology, and if the amendment is agreed to it will clearly indicate, without any legal opinions having to be obtained, that a pensioner, while his rates were deferred, would be entitled to be nominated and elected. For two nights now we have heard arguments in respect of this matter and I challenge the Minister on this question.

A pensioner who has an equity in a property is enrolled as an elector for the local authority in the district in which his property is situated. His rates are then deferred and, if we agree to what the Minister wants to do, he would have no right to nominate or take his place as a mayor or councillor; yet he is given the full right to go along and help elect one. How ridiculous is such a set of circumstances? I referred to a person living in a State Housing Commission flat not paying any rates. Although the Minister for Housing interjected and said it was in his rental component, I say it is not.

The Hon. A. F. Griffith: It is.

The Hon. R. THOMPSON: I say he is on a rebate of rent and that is not an economic rent for the house. Therefore it cannot be in his rental component. I think the Minister for Housing knows full well the components that make up the rental of a State Housing Commission home.

The Hon. A. F. Griffith: Obviously I know them better than you do.

The Hon. R. THOMPSON: If the Minister knows them, he should get up and tell us what they are. He should tell us that each person who pays the economic rent in a State Housing Commission home pays a loading of 9d. per week which provides for the rebate of rents to those persons who are on social service benefits, unemployment benefits, or the various pensions, and who have not sufficient money coming into the house. I leave it at that.

The Hon. A. F. Griffith: Before you sit down: What you are trying to tell me is that the rental for a person who pays the economic rent is loaded by the commission in order that somebody else can get a rebate. Is that what you are saying?

The Hon. R. THOMPSON: If the Minister does not know that after being Minister for Housing for 5½ years I feel sorry for him.

The Hon. A. F. Griffith: I am glad you feel sorry for me.

The Hon. R. THOMPSON: That is a fact.

The Hon. L. A. LOGAN: I have been challenged to reply to the honourable Mr. Wise. He raised two separate issues.

The Hon. F. J. S. Wise: That is correct.

The Hon. L. A. LOGAN: First of all he referred to the exemption of the pensioner. Nobody has argued the point about that, but I am dealing with the interpretation of the 1960 Act, and because of my association with the proposals I think I should know a little bit about it. We are not taking away the exemption rights of the pensioner; we are not taking away his right to be on the roll; and we are not even taking away his right to be elected, because since 1960 he has not had that right. We want to make sure he is in the same category as any other person who owes rates for more than six months. Personally I think few pensioners who owed rates would like to be on a council—that is, when their rates were deferred.

The Hon. R. Thompson: What do the Town Clerks of Fremantle and East Fremantle think about that?

The Hon. L. A. LOGAN: I do not care about that. They are paid servants; they are not councillors. If the honourable member likes to talk to one of the oldest councillors in Fremantle I am sure he

will find that that person would not appreciate the fact that because he was a pensioner who had had his rates exempted he could become a member of the council and make decisions in regard to others who were paying their rates and who could be taken to court for the non-payment of rates. I repeat: We are not taking away the exemption rights—they still remain—or the voting rights; but we are making sure that these people are put in the same category as everybody else who is more than six months in arrears with rates.

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

Ayes—11

Hon. G. Bennetts	Hon. H. C. Strickland
Hon. D. P. Dellar	Hon. R. H. C. Stubbs
Hon. J. Dolan	Hon. R. Thompson
Hon. E. M. Heenan	Hon. F. J. S. Wise
Hon. R. F. Hutchison	Hon. J. D. Teahan
Hon. F. R. H. Lavery	(Teller)

Noes—13

Hon. N. E. Baxter	Hon. J. Murray
Hon. A. F. Griffith	Hon. H. R. Robinson
Hon. J. Heltnan	Hon. J. M. Thomson
Hon. J. G. Hislop	Hon. H. K. Watson
Hon. L. A. Logan	Hon. F. D. Willmott
Hon. A. L. Loton	Hon. C. R. Abbey
Hon. R. C. Mattiske	(Teller)

Pairs

Ayes

Hon. W. F. Willesee	Hon. A. R. Jones
Hon. J. J. Garrigan	Hon. S. T. J. Thompson

Noes

Majority against—2.

Amendment thus negated.

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

Ayes—13

Hon. C. R. Abbey	Hon. J. Murray
Hon. N. E. Baxter	Hon. H. R. Robinson
Hon. A. F. Griffith	Hon. J. M. Thomson
Hon. J. G. Hislop	Hon. H. K. Watson
Hon. L. A. Logan	Hon. F. D. Willmott
Hon. A. L. Loton	Hon. J. Heltnan
Hon. R. C. Mattiske	(Teller)

Noes—11

Hon. G. Bennetts	Hon. H. C. Strickland
Hon. D. P. Dellar	Hon. R. H. C. Stubbs
Hon. J. Dolan	Hon. R. Thompson
Hon. E. M. Heenan	Hon. F. J. S. Wise
Hon. R. F. Hutchison	Hon. J. D. Teahan
Hon. F. R. H. Lavery	(Teller)

Pairs

Ayes

Hon. A. R. Jones	Hon. W. F. Willesee
Hon. S. T. J. Thompson	Hon. J. J. Garrigan

Noes

Majority for—2.

Clause thus passed.

Clauses 7 to 9 put and passed.

Clause 10: Section 3 amended—

The Hon. R. THOMPSON: When this was being debated last Thursday the honourable Mr. Robinson told me I was wrong. Quite obviously he does not know as much about local government as he thinks he does, because the Fremantle City Council says it is not practicable to receive nominations, as they did during the last local government elections, at 3.55 p.m. as required by section 36 of the Act. Under section 93, which is being re-enacted, it is necessary for the returning officer not later than 15 minutes after the closure of

nominations to read the names of the nominated together with the agents or other persons who may have nominated the person. I said that was the position in the Act, but the honourable Mr. Robinson said it was not; that the nomination did not have to be ruled invalid at that stage; that it could be done the next day.

The Hon. H. R. Robinson: It does not say you cannot, either.

The Hon. R. THOMPSON: I would refer the honourable member to section 97 of the Act, which says that not earlier than four o'clock and not later than 15 minutes past four of the evening of the nomination day at the nomination place the returning officer shall commence to read aloud in the presence and the hearing of persons present there and then the names of the candidates whose nominations have not been cancelled, the office for election to which each is a candidate, and where the candidate has an agent, the name of the agent, and so on.

The position is clear that he shall read the names of the candidates whose names have not been cancelled. The purpose of this amendment is to see that is not carried out. Where a nomination paper is delivered to the returning officer he shall inspect the rate book in the council to ascertain whether the person referred to in the nomination paper is disqualified under section 36 from being elected to the office of member for which he is nominated, and if the returning officer is dissatisfied with the person so disqualified he shall, notwithstanding subsection (6) of the section reject the nomination as invalid.

I will be a little more generous than the Government and agree with the principle contained in the amendment. It is a good amendment. But it is not a good amendment where a local authority such as the Perth Shire Council could have 10 or a dozen rate books. This would make it impossible, because a person would have 20 minutes to inspect the rate books to see whether the nominator for a position owed rates. As we all know this position obtained in Carnarvon recently where a man owed rates on one property though he was financial on others. I think the Minister should postpone the clause and clear up section 97 of the Act by a simple amendment to extend the time.

The Hon. L. A. Logan: Thirty minutes?

The Hon. R. THOMPSON: He could still read out the nominations given 24 hours.

The Hon. L. A. Logan: He would not want that.

The Hon. R. THOMPSON: Nominations close at four o'clock in the afternoon. Does the Minister want the staff to work all night? He should be given till mid-day at least. The amendment is worth while providing we create no further anomalies in the Act.

The Hon. L. A. LOGAN: I have had a look at this point since the honourable Mr. Thompson raised it the other night, and I admit the honourable Mr. Robinson was wrong in his interjection. I think he will probably appreciate that on reflection. I think the difficulties are being magnified. General elections are held at the end of May by which time most ratepayers have paid their rates. All the returning officer has to do is to have his clerk handy in the late afternoon. I would be surprised if we got more than one late starter. The one in Carnarvon was not late; it was in before, and the town clerk knew he had not paid his rates.

I think generally the honourable member will find that except in a big council, most town clerks will have an appreciation of what the position is. I feel the 15 minutes might be tight; and I am quite happy to postpone the clause and have a look at the position. Perhaps half an hour or an hour might be reasonable. I would remind the honourable member that the Fremantle City Council is the only one that has raised this objection.

The Hon. R. Thompson: Someone has to be right.

The Hon. L. A. LOGAN: That is the only one in the State. I move—

That further consideration of the clause be postponed.

The Hon. A. L. LOTON: I would like to ask the Minister—

The DEPUTY CHAIRMAN (The Hon. G. C. MacKinnon): Perhaps the Minister will withdraw his motion and move it again.

The Hon. L. A. LOGAN: I ask leave to withdraw my motion.

Motion put.

The DEPUTY CHAIRMAN (The Hon. G. C. MacKinnon): There being one dissentient voice, the motion is resolved in the negative.

Leave refused.

Motion (to postpone clause) put and passed.

Clauses 11 to 20 put and passed.

Clause 21: Section 297A added—

The Hon. F. J. S. WISE: This clause, covering as it does 6½ pages of the Bill, is designed primarily to enable a local governing body to close a private street, more commonly known as a right-of-way; and to vest in a local governing body full authority to deal with such private streets. During the course of the second reading debate I raised the point of view that it is unfortunate that in this Bill there is no mention of rights-of-way; and I think it is due to the public in a State-wide sense that we should not use solely the term "private street" but

should use, not merely what they purport to be, but what they actually are—rights-of-way—and describe them as such.

The Local Government Act is peculiar in that at the outset of numerous sections—dozens I think—there are specific definitions governing how words are to be understood and applied for the purposes of those sections; and it is found once only in the Local Government Act what a private street means. In that definition the words “right-of-way” are not included.

This clause deals with streets of a specified width; private streets which are known in every suburb and, indeed, in many country areas, as rights-of-way. What is the origin of “rights-of-way” as a term? Does the Minister know?

The Hon. L. A. Logan: It is the legal interpretation of giving somebody a right to travel over somebody else's property.

The Hon. F. J. S. WISE: It is specified distinctly in the Transfer of Land Act, 1898; and it has been carried through since that time as a term in the Transfer of Land Act appropriate to and belonging to that part of the title of land where a right-of-way is involved; and on the title will be found the initials, R.O.W. and the area described coloured brown. That was specified in the Statutes, vol. 3, 1893-1895, when the term, “right-of-carriage-way” was introduced in that wonderful Act of 241 sections, which still remains unchallenged in the business of today associated with the Transfer of Land Act.

In the ninth schedule of that 71 year old Act is the right to create the right-of-carriage-way in a transfer of freehold land; and that which is found in the ninth schedule on page 200 of the 1893, Vol. 3 Statute was continued in the 1902 amendment to the Transfer of Land Act and introduced in a special Act, No. 10 of 1902. It specifies in that Act that every right-of-way shown and marked as such upon any map or plan deposited with the registrar, under the provisions of part VIII of the principal Act, on the subdivision of any land shall, unless the contrary is stated, be deemed to be an easement, not a private street.

So, the first point I make is that whatever the Minister may say to the contrary, there should be as a preamble to this clause, prior to its going into an Act as a section, a definition of “right-of-way.” Who knows in the hundreds of thousands of our community of Western Australia that a private street is in fact a right-of-way? I would say not .5 per cent. of the community. I think they are entitled to have it made clear that in this Bill we are dealing with rights-of-way.

This clause gives to local governing bodies great power in the closing of private streets. It is designed to overcome the difficulties associated with undergrowth, grass, or rubbish where certain rights-of-way or private streets become a menace

and require cleaning up, but we must remember that private streets are not numbered in tens, they are numbered in thousands. There are thousands of people in this State affected in their properties by the existence of rights-of-way; and in all of the old subdivisions from Midland to Fremantle, including Peppermint Grove, Cottesloe, Mosman Park and, indeed, Attadale and Bicton, that applies.

Wherever there is an old subdivision with a narrow frontage, one will find a right-of-way at the rear. There are thousands of properties in the metropolitan area with a 40 ft. to 50 ft. frontage; and they are the ones mainly affected by this clause. In this clause we are giving local governing bodies the authority to notify owners abutting on to a right-of-way that they have the right to say whether they object or not; and when the complaint is heard, with no chance of challenging the decision of the council, the council may do all sorts of things in the closing of the right-of-way and have ministerial approval.

In that course of approach we find that the council shall cause written notice to be served upon several governmental departments, including the Town Planning Board, which will be the first occasion in our history that anyone will demand anything from the Town Planning Board. In this Bill we are giving a local governing body the right to cause written notice to be served on the Water Supply, Sewerage and Drainage Department, the State Electricity Commission, the Postmaster-General, the Town Planning Board, and any occupier whose land abuts on to the private street, advising them that the proposal of the council is to close that private street.

It is understandable why these government departments are to be notified, because there are water mains, sewerage mains, and telephone lines using the convenience of the right-of-way.

The Hon. L. A. Logan: That will debar some of them being closed.

The Hon. F. J. S. WISE: Owners will be told that it is good for them to have the land whether they want it or not. They will be told the boundaries will be amended and that the title must be submitted for the Titles Office to make the necessary correction. People will be told that they will have to have this bit of land irrespective of whether it will increase or reduce the value of the property; and later they will be told it must be fenced on the new boundary. These rights-of-way are still in the original titles in most cases and still belong to somebody. No-one wants them. They are not rated. It would be cumbersome to try to get rates on them.

The Hon. L. A. Logan: Difficult.

The Hon. F. J. S. WISE: Very difficult. But my case against this clause is that despite what it intends to do, we will be pushing the public around very considerably. I am very reluctant to place in the hands of local authorities the right to say that despite objections they are going to close a right-of-way and have the land split down the middle and added to the several property owners' titles. And this would be done without any right of objection or appeal of the owner.

The Hon. J. G. Hislop: It needn't be split down the middle.

The Hon. F. J. S. WISE: But the Titles Office would have to call for the titles and amend them. This would need a Bill with a message, and the costs would devolve on the titles department.

The Hon. A. F. Griffith: I have a paddock at my place. My neighbours wanted to get hold of a piece of this land, but it was so much bother that we did not go ahead with it.

The Hon. F. J. S. WISE: We have a road closure provision and a road closure authority; and a Road Closure Bill is introduced every year, and frequently it includes rights-of-way and the closure of private streets. I can substantiate that if necessary.

Last weekend I went through rights-of-way in two suburbs to see how people could be affected at the whim or caprice of local government bodies. In one case, where 25 properties abut on either side, there were seven owners who used the right-of-way to obtain entry to their garages.

The Hon. H. C. Strickland: There are hundreds like that.

The Hon. F. J. S. WISE: Yes; and nearly all of them have a frontage of 40 ft. or 50 ft., with a path beside their house as wide as the table in this Chamber.

The Hon. L. A. Logan: Therefore the right-of-way would not be closed.

The Hon. F. J. S. WISE: But you are giving them power to do so.

The Hon. L. A. Logan: We have to give them power. How else could they close them?

The Hon. F. J. S. WISE: There is no denying the fact that all rights-of-way or private streets will come within the ambit of this measure if it becomes an Act. The owner has no right of appeal. The Minister will have a lot to say later on about pushing cars on to our streets; but this measure will affect hundreds of cars owned by people who have properties with 40 ft. frontages. Indeed, properties have been sold because they have a rear access for entry to a garage. They have been sold at an added figure because of that facility.

It is no use anyone saying that local government bodies do not act on whim. I think it can be safely said that a lot of the people—also government departments

—who will be affected by this measure, have not been consulted. Can the Minister say that all the people specified have been consulted?

The Hon. L. A. Logan: Yes. They have all been sitting on committees—or most of them have.

The Hon. F. J. S. WISE: I know of two who have not been consulted, because I have tested them all. I suggest this is a matter in which we should very properly bring together all interested parties. The Committee would not deny that where there is danger through neglect, where there is a fire hazard, and where there are lanes which are used as repositories for rubbish, then we should give local government bodies the full authority and power they need. But I think we are going too far in this measure. Notwithstanding any objection that might be raised, local government bodies may proceed to the point of resumptions taking place, and I do not think that is a fair proposition.

If we travel through the suburb of Subiaco, or Wembley—

The Hon. J. G. Hislop: Or West Perth.

The Hon. F. J. S. WISE: Yes; or Peppermint Grove—

The Hon. R. F. Hutchison: Or Scarborough.

The Hon. F. J. S. WISE: —we will see properties worth many thousands of pounds, and I have no doubt that the local authorities have raised the rates because of increased acreages. They will force property owners to fence their properties, and there will be many people not anxious to do that. I suggest that this is something which could be deferred for a week or two in order to bring in a clause, to replace the existing one, which would reconsider the right granted to local government authorities.

The Hon. R. F. HUTCHISON: This touches on a letter I received the other week. Properties in Scarborough have frontages of 40 ft., and owners have no access for their motor vehicles except through a right-of-way. These rights-of-way are used daily and, I am told, are kept in a clean condition. Owners have asked me to speak about this matter, because they fear they might be deprived of access for their motor vehicles and they would have no entry to their garages. I want to know that these rights-of-way will not be closed, because it will place a hardship on the people concerned.

The Hon. H. K. WATSON: The honourable Mr. Wise has made out a fair case and a strong case for the postponement of this clause, to enable the draftsman to scrutinise it a little closer with a view to ensuring that it does no more than carry into effect its purpose and intention.

The honourable Mr. Wise illustrated the case of a right-of-way being used by half a dozen persons for the ingress and egress of their cars. The strongest protest should be raised against the closing of such rights-of-way. The Minister, by interjection—if I understood him correctly—said there was no intention to close such rights-of-way. If that is so, then this clause should make that very clear; and so long as there are half a dozen persons, three persons, or one person who is dependent on a right-of-way for the ingress and egress of his motor vehicle, then that right-of-way should not be closed, and no authority should have any right even to sit down and consider the question of closing it.

The proposal in the clause has many disabilities. The honourable Mr. Wise mentioned most of them, but I propose to emphasise another. Once the plan has been approved—up to the approval stage one has the right to object, but that is all—one can be told that his objection has been considered unsuccessfully. When the plan is gazetted, there will be added to the title of a property a length of 66 ft., or 50 ft., or 40 ft., as the case might be; and one will have to take that title along to the Titles Office to have it registered not only on the certificate but on the title itself. I can foresee an enormous amount of work for the Titles Office.

The Bill also provides that virtually one shall not sell his property, or if one does sell his whole property the transfer shall not be valid unless there has first been added to the title the free gift, or encumbrance, which has been wished upon one by the local government authority. In those circumstances it seems to be a power which simply should not be conferred; at any rate, without prior consent of every person affected.

I will concede that if local authorities approach the persons affected, and they all agree, little objection could be raised; but until such time as every person has the right to object and has the power to veto, I remain unhappy about the clause and I urge the Minister to postpone it.

The Hon. L. A. LOGAN: It seems that every time I try to assist the community I am up against a brick wall. For the past five years I have had deputations of individuals; from the Commissioner of Police, from local government authorities, from everyone, to try to find some method of introducing legislation which would satisfactorily clean up the unwarranted, and the unholy mess in a lot of laneways in the metropolitan area. At the moment many of them are fire hazards and harbours for criminals and rubbish.

The Hon. R. F. Hutchison: That's true enough, too, in some areas.

The Hon. L. A. LOGAN: There is no intention—there never was and never will be—by any Minister or any local government authority to close a laneway which is being used for a specific purpose. Surely honourable members do not think any local authority or any Minister who knew of a request made by a property owner to use a right-of-way for his motor-car would close that right-of-way without giving the matter any thought.

I am not the only Minister that will handle this matter, but I can assure the Committee that no Minister would close a laneway that was being used by five or six people as an entrance to their garages. Nevertheless, there are many rights-of-way that are not used for this purpose and these are the ones we want to clean up. I think Mr. Watson may be right when he says that we have used too much verbiage, but all local authorities have to be written to to ensure that no sewerage main, P.M.G. cable or water main is passing through any right-of-way. This is a problem that has concerned departments of water supply, health, and Police, and if anyone can come forward with a better solution I will be pleased to hear it.

I appeal to honourable members to appreciate I am endeavouring to solve this problem. The definition of a right-of-way is a carriageway. We are dealing with land, but the right-of-way is not the land. The private street is the land, and that is the difference between the two definitions. It is the private street we are dealing with. At one time if a person had brought this question to me and the application was approved he would have had to pay a fee to the Titles Office for an alteration in the title deeds. We found so much difficulty in dealing with this question that we decided that no fee would be charged.

The Hon. F. J. S. Wise: It is a very dubious blessing, anyway.

The Hon. L. A. LOGAN: It is much better than the people concerned having to pay £3 or £5 for a change in title.

The Hon. H. K. Watson: That would be adding insult to injury.

The Hon. L. A. LOGAN: Of course, and that is why it is difficult to find an easy solution to this problem. We tried to overcome it by embodying these rights-of-way in town planning schemes, but the local authorities were not happy about that. As a result we came forward with this solution. It is not true to say that people using a right-of-way as an entrance to their garages are likely to be affected.

The Hon. F. J. S. Wise: It will be the effect though.

The Hon. L. A. LOGAN: We have to invoke a law to cover specific cases, but the legislation does not apply to many other instances. The legislation must

grant power so that these specific acts can be carried out. If we do not grant this specific power we will leave the rights-of-way in the same condition as they are today.

The Hon. F. R. H. Lavery: Has any consideration been given to making these rights-of-way into one-way streets? That is done in other parts of the world.

The Hon. L. A. LOGAN: I do not know about that. As Mr. Watson has said, some of these rights-of-way are still the owners' land. They could be sold for non-payment of rates and revert to the Crown, but if that were done we still would not overcome the problem of the right-of-way being a fire hazard or a potential rubbish dump.

The Hon. F. R. H. Lavery: If it were made a one-way street, it would get rid of many problems.

The Hon. L. A. LOGAN: Many of these rights-of-way could not be converted into one-way streets. However, if any other honourable member can think of a better solution I am quite prepared to accept it and to enable that to be done, I move—

That further consideration of the clause be postponed.

The Hon. J. G. HISLOP: In agreeing to the motion for the postponement of this clause, I would point out that everyone who has lived alongside a right-of-way today regards it as an encumbrance to any house. As is known, many rights-of-way are used as entrances to garages, and therefore they will not, in the terms of the Minister, be closed. If that principle is adopted in general it will probably be found that not many rights-of-way or private streets will be closed.

At some time or other rights-of-way must go; that is accepted by every one of us. I would like to see a clause in this Bill stating that when a property abutting on a private street or right-of-way is sold and is to be re-built upon, no-one can rely for entrance on the right-of-way. That is going to take a long time, but ultimately it will solve the problem which one sees today in having garages brought on to the rights-of-way. I realise that West Perth has probably some of the worst rights-of-way in the city and, in the past, they have harboured "peeping Toms" and other undesirable individuals.

Point of Order

The Hon. N. E. BAXTER: Mr. Deputy Chairman (The Hon. G. C. MacKinnon) on a point of order, I would point out than Standing Order 193 reads as follows:—

Discussion shall be confined to the clause or amendment before the Committee.

As the motion before the Committee is that the clause shall be postponed, I think the honourable member is out of order.

The DEPUTY CHAIRMAN (The Hon. G. C. MacKinnon): Will the honourable member confine his remarks to the motion before the Chair, which is that the clause shall be postponed?

Committee Resumed

The Hon. J. G. HISLOP: As I have said all I wish to say, I do not desire to continue.

The Hon. F. J. S. WISE: May I discuss what should be raised in further consideration of the clause?

The DEPUTY CHAIRMAN (The Hon. G. C. MacKinnon): I should imagine not. Motion put and passed.

Clauses 22 and 23 put and passed.

Clause 24: Section 358 amended—

The Hon. L. A. LOGAN: I move an amendment—

Page 20, lines 7 to 10—Delete the words "and recover one-half of the cost thereof from the owner or owners of the land in accordance with this section."

The Parliamentary Draftsman on a further check of the original draft found it was not quite clear and he recommended that this amendment be made to ensure that the local authority will be liable to only half the cost of the ordinary crossing.

Amendment put and passed.

The Hon. L. A. LOGAN: I move an amendment—

Page 20, line 21—Insert after the word "crossing" the words "or is not such a first crossing."

This amendment is consequential on the one already passed by the Committee.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 25 put and passed.

Clause 26: Section 364 repealed and re-enacted—

The Hon. H. K. WATSON: I am not quite happy about this clause, subject to any explanation the Minister might offer to clarify my doubt. As I see it, the clause provides that the council may make a new alignment and, upon doing so, there are three possible consequences. Firstly, an owner of vacant land is paid compensation for the land lost forthwith. Then there is the case where an owner has built on his land right up to the frontage of the old alignment. He will not be disturbed unless his building is demolished, but he does not receive compensation until such time as the building is demolished. That is fair enough. Then there is the person who owns the land facing a street to be re-aligned, and he happens to have a building on the rear of his block. That is a property not covered by the Bill, so far as I can see. That block may have a depth of 150 feet. On the first 50 feet back

from the right-of-way he has no improvements, but thereafter he may have a shed, a home, or—

The Hon. F. J. S. Wise: A Forrest House.

The Hon. H. K. WATSON: Yes. He is in this position: he cannot build beyond the new alignment. He is thereby deprived of the use of the land lying between the old alignment and the new alignment. Although he is deprived of it, apparently he is denied any compensation until such time as the improvements on the land are demolished. In this case he is just as effectively precluded from using that portion of the land, as the owner of vacant land is precluded. The owner of vacant land will receive compensation straight away, but this person will not.

The Hon. L. A. LOGAN: If the building is set 50 ft. from the present alignment; and if it is intended to widen the street by 15 ft., and the new alignment is 25 ft. from the street—making 40 ft. in all—the owner can erect a building 10 ft. in front of the present alignment. He would not be permitted to erect new buildings in front of the new building line.

The Hon. H. K. Watson: When will compensation be paid?

The Hon. L. A. LOGAN: If a new alignment is made and the street is widened the owner will receive compensation straight away.

The Hon. H. K. Watson: He will receive compensation when the street is widened, but the portion of the land involved could be frozen for the next 10 years.

The Hon. L. A. LOGAN: The land between the new alignment and the existing alignment would be frozen to that extent. However, I shall obtain more information on this point.

The Hon. F. R. H. LAVERY: I refer to proposed new section 364 (11) on page 24, which provides that the land lying between a new street alignment and the old street alignment shall remain under the control of the owner until the council purchases it. In the case of injury being sustained by a person on such land who would be responsible for compensation? Is the owner of the land or the local authority responsible?

The Hon. L. A. LOGAN: This land remains under the control of the owner, therefore it is his responsibility. All that the local authority does is to set a new building alignment, and until the land is resumed by the local authority it is the responsibility of the owner.

The Hon. H. C. STRICKLAND: Where land lying between an existing alignment and a new alignment is frozen by the local authority, and compensation is not paid until the street is widened, the owner of the land still has to pay the rates and

metropolitan improvement tax. It is very unfair to expect the owner to meet those charges for land which is frozen.

After viewing the film on the Mitchell Freeway we all realise that hundreds of properties will be affected in this manner, and under this clause many properties will be tied up. Nobody objects to town planning, but objection can be taken legitimately against the method and time of paying compensation.

The Hon. L. A. LOGAN: I realise that under this clause some property owners will suffer when new street alignments are fixed. It is impossible for a local authority or for the government to purchase the land involved in a new street alignment. It should be remembered that the local authorities are dealing with the ratepayers' money, and it would be impossible for them to implement what the honourable Mr. Strickland has proposed. This clause has been introduced as a result of the fear of local authorities to define new street alignments.

The Hon. H. C. Strickland: It would not be impossible to relieve the owner of rates and taxes on the land involved.

The Hon. L. A. LOGAN: It would be pretty difficult to work that out.

The Hon. H. C. Strickland: Yet adjustments are made as soon as a street is widened.

The Hon. L. A. LOGAN: The land is then dealt with under a new title. There is a typographical error appearing in the clause. I ask that leave be given for the Clerk to correct the spelling of the word "payable" on page 24, line 14.

Leave granted.

Clause put and passed.

Clause 27 put and passed.

Clause 28: Section 433 amended—

The Hon. F. J. S. WISE: This clause aroused considerable heat in the Minister during the second reading, and he lectured us as though our arguments were invalid. I consider the argument he put forward to be very weak, and I intend to test the feelings of the Committee by moving an amendment to delete part of the clause which provides for a certain number of garages, car ports, or paved parking spaces to be constructed on any property where the building is classified in a specific class.

The Minister asked if I realised this clause simply provided for by-law making power. I am well aware of that. If this clause had set out what the by-laws may contain; if it specified the particular classes of buildings that are to be proclaimed; and if it is to apply to buildings under classes 6, 7, 8, 9 and 10 of the uniform general building by-laws; the Minister would have a defence. It is not a defence to say this clause gives the power to make building by-laws.

In the uniform general building by-laws, we find 10 groups of buildings classified in section 4. Any one of those groups could be specified if the Bill was passed in its present form. The by-law could specify that in respect of office buildings which come under class 5 a certain number of garages, car ports, or paved parking spaces shall be erected.

There is nothing in the world to stop that situation developing under this clause. Let us have a look at the surroundings of Parliament House, which I presume would be classed as a public building. Have a look at the area sufficient for the time being for the parking of cars of those associated with these premises. That is a very nice layout but I submit it is not fair, reasonable, or possible, to prescribe that such an area should be set aside in Adelaide Terrace, St. George's Terrace, or King's Park Road. However, under this provision premises in those areas could be made to provide these parking facilities. I suggest it is not fair that people should have to pay £400, or £500, or £1,000 a foot for land to be used for car parking. However, under this clause any local governing body is given the power to so prescribe. Because of that I move an amendment—

Page 25, lines 6 to 21—Delete paragraph (c).

The Hon. L. A. LOGAN: I want the Committee to realise that if this amendment were passed, anyone could do as he desired without any control by Parliament or the local authority concerned. We have only to take a drive through the suburbs to see what some industrialists have done in the past because there has been no control. The result has been a shambles. We must remember that all banks and offices are not being built in the city or in West Perth; they are being built throughout the suburbs and unless the by-law making power is provided, those concerned will be able to do what they like.

We must have a dragnet clause. They appear in almost every Act. Why the Committee should be objecting to this, I do not know. The deputation from the Chamber of Manufactures was quite happy about this provision providing it was uniform and was flexible. Since the first discussion on the matter, I have had discussions with the representatives of the Chamber of Manufactures, the Shire of Belmont, the Shire of Canning, the Town Planning Department, and the Local Government Department, and agreement has almost been reached upon the type of by-law which should be introduced.

The Hon. F. J. S. Wise: Have you got it there?

The Hon. L. A. LOGAN: How can I bring a by-law in until such time as a by-law making power is provided?

The Hon. F. J. S. Wise: You said it had been considered and drafted.

The Hon. L. A. LOGAN: I said we had had discussions upon the merit of it.

The Hon. F. J. S. Wise: If we knew what the by-law was going to be, it would be different.

The Hon. L. A. LOGAN: How many times in this House or in another place has a by-law making power been included in a Bill and a by-law presented at the same time? Not once, and yet the Leader of the Opposition expects me to do it this time. He is unreasonable.

The Hon. F. J. S. Wise: It is so ambiguous; it will apply to everything.

The Hon. L. A. LOGAN: It will not. Surely before any by-law is brought into being it must go to the Minister and to the departments concerned. It is then laid on the Table of the House and is subject to disallowance or amendment. In that way Parliament has control. If this provision is not included in the Bill individuals will be able to do as they like. We have only to observe the situation now to realise how every advantage is taken even under the uniform building by-laws. I know because I have many examples brought to me at the office.

Honourable members give the impression that they do not feel that local governing authorities have any responsibility and yet they are charged by Parliament to be responsible for their areas. I have a lot of respect for local authorities. I know they have made mistakes. There would be no necessity for a Minister if they did not; but, generally speaking—and I think I can say this without fear of contradiction—not one by-law submitted by the 146 local authorities has been disallowed in the 5½ years I have been Minister, except the City of Perth by-law concerning zoning.

The Hon. H. K. Watson: It is very hard to keep up with these blessed by-laws.

The Hon. L. A. LOGAN: They are all tabled, and there are 80 members of Parliament to check them.

The Hon. H. C. Strickland: It is very hard, especially when they are brought in at midnight.

The Hon. F. J. S. Wise: Or in the recess.

The Hon. L. A. LOGAN: If we pass this amendment we are, in effect, telling local authorities that they do not know how to run their business. Surely we can rely on them, and we can also rely on the department and the Minister, whoever he might be. I know that the late Mr. Fraser used to vet these by-laws before, the same as I do now. Just because they are put on my desk for signature does not mean to say I sign them.

The Hon. H. C. Strickland: You might not always be the Minister.

The Hon. L. A. LOGAN: It does not matter who the Minister is.

The Hon. H. C. Strickland: They mostly try to please the Local Government Association.

The Hon. L. A. LOGAN: No they do not. They do what is right. Only recently I had a bundle of by-laws on my desk and I tossed one aside because I was not satisfied with it, and I think most Ministers do the same thing. After investigation I might decide that the by-law is all right, but I was not satisfied at the time.

However, I am frightened and worried that if this amendment is passed, there will be no control over these types of buildings anywhere in the metropolitan area or in the country. Just because the by-law making power is granted, it does not mean to say that it will be put into effect in St. George's Terrace, Harvest Terrace, or anywhere else. As I have said, agreement has almost been reached as to how this might be applied and I assure honourable members it is not an easy one on which to reach unanimity.

We must not allow these industrialists to do as they please, because we would be in an awful mess if we did. I appeal to honourable members to reconsider this matter and realise what the situation would be if the by-law making power were not provided.

The Hon. H. K. Watson: Can you give us an indication of what has been virtually agreed upon?

The Hon. L. A. LOGAN: Yes, I think they have agreed to a certain extent as to the number of spaces that should be provided for staff; to allow a certain portion of the frontage to be used; and for side streets to be used. This is the general agreement between them as to what can take place.

The Hon. N. E. Baxter: Until the local authority takes the street parking over and restricts it.

The Hon. L. A. LOGAN: It has no authority in that regard. Why should we allow people to use streets for parking? We are entirely wrong if we do. I think the day has gone when we should allow streets to be used for parking.

The Hon. N. E. Baxter: You have no rights under your license at all.

The Hon. L. A. LOGAN: Why should an industrialist using land for his own benefit and profit set up an industry, and force the employees to use the street for parking? That is what we will be sanctioning if we pass this amendment. A lot of accidents are caused because of parking in narrow streets, and we should not allow it to continue. Some people say that employees should use public

transport, but a lot of industries are situated in areas not provided with public transport. Employees are forced to use their own transport.

I do not think it is too much to ask those people to make some provision for parking. We are not asking for 100 per cent. provision at all. The by-law making power of this Bill will make provision for the future—or today if you like—to make sure all these cars do not park on the street or the verge. I hope that honourable members will give further thought to this amendment.

The Hon. N. E. BAXTER: The Minister said that this matter was not an easy one, and I agree. As this provision is drafted I, personally, do not like it. The Minister asked, "Why should people have the right to park in the street?" After all is said and done we do pay a license to operate the cars on the streets.

The Hon. L. A. Logan: The road is used to drive on, not for parking.

The Hon. N. E. BAXTER: That license pays for the use of the roads, the same as we pay rates for properties. The Perth City Council has a right to charge for parking. Whose responsibility is it to provide parking in the city? If the City Council is prepared to charge motorists for parking in the streets, it should provide other areas for parking.

There will be three huge government buildings on the Observatory site, each one containing many offices. I do not know what the parking problem will be there. I can only assume that it will be a problem when I look at the present parking on the Education Department site. There are only comparatively few cars there at the present time. Under this amendment, three-quarters of the area could be covered by cars.

Take another huge building such as the T. & G. One level of the building would not provide sufficient space for all the cars used by the people working there. There is another aspect to this amendment also. A Bill is promulgated, gazetted, and approved by the Minister, and this could occur during December, and a regulation could be in force for six or seven months before Parliament met again.

The Hon. A. F. Griffith: That is the case with a lot of regulations. How can you alter that?

The Hon. N. E. BAXTER: I do not say it can be altered. However, if a person wanted to put up a building, he might have to wait for Parliament to meet before a move could be made to disallow the by-law. I do not think that is fair. After all is said and done they own the land and pay rates, and by common practice and common law they should be able to do as they require, according to certain specifications.

The Hon. L. A. Logan: You would not have any control at all?

The Hon. N. E. BAXTER: Yes, but not the control which could be exercised under this clause. A person wanting to build could find himself in an awkward spot. I realise it is not an easy problem to overcome, but I do not like this paragraph as it now stands. I think it wants more consideration.

The Hon. H. C. STRICKLAND: I think the Minister has given a little bit more information during this discussion than we have ever had before. He got a little hot under the collar when he told us that the type of by-law had almost been agreed upon, and then told us that a by-law was never introduced before power was granted to introduce it.

The honourable Mr. Watson gave some indication of what the Chamber of Manufactures had in mind, and what the local authorities thought about the proposition. It seems to me that the Bill is mainly to deal with industrial establishments, but it is very broad. It covers flats, and I do not think there is any need for this type of provision. Flats should be exempt because every local authority has its power to restrict the area upon which flats are built. Under the model by-laws flats can only be built on one-third of the area of the land, if they are to be three-storeys high. If higher than that, then 22 per cent. of the land can be used. Naturally, the tenants park on the land surrounding the building. What are the local authorities going to do about that type of parking? Are they going to prohibit parking and leave the land vacant? Where will they stop?

It is all very well for the Minister to say that the by-laws have to be approved of by him. But it is a positive fact that local government authorities carry a power of weight with any Minister who occupies the office.

We must not lose sight of the motorist's case which has just been mentioned by the honourable Mr. Baxter. The motorist pays through his taxes and petrol taxes for the construction of almost every road throughout the Commonwealth.

The Hon. L. A. Logan: To travel on.

The Hon. H. C. STRICKLAND: He pays for the construction of the roads. Why has the Perth City Council power to charge for parking on the roads?

The Hon. L. A. Logan: Parliament did that; not me.

The Hon. H. C. STRICKLAND: Parliament can tell the local authorities to put in meters, the same as the Perth City Council. Nobody wants to do anything for the motorist.

The Hon. L. A. Logan: I am trying to do this for the motorist.

The Hon. H. C. STRICKLAND: The motorist subscribes through his license and petrol taxes. He has all kinds of taxes imposed on him from the time he starts to pay for a motorcar. And if he is buying on time payment, he is keeping a finance institution going as well. I do not think the motorist should be paying to park his car on the road, seeing that he pays for the construction of the road.

In Parliament Place, right opposite this building, we can see an example of the verge on the side of the road taking up about three-quarters of the roadway. There are lots of roads like that. Admittedly, all the roads could not be widened right to the footpath on each side, but some could be done. If the kerbing was put right alongside the paved area the motorist could park off the roadway and not obstruct the traffic.

The Americans do things in a hurry, and they do things efficiently. However, in the main cities in America such as Chicago, Los Angeles, and San Francisco the authorities have decided that the building of overways have reached the limit, and may have become a menace rather than an amenity in the heart of the city. To overcome the problem underground railways are being put in.

Our motorists should be allowed to park on what we call the verge. We find that in a lot of cases local authorities encourage the growing of lawns on the verge, and we see notices "Keep Off." That is all right, but what about the private lawns stopping at the footpath? The local authorities could move the kerbing to that line—not necessarily pave it—and allow people to park there.

Coming back to the model by-laws, there is a site area for every building constructed, and surely the local authority, when it has to approve of a plan for flats, has the power to have an area provided for parking. When it comes to parking for the tenants of a flat area it is a different proposition. There is plenty of open space. If the space for parking is provided on the ground floor, then each time a car starts up it wakes everybody in the building.

Whether that is going to happen, or whether it is confined to new industrial premises, we do not know. The Minister talked about the calamities that one can see around the suburbs. This Bill will not cure them. It exempts them. It affects only those premises built after the coming into operation of this legislation. So it is looking to the future and we are not going to attempt to cure the shambles which the Minister says exist at present.

The Hon. L. A. Logan: You never will if you don't start now.

The Hon. H. C. STRICKLAND: I agree, but if we are going to cure them, why not cure the lot instead of applying it only to those which are built in the future.

The Hon. L. A. Logan: How can you?

The Hon. H. K. WATSON: I am inclined to support the amendment. To my mind the clause is too wide and it grants unlimited power. If it were restricted in some way it would be a different proposition. As the clause reads it could be applied to residences, flats, and industrial establishments; and even in respect of industrial establishments I would say we would not find any two the same.

The Minister says we should give to local authorities or their officers, or such assistance as they call in to draft the uniform by-laws, credit for some commonsense. I suggest the Minister should give the individual owner, the builder, or the proprietor credit for some commonsense because they are probably more qualified to make due assessment of what is required, be it a house, flats, or an industrial establishment.

I can best illustrate my fears in this connection by reminding the Committee of something which happened a few years ago when we had a clause not dissimilar to this one giving to the local authority and the Fire Brigades Board power to insist on adequate fire precautions in respect of new buildings, and this included the installation of sprinkler systems. I raised the red flag against the wideness of the powers that were conferred, and I said I hoped that any building which was to be built in the future would not be saddled with an expensive sprinkler system.

The Minister said then, as he said this evening, "Don't be silly. You can rely on the local authority and the Fire Brigades Board to act reasonably." Yet what do we find in the uniform by-laws today?; and I confess I found out too late because I did not have time to go through the 102 pages within 14 days of their being tabled. Any building of ordinary construction which has an area of 12,000 square feet must be installed with a sprinkler system. So a person could put up a building which may cost £12,000, and he has to spend anything from £5,000 to £10,000 on installing a sprinkler system.

The Hon. A. F. Griffith: Can you get a 12,000 sq. ft. building for £12,000 today?

The Hon. H. K. WATSON: Yes, a factory building, at £100 a square.

The Hon. A. F. Griffith: Can you?

The Hon. H. K. WATSON: Yes. In that particular case the cost of a sprinkler system is out of all proportion to the cost of the building, regardless of what it is used for. I prefer to be guided by experience rather than by promises, and even forceful debate; and as the clause stands I am prepared to support the amendment.

The Hon. J. G. HISLOP: This clause has a lot of interesting features. When I first came to this Chamber, Parliament debated all its Bills on the basis that it

retained authority. Today, since the introduction of town planning, it would appear that we are more liable to give away vast powers to lesser bodies; and certainly since town planning has come in a different approach has been adopted towards the individual in the community. When I first came here the individual was highly respected and his rights were always protected. However, over the last few years it seems as if the community has to be considered and the individual must fall into line. I suppose some of this is necessary as we make progress.

No doubt one could look back and say that Mr. Henry Ford is the person whom we ought to be reviling tonight because of all our difficulties he seems to have provided the major ones, except for war and other disasters.

The Hon. A. F. Griffith: With due respect to him, I think it started before his time.

The Hon. J. G. HISLOP: It could have done. It seems to me that nowadays when we want to bring anything forward we have to give immense powers to other organisations, local authorities, boards, etc., and we say, "They are responsible people. They will not do anything that is unjust or unwise." I would not worry so much if I had great faith in the by-laws, or if there was any way in which we could curb the by-laws more than we can do at the moment. If there was a committee appointed in this State to review the by-laws and regulations, such as there is in South Australia where appointed members of Parliament form a committee, which is continually reviewing the by-laws, I would not be nearly so worried; but that is not so.

I remember on one occasion meeting the head of a department in South Australia and he said, "I am sorry I can't stop and talk to you much longer. We want to put a by-law through and when you have a by-law committee watching them you have to be careful what you put up." That would be a safeguard and I would not oppose a clause of this description if such a committee existed in this State. I have asked for it repeatedly but my request has always been turned down by whichever government has been in power.

I know something has to be done to take motorists off the road. It does not matter how often we say the motorist owns it, or how much he subscribes to its upkeep, we must get the cars off the road and we must provide for parking space in flats. So it would seem the first experiment in this field could be in regard to industrial establishments and flat buildings.

Exactly how many parking spaces will be required for flats, under the by-laws—let us say for a building of 50 flats? Are the by-laws going to insist that 50 parking spaces be provided; because, if so, they

will take up more than the one-third of the land that is left and it may be a real hindrance to the building of flats? With the bachelor flats, like those in Mount Street, one could say that only a proportion was necessary because there are always those who do not possess cars; but with the more expensive flats it is more than likely in some cases there will be two cars to a flat. Therefore what is a uniform by-law under those conditions?

I think the owners of flats and the shire councils will have to come to an agreement when the plans are submitted, on how many parking spaces must be provided. Whether that can be done under the industrial section I do not know. That is a little more difficult, and perhaps a by-law could be drawn up for the industrial field. We must realise, too, that a number of industries have moved out from the city into areas such as Belmont. There they are able to provide large areas for future development as well as for the parking of cars. Those business establishments did not need a by-law to cover them. As businesses are harassed I am sure they will move out of the city of their own accord.

Therefore I do not see why we have to give this overall or blanket control to the local authorities. I do not want to vote against the clause, because I realise that in the heart of it it is absolutely necessary. But I still think, as the honourable Mr. Watson does, that it is too wide. If the Minister could, even for a start, show us that in certain sections it was vitally necessary, or if it were limited to certain named or specified classes I would have no hesitation in voting for it. I think then we would retain some power in Parliament, and when this returns to us at the request of the Minister we could add to the number of specified classes as he felt was necessary. We must retain some control in our own hands, and I hope something can be arranged to save this measure.

The Hon. N. E. BAXTER: In town and regional planning there are future plans to put ring roads round the city and to establish access roads to deal with future movements of traffic. It is intended to take traffic away from the concentrated areas and to ease the pressure in the city area. But we are looking forward to the year 2000 and the estimated increase in traffic in the city block. At the same time however we forget the changes that are likely to ensue during that time. I am sure there will be a completely different concept of transport by then. With all these strides that are being made in engineering and so on—and we have all heard about the whispering jet—we will probably find that the parking spaces on which we are insisting will not be required in the year 2000.

Another aspect is the fact that it will be necessary to employ a parking attendant to ensure that no unauthorised people use

the parking areas provided. That will cause considerable expense. I cannot support the Bill in its present form.

The Hon. L. A. LOGAN: I do not know what the honourable Mr. Baxter suggests we should do in the next 15 years. He would have us wait and see what happens before we decide this issue at all. If these parking spaces are redundant in 15 years' time they can be used for other purposes. The honourable Mr. Strickland complained that we did nothing for the motorist. What he forgets is that in this Bill we are trying to do something for the motorist. He cannot have it both ways. There must be some provision to help the motorist find parking when he gets to work. If we look at the Local Government Act we will find that there are 74 different sections which provide by-law making powers.

There is nothing specific laid down. It is just a by-law making power given to the local authority. That is all we are trying to do. A person who builds flats for letting purposes, or for selling, should provide parking space for a car.

The Hon. F. R. H. Lavery: In the flat in which I am living you have to put your car on the front lawn. There is no provision for a car.

The Hon. L. A. LOGAN: That proves my point. I believe some provision should be made for the car of a person who occupies a flat. If we did not have some control a lot of flat builders in this city would deny people the right to park their cars near their flats. I agree with the honourable Dr. Hislop that many of the industrialists are doing the right thing and going out of the city area, but there are still some who are not. We must have control to ensure that people live up to their responsibilities.

I do not see how we can reduce this in any way, because it does not only concern an industrial building, or a flat that might be going up. It could be a warehouse that was being erected. So there are three different categories under the by-laws.

The Hon. F. R. H. Lavery: Can you tell us what provision there is for car parking on a hill?

The Hon. L. A. LOGAN: Some provision has been made. I disagree with the honourable Mr. Strickland when he talks about roads being there for the motorists. They are there as thoroughfares not as parking areas. Surely nobody expects the local authority to build a road and then turn it into a parking area. A number of cars have been taken out of the centre of the city, and I think before long they will be removed from Barrack Street so that it can be used as a thoroughfare and not as a parking area.

Progress

Progress reported and leave given to sit again, on motion by The Hon. L. A. Logan (Minister for Local Government).

House adjourned at 10.58 p.m.

Legislative Assembly

Wednesday, the 21st October, 1964

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