A penalty has been provided in the Bill and this is a minimum penalty, irreducible in mitigation. I think there has been difficulty with respect to this. There could be a real danger here. An order could be served on an owner, occupier or the person held responsible—

The Minister for Agriculture: Will you speak up please? We cannot hear you over here.

Mr. OWEN: If the owner, occupier or the person responsible for a property happened to be away, and the notice were given to someone on the property who did not hold a responsible position there, the penalty of £2 per day, if it were prolonged through the absence of the owner, could be a little bit harsh. Certainly if the owner is there and his notice is drawn to the penalty of £2 per day, it would be all right, but the penalty could be very heavy if the owner or occupier was not on the spot to have the work carried out.

The next provision with which I wish to deal is where a person suspected on reasonable grounds of having committed or attempted to commit or is committing or attempting to commit an offence against the Act and the inspector or authorised person may require the person suspected to give to the inspector or authorised person his name and address. Further, if required under that paragraph to do so, the person suspected does not give his name and address or gives a false name and address, the inspector or authorised person may detain the person suspected until he can be delivered to a member of the Police Force, when he shall be so delivered, or may himself take the person into custody, and the maximum penalty there is £100.

That seems out of step with the Police Act where the penalty is £5. The only explanation I can see is that here it is when an inspector or authorised person has found the offender committing or about to commit an offence, while the policeman can at any time ask for a person's name and address. The difference seems to require further examination and I hope the Minister will explain the position.

The last provision with which I wish to deal is proposed new Section 121B on page 7. That sounds rather involved but if notice is served on an owner or occupier to carry out certain work or do certain things, even though it is not proposed to poison rabbits on the property, he must do the work. I would like the Minister to explain that point so we may be sure the penalty is not too severe. I would like him to tell us why that provision is necessary. As I have indicated, we might move certain amendments when the Bill is in Committee, but apart from that, I have no objection to it.

On motion by Mr. I. W. Manning, debate adjourned.

House adjourned at 12.7 a.m. (Friday).

Legislative Council

Tuesday, 20th November, 1956.

CONTENTS.

The PRESIDENT took the Chair at 4.30 p.m., and read prayers.

ASSENT TO BILL.

Message from the Governor received and read notifying assent to the Police Act Amendment Bill (No. 1).

QUESTIONS.

"ONE-ARMED BANDITS."

Enforcement of Law.

Hon. Sir CHARLES LATHAM asked the Chief Secretary:

(1) Are poker machines, commonly known as "one-armed bandits," gambling machines?

(2) If so, do they come under Section 89 of the Police Act, 1892-1955?

(3) If the reply is in the affirmative, have the police been instructed not to take action as required by the Police Act?

(4) If not, why has the law not been enforced?

The CHIEF SECRETARY replied:

(1) Not necessarily.

(2) Depends on circumstances.

(3) No.

(4) The Licensing Court has already instructed clubs to dispose of these machines by the 31st December.

Hon. Sir Charles Latham: A shocking reply.

HOSPITALS.

Conditions at Mt. Magnet.

Hon. W. R. HALL asked the Chief Secretary:

(1) Is the Minister for Health aware of the following conditions at the Mt. Magnet Hospital—

(a) that the kitchen block is in a dangerous state of collapse;

(b) that the children's ward has been evacuated;

(c) that the electrical wiring is dangerous?

(2) Will the Minister for Health make urgent representations to the Public Works Department to have repairs executed immediately?

The CHIEF SECRETARY replied:

The need for reconstruction, repairs and renovations has been appreciated by the department, and it is understood that storm damage last week has rendered conditions at the Mt. Magnet hospital more difficult. However, tenders for the necessary work are being invited before Christmas. Meanwhile, the Public Works Department district supervisor has been instructed to proceed to Mt. Magnet to arrange temporary repairs.

EDUCATION.

Canning Vale School.

Hon. N. E. BAXTER (without notice) asked the Chief Secretary:

Has he a reply to the question which I asked without notice last Thursday regarding the Canning Vale school?

The CHIEF SECRETARY replied:

No.

BILL—BETTING CONTROL ACT AMENDMENT.

Further Recommittal.

On motion by Hon. J. Murray, Bill again recommitted for the further consideration of Clause 2.

In Committee.

Hon. W. R. Hall in the Chair; the Chief Secretary in charge of the Bill.

Clause 2—Section 14 repealed and reenacted as amended:

Hon. J. MURRAY: Prior to moving my amendment, it is probably necessary for me to indicate the effect it will have. In this Chamber, in another place, and outside, wide and varied statements have been made that the s.p. bookmaker could pay a larger amount of tax than that provided for in the taxing Act, which, of course, paragraph (e) refers to completely. It has been difficult for members to persuade the Government to accept amendments because we are faced with Standing Orders and Acts of Parliament which prohibit this Chamber from doing what it would like to do. I reached the conclusion that the only way we could get around that position and be able to convince the Government that these poor men who it thinks cannot pay more can, in fact, provide far more than they would if the Government had its way; and I am prepared to go to all lengths permitted me by the Government and Parliament to convince the former that that is so.

To indicate what I thought should be a scale of charges, I placed certain amendments on the notice paper showing that I proposed to amend paragraph (e). A sliding scale of charges is necessary because there are small bookmakers—especially those operating in small country towns—who may feel a hardship, though possibly not a very great one, in having to pay 2 per cent. But other bookmakers operating are not in that position; and if there were a sliding scale going up as far as 6 per cent., I would still feel the bookmakers would take out their annual licence, because of the advantages they gain.

The Government suggested that 2 per cent. was the limit. It pointed out that in Tasmania a Bill had to be brought back into Parliament to reduce the amount from 2½ per cent. to 2 per cent. That may be so; but the set-up of s.p. bookmaking in Tasmania could be different from that obtaining in this State. The spread of turnover in betting shops in Tasmania could be, and I believe is, more or less on an even scale—there are not large differences between one shop and another. Because of the position that obtains here, and the system adopted inside this trade, or profession, we find that the bulk of the money is channelled through five people; and I say without any reservation that those five people come into the same category, in my view, as people who were taxed under the English Income Tax Act during the war, and who had to pay as much as 18s. 6d. in the £, leaving only 1s. 6d. in the £ to the taxpayer. But, because of their high incomes, that 1s. 6d. in the £ still left them in a very good position. I suggest that if this tax were on a sliding scale, those five top bookmakers, despite the increase, would not be hurt with what they were paying.

If this amendment is successful, it will put the s.p. bookmaker back under the old Act of 1954 where he paid only 1¼ per cent. I realise that; and in view of what I have

said in the past, it may be suggested that I have turned a somersault. But that is not so. I still believe that these people can pay to the limit of the amendment I placed on the notice paper last Thursday. But because we have been unable to impress that upon the Government, I have taken the unusual step of attempting to delete this provison so that if the Government refuses to recognise that there is a peak put on what can be paid and what has to be paid—as it has up to date—it will be faced with losing nearly £56,000 in revenue. If the amendment is carried, and the Government does not bring a new paragraph in, the Turf Club would in effect suffer to the extent of under £6,000 of increased revenue as proposed. The Trotting Association would suffer a loss of just under £2,000.

I bring this forward as a last attempt to give the Government another chance of having a look at it; because if the Bill goes back to the Assembly with paragraph (e) struck out, the Government in its wisdom could accept the amendment and, as I say, forfeit nearly £56,000. But it could also accept the amendment, subject to a further amendment. I suggest to members of the Committee who support the Government that, if this Bill goes back to another place and the Government is prepared to insert as a condition or a proviso that this tax be increased—not necessarily adhering completely to the amendment I attempted to move the other night, but showing clearly to the people of this State that it is prepared to increase this tax on people who are in a position to pay it—I for one will not oppose the measure when it comes back to this Chamber.

But I want to stress that point; that an additional rise must be on a sliding scale. The 2 per cent. must stand for the small country bookmaker; and in regard to the other figures, the Government can put in whatever it likes so long as it is prepared to increase the amount. So that I may make myself perfectly clear on this, I would go further—I cannot go as far as I would like, because the taxing act cannot be dealt with until this Bill has been assented to—and say to the members of the Government sitting in this Chamber that I would also be prepared for the Government to send this measure back to us, refusing to agree to the amendment, so long as the Government sent an undertaking that the taxing Acts would be amended by the Government in this Chamber along these lines.

There has got to be a clear undertaking from the Government that this tax will be increased. Otherwise, as far as I am concerned—and I hope I will get a considerable amount of support for my point of view—the small amount to be given to the Turf Club and the Trotting Association is really an insult to the people who spend so much in an effort to provide clean sport in this State. It is because I believe these bodies require more money that I am moving along those lines; and the only way they can get more money is from the Government, because the Premier has made it very clear he wants his pound of flesh and he has named it.

The only way we can ensure that the Turf Club and the Trotting Association will get more money is to see that off-course bookmakers pay more revenue to the Government, on which the Government was pleased to say it will pay 10 per cent. of the collections on a certain scale. I trust I have made the position clear in that regard. I would say the figure at stake to the Government is the loss of £56,000 on which it can build up on a slidng scale by a further £60,000, making in all £116,000. Without stressing the case any further, I am going to move the amendment standing in my name and trust the Committee will support me. I move an amendment—

> That paragraph (e), lines 31 to 39, page 3, be struck out.

Point of Order.

The Chief Secretary: Mr. Chairman, I would like to ask your ruling in connection with this amendment, and draw your attention to Standing Order 236. Requests to the Assembly may be made at all or any stages of a Bill as set out in this Standing Order. But this is not a request; it is an amendment.

The Chairman: I would say that the amendment moved by Mr. Murray appears to be in order and is not a request; it is a straight-out amendment.

The Chief Secretary: If this Bill cannot be amended, how can we move an amendment which is not a request?

The Chairman: The Bill has already been amended, and it appears to me to be quite in order.

Committee Resumed.

The CHIEF SECRETARY: I accept your ruling, Mr. Chairman, but I am still doubtful. I do not like winning on technical points, but like to see a matter thrashed out properly. Let us look at what will happen. We have to sink all our thoughts of what we want to happen and examine what the position will be if the amendment is carried and we send the Bill back to the Assembly with no provision for the taxing of off-course betting. That is really a stupid position to get into. It is an absolutely stupid position.

Members of this Chamber do not want to be in the position of sending back a Bill to the Legislative Assembly with a vital part missing from it. Surely that is not the position we want to reach! We have enough arguments between one House and the other in cases where the majority of members here genuinely and conscientiously believe what they are doing is correct.

However, no member in this Chamber could defend an action which deliberately left out an important portion of a Bill and sent it back to the Assembly.

Hon. J. M. A. Cunningham: Unless it is done for a specific purpose.

The CHIEF SECRETARY: It should not be done in this manner. Surely we do not want to go behind people's backs in order to achieve something!

Hon. J. Murray: Is there anything in this Bill that cancels the Bookmakers Betting Tax Act No. 62 of 1954?

The CHIEF SECRETARY: I am dealing with this Bill, out of which it is intended to take a clause which cites the off-course betting tax. That is what it does.

Hon. J. Murray: It is a vital portion of the Bill for a vital purpose.

The CHIEF SECRETARY: That is right. The hon. member will place himself in a ridiculous position and get justifiable criticism from another place, and members will make themselves look foolish if they agree to take out a vital part of the Bill. It is similar to carving out the body of a Bill and agreeing to the title. What was this legislation introduced for? Was it not introduced to deal with off-course betting? That was the reason for the introduction of the measure. It was to deal with off-course betting.

Now we have a Bill imposing certain taxes, and members are seriously considering opposing it by seeking to remove from it the provision which achieves this very objective. If ever we placed ourselves in a ridiculous position it would certainly be by carrying the amendment. Irrespective of what we think about the tax, or the amount of the tax, we should not place ourselves in this position. Members are disembowelling the Bill; they are taking from it the very reason for its introduction. In order to achieve some other end, they are doing this.

Hon. L. C. DIVER: I realise this is a very grave matter. The Government has determined to strike a ridiculous schedule of rates to apply to off-course bookmakers. It is obvious that the weight of public opinion is that the Government should be given an opportunity to look at this provision and make some alteration to it.

Some days ago the Chief Secretary said how impossible it was for the bookmakers to pay more than 2 per cent. He stated that a bookmaker could lose money on a race, and that it was impossible for the totalisator to lose money. I point out that a totalisator never gets what is known as a "skinner" but many bookmakers do; and that more than compensates them for the odd occasion when they do their money.

Knowing all the consequences pointed out by the Chief Secretary, and realising that this is the last opportunity we will have for 12 months to give the Government the chance to reconsider the schedule of taxes applying to off-course bookmakers, I intend to support the amendment.

Hon. L. A. LOGAN: While I appreciate the intention that Mr. Murray has, I am afraid that on this occasion the Chief Secretary has summed up the position correctly. If paragraph (e) is taken out, the off-course bookmaker will not pay any tax at all.

Hon. J. Murray: It goes back to the original Act.

Hon. L. A. LOGAN: No, because the original section will be repealed. The clause definitely states, "Section 14 is repealed".

Hon. J. Murray: We are only taking one paragraph out of Subsection (2).

Hon. L. A. LOGAN: That is out of the Bill, but everything is already taken out of the old Act. There is, therefore, no taxing power over the s.p. bookmaker. On this occasion I agree with the Chief Secretary.

Hon. N. E. BAXTER: I appreciate the views expressed by Mr. Logan, but he is a little astray. The Bill provides for the repeal of Section 14; but if we take out paragraph (e), the other place has to agree to the amending Bill or refer it back here. Until one or other of those things happens, Section 14 of the Act will not be repealed; it will not be repealed until such time as the Bill is proclaimed.

Hon. A. F. GRIFFITH: Section 14 has reference to the Betting Control Act. That is not the taxing Act. The Chief Secretary said that if we were to agree to the amendment it would remove from the Act the tax which is now provided in regard to s.p. bookmakers. The tax should be left at 1¼ per cent. as it is in the betting tax Act at the moment. If we were to take something out of the Bill and then send the measure to another place, merely for the fun of it, I would agree that that would be foolish, but the Chief Secretary knows the intention behind the action of this Chamber in this instance. The other day when Mr. Murray wanted to move an amendment to the Bookmakers Betting Tax Act Amendment Bill it was ruled out of order, because it it not competent for a private member to amend a taxing measure.

The object behind this move is quite clear. Some members here think that a tax of 2 per cent. is not sufficient; and the purpose of sending the amendment to another place is to indicate that. Mr. Murray explained this, and even went so far as to say that if the Government objected to the deletion of Subsection (2) of the proposed new Section 14 he would not mind; that he would not carry it further

provided an undertaking was given that some better provision would be made in the taxing Act.

I think that is reasonable; and others do, too, because of the attitude of the Government in its taxing of one section as against its attitude in taxing another. We will have other Bills coming before us in which we will find provision for imposts on particular sections of the community. We feel that the tax on s.p. bookmakers could be in excess of 2 per cent., and this is the only possible way of indicating our ideas to the Government in another place. In view of this explanation, I do not think this Chamber will be held up to ridicule at all.

Hon. Sir CHARLES LATHAM: I do not remember such a mixture between two Bills as there is between this one and the bookmakers betting tax Bill. Mr. Murray's intention is to remove the power of the Government to impose a 2 per cent. tax on certain or all bookmakers and to allow Section 2 of the bookmakers betting tax Act to remain. The other evening we decided to hold up the taxing measure so that these provisions could be put into the betting control Bill. I disagree with the views expressed by Mr. Logan, because Section 14 of the Betting Control Act is not before us. The one we propose to deal with is the betting tax Act.

The CHAIRMAN: Have you the tax Bill?

Hon. Sir CHARLES LATHAM: Yes. This provides for 1¼ per cent. I am satisfied that the statement made by Mr. Logan does not apply in this case.

The CHIEF SECRETARY: It is of no use members trying to gloss over this matter. What a ridiculous position Sir Charles Latham has put himself in! He has castigated Mr. Logan for saying certain things, but he cannot have read the Bill; otherwise he would not do that. In the first two lines of the clause it says that the section is repealed. Why do members think this will not wipe out Section 14 of the Act?

Hon. Sir Charles Latham: I pointed out that it will not be in existence.

The CHIEF SECRETARY: Of course it will be in existence if the Bill goes through! But paragraph (e) will be taken from it if some members have their way. Why try to hoodwink members and say that it will not do certain things when it will! At the outset I asked members to do the right thing according to Standing Orders, and so on. Do not make the House look ridiculous!

Hon. N. E. Baxter: How do you go about it?

The CHIEF SECRETARY: There is enough criticism of this Chamber already, so members should not give people more fodder so that they can have further shots at it. Mr. Murray has been extremely insistent that we are particular friends of the s.p. bookmakers. If that were so, we would welcome this amendment, because it would permit the s.p. bookmakers to operate without paying any tax.

Hon. J. M. A. Cunningham: No: that would only apply if another place does not pass the Bill.

The CHIEF SECRETARY: There are no "ifs" about it. If the Bill is returned to another place with this amendment, the Government could accept it. This Committee must deal with the position as it stands. Sir Charles has said that it would not make any difference to the betting tax measure. What is the use of fixing the rate of tax in another piece of legislation if we have not the relevant clause in the machinery Act?

Hon. H. K. WATSON: If a shipowner in Aden wanted to send a ship to Port Said, normally it would pass through the Suez Canal; but when the canal is not open, in order to reach its destination the ship has to be sent round the Cape. This Chamber is in much the same position. We cannot take the direct route, so Mr. Murray is trying to take the indirect route. If there is anything in what Mr. Logan has said, we should reject the whole of Clause 2 when the clause is put. If that were done, Section 14 of the Act would remain as it is, because it would be unaffected by this clause.

The Chief Secretary: You agree that what I have said is correct? Say yes or no.

Hon. H. K. WATSON: I require further time to consider that question. I am certain, however, that if the whole of Subsection (2) were rejected, Section 14 of the Act would remain unaltered, and the s.p. bookmaker would have to pay what he is paying at the moment.

Hon. Sir CHARLES LATHAM: In the Bookmakers Betting Tax Act Amendment Bill we have provided for a tax of 2 per cent.

The Chief Secretary: And if this amendment is agreed to, there will be no machinery to implement it.

Hon. Sir CHARLES LATHAM: If this amendment were agreed to, we would still have the relevant provision in the taxing Bill.

The Chief Secretary: We could not put it into operation. That would result in a ridiculous position.

Hon. Sir CHARLES LATHAM: Clause 2 of this Bill reads, "Section 14 of the principal Act is repealed," etc.; but that Bill is not before us at the moment.

The CHAIRMAN: That is the Bill which we have before us now. The hon. member is a little confused, I think.

Hon. L. A. LOGAN: I think that members of the Committee are still confused regarding this amendment. If paragraph (e) of Subsection (2) were struck out it would revert back to the provision in the Bookmakers Betting Tax Act Amendment Bill; and despite the fact that Section 14 still remained in the Act, the bookmaker would pay tax, whether off-course or on-course, on so much of his turnover "at the rate imposed by paragraph (d) of Section 2 of the taxing Act." If we reach that position, it will mean that the bookmaker will be subject to the tax under the taxing measure, but there will be no machinery with which to impose it.

The Chief Secretary: That is correct.

Hon. J. MURRAY: I thought I had explained the position fairly clearly. I will now go so far as to agree with Mr. Logan and the Chief Secretary. We are seeking to delete the machinery clause from this particular legislation because it is the only step we can take to let the Government know our feelings in regard to this matter. I realise that if this amendment was agreed to, the Government in another place would have to insert a new machinery clause. I thought I had made that perfectly clear, because I was making a final appeal to the Government to insert a further proviso which would, in effect, increase the tax on s.p. bookmakers. That is my only purpose in moving this amendment.

We have agreed with the Government that the other portions of the Bill are reasonable. We are out of step with it, however, when it talks about what an s.p. bookmaker can pay in tax on his turnover. This is a final effort to convince the Government that it should do the right thing by the people of this State; because it intends to bring other taxing measures forward, and the people cannot help but compare them with the tax imposed under this measure. The Government has an opportunity to obtain an additional £106,000 in tax if it so desires.

Amendment put and a division called for.

The CHAIRMAN: Before the tellers tell, I give my vote with the noes.

Division taken with the following result:—

Ayes	14
Noes	13
Majority for	1

Ayes.

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

(Teller.)

Noes.

Hon. G. Bennetts	Hon. F. R. H. Lavery
Hon. G. Fraser	Hon. H. L. Roche
Hon. J. J. Garrigan	Hon. H. C. Strickland
Hon. W. R. Hall	Hon. J. D. Teahan
Hon. E. M. Heenan	Hon. F. J. S. Wise
Hon. R. F. Hutchison	Hon. E. M. Davies
Hon. G. E. Jeffery	*(Teller*

Pair.

Aye.	No.
Hon. J. G. Hislop	Hon. W. F. Willesee

Amendment thus passed; the clause, a amended, agreed to.

Bill again reported with a furthe amendment.

BILL—STATE HOUSING ACT AMENDMENT.

Received from the Assembly and read first time.

BILLS (5)—THIRD READING.

1, State Trading Concerns Act Amendment.

2, Metropolitan Water Supply, Sewerag and Drainage Act Amendment.

3, Fruit Growing Industry (Trust Fund Act Amendment.

4, City of Perth Scheme for Superan nuation (Amendments Authorisation).

Passed.

5, Fisheries Act Amendment.
Transmitted to the Assembly.

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

Second Reading.

THE MINISTER FOR RAILWAYS (Hon H. C. Strickland—North) [5.35] in movin the second reading said: The intentio of this Bill is, firstly, to facilitate th savings bank operations of the Rural & Industries Bank; and, secondly, to mak possible the terms and conditions whic are essential in today's circumstances fo land development—notably the Esperanc Downs development scheme and the South West dairy farm improvement scheme.

The Esperance Downs scheme should no be confused with the proposed Chas group development scheme. During th last financial year, the Commonwealt Government issued licences to certai privately-owned savings banks, and th State Government recognised that it wa most desirable to allow the Rural & In dustries Bank also to offer savings ban facilities to the public. I might also ad that the confident hopes of good progres in this activity of the bank have materia lised.

Since operations commenced in April o this year, an amount in excess of £1,250,00 has been deposited and deposits ar steadily rising. This savings bank is bot

directly and indirectly helping to find employment for Western Australians and to keep our money circulating throughout the State.

The proposals in the Bill which relate to the proposed savings bank division have, in the main, been modelled, with necessary adaptations to suit the peculiar requirements of the State, on the Acts governing the Commonwealth Savings Bank, the Victorian State Savings Bank and the Savings Bank of South Australia. These amendments are necessary in order to provide a proper range of Savings Bank services and to have these well regulated.

The Bill also redefines "long term loan." The original definition limited the maximum repayment period to 25 years, but it is considered that the commissioners should have discretion to allow a longer period, where there are special circumstances and where the concession would assist a farmer in the further development of his property. This could refer particularly to the Esperance Downs development scheme and the dairy farm improvement scheme where, in some cases, capitalisation will be high and it would be of considerable relief to a farmer if he could enjoy extended terms. The new definition avoids any limitation to the commissioners' discretion.

The original definition also contained the words "instalments of principal may be repaid at the will of the borrower," which is out of step with the usual practice, whereunder the borrower contracts to pay such a loan by periodical payments, which would clear the loan within an arranged period. It is probable that the intention of the draftsman was to express in the definition the permission which a borrower has under Section 64 of the Act to repay his loan in full without waiting for the end of the term, or to repay instalments; but, as phrased, the definition is misleading.

Another proposal is designed to permit the commissioners with the consent of the Governor to waive interest on loans where there are special circumstances; here again, the particular requirements of Esperance Downs development scheme and the dairy farm improvement scheme are in mind. In respect of loans made by the bank, as a Government agency, the further consent of the Treasurer will be required.

There is also another section of this Bill which has been rendered necessary by developments relative to the dairy farm improvement scheme. As the Act now stands, the commissioners must have a mortgage registered in the first position on the relative title, which means that, where the commissioners wish to lend on long-term conditions to the customer of an associated bank, they must ask the other bank to first lift its mortgage whilst the commissioners register theirs in the first place, and subsequently re-register their own.

This procedure is cumbersome and the associated banks have asked the commissioners to register their mortgage in second place but, to accept a letter of postponement whereunder, subject to certain reasonable conditions, they would recognise the Rural Bank advance as a first charge upon the property. This would save the other banks and their customers considerable time, trouble and expense. The commissioners consider the request reasonable and recommend it be accepted.

In regard to the savings bank proposals, I would mention that so far the savings bank has been operating under a delegation from the Governor in Council to conduct such business within the Government agency section of the bank. The amendments in the Bill will enable the establishment of a savings bank division within the rural section of the bank and will result in greater ease of administration. I move—

That the Bill be now read a second time.

On motion by Hon. G. C. MacKinnon, debate adjourned.

BILL—BELMONT BRANCH RAILWAY DISCONTINUANCE AND LAND REVESTMENT.

Second Reading.

Debate resumed from the 15th November.

HON. A. F. GRIFFITH (Suburban) [5.42]: First of all, I would like to thank the Minister for Railways for co-operating with me in getting an adjournment of the second reading debate until today. I did want the opportunity of sending the Bill and a copy of the Minister's second reading speech to the Belmont Park Road Board, in which district this line exists, so as to get the views of the board on this matter. Today I received a letter from that board dated the 19th November, 1956. I propose to read it so that it will be recorded. It is as follows:—

> Many thanks for the copies of the Belmont branch railway closure Bill.
>
> In May last, my board instructed me to enquire from Mr. J. Hegney, M.L.A., whether a decision had been reached by the Government on the future of the railway bridge serving the Belmont station and suggesting the removal of the station, tracks, etc., as traffic to the race-course was adequately catered for by vehicular traffic. It was felt that a considerable improvement to the appearance to the main entrance to the course and the surrounding area could be effected by such removal.
>
> On receipt of advice that the railway closure Bill was to be submitted to Parliament this year, I was further instructed to request Mr. Hegney to

support such closure and suggesting that from the land now held for railway purposes, provision could be made for the realigning of Mathieson and Northey-rds. from Epsom Avenue to Stoneham-rd. and the dangerous bends now existing removed. Drainage from Mathieson-rd. to the river could also be considerably improved by construction of a drain in the railway reserve to the existing bridge approaches.

It is felt that the Bill now submitted, providing as it does for the land to be revested in the Crown, will open the way for negotiation for implementation of the suggestions submitted by my board.

I would be pleased, therefore, if you would also support the Bill now before the House.

Yours faithfully,
W. G. KLENK,
Secretary.

That letter indicates the attitude of the board. As will be seen, it is concerned with the alignment of the roads and the drain mentioned in the letter. I am hopeful that, as the letter suggests, the negotiations between the Government and the board will make it possible for these things to be done. I support the second reading.

Question put and passed.

Bill read a second time.

In Committee.

Hon. W. R. Hall in the Chair; the Minister for Railways in charge of the Bill.

Clause 1—agreed to.

Clause 2—Interpretation:

Hon. A. F. GRIFFITH: I know the Minister has a file on this matter, and I take it that the suggestions made by the Belmont Park Road Board have come before his notice. Would he advise me whether consideration has been given to the board's suggestions?

The MINISTER FOR RAILWAYS: At this stage consideration has not been given to the road board's request, because the Bill has to pass through Parliament before anything can be done about it. Actually the board will deal with the Lands Department. This Bill revests the land with the department, and I have no doubt that there have been conferences and that there are understandings in connection with the matters raised.

Clause put and passed.

Clauses 3 to 5—agreed to.

Clause 6—Revesting of land:

Hon. Sir CHARLES LATHAM: I understand from the letter that Mr. Griffith read that there was some drain which had to be filled in. I presume that the Public Works Department will accept the responsibility of leaving it in such a condition that it will not be a danger to the public. I think I was fenced in former days, and I believe Mr. Griffith wanted to know whether the land would be left in decent order. I do not think that the road board should have to do the work.

The MINISTER FOR RAILWAYS: Some of the land will be required by the Turf Club to extend its starting barriers. The land is fenced and everything is in a tidy condition. When the land is revested in the Crown, it will be a matter for the Public Works Department to do any filling. But I am not in a position to advise the hon. member on the matter at the moment.

Clause put and passed.

First Schedule, Second Schedule, Title—agreed to.

Bill reported without amendment and the report adopted.

BILL—WORKERS' COMPENSATION ACT AMENDMENT.

Second Reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [5.51] in moving the second reading said: Among the more important proposals in this Bill is an effort to provide more reasonable and adequate weekly and lump-sum payments. The first amendment of any consequence is to Section 4 (5) of the parent Act. This seeks to obviate the necessity, when adjusting compensation payments according to fluctuations in the basic wage, of calculating the adjustments to shillings and pence. The proposal in the Bill is to calculate daily and weekly payments to the nearest shilling, and other benefits to the nearest pound.

A ruling has been given by the Crown Law Department that a worker is not entitled to weekly compensation payments for a step-child if the child has not been legally adopted. The Bill seeks to remove this anomaly by providing that step-children are entitled to weekly benefits even though not legally adopted.

An amendment is sought to the definition of "specialist." At present the definition provides that a specialist is a practitioner who has made a special study of some particular branch of his profession, and who is recognised by the Medical Board as practising that particular branch in a major degree. The B.M.A. has pointed out that a doctor recognised as a specialist may not be practising that particular branch to a major degree. The amendment, therefore, will delete the reference to "practising such particular branch to a major degree."

The next proposal is one that has been submitted to the House on several occasions. It is to enable compensation to be paid when a worker is injured while travelling between his home and his place of employment. This provision is incorporated in the legislation of New South Wales, Queensland, Victoria and Tasmania and, to a limited degree, in South Australia.

While a person going to or returning from work who is injured as a result of the negligence of another party can have recourse to common-law action and possibly gain large damages, a person injured as a result of a non-negligent accident in which no other person was involved would have no such right.

The present basic amount payable for total and permanent disability is £2,400. Basic-wage increases have brought this sum to £2,546 0s. 11d. The Bill seeks to increase the basic amount from £2,400 to £3,000.

Under Section 8 (13) of the parent Act a worker suffering from both industrial and non-industrial diseases is only entitled to the same percentage of compensation as the percentage of his disability which is due to the industrial disease. Recently the Full Court decided that this percentage applied to weekly payments as well as to the maximum compensation entitlement. This means that a person suffering, for instance, with a 20 per cent. industrial disease disability would receive 20 per cent. only of the weekly amount of compensation payable under the Act. This would not enable him to maintain his wife and family; and so the Bill provides that, in such cases, the full weekly amount shall be paid until such time as the percentage of maximum entitlement is reached.

Another amendment seeks to make it compulsory for all employers to furnish the insurer with a statement of all wages paid during the period of insurance. While at present some firms do not include holiday pay, sick pay, etc., the majority of employers do so. It is difficult to understand the attitude of firms who will not return 100 per cent. payrolls. The maximum premium rates are determined by the Premium Rates Committee on a 70 per cent. loss ratio. Therefore, the higher the amount of the wages return, the lower would be the loss ratio and the maximum premium. Conversely, the lower the payroll the higher the loss ratio and the premium. It is not intended that employers should include bonuses paid at the end of a trading period. Such payments are gratuitous and are made on the basis of service rendered by employees over a period. It is not considered bonuses can be classed as "remuneration."

The B.M.A. has asked that a provision be inserted giving the Medical Board the power to remove a specialist's name from the register of specialists if it is considered the person concerned has ceased to be a specialist. This register is kept by the Medical Board, and a list of those specialists registered is given to the Workers' Compensation Board. It is felt that the Medical Board already possesses sufficient power to remove names from the register, but the amendment can do no harm.

While there is no statutory requirement on it to do so, the Workers' Compensation Board used to send report of its judgments to all approved insurers. This action was similar to that taken by the Workers Compensation Commission in New South Wales and the Workers' Compensation Board of Victoria. These reports have not been issued for the past three or four years, notwithstanding that some important decisions have been given.

There is no doubt that these judgments and the board's reasons for its decisions are of material assistance to insurers, who, in the event of similar cases arising, would have a knowledge of the board's possible reaction. It might mean in some cases that liability would be admitted and the need obviated of taking a case to the board. Insurers generally feel they are entitled within a reasonable time to know of decisions of the board. The Bill, therefore, makes it incumbent on the board to provide approved insurers, within 30 days, with copies of any order, ruling or decision.

It is proposed to delete the maximum of £100 for medical expenses and £150 for hospitalisation now provided in Clause 1 of the First Schedule to the parent Act. This will enable the payment of these expenses up to what is considered a reasonable amount. It has occurred through prolonged disability that workers have been presented with bills far exceeding the maximum provided by the Act. In these cases the patient is legally obliged to pay the extra amount and ex gratia payments have had to be made to the patients to assist them in this connection.

For some time a voluntary committee representative of the B.M.A. and the insurers has dealt with any disputes between insurers and medical practitioners in regard to medical and surgical charges. This committee has given excellent service and has operated to the mutual advantage of insurers and the medical profession. It has no legal standing, however, and doctors cannot be compelled to accept its decisions.

If the provision is agreed to that there shall be no maximum to medical and hospital fees, it is considered that the services of this voluntary committee will be even more necessary, and therefore they should be appointed under the Act. The proposal, therefore, is to form a joint committee, comprising four representatives of the B.M.A. and four of the insurers. Once this committee had decided on a fair and reasonable fee, the doctor concerned could not recover any extra amount from the worker.

The appointment of the committee would not deprive a worker or employer of the right to apply to the board for an inquiry into treatment given, conduct, or fees

charged by any medical practitioner. The board can also institute such an inquiry of its own volition.

The Act provides that if the B.M.A. and insurers cannot agree on a reasonable scale of fees, then the fees may be fixed by the Governor. The Bill seeks to have a similar provision applied to physiotherapists and insurers. At present, the maximum weekly benefit for a female worker is £9. The Bill proposes to amend this to provide that in work such as bar work, where females are paid at the same rate as men, they shall receive the male rate of weekly compensation. Some women have taken work at the male rate of pay because they are widowed with families to support and it does not seem equitable that they should receive the smaller compensation benefit.

The increased benefits proposed in the Bill include the maximum entitlement of £2,400 to £3,000, weekly benefit for a dependent child from 16s. to 20s. and for a wife from £2 to £2 10s. An amendment of 1954 provided for a maximum weekly payment including payments for dependents of £12 8s. for males. Two subsequent basic wage adjustments have increased this to £13 3s. 1d. The Bill proposes to increase the maximum payment from £12 8s. to £13 11s. This increase is considered justified, as although the basic wage is £13 1s. 6d. practically all workers are enjoying margins awarded by the Arbitration Court and it is felt that a weekly benefit of £13 11s. will bring compensation income more in line with a worker's actual earning.

In regard to increasing the maximum entitlement from £2,400 to £3,000, I would point out there is no maximum payment in New South Wales. In Victoria the maximum is £2,800. It is £2,300 in Tasmania, but in certain cases amounts of up to nearly £5,000 can be awarded by a judge. The figure in Queensland is £2,500. My Government does not consider the sum of £2,400 adequate for total disability. Decisions on third party insurance cases in this State clearly indicate that the court also considers such a sum to be inadequate.

In the case of partial incapacity a worker is entitled to receive only 66⅔ per cent. of the difference between the amount of his pre-accident earnings and what he can earn as a partially incapacitated worker. The Bill seeks to remove the restriction of 66⅔ per cent. but provides that the benefit paid shall be according to the circumstances of the case.

Another proposal is that where an employer cannot obtain suitable light work for an employee during a period of partial incapacity, then the employee shall be entitled to full compensation benefits. In a number of cases it has been found that seriously injured workers have been treated by general practitioners for considerable periods without any apparent improvement in condition. Eventually the case has been referred to a specialist, but had this been done earlier the patient may have materially benefited and in fact might have suffered a lesser degree of permanent disability.

Workers have the right to select their own doctors but some may be unaware of the need for specialist attention or loth to propose it for fear of suggesting lack of confidence in their present doctors. I have been told of one case where a fractured femur was attended to by a general practitioner for eight months. Even after specialist treatment was suggested, a further month's delay occurred. The specialist had to remove a plate and apply a bone graft. As a result the patient was out of action for a very long time.

To overcome such cases the Bill suggests that if required to by his employer, an injured worker shall obtain treatment from one of the specialists whose names are included on the list kept by the Medical Board. In such cases the employer would be liable for the full cost of the treatment and for the hospital charges. If a worker refuses to obtain this treatment his weekly compensation payments will be suspended.

The Act provides that where an employer and an injured worker are unable to agree in regard to an accident, both parties may mutually agree in writing to refer the matter to a medical board. Occasions have arisen, however, where one of the parties will not agree to a board. In such a case the Bill proposes that the other party may apply to the registrar of the Workers' Compensation Board for the matter to be referred to a medical board.

The Bill proposes that any agreement entered into by an employer and employee shall be invalidated if the agreement has the effect of denying further compensation should the employee's condition deteriorate. I move—

> That the Bill be now read a second time.

HON. H. K. WATSON (Metropolitan) [6.4]: Having listened to the Chief Secretary's introduction of the Bill, it seems to me that he has failed to make out a case as to why it should be read a second time, and I will give some cogent reasons why I consider the measure should not be read a second time. In dealing with a measure that was before this House not long ago, the Chief Secretary explained that the bookmakers had been consulted before the legislation was brought down. I wonder whether on this occasion any interested parties have been given the same consideration. I would venture to suggest that neither the Employers' Federation, the insurance companies nor the Workers' Compensation Board was consulted before the introduction of the Bill.

I think it is a pretty safe bet that on this occasion the only persons consulted would be the Trades Hall and, perhaps, the State Insurance Office. Yet the Bill proposes—in my opinion, without any valid reason—substantial increases in the benefits payable to injured workers. If agreed to, the measure will mean increased premium rates and added costs to industry. I find it difficult to reconcile the proposals in this measure with the communique issued by the Prime Minister on behalf of himself and all State Premiers who attended the Premiers' Conference held last week, wherein it was said, in so many words, that all the Premiers agreed that every effort should be made, during the ensuing year, to keep down costs in industry.

The proposals contained in the Bill would not keep down costs in industry but would increase them; and, in so far as those costs were increased, they would be passed on whenever possible. Not every industry, however, can pass on added costs, and the mining industry and the farming industry cannot do so. The added costs stick in industries such as those. It would appear, also, that the extra costs would increase the burden on the Government and that, in turn, would have a further indirect adverse effect on the mining and farming industries in matters such as increased freights, and so on.

I will defer, for a few moments, dealing with my principal objection to the Bill and will deal with some of the minor proposals contained in it. One of its provisions is that the compensation board shall publish and circulate all of its decisions. I feel that such a board should publish and circulate its decisions only in so far as they relate to matters of law or really important questions which, in the opinion of the chairman of the board, should be circulated. But many of the decisions of these boards are simply decisions on questions of fact, based on the peculiar facts of a particular case; and I fail to see how they could be of any general interest either as creating precedents, or otherwise.

I therefore feel that it could well be left to the discretion of the board to publish its decisions in important cases involving questions of law. The Bill also proposes to convert into a statutory body the voluntary committee which has hitherto existed as between the insurers and the B.M.A. in regard to any differences that arise in connection with excessive medical fees.

It seems to me that the existing committee has worked well and that from the very nature of its activities it requires no small amount of goodwill on the part of the representatives of the B.M.A., and I consider it has discharged its duties very conscientiously and with considerable goodwill as I am informed that in most cases where there have been references to the committee, the representatives of the B.M.A. have agreed that the fee in dispute ought to be reduced.

If that committee were converted into a rigid statutory body, it might well be that the B.M.A. would be thrown back on to the statutory requirements, particularly as the Bill provides for four representatives of the insurers and four of the B.M.A., each having a vote except the chairman, who is to be elected from among those eight persons, with the result that whichever side placed a chairman in the chair would have a minority in regard to the voting. I believe that the existing arrangement of fluidity rather than rigidity ought to be allowed to continue.

We come next to a question which, as the Chief Secretary said—if my recollection serves me rightly—we have dealt with on more than one occasion in this House—

The Chief Secretary: Constant dripping of water will wear away a stone.

Hon. H. K. WATSON: —and here I refer to what has come to be known in this Chamber as the "to and from" provision.

Hon. F. R. H. Lavery: Three men have lost their lives this year under those circumstances.

Hon. H. K. WATSON: The interjection is not to the point. Someone dies every day, and we all have to die some time. If we are killed by accident our estates have their common law rights. If a person is killed by accident at his work there are both the common law rights and the claim under the Workers' Compensation Act; but this is an entirely different proposition. We have to remember that the Act we are dealing with is not a national health Act or a national insurance Act or a general protection Act, but an Act of limited operation and scope—a Workers' Compensation Act—and it should be related to the objects to which it is intended to relate. I submit that by no stretch of the imagination can it be suggested that an employer should be required to assume responsibility for anything that might happen to his employee while on his way to work or from work.

I do not know whether it was five, six or seven years ago that I first discussed this subject in this House; but I know that I pointed out the extraordinary position which had arisen in Victoria in an instance where a man died of heart failure on his way to work. He got on a tram but felt ill and went home and collapsed just inside his front gate. I believe that case went to the Privy Council and that the decision was that had he died from heart failure outside his gate the employer would have been liable under this "to and from" provision in the Workers' Compensation Act; but that as he had in fact died inside his own gate, the employer was not liable.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. H. K. WATSON: Before tea, I was discussing that part of the Bill which provides for a worker being covered by workers' compensation while going to and from his place of employment. There are one or two more points I would like to make in connection with that proposal. I said previously that I felt it was essentially the responsibility of the individual himself; and as often as not, when an accident occurs, it is in respect of a motorcar, and that is covered by third party insurance anyway.

But the principal point is that there is no reason why, or any logic in the argument that an employer should be responsible for his employee while he is on his way to or from work. If it is felt that an employee should be so protected, it should be the responsibility of the State, although I feel that the average citizen could well protect himself by taking out an accident policy.

As the Bill stands at the moment, it covers not only an employee going from Perth to Fremantle and home, or from Melville to Fremantle and back; but it also covers the extreme case of a man proceeding from Perth to take employment as a farm labourer in Esperance, as an instance. The proposal under this Bill is that such an employer would be liable for any accident that might occur to his employee from the time he left Perth. Similarly, if a person in the North-West engaged a man here, the employer, under this Bill, would be liable in respect of any accident to that person during the whole period whilst travelling to the place of employment.

I feel it is unnecessary to labour the point, because it has been discussed time and again in this Chamber, year after year. Every year since I have been here this question has cropped up; and the House has always, in no uncertain manner, expressed itself as being against the proposal.

The Bill also proposes to compel a worker to accept specialist treatment if directed by his employer, and to deny the worker any benefit if he fails or refuses to obtain that treatment when so required. That seems to be a very drastic provision —to compel a worker to accept specialist treatment; and if he does not accept it, he gets no benefit under the Act until such time as he does. There is no question of granting him an appeal to a panel of specialists; there is no question of giving him the opportunity of a second opinion. He is told that he is to accept the treatment which may be prescribed by a specialist; and if he fails to do so, he ceases to get any benefits under the Act.

That seems to me to be an unwarranted interference with the liberty of the worker. With all due respect to the most eminent specialists, I would say that they are not infallible, and I can visualise this case: Assume that a specialist suggested to a worker that it was necessary for him to have an operation, with problematical success and which could endanger his life. I should say that the worker should have the opportunity of saying, without the risk of any penalty, whether or not he wants to undergo such treatment.

As I said, that part of the Bill seems to be an unwarranted interference with the liberty of the worker. But my principal objection to the Bill is that it proposes substantially to increase the amount of all benefits notwithstanding that Parliament settled, or thought it settled that question once and for all, by the sliding scale formula which was embodied in the Act of 1954. For the benefit of members who are more or less new arrivals it may not be out of place if I give a brief history of what happened prior to 1954.

During the whole of my period in this House, prior to 1954, the position was that every year, about the same time as Father Christmas appeared in the retail stores in Perth, a Bill of this description made its appearance in this Chamber. It made its appearance for this reason: The arguments that were brought forward in respect to the annual amendments were that the basic wage had increased, money values had altered; and therefore, in order to do justice to the worker, it was necessary to increase the maximum benefit and all the other benefits payable under the Act. So every year from 1948 onwards we had this annual pilgrimage. The House discussed each Bill for hours and days on end and almost invariably each one went to a committee of managers and finally reached the statute book after many hours of deliberation.

With the object of putting an end to that very unsatisfactory position, and also with a view to tidying up all the loose ends in the Act, this House, when the 1954 Bill made its appearance, referred it to a select committee. That select committee consisted of the late Hon. Harry Hearn as chairman, Mr. Davies, Mr. Garrigan, Mr. Logan and Mr. Murray. The committee sat for about a month, examined 17 witnesses; and, in addition, several written statements were received and accepted as evidence. The witnesses represented all sections of the community interested in workers' compensation and included representatives from the Workers' Compensation Board, the State Government Insurance Office, the industrial unions, the British Medical Association, the employers' organisations and the underwriters. The committee also visited Kalgoorlie for the purpose of obtaining evidence from members of the Chamber of Mines and unions associated with the mining industry.

On page 6 of the committee's report there is this recommendation—

> The committee cross-examined every witness on the desirability of arranging for workers' compensation benefits to be adjusted with the rise and fall of the basic wage. All the witnesses were unanimously in favour of this and the committee recommends inserting a new clause in the Bill to enable this to be effected both as regards weekly compensation payments and the Second Schedule.

So it came about that the weekly payments were prescribed and that recommendation was adopted in Section 2 of the Act No. 74 of 1954. All the recommendations of the select committee were embodied in that Act and Section 2, Subsection (5) contains the provision for the basic figure to be increased from time to time in proportion to the increase in the basic wage. To give some idea of the liberal manner in which the select committee, and subsequently Parliament, dealt with the matter, I should mention that the principal items in the Second Schedule—that is, the disablement items—were dealt with in this manner: For example, total incapacity—under the Act as it stood in 1953 the amount allowable for total incapacity was £1,750. The committee recommended that that amount be increased to £2,400, plus the sliding scale increase in any subsequent increase in the basic wage. It will be seen, therefore, that that was quite a substantial increase—it was £1,750 in the Act as it stood in 1953, and the committee increased that to £2,400 subject to basic wage increases.

All items in the Second Schedule were similarly increased. As I have said, item No. 1 was increased from £1,750 to £2,400. Item No. 12 was increased from £1,310 to £1,795; Item No. 16 was increased from £1,050 to £1,440; Item No. 25 was increased from £140 to £190; Item No. 33 was increased from £700 to £960—all those items being the last mentioned amount plus further increases on the sliding scale according to the rise and fall in the basic wage. Weekly payments were proportionately determined and the allowances for hospital charges were likewise determined. Everything was given a base, and put on a sliding scale.

It was thought that with such provision justice would be done to all parties and the necessity for bringing any further Bills to amend the amounts in this Act each year would disappear. But in the measure before us we find that it is proposed to still further increase the amount of maximum compensation payable, and to make some consequential increases in all the 33 items in the Second Schedule. It is proposed that the maximum compensation payable under the Act should be increased to £3,000.

Hon. J. McI. Thomson: Next year they will probably want it increased to £3,500.

Hon. G. Bennetts: That is not much.

Hon. H. K. WATSON: If this Bill were passed, that would probably be the position. When we compare the proposals in this Bill with those that obtained since December, 1954, we find that—taking the maximum compensation—in December, 1954, the maximum compensation was £1,750. Under the 1954 Act and as from January, 1955, the maximum compensation was increased to £2,400. By the 23rd July, 1956, and by reason of the sliding scale provisions in the Act, that amount of £2,400 was automatically increased to £2,546. And, as I say, the Bill before us now proposes that that amount shall be increased to £3,000. I would like members to bear those figures in mind. By adopting that basic wage variation the whole intention was to do away with annual reviews and yet we have this further measure coming before us for consideration.

There was one other point in connection with Second Schedule payments that the committee discussed; and this is what it had to say—

> Witnesses generally were unable to suggest any other basis for Second Schedule payments than those in the Act, although it was unanimously accepted that the scale of payments could be improved.
>
> Your Committee feel that research should be made into this problem, and would suggest a committee comprising not only medical men, but also leaders of industry and unions, as the Committee feel that only by goodwill could this problem be resolved satisfactorily.

As I have said, all the other recommendations of the committee were adopted by Parliament, but I can see nothing in this Bill which indicates that that recommendation of the committee has been given effect to; and the result is that the actual distribution of the amounts in respect of the 33 items listed in the Second Schedule remains unaltered.

The committee also made some observations with respect to the Second Schedule. At the risk of being tedious, I would like to read these to the House to remind members of the basic principles of this Act: that it does not purport, and in the nature of things cannot be expected to purport, to place an injured worker in exactly the same position as he would be in if he were working. I think that is very obvious, because if the Act did that there would be no inducement for a man to go back to work. Discussing that aspect the committee had this to say—

> The bulk of evidence given and opinions expressed in relation to the Second Schedule show that the confusion between Common Law damages and Workers' Compensation benefits is very real.

Where one person is injured through the wilful or negligent act of another, the Court endeavours to award damages which will place him or his dependants in the same position financially as before the injury. Amounts are also awarded for pain and suffering. In assessing damages, the Court takes into account the earning ability of the injured person, and a man who was earning £3,000 a year receives considerably more than a man who was earning only £600. Furthermore, if the injured party was guilty of some contributory negligence, the damages are assessed and are then reduced by the degree of his own negligence. Finally, the guilty party pays.

None of these factors apply to Workers' Compensation. A worker receiving £1,250 can get no more than the worker on the basic wage. In fact he gets less if he has no dependants. The benefits to the worker are not reduced no matter what the degree of his own negligence might be. The employer pays irrespective of any negligence.

Common Law judgments deal with the particular person involved. The Workers' Compensation Act gives a blanket cover to protect the average worker against the full impact of his misfortune. The very fact that there is a Workers' Compensation Act indicates that the employers' liability has been artificially created, and this is further shown by the fact that there has always been a limit of liability in the Act. Furthermore benefits have always been standardised, as it was realised that any attempt to make compensation, either under the First or Second Schedules, apply to the needs of each individual worker would make the operation of the Act impossible. Each claim would necessitate negotiation between employer and worker, and many thousands would be referred to the Courts or the Board.

The Second Schedule must always be based on the limit of liability imposed by the Act with the maims decreasing in a proportion calculated on their effect on the average man. To do otherwise is to place every employer on the same plane as a guilty defendant in common law.

It was for those reasons that the committee recommended that the Government set up a research committee to see what improvements could be made in the Second Schedule.

I submit, that in view of the position as I have reviewed it, there is no necessity for this Bill; there is no necessity for another select committee; and there is no necessity for further prolonging the debate on this Bill. Having regard to the sliding scale which has been embodied in the Act since 1954, I submit that the Bill is as unnecessary as it is mischievous, and I intend to vote against the second reading.

On motion by Hon. A. R. Jones, debate adjourned.

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

Second Reading.

Debate resumed from the 15th November.

HON. H. L. ROCHE (South) [7.57]: It seems to me that in this amending legislation the Government is trying to bring the smaller business places into line, quite regardless of whether they are paying overtime, or whether they are run by the owners or not. At the moment, the big self-service shopping centres have a tremendous advantage over the small storekeeper; and if there is one thing that is designed deliberately to put the small storekeeper out of business it is this legislation.

At one moment we were asked to consider the difficult position of the small shopkeeper, owing to the competition he has to stand up to from the big organisations which possess ample capital, have a tremendous turnover, and are able to buy in bulk to an extent that is quite impossible for the small man. We are then asked to approve legislation which will make the small suburban store virtually a thing of the past. I do not think it is realised in some quarters, nor is it appreciated to what extent service to the public should be considered the major factor. The public is just the average man. Whilst we go on with restrictions such as these, and make it more and more impossible for anyone to render service to the public, it is the public which has to pay the piper.

In America today many stores are open seven days a week. Large shopping centres are finding that Sunday is the third best day they have for business and trade. The whole family go along, and Sunday morning is really a family outing period. That has its foundation in the principle that the buyer should be catered for; that it is service to the public.

In addition to these objections, I have one which to me, at all events, is the major one. I have said in this House before, in connection with other legislation, that we in this community at the moment are in great need of stability and steadiness in our economy—more so than for many years. I believe such benefits as this legislation is designed to confer on some people could very well wait—even if they are justified, which I very much doubt—until

we are able to regard the economic outlook of Western Australia with a great deal more confidence than I think we can at the moment: in other words, until things stabilise and straighten themselves out.

This is the last type of legislation we should be introducing, which will eliminate some of the services to which the public is undoubtedly entitled, and at the same time give benefits and improved working conditions. After all is said and done, working conditions are not too bad at the moment. I am opposing the second reading.

HON. J. McI. THOMSON (South) [8.2]: There are numerous objectives in this measure, covering the definition of a shop in connection with a hairdresser's shop, the employment of boys and women, overtime rates in factories, meal allowances, ventilation of factories, and provision of meal rooms in factories and sawmills. It proposes to do things which will affect quite a few of us who live in the country, and also proposes the closure of petrol stations at noon on Saturdays.

Dealing with the closure of shops in the country towns which are still operating on Saturday afternoons, and which have their half-day holiday during the week, I would say this is provided for today in the local government Act, which enables the local authority or the people in the areas affected, if they desire to have a change, to hold a referendum on the matter. I see no reason why it should be compulsory —as it would be if we were to pass this Bill—for shops now operating on Saturday afternoon to close. It should be left to the option of those living in the area. If they want the change, they can take the necessary steps to bring it about.

Throughout the Bill I can see evidence of compulsion on all shops, and feel I must enter my protest in that regard, because I think we have far too much compulsion in the measures we have passed, particularly in recent years. I think the freedom of the individual has been slowly frittered away, and this is another case where freedom is being interfered with.

Many of the objectives in the Bill have an important bearing on the cost of production and, as I stated before, the convenience of people in country areas. The matter of the cost of production seems to be of little consequence to this Government and Governments of the same colour throughout the Commonwealth. They seem to have no regard for the effect of all these impacts on the cost of production; and, consequently, from time to time, we have bitter complaints not only in Parliament but through the Press and through various organisations. Here we have another instance where the cost of production is a secondary consideration when compared with the convenience of members of respective unions and providing them with leisure time in which to shop.

We have just adjourned the debate on a measure dealing with workers' compensation, and Mr. Watson ably touched on important points which again affected cost of production, of which there is a total disregard. We also see it in the various Bills which are on the notice paper before us. This legislation cuts across or usurps the prerogative of the Arbitration Court. We have set up a court which deals with such measures as are contained in the Bill, and the people who are concerned have the right of appeal to the Arbitration Court to come under various awards. I feel it is wrong for Parliament to take unto itself the duties which we have entrusted to that court. The court works in the interests of the State as a whole; not only in the interests of industry, but in the interests of the various workers in industry.

We know from the attitude of the Australian Council of Trade Unions that there are some people who are anxious to bring about the abolition of the Arbitration Court. What they would substitute in its place is something of which we are all apprehensive; and I trust it will never be that Parliament will usurp the functions of the court. If it does, it will be very detrimental to the national welfare.

This is a very apparent step towards that objective to which Labour is committed and which it is striving at all times to achieve—a reduction of working hours, and increased wages. It has been ably demonstrated by various speakers that this cannot come about without adversely affecting commerce and industry, and the prosperity of all concerned, particularly the persons whom this Bill aims to assist. I sincerely trust that the Bill will not be agreed to; or that, if it is, there will be some drastic amendments during the Committee stage.

The Bill intends to increase the cubic space per person in a factory from 350 cubic feet to 400 cubic feet. I think that that, along with the increased ventilation which the Bill requires in regard to many of the sawmills within 15 miles radius of Perth, is sheer humbug. If any interested persons would care to visit these sawmills they would see that they are open on all four sides and there is plenty of ventilation. I think this provision is sheer humbug, and that the person responsible for putting it in the Bill is endeavouring to justify his position as chief inspector of machinery or factories.

More consideration, apart from the economy point of view, should be exercised. I do not think for one moment that we should place our workers in any establishment which will be detrimental to their health. Those who hold similar political beliefs to myself share with those who are always advocating better working conditions for the working man the opinion that he should have the best conditions available, but in so doing, there is a limit.

From time to time, the people concerned obtain various increases; but to ask for a matter of 50 cubic feet additional space is something for which the person responsible has asked because he felt something had to be put into the Bill to justify his position. It will involve a tremendous cost and one borne by industry. With all the other costs that were put on and will continue to be put on as long as we have legislation coming forward such as that which we have received in the last few weeks, these costs will continue. One wonders just how much industry can stand and yet still be able to compete with outside competition. As a matter of fact, it has been amply demonstrated that we have failed to compete in many instances; and we have lost markets by virtue of that fact.

Those responsible for framing such legislation, desirous as they are of making conditions more comfortable, should give some little thought to the cost. The question of providing meal rooms in factories is important. In many factories these rooms are patronised reasonably well, but recently I inspected an establishment which provides this amenity and to my amazement the great percentage of the employees prefer to have their meals outside—admittedly in very pleasant surroundings—so that the provision of this very costly amenity was not appreciated.

The provision of lavatory facilities is a matter for the health authorities, and if they are doing their job they will insist that such facilities are provided; and, in fact, they are. This clause in the Bill providing for lavatories, wash rooms, etc., is an overlapping one. Again I say that certain people are ever ready to advocate these things, irrespective of cost. It is time they considered the added cost.

They should ascertain whether the amenities are already in existence and, if so, whether they are being used by the people concerned. This is rather like the proposition of leading a horse to water but not being able to make him drink. In many instances the amenities are provided but they are not used. This is unfortunate. As we move from place to place we see ample evidence of huge sums of money being spent in providing comfortable amenities that are used to only a very small extent.

I referred earlier to the matter of service stations. If the Bill becomes law, service stations throughout the country will have to close at noon. This is interfering with the rights and freedoms of the individual and, we believe, of the community. If the owners of service stations desire to provide a service to the community I fail to see why this, or any other, Government should say to them, "You shall not give that service after 12 o'clock." Here again I object strongly to the compulsion.

If for no other reason than that the Bill contains a provision to prevent people trading with their service stations in country districts, where folks are travelling at all hours of the day and night, I would vote against it. The service station proprietors in the country have to meet circumstances over which they have no control and which are entirely foreign to people in the metropolitan area. Apparently this service is to be discontinued just because the framers of the Bill see fit to make Saturday trading uniform throughout the State.

As I have said, I would oppose the Bill just for that reason, but there are other provisions to which I take exception. For instance, people will be denied their present right to express, by way of a ballot, whether they want to do their shopping on Saturday afternoons or not. Saturday afternoon shopping has gradually been decreased over the years, and in time it will be whittled away still further. Let us continue the method that exists today instead of introducing the arbitrary proposal provided in the Bill. If a person in business wishes to remain open after the hours stated by the Act, he should be permitted to do so provided he pays the overtime rate.

I refer now to that part of the Bill which seeks to deal with chemist shops throughout the State. Many chemists remain open for half an hour after the hour when other shops close. This gives to the people employed in various shops and industries the opportunity to make purchases at the chemist shop after they have knocked off. If we include a provision so that the chemists close when everyone else does, this facility will be denied those people. This infringement of the rights of people is something to which I take strong exception. For this reason, and for the others I have outlined, I propose to vote against the second reading of the Bill.

HON. F. R. H. LAVERY (West) [8.24]: I support the Bill, and I hope that when it is in Committee, and we are dealing with the clauses, item by item, members will be in a better position to judge what it really implies. I have heard members say that the measure affects the small shopkeeper in the metropolitan area, in that he will have to close at a certain time and therefore will be restricted in his business. So far as I have been able to to study what the Minister said in another place, such is not the case. So far as the country districts and the early closing on Saturdays are concerned, it should be appreciated that within the State there are approximately 123 shopping districts, 107 of which already close on Saturdays at midday.

Hon. L. A. Logan: Of their own volition.

Hon. F. R. H. LAVERY: Whether of their own volition or not, it is an established fact.

Hon. A. F. Griffith: Is that in the country?

Hon. F. R. H. LAVERY: I am referring to the country. The Cunderdin Chamber of Commerce wrote to the Minister and said that to maintain peace in industry, and for the sake of the staff employed, its members were quite prepared to abide by the proposals contained in the Bill.

Hon. J. McI. Thomson: That is only one of those remaining.

Hon. F. R. H. LAVERY: Yes; and it now makes a total of 108. As Mr. Thomson has said, there has been a gradual whittling down. In the country there are people who enjoy the amenities of city life and who would like to close earlier on a Saturday and join with a group of people to come to the city for the week-end.

Hon. Sir Charles Latham: Cunderdin already closes on Saturday afternoon.

Hon. F. R. H. LAVERY: Mr. Thomson knows that as well as I do.

Hon. J. McI. Thomson: Give them the opportunity to please themselves.

Hon. F. R. H. LAVERY: I know that Mr. Thomson is sincere in what he says; and I know, too, that there is no person more loyal to his party policies than is the hon. member. I am going to say the same about myself—I intend to be loyal to my Government on the Bill, because there are many phases in the Act which need amending.

Reference was made by Mr. Thomson to the increase in area from 350 cubic feet to 400 cubic feet. As a man in the building trade, he probably has been through a great number of factories in the State, but perhaps not through many backyard factories where the buildings are small and a fairly large staff is employed. The Act provides one of the protections that the workers in such industries have. Also, there are other people who get assistance from the so-called amenities—I refer to insurance companies, etc. Where the provision of amenities is an established fact, the accident rate and that type of thing decreases.

Coming back to the question of the Arbitration Court, a great number of people in the State do not belong to unions and therefore have no statutory authority—other than the provisions of the Factories and Shops Act—to look after their interests. If members read the statistics which we receive quarterly they will find that a great number of workers are not covered by unions, but they do come under the Factories and Shops Act. Therefore it is not a question of getting away from the Arbitration Court. I, on behalf of the Government, declare here again—this Government has more than once said so—that it stands four-square behind the arbitration system.

Coming back to the question of service stations in the country areas, as members know, we lately had a Royal Commission inquiring into the petrol industry. If anyone takes the trouble to read—although I say it myself—the very good report that has been produced he will notice that the Royal Commission recommended that the conditions and hours of trading of garages in the country areas should not be altered.

Hon. J. McI. Thomson: This Bill will do that.

Hon. F. R. H. LAVERY: To show that Mr. Thomson has not read the Bill in conjunction with the Act, I point out that the Bill provides for a standard closing time for country garages, but does not alter the proviso in the Act to permit a motorist obtaining supplies of petrol and oil after the prescribed hours.

Hon. J. McI. Thomson: How do you get it?

The Chief Secretary: How don't you get it!

Hon. F. R. H. LAVERY: There is more chance of obtaining petrol outside the ordinary trading hours in the country than there is in the city.

Hon. J. McI. Thomson: By scooting round to the back door, I suppose.

Hon. F. R. H. LAVERY: I am concerned that members are misleading the House when they state that the provision which permits petrol to be obtained after hours in the country has not been enforced. It is not fair for members to criticise this Bill if they have not read its provisions in conjunction with the sections contained in the Act.

HON. J. G. HISLOP (Metropolitan) [8.31]: This Bill is one of a type that restricts trade, and I do not like it. I cannot see any reason why, in a young country such as this, we should seek to restrict trade. On the contrary, we should be looking to its expansion so that we may progress and get out of our economic and financial difficulties. This Bill also provides for compulsion and regimentation throughout the State. Those are things we do not want on the statute book in this State.

I may have views which are completely divergent from those held by the Government in regard to this matter. If I had my way I would not provide for certain hours of business whatsoever or certain times at which establishments should close. I would provide only that workers should be properly treated from the point of view of the payment of reasonable salaries and provision of decent conditions and amenities. I would provide that an individual should receive overtime if he worked longer than the hours laid down under his award or an

Act governing his industry. However, if that employee wished to continue working into a second shift, he should not be paid time-and-a-half if he regarded those hours of the day as being most suitable for him in which to work.

Hon. G. E. Jeffery: Does a doctor work a double shift?

Hon. J. G. HISLOP: If the hon. member worked as hard as a doctor he would be thoroughly tired. No nation can legislate to provide, as we are attempting to do, that the whole of our working life shall be pocketed between 9 a.m. and 5 p.m., because that just cannot happen. As the State and the city grow, there will be a much greater demand for more services to be provided and for longer hours to be worked by employees to provide such services.

In countries where there is a large population, it will be found that there are certain individuals who are anxious to achieve a certain stage in life, and who are prepared to work long hours to fulfil their ambitions. For instance, I have seen waitresses working in restaurants from 11 a.m. to 5 a.m. the next morning merely because they wanted to earn sufficient so that they could study at a conservatorium of music or some other seat of learning to achieve their life's ambition.

In this country, however, we are completely limiting our way of life. Years ago I told this House that, whilst on a visit to the U.S.A., I was waiting at the Kansas City railway station on a Wednesday night and it was so hot that I was compelled to go and buy a new shirt. At 9.45 p.m. I went up to a row of shops which were above the station and bought the shirt that I required. Above that station was virtually a city. At any one time at the Kansas City railway station there were never less than 5,000 people, and often the figure went up to 10,000. Consequently, the needs of such a large number of people had to be catered for, and the shops never closed the whole 24 hours round.

That did not mean that employees worked the 24 hours. It meant that there was employment for a large number of people; but the services that were offering to the general public would have been greatly limited if the people in that city had adopted the same attitude and provided the same hours of trading that this Bill proposes to inflict upon us. Whatever the details contained in it, I do not like the Bill, because it restricts trade, and savours of compulsion, regimentation and uniformity. I was amazed to realise the state of mind that lies behind the Bill which was illustrated when Mr. Lavery was speaking in favour of it. In effect, it means that we have reached a stage where it is agreed that legislation must be brought forward to control the minority.

Hon. F. R. H. Lavery: I did not say that.

Hon. J. G. HISLOP: Those are the words out of the hon. member's own mouth, because he said that there were 107 out of 123 who were acting in a uniform manner and therefore this Bill was necessary to bring the other 16 into line.

Hon. F. R. H. Lavery: I said that was only one of the reasons.

Hon. J. G. HISLOP: Is not that the same thing? That is only splitting straws. In effect, the hon. member said that it was necessary to compel that minority to behave in the same way as the other 107 were doing. The Bill, in fact, is saying, "Don't let us wait! Let us get hold of that minority and regiment it!" It sounds a bit like what is happening in Middle Europe. I am opposed to this Bill.

HON. G. C. MacKINNON (South-West) [8.38] I must add my few words of protest against this Bill. Recently we had legislation before the Chamber which aimed at the control of prices. This Bill is one of several which will tend to do exactly the opposite to that which is designed in the Profiteering and Unfair Trading Prevention Bill. The fundamentals of this measure were dealt with very ably by Dr. Hislop, but there are one or two details which members should bear in mind.

If we take the Bill at face value, it would appear that bad conditions in industry are prevalent; and yet up to this year of 1956, and ever since the war, we have enjoyed a period of full employment throughout the length and breadth of Australia—a period in which employers have been hard put to hold staff; a period in which wastage has been very high, and when all sorts of amenities and tempting offers were held out to workers so that their services could be obtained or retained. Despite this, apparently the Government thinks it is necessary that this legislation should be agreed to in order to rectify the bad conditions that are prevailing at the moment. I will admit that we had a slight scare only recently during which the word "unemployment" was bandied about.

Hon. F. R. H. Lavery: It was not bandied about at all. I was one of those who were helping to obtain food for the unemployed.

Hon. G. C. MacKINNON: That period was only of short duration, because experts are apparently convinced now that the economic conditions are righting themselves. With the exception of that very short and recent period it has not been difficult for employees, if their working conditions were bad, to change their jobs. I maintain, however, that very few firms ask their employees to work under bad conditions.

I remember shortly after the war, working in a city establishment when a new lunch-room was constructed for the convenience of the employees. However,

whilst I was there, except for throwing our hats into it on a wet day it was never used. Only a week or so ago, I called into this same establishment to see a few of the fellows there, and I found that some of the men were sitting in the sun outside, three were looking over the river, and a few more were scattered around the building. Obviously, the lunch-room has never been used as it should have been ever since it was first provided. It is obvious, too, that in a climate such as ours, there is not the need for such places as there is in other countries where the weather is not so pleasant.

Nevertheless, that lunch-room must have cost a considerable sum to the firm in question, which cost would be added to the price of the articles sold by it. I agree with Dr. Hislop that our whole outlook in regard to working conditions seems to be one of control and regimentation, and I think it is an insidious attitude towards life. Very few people realise that with the advent of atomic power our past way of life has been completely altered.

Experts for years estimated that Australia could carry only a limited population. Figures varied from 20,000,000 to 100,000,000, but modern developments in atomic power will change all that. For instance, the lack of sufficient rivers in a country is today not the severe handicap it was in past years. A vast potential is waiting to be opened up in this country.

We hear of questions being asked in another place about the condensation of salt water to obtain fresh water—which will be successful, because anything that man sets out to achieve he will achieve—and when this is done, it will solve our great problem of the lack of sufficient water supplies. Therefore, there is no doubt that one day we will be a great nation, and great nations thrive on commerce and trade. If we are to continue to restrict and restrict, we will have none of the spirit of progress among our people when we need it most.

By way of interjection, it was said that the majority should rule. That is quite correct and that principle should be preserved—but with a severe limitation, namely, that there should be due regard for minorities. In certain parts of our State there are instances where people will vary certain conditions to suit local requirements. This trend should be encouraged. If, by meeting local requirements, the conditions are laid down accordingly so that they can keep people in those districts, that will go a long way towards maintaining the principle of decentralisation which is a problem exercising the minds of many people in this State at present.

It is obvious that the conditions which are laid down in the city of Perth could not possibly be adhered to in a holiday resort such as Bunbury, Busselton, Geraldton, Albany or Mandurah. Those are places to which people can travel on a Saturday or over the week-end; and whilst they are there, it is only natural that they often require to do some shopping to obtain whatever requirements they need.

Hon. G. Bennetts: What about Esperance? You never mentioned that holiday resort.

Hon. G. C. MacKINNON: I would appear to be the only person in the State to have overlooked Esperance. I think members will recall that a year or so ago a Bunbury shopkeeper endeavoured to trade at night. His employees were perfectly happy about the new arrangement and were with him to a man. I think, at the same time, there was a trader in Leederville who wanted to do the same thing. They are venturesome and trying out new things. They have to work within the Arbitration Act. If they can make more money, good luck to them. They will be able to open up and develop, and that is the type of commerce we want. The easier we can make it for them the better.

Cubic capacity required by a worker was mentioned, and the intention is to enlarge it from 5ft. x 7ft. x 10ft. to a space of 5ft. x 8ft. x 10ft., or 1ft. longer. Here is a classic example of the basic thinking in regard to this matter. It is intended to expand the cubic capacity of an operator and thereby to make his conditions infinitely better. We have progressed far beyond that. By way of interjection, we heard that we are actually going back to what happened 50 years ago. Most things travel in cycles, and what was new 50 years ago becomes a new thing again under different circumstances today.

In the matter of cubic space, under the conditions laid down in this Bill, the worker is supposed to be much more comfortable. To make a comparison one could go to a factory where the operator is given a space of 10ft. x 10ft. x 20 ft. on the sunny side of a galvanised iron shed; and to another well set up factory where the operator has 2ft. x 4ft. x 5ft. of air-conditioned space in which to work, where the air is constantly changed, and where the roof and walls are insulated against the heat and cold. The latter is infinitely better. We have advanced beyond the time when the cubic capacity is a true guide as to the health, comfort and safety of the operator.

That being the position, this legislation is antiquated before it goes on to the statute book. It does not take cognisance of the trend that as soon as the owner has made enough profit, he puts in the improvements I have referred to because it pays him handsomely to do so. The output of the operator would be increased by working under cool and comfortable conditions. If the conditions are such that the operator has not to be constantly wiping his brow or mopping his perspiring hands he will get through more work. The aspect

in relation to cubic capacity bears out the whole outlook of the Bill in that, in the main, it is antiquated before it starts. I intend to vote against the second reading.

On motion by Hon. E. M. Heenan, debate adjourned.

[*The Deputy President took the Chair.*]

BILL—STATE GOVERNMENT INSURANCE OFFICE ACT AMENDMENT.

Second Reading.

Debate resumed from the 15th November.

HON. L. A. LOGAN (Midland) [8.50]: One need not say very much in regard to this Bill; similar legislation has been before this House on four occasions in four years, if my recollection is correct. One might come to the conclusion that a measure which has been before the House on four occasions in four years should at least achieve a fair amount of success; but, in my opinion, the fact that it has been brought before us four times makes it no better than the Bill introduced in the first instance. I do not intend to alter the views which I have held in the past three years in regard to this matter.

It has been said that a demand exists for the State Insurance Office to go into other classes of insurance. The only people who have asked for this are the Government employees themselves. The type of people making this request for the extension of the field of insurance by the State Insurance Office reveals what will take place if this extension is granted.

Hon. R. F. Hutchison: What will take place?

Hon. L. A. LOGAN: The State employees, the State organisations and representatives, who number one in every four persons in the community, are the persons who would insure with the State office. I am inclined to believe it would give the State Insurance Office an unfair advantage, particularly in regard to staff. If this Bill is agreed to some civil servants who should be fully occupied and paid for the work they do, will become agents of the State Insurance Office. If those people are gainfully and fully employed they should not have time to look after the insurance business of that office.

Hon. R. F. Hutchison: You are supposing it.

Hon. L. A. LOGAN: I am not supposing it. I know that will happen.

Hon. R. F. Hutchison: How do you know?

Hon. G. Bennetts: Like other firms, it will have to employ more staff if there is more business.

The DEPUTY PRESIDENT: Order!

Hon. L. A. LOGAN: To start off with, this Bill will give the State Insurance Office an unfair advantage. On another occasion, the Chief Secretary interjected that the State Insurance Office was given all the rough stuff. It seems mighty strange, if that is the case, that that office is able to erect the magnificent edifice in the terrace which cost approximately £500,000. That shows it is getting a lot of good business besides the rough stuff.

Hon. F. R. H. Lavery: That office has given what you have often spoken about—good service.

Hon. L. A. LOGAN: Apparently it is not backward in making excessive profits, like the other insurance companies.

Hon. F. R. H. Lavery: That is not a fact. Their premiums are lower.

Hon. L. A. LOGAN: From where does the money come to build that edifice, if not from profit?

The Chief Secretary: Is that the only company able to erect such buildings?

Hon. L. A. LOGAN: We talk of the excellent service given by the State Insurance Office, but that only comes about from the business derived from local governing bodies. Surely the State Insurance Office does not intend to do all business on the same principle as with the local government pool, because if it did it would be in trouble. A comparison cannot be made between insurance with local authorities and other types of business.

I have already said that when free enterprise is unable to give service to the public, then the Government should step in to do the job. At the moment I believe the insurance companies are giving the public the service that is required; therefore I see no reason why the State should come into the field. The State Insurance Office is not as good as some people make out, particularly when it comes to workers' compensation. It dodges the issue just as much as the other companies. I know of one case concerning a worker who crushed his hand three years ago. Because he was a Government employee and his workers' compensation went through the State Insurance Office, he has up to date not been paid, despite the fact that two specialists have examined the injured hand and assessed the percentage of disability.

Hon. E. M. Heenan: Why does he not sue that office?

Hon. L. A. LOGAN: He has not the money to sue the State Insurance Office. Two specialists have assessed the incapacity; but because the State Insurance Office would not agree to that assessment, the worker has not been paid. I bring up

that case to show that the State Insurance Office is not as good as some people make it out to be.

Hon. E. M. Heenan: Tell him to take out a summons; that will only cost him 5s.

Hon. L. A. LOGAN: He knows where to go and what he is doing. The union will fight the case for him. There is no need for such a long delay.

Hon. F. R. H. Lavery: Do you mean to say that he has not received any sick pay or accident pay?

Hon. L. A. LOGAN: He has received sick pay but no lump-sum settlement.

Hon. G. Bennetts: Is there some condition he has not complied with? I cannot understand it at all.

Hon. L. A. LOGAN: I know the hon. member cannot understand it. There is nothing with which he has not complied. There are many other such cases.

The Chief Secretary: If you give me the names I shall obtain the full particulars.

Hon. L. A. LOGAN: The Minister cannot catch me like that.

The Chief Secretary: If the hon. member will give me the names in private I shall get the full circumstances.

Hon. L. A. LOGAN: I have spoken on a similar measure on three previous occasions. I said there was no demand or need for this legislation, and until such time as the insurance companies fall down on their job, there is no reason to alter this legislation. I oppose the second reading.

HON. G. E. JEFFERY (Suburban) [8.57]: I rise to support the measure before the House. Unlike other members, I was not here to debate similar measures in past years; but like other members, I shall not take up a great deal of time. I remember Mr. Simpson saying the other evening that basically it was a question of political principle as to how far the Government should go: whether it should function in certain avenues and whether it should trade. It is accepted by all that the Government should be allowed to trade, but the parties opposed to this measure are not as determined on the trading issue as they would have us believe.

From my experience of their views on Government trading concerns, those concerns are only committing a sin when they make a profit; if they lose money over a long period, the parties opposing this measure are not at all concerned. The moment those concerns make a profit, there is haste to unload the profits to private enterprise. This is borne out by the fact that in the last few years the Commonwealth Government handed over the A.W.A., the whaling station and the C.O.R. to private enterprise.

In the field of insurance there is room for the State Insurance Office to trade in competition with private companies. From the investigations that I have been able to make, there are approximately 70 insurance companies in this State, of which five or six are non-tariff companies. The tariff companies operate by mutual agreement to a common premium rate. The non-tariff companies fix their own rates, resulting, generally speaking, in a certain amount of competition, and as a rule the public do get a better spin from the non-tariff companies.

The fact that, in a State as small as Western Australia, there are 70 companies trading suggests that many of them live on their reinsurance business. That is reminiscent of the South Sea Islands in the old days when the people were reputed to live by taking in one another's washing. The effect of the existence of a large number of non-competitive companies in Perth is the existence of overheads for which there is no need and which are a direct cost to the public.

It seems to me that members who are opposed to the Bill are really afraid of a very highly efficient competitor. The State Government Insurance Office is able to compete quite well with other offices. Mr. Logan made reference to the amount of insurance covered by the State Office. It is significant that that office is allowed to operate in the field of motor-vehicle insurance and workers' compensation, but is being kept out of the lucrative branches of this business. Most of the companies are not very keen to handle motor-vehicle insurance and workers' compensation, because those businesses carry a small profit margin.

In order to give some evidence of the buoyant nature of insurance, I propose to give the figures from the balance sheets of two companies that trade in Perth. These figures appeared in "Rydges Journal" of September, 1956, at page 963. With regard to the Bankers & Traders Insurance Co. Ltd., the paid-up capital was shown as £245,281 and the net profit as £130,599 for the trading year ended the 31st March, 1956. The company paid a dividend of 12½ per cent. and there was a surplus of £99,939; the shares were paid to 12s. 6d. "Rydges" quoted the stock exchange price of shares as between 36s. and 39s.

Hon. L. C. Diver: Can you give us the figures for the previous four years?

Hon. G. E. JEFFERY: If members will check the figures of other companies they will find that these margins are fairly standard. Apropos of what I said earlier regarding workers' compensation, this company stated that motor-vehicle and workers' compensation claims in Australia were "still causing concern." I think the reason is that the margins to be made in

that line of business are not as good as those in respect of fire insurance and other types of insurance.

The other company to which I wish to refer is the Queensland Insurance Co. These figures were given in the same journal in January, 1956, at page 81. The capital was shown as £1,500,000. The net profit, after providing a reserve for unexpired risks was £427,344, for the trading year ended the 30th September, 1955. A dividend of 12½ per cent. was paid and it took £187,500 to pay that dividend. The £1 shares were quoted as between 63s. and 69s.

Hon. H. L. Roche: Have you got figures for the Western Australian insurance companies?

Hon. G. E. JEFFERY: No. The question was asked as to how far the State office could stand up to a major catastrophe. So I took the trouble to get some figures. I find that the State office has a special reserve of £150,000. Then it has a first insurance treaty for £100,000 in excess of the £150,000 and a second insurance treaty for £250,000 in excess of the first £250,000, giving a total coverage of £500,000.

Reference was made to a national disaster such as the sinking of the "Titanic." Coming closer home—although I hope nothing of this kind will happen—we could refer to the new ship the "Koojarra," which is insured for £1,125,000. If that vessel were to disappear overnight, as the "Koombana" did in 1912 off the North-West coast, the liability of the State office would be £16,250, proving that the State Insurance Office reinsures in accordance with the common practice in insurance circles. The practice is that on a very hazardous form of insurance the companies retain a small percentage and farm out the rest. Where the hazard is not great, they retain a large percentage.

There is no reason why the State office should not be allowed to compete with the private companies. If Government enterprise were able to make profits like other concerns, we would not get so many kicks about taxation. I support the second reading.

[*The President resumed the Chair.*]

HON. R. C. MATTISKE (Metropolitan) [9.7]: There are one or two points to which I would like to draw attention. The first is that this measure has been brought before Parliament four times in four years; and it is worse than regrettable that, having introduced a measure once or twice, the Government should not be satisfied with the decision of Parliament, but should persist in wasting valuable time by introducing virtually the same measure over and over again.

The Chief Secretary: I know of someone who has had a go at amending a Bill three times in the last couple of days because he was not satisfied!

Hon. R. C. MATTISKE: The next point is that we have heard of the fabulous profits being made by the private insurance companies, and it has been implied that the new building of the State office, which is worth approximately £500,000, has been erected solely out of profits. I would strongly suggest to those members who are inclined to that view that they make some inquiries in the proper channels and they would find that that was far from the truth.

The Chief Secretary: Some of your members said that; not ours.

Hon. R. C. MATTISKE: My next point is a very important one, and the crux of the whole position. It is that the function of the Government is to govern. It exists for the purpose of administering the laws of the country and providing public utilities.

The Chief Secretary: And running anything unprofitable.

Hon. R. C. MATTISKE: By public utilities, I mean electricity services, water supplies, sewerage, railways, tramways and so on. It is the function of a Government to attend to those matters in developing the country. I maintain very strongly that to enter the field of trading concerns is something which is beyond the scope of normal government.

Hon. E. M. Davies: What forced the Government into the insurance field?

Hon. R. C. MATTISKE: It has been said that the State Government Office was forced to take over insurance that the other companies would not tackle. I challenge the State office to ask the private companies to take over that insurance.

The Chief Secretary: Evidently you don't know the history.

Hon. R. C. MATTISKE: There you are! If they are as bad and distasteful as we have been led to believe, is it not reasonable that the existing insurance companies should be asked to take them over? I repeat that the function of a Government is not to embark on trading concerns. Always, distant fields look greener. We have had ample experience where Governments have embarked on other trading concerns.

Just recently we have had the question of the amalgamation of the State Saw Mills and the State Brick Works, both of which have made huge losses in the past year; whereas other private companies, operating under less favourable conditions, were able to give good employment to their staff and good amenities, and at the same time a reasonable profit to ensure that they will continue in operation. I maintain that if we left trading to the private companies, whose job it is to interest themselves in trading, and the Government to look after the governing of the country and the proper running of public utilities, we would be far better off. I sincerely hope the measure will not pass.

HON. G. BENNETTS (South-East) [9.11]: I am surprised that members opposite are opposing this measure. This is a Government institution, and all members should support it. Of course, what is happening is that the supporters of the Opposition parties are big insurance companies and business people, and they would be opposed to the State Insurance Office getting a decent line of business. The State Office was good enough to take over compensation for mine workers years ago. But for that, the silicotic miners on the Goldfields would have been without proper compensation.

Hon. N. E. Baxter: They made the mines pay plenty for it!

Hon. G. BENNETTS: They did. But the miners were working under bad conditions, and a large number were contracting the disease. None of the companies would undertake that business, but the State office did so, and it is entitled to this other insurance as well.

HON. W. R. HALL (North-East) [9.13]: I support the Bill. It has been said that a similar measure has been brought down year after year. There is no reason why we should not bring forward such legislation until we receive satisfaction. I believe that the State office should be able to compete with other insurance companies. I venture to say that a fair number of members here and in another place have their motorcars insured with the State office—I know I have mine insured there—because of the satisfactory conditions of insurance to be obtained, in comparison with those offered by other companies. I believe that the State office should be allowed to handle life assurance. Why does one have to go to half-a-dozen insurance companies to effect different types of insurance?

Reference has been made to profits. One has only to note the loans made to the Commonwealth to discover what profits are made from various forms of insurance. I consider that one should be able to insure with any company one desires to insure with. Down through the years I have heard members in this House —some of whom have passed on—always ready to squeal if a Government instrumentality was making a profit. But if it showed a loss, they criticised it just the same. So there was never any line of demarcation as to what would satisfy some members of this House.

I think the State Insurance Office has done a particularly good job, and I would like to place all my insurances, of the various classes, with it. Why are we not allowed to deal with the one office for all classes of insurance business? I believe that the State Government Insurance Office gives a reasonable return for the premiums paid, and I know that I am satisfied, and I think that many other members present are satisfied with the insurance that they have with that office. Even though this measure has been brought down year after year, I ask members to give it all the consideration to which I am convinced it is entitled. I support the Bill.

HON. SIR CHARLES LATHAM (Central) [9.16]: I would not have risen to speak but for the fact that I would like to inform some members—who may not already know—why the State Government Insurance Office came into being. In the early 1920's there was a great deal of trouble on the Goldfields owing to the incidence of miner's phthisis, silicosis and tuberculosis. The Government of that day —not a Labour Government—felt that something should be done to provide the affected men with pensions and take them out of the mines, and the late Hon. J. Cornell was sent to Africa to investigate the position there. He returned and put out a report, a copy of which has just been handed to me and which is dated 1922.

At that time the private insurance companies said they could not determine what the risk involved might be as they had no idea how many men would be affected by the diseases which miners working underground sometimes suffer from. They had only the information which the late Hon. J. Cornell had brought back from Africa, and it took some time before Parliament decided what should be done. A few years later there was set up what is now known as the State Government Insurance Office and it has carried those risks ever since. I do not think any private insurance company in this State accepts those particular risks. I have watched the progress of the State Insurance Office over the years.

From time to time the State Government Insurance Office has asked for additional powers, but I take the view that it already has sufficient to do in looking after the business which it handles. However, the Government from time to time has endeavoured to extend the operations of this office into all sorts of channels. Whether that would be to the good of the people of the State or not I do not know, but I do know that there are sufficient insurance companies operating in Western Australia to cover all the other business.

We should ask ourselves what are the functions of Government. Is it the function of Government to go into business and trade in opposition to the people who have to pay taxes? I think that we will be sorry when the Government sets up a system of controls by departmental officers because then there will be no freedom and no competition. I have never supported legislation of that kind.

The Chief Secretary: What did you do when you were in office?

Hon. Sir CHARLES LATHAM: I was not in office when the State Government Insurance Office was set up. We did nothing, because the position was so involved at that time that it was doubtful whether it could be cleaned up. The returns which we get show us that nearly every Government trading concern is either run at a loss or at a very small margin of profit, although those instrumentalities do not pay the taxes that ordinary companies pay and their charges are no lower, except in very few instances—

Hon. E. M. Davies: They pay the equivalent of the tax into the Treasury.

Hon. Sir CHARLES LATHAM: Did the State Brick Works make a profit this year? One thousand bricks cost just as much there as anywhere else.

Hon. E. M. Davies: But they are better bricks.

Hon. Sir CHARLES LATHAM: I know what the functions of Parliament should be. Parliament should provide laws for the benefit and protection of the people and see that the laws are observed and render to the people services that they cannot render to themselves. Yet we see the Government starting out in business and putting in charge of large concerns Ministers with no more ability or knowledge of the particular business than I have, and probably less. Many Ministers cannot run their own departments, which are run by their officers. I asked a question today and the reply I received would have been a disgrace had it been given by a schoolboy. The Minister could not tell me what the law of the State is.

The Minister for Railways: You should know it.

Hon. Sir CHARLES LATHAM: If the Government's legal officers do not know the law or are not capable of advising Ministers, or if Ministers are too proud to ask, as they think that might expose their ignorance, it is a shame to think that when one puts forward a sensible question in the interests of the public one must receive such a reply as was submitted today. I will have more to say about that, and by a more direct method than I can use now. I will not encourage the Government to go into business, because I do not think we are qualified to conduct some of these concerns. Why are we asked to agree to the Government going into business? It is because we can impose taxation on the people and make up any deficiencies in that way.

The Minister for Railways: You will be on my side in regard to the railways.

Hon. Sir CHARLES LATHAM: We are not discussing railways at the moment. The Minister has already said what facilities Governments are expected to provide—

The Minister for Railways: Many people expect us to be Father Christmas.

Hon. Sir CHARLES LATHAM: And the Government encourages them. I am satisfied that if a trade union official made a request to the Minister he would fall over himself in his hurry to say, "Yes." I have seen it in regard to State hotels, fisheries, butcher shops and so on, and they have all been failures. They have all been failures except the State Government Insurance Office, where there is so much cover-up. I do not know what premiums are paid by the Government—

The Minister for Railways: Have you ever been in charge of those instrumentalities?

Hon. Sir CHARLES LATHAM: No; but most departments are over-manned—

The Chief Secretary: Did you sack any of the surplus employees when you were in charge?

Hon. Sir CHARLES LATHAM: The Minister knows that they are so well tied up that he cannot sack them. He has delegated his authority to somebody else who is frightened to sack the men. The Public Service Commissioner controls all public servants and there is the Arbitration Court to control everything else. There is no control by Ministers today; they are merely figure-heads and I would not allow them to take charge of business concerns which they are not qualified to run.

HON. H. L. ROCHE (South) [9.25]: I hold no particular brief for the private insurance companies in this State but I am surprised that a Labour Government still subscribes to the out-dated idea that it can establish Government enterprises in order to bring reasonable terms of competition into an industry such as insurance. Despite what may be said about the keenness of competition which obtains between the 70 or 80 insurance companies operating in this State, I believe that some of the restrictive practices that probably operate there would be better dealt with in the interests of the public by legislation such as this House has dealt with in the last week or two—perhaps not exactly the same, but along those lines.

I believe that a Government department can be a good policeman of private enterprise in the interests of the public, but a Government department cannot police other Government departments. One Minister's department clashes with the interests of some other department and then it is no time before a political issue is involved and the interests of the public and the purpose for which that trading department was originated are lost sight of. From then on the department concerned is a waste of time so far as being effective in the public interest is concerned. When the Minister introduced this measure the other night I wondered whether he was introducing a Bill to deal with an insurance office or a money-lending concern.

He mentioned the thousands and in some cases, I think, millions of pounds worth of assets that the State Government Insurance Office has acquired over the years and I thought then that if it was being reasonably effective in doing what it was originally intended to do, quite apart from miners' phthisis insurance, over the years it could have conferred a great benefit on those who insured there—including Government insurance—by reducing its rates instead of accumulating the reserves and resources which apparently it now has.

I will admit that the weakness of that attitude lies in the fact that we have had non-Labour Governments in this State—Governments that do not subscribe to this out-moded and foolish socialistic idea that one can only assist the public by the Government going in for trading concerns—yet all they have done has been to carry on these instrumentalities and sometimes extend them, leaving them for the socialists to take over again when the turn of the wheel of political fortune brought them back into power. I believe we would have been better off with the Government protecting the public and seeing that restrictive practices did not destroy a full measure of free competition even in matters such as insurance, and that cheaper insurance can be given to the public through competition between the 70 or 80 companies. That must be a good thing, even competing against the State Insurance Office, and I think the people of Western Australia would be infinitely better off.

If members cast their minds back a little, they will realise to what extent a Government department—when it has a position of authority and has considerable powers vested in it as a result of its monopolistic position—pushes, shoves and bothers the public; it is as much or more than is the case with private enterprise—even with some of the worst monopolies that we have, and which are run by private enterprise. Government departments tend too much to become a law unto themselves and with the political implications that are involved in controlling, restraining or defining its policy, I do not think, in a matter such as this, that a Government department can operate successfully in the interests of the people whom it pretends to serve. I am opposing the second reading.

On motion by Hon. E. M. Davies, debate adjourned.

BILL—NURSES REGISTRATION ACT AMENDMENT.

In Committee.

Hon. W. R. Hall in the Chair; the Chief Secretary in charge of the Bill.

Clause 1—agreed to.

Clause 2—Section 5 amended:

Hon. H. K. WATSON: I move an amendment—

> That paragraph (b), lines 15 to 18, page 2, be struck out.

All the other amendments on the notice paper have the same intent and with your permission, Mr. Chairman, I would like to discuss the whole proposition generally.

The CHAIRMAN: Very well.

The Chief Secretary: You will have to do that.

Hon. H. K. WATSON: Yes. For reasons which will be apparent in a moment, I will take a little longer than I generally do in Committee; but I can assure members that my remarks will be directed to the amendments before the Chair. The Committee will remember that this Bill passed the second reading largely on the assurance and the assertion of the Chief Secretary that the amendments in it had been requested by the Nurses Registration Board on which the nurses are represented. As I said a fortnight or so ago, the Nurses' Association, and indeed the whole of the Government's expert nursing advisers, are against that part of the clause which reduces the age.

The position is this: A nurse sometimes completes her examinations after she has turned 21 years of age; but because these examinations are held three times a year, it sometimes happens that a nurse completes them one, two, or three months before she is 21. Under the Act as it stands, she cannot be registered as a nurse until she is 21 years of age; and so in a few cases, for a period of one, two or three months, while some nurses are awaiting registration, they are of no use to themselves or to the hospital in which they work. It was to overcome that particular point, and that point only, that the Nurses' Federation requested the hospital board to amend the Act to provide that a nurse could be registered as soon as she had finished her training—in other words, a month or two before she became 21 years of age.

All that was required in the amending Bill was to delete from Section 5 of the principal Act the words "who has attained the age of 21 years". It has nothing to do with the commencing age of nurses; and in all the representations that were made to the Nurses' Registration Board, the question of a commencing age was not discussed. There was only the small issue which I have already discussed. If I remember correctly, the Chief Secretary undertook to produce the minutes of the board showing that it had recommended not merely the granting of registration as soon as a nurse became qualified but also reducing the commencing age to 17 years.

The Chief Secretary: Did I say I would do that?

Hon. H. K. WATSON: Yes. If I remember correctly, Mr. Willmott was impressed with that assurance at the time. In case the Chief Secretary has forgotten to do so, I have obtained the minutes myself, and I would like to read them to the Committee.

This is an extract from the minutes of the Nurses' Registration Board dated the 28th March, 1956—

> A letter from the Royal Australian Nursing Federation (W.A. Branch) asking why nurses who had passed their examinations could not be registered before the age of 21:—
>
> Reply—Apart from the provisions of the Nurses' Registration Act there appeared to be no legal objection to a nurse being fully registered before her 21st birthday. The matter of lowering the age for registration and seeking an amendment of the Act accordingly, was now under consideration.
>
> It was moved, seconded and carried, that this matter be placed on the agenda for consideration at the next meeting.

On the 26th April, 1956, the Nurses' Registration Board resolved as follows:—

> It was resolved to seek an amendment of the Act enabling general, children's, mental and tuberculosis nurses, to register under the age of 21 after they passed their examinations for registration.

Members will notice that right up to there the only request that the Nurses' Association had made to the Federation was to remove the 21-year limit on registration. That was the recommendation which the Nurses' Registration Board made to the Government. The next minute was on the 11th June, 1956, and this is an extract from the minutes of the Nurses' Registration Board—

> The Secretary stated that the papers had been returned after this question had been considered in Executive Council. Cabinet had reduced the age for registration to 20 years and the age for commencing training to 17 years.

Members will recall that the Chief Secretary said that it was not a Cabinet decision, but the amendment had been introduced at the request of the Nurses' Registration Board. The minutes clearly show that the Bill as introduced was not at the request either of the Nurses' Federation or of the Nurses' Registration Board. The decision was made by Cabinet, and the Nurses' Federation is most anxious that the Committee should confine the amendment to the point to which I have already referred regarding registration.

Hon. E. M. Heenan: How long does the course normally take?

Hon. H. K. WATSON: Three years. I have dealt with the matter in principle, and I would now like to deal with the mechanics of the situation. The Act itself does not say when a nurse should begin her training, and I submit that at this stage we should not attempt to put into the Act when a nurse should begin her training, because the regulations deal with that aspect.

The whole of the regulations made under the Act are contained in the "Government Gazette" of the 10th February, 1947, and the regulations govern when a nurse may be admitted. For example, Regulation 27 made under the Nurses' Registration Act, as published in the "Government Gazette," 1947, sets out in Part V, covering the training and examination of nurses, the various ages at which a nurse should be admitted. In 1950, by a further regulation, Regulation 27 was amended and this regulation was inserted in its place—

> Applicants for admission as trainees into an approved training hospital shall, unless the board otherwise approves, be at least 18 years of age except (a) in the case of a trainee as a midwifery nurse in which case, unless the board in any case approves otherwise, she shall be at least 21 years of age, and (b) a trainee as a tuberculosis nurse, in which case she shall be at least 18 years of age; and (c) a trainee as a mothercraft nurse in which case she shall be 17 years of age.

If there were any question of altering the admission age, it should be done by amending the regulation; we should not confuse the position by including it in the Bill. The Nurses' Federation has opposed the reduction of the age to 17; and at the meeting of the Nurses' Registration Board that recommendation was submitted. The nurses' representatives on that board—namely, Matron Siegle and Miss Harris—were absent from that meeting. At the meeting of the Nurses' Federation which registered its protest at the proposal to reduce the age, a motion of protest was proposed by Miss Matson and seconded by Matron Siegle.

That meeting was called for the special purpose, and was attended by the matrons, tutors and training sisters of practically all the hospitals throughout the State. The meeting unanimously resolved to place its request before the Government. For this reason I suggest the present Bill on principle, and as a matter of mechanics, should confine itself to seeing that if a nurse one month, two months or three months prior to reaching the age of 21 completes her examination, she shall be entitled to be registered straightaway.

The CHIEF SECRETARY: Mr. Watson has certainly put me on the spot. But this has been brought about by a misunderstanding. I have the minute from the Medical Department setting out what the Nurses' Registration Board sent forward. It is as follows:—

> The Nurses' Registration Board passed a resolution seeking an amendment of the Nurses' Registration Act

in order that general, children, mental and tuberculosis nurses may be able to effect registration with the board before they attain the age of 21 years; the age specified in the Act at the present time. The reason for this request is that when approval is given to trainees commencing at 17½ years of age in the case of general, children and mental nurses, they can complete the period of three years and pass their final examination before they are 21 years of age, but cannot be granted registration because of the provisions of the Act.

The minute goes on to say that this hinders their progress and has caused a good deal of unhappiness. In the correspondence, the age of 20 was used. On investigation, I learned that they meant 20 years and 9 or perhaps 10 months. But they did not qualify the months, or use that term, and I was accordingly misled. There is not a great deal of difference between the hon. member's amendment and the provision in the Bill. If the amendment is carried, trainees will be able to be accepted at any age below 17. But this is hardly likely to receive the approval of the board.

Hon. H. K. WATSON: The regulations completely govern the commencing age, and they clearly say that applications for admission as trainees into an approved training hospital shall, unless the board otherwise approves, be at least 18 years of age. They are admitted to the Royal Perth Hospital at 17½; at Fremantle, they are admitted at 18. It is left to the discretion of the matron.

The CHIEF SECRETARY: I accept the hon. member's amendment. The question of 17 years of age is not new. In New South Wales the age of the general nurse is 17; in Victoria, it is 17; in Queensland, it is 17; in South Australia, it is 17 for four years' training, and 18 for three years; in Western Australia, it is 17½ and in Tasmania 16 years of age.

Hon. J. G. HISLOP: During the second reading debate, the query was raised as to the attitude of the law if a nurse were registered under the age of 21 years and assumed authority. If there is any doubt, a provision should be written into the Act giving her full authority for her actions. She would hold a responsible position, particularly if she were admitted into a surgical theatre and something went wrong. Would she be a junior in the eyes of the law? A nurse admitted at 18 cannot qualify before she is 21. There will be a small number to whom this Bill will apply and we should be careful before introducing such legislation.

Hon. E. M. Heenan: It does not matter.

Hon. J. G. HISLOP: If she is a registered nurse, under 21, and she is regarded by the law as a responsible person, I have no objection to the measure going through. I would like Mr. Heenan to assure the House that that is so.

Hon. E. M. HEENAN: The question raised by Dr. Hislop is simply answered. A person under 21 years is limited in his ability to enter into a contract; but a school teacher, nurse or plumber—or, in fact, anyone under the age of 21—is not restricted by law in carrying out his or her duties. Plenty of boys and girls qualify as teachers before they are 21, and it does not affect them in their duties. It would not affect a doctor, or a lawyer, or an accountant under the age of 21 in carrying out his duties. If a person commits a crime under the age of 21 years, he is equally as responsible as if he were 23 years of age. The issue raised by Dr. Hislop is, in my opinion, beside the point.

Hon. R. C. MATTISKE: I do not query Mr. Heenan's explanation; but in most professions, people are not admitted until they are 21 years of age. Would that be because of a legal aspect?

Amendment put and passed.

On motion by Hon. H. K. Watson, clause further amended by—

Striking out the words "substituting for" in line 19, page 2, and inserting the word "deleting" in lieu.

Striking out the words "the passage," since attaining the age of seventeen years, commenced and'" in lines 21 to 23, page 2.

Striking out the words "substituting for" in line 27, page 2, and inserting the word "deleting" in lieu.

Striking out the words "the passage," since attaining the age of seventeen years, commenced and'" in lines 29 to 31, page 2.

Striking out the words "substituting for" in line 32, page 2, and inserting the word "deleting" in lieu.

Striking out the words "the passage," since attaining the age of seventeen years, commenced and'" in lines 34 to 36, page 2.

Striking out the words "substituting for" in line 1, page 3, and inserting the word "deleting" in lieu.

Striking out the words "the passage," since attaining the age of seventeen years, commenced and'" in lines 3 to 5, page 3.

Clause, as amended, put and passed.

Title—agreed to.

Bill reported with amendments.

RESOLUTION—STATE FORESTS.

To Revoke Dedication.

Message from the Assembly requesting concurrence in the following resolution now considered:—

That the proposal for the partial revocation of the State Forests Nos. 4, 7, 22,, 28 and 37 laid on the Table

of the Legislative Assembly by command of His Excellency the Governor on the 20th November, 1956, be carried out.

THE MINISTER FOR RAILWAYS (Hon. H. C. Strickland—North) [10.5]: I move—

That the resolution be agreed to.

This is a formal resolution that is necessary when there are partial revocations of forest lands to be used for other purposes. The resolution must be submitted to both Houses of Parliament and a description of the lands concerned laid on the Table of the House. As there are only a few requests for such revocation each year they are all grouped in the one resolution.

The first proposal is for the revocation of approximately half an acre situated about 5½ miles north of Jarrahdale. This has been applied for by a person who, owing to a boundary mistake, has built his house partly on State Forest land.

The second excision is for 13 acres of non-timbered land about 1½ miles west of Collie railway station which is required by the Railway Department in connection with its marshalling yards extension.

The third embraces a long narrow strip of about 10 acres about one mile east of Pickering Brook which was formerly used for tramway purposes and has been asked for by adjoining landholders.

The fourth request comes from the Manjimup Motor Cycle Club which has applied for approximately 2½ acres about three miles north of Manjimup. The club desires to erect a club-house on the site which includes a one chain access road from the South-Western Highway.

The fifth proposal is for 50 acres of non-timbered country approximately four miles south-east of Jarrahwood townsite on the Jarrahwood-Cundinup-rd. This has been applied for by an adjoining landholder for the purpose of linking his two holdings and providing some high ground on which to build.

HON. J. MURRAY (South-West) [10.10]: This is one of those annual matters which are brought up for consideration by this Chamber. Having considered the proposals, I know full well how zealously not only the present Conservator of Forests, but all previous Conservators of Forests have looked on these matters. As a member for the South-West Province, which is mainly concerned with these revocations of the State Forest, I feel the House can be no better advised than it has been by the Minister, and I support him completely. No doubt this small revocation of State forests is desirable in its entirety, and no exception can be taken by individuals or a collective body of individuals who will be affected. I have much pleasure in supporting the Minister.

Question put and passed and a message accordingly returned to the Assembly.

MOTION—LICENSING ACT.

To Inquire by Select Committee.

Debate resumed from the 31st October on the following motion by Hon. N. E. Baxter—

That a select committee be appointed to inquire into and report upon the Licensing Act, 1911-1956, and to recommend such amendments as may be considered necessary or desirable in the light of present day conditions and requirements.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [10.11]: I intend to oppose the appointment of a select committee, not so much because both Houses this year have run mad so far as select committees are concerned but because of the lateness of the session. Another point, too, is that I agree with quite a lot of the complaints the hon. member made in connection with the Licensing Act; I feel, rightly or wrongly, that an Act such as this requires to be investigated by more than an ordinary select committee.

Hon. J. McI. Thomson: A Royal Commission?

The **CHIEF SECRETARY**: Yes; I think it needs something on those lines because I believe quite a lot of alterations are required in the Act. That is the reason why I am opposing the select committee, because I want whatever body is appointed to investigate the Licensing Act to be clothed with sufficient powers and be wide enough in its ramifications to submit something very solid in order to bring the Act right up to date.

I have no definite Government pronouncement to make in connection with the matter. I have discussed it without getting a Cabinet decision; but others have agreed with me that it is something too big for a select committee from this House to investigate, and the Government is prepared to give consideration to the appointment of a Royal Commission or an all-party committee to thoroughly investigate the matter.

Whilst I am opposing the hon. member's method, I am doing so because I want a greater search into the Act than is proposed in the motion. For those reasons I intend to oppose the motion.

HON. L. A. LOGAN (Midland) [10.15]: I support the motion. We all realise that, because of the lateness of the session, it would be impossible for a select committee to function and present its report before the end of the session. If the motion for a select committee were agreed to, it would be the intention of the mover, I am sure, to ask for the select committee to be turned into an honorary Royal Commission. I see no reason why the Government should object to such a request, because the powers of an honorary Royal Commission are almost equal, if not quite equal, to those

of a Royal Commission. So I see no reason why the Chief Secretary should oppose the motion.

My experience in the last few weeks is that a select committee cannot function very well during a period when the House is in session. Members will eventually have to give some thought to the question of select committees operating when the House is in recess. I am certain that if they could function then, they would be able to do their job much more thoroughly than they can do it today. As Chairman of the War Service Land Settlement Select Committee, I find it impossible to do justice to two jobs. If the Chief Secretary will give a little more thought to the suggestion that this select committee be turned into an honorary Royal Commission, he might give further consideration to the question before the House, and agree to the motion.

One thing I might put to the mover is that he suggest that it be a select committee of both Houses, and that accordingly he request the Legislative Assembly to join in with our select committee. That would widen its scope.

The Chief Secretary: That is what I had in mind.

Hon. L. A. LOGAN: I am pretty sure the mover would agree to that. In the meantime, I am quite prepared to support him in his move.

HON. SIR CHARLES LATHAM (Central) [10.18]: I support the Minister. Conditions have changed considerably in the last few years. A terrific number of clubs have been established, and they deprive the hotels of a good deal of income. Looking to the future, we should seek to build up a reputation for our hotels that they are sadly lacking in today.

I would like to see the suggestion made by the Minister carried out, namely, that an investigation be made by a fairly highly qualified person with judicial knowledge. One of the senior magistrates would be a good man to undertake the inquiry. At one time the magistrates made the decision whether a person should or should not have a licence. It might be profitable for us to go back to that system.

I support the Minister because I do not think members of Parliament can do justice to this matter; although, when the last inquiry was made into hotels—many years ago; about the early 20's I think—it was carried out by a select committee which was turned into a Royal Commission. As a result of the inquiry, a number of suggestions were brought forward. No real inquiry has since been made into the Act, although many changes have taken place.

I am sorry to say that many hotels have deteriorated, although others are still maintaining the high standard that we like. For the reasons I have mentioned, I support the Minister in his desire to have someone more competent than members of Parliament to make this inquiry.

On motion by Hon. L. C. Diver, debate adjourned.

BILL—CHILD WELFARE ACT AMENDMENT.

Second Reading.

Debate resumed from the 15th November.

HON. J. M. A. CUNNINGHAM (South-East) [10.21]: I compliment the hon. member who introduced the Bill. For many years I have felt that the time was overdue for a different approach to be taken towards child welfare and the growing problem of child delinquency. Quite obviously the growth of child delinquency has been the reason for the introduction of the Bill. Members can quote case after case of incredible damage done by comparatively tiny tots. Within a few years that damage develops into nothing more than brutal and deliberate vandalism—vandalism that stems from the original name of the vandals.

I am sure that members will agree that some of our modern vandal prototypes could teach a great deal to the original Huns and Vandals. Over the years, these types of lads that go their own way have been known as larrikins, hoodlums, and sometimes vandals. Today they hide their activities under a modern growth known as the bodgies. The same hooligans to whom I referred have given to the bodgies the odium of this bad name; but generally speaking, bodgieism is not the real trouble; it is just that this modern development is being used to cover up their activities.

The present problem can be traced back to parental neglect in the first instance. If parents would show a simple, friendly interest in the recreation, amusements and other activities of their children as distinct from an interference and direction of their activities, I am sure the delinquency we know today would be almost non-existent. Such an interest by the parents would obviously be catered for by the innumerable clubs that we find in every small town. The country towns invariably have one or two forms of juvenile activity such as boy scouts, girl guides, police boys' clubs, Y.M.C.A., and so on, which are organised by people trained for the job. These people are able to deal with the high spirits which the lads offer as an excuse for the savage growth of child delinquency which we see in the whole of the metropolitan area.

Comparatively speaking, Australia is well off, because we do not have the particularly vicious and savage type of delinquency that we read about in other countries—particularly America. Whether the type of delinquency there is due to the

greater publicity that is given to it, I do not know. The form of child delinquency that is reported from America is enough to frighten any parent. Not only are children at the teenage found carrying vicious and brutal weapons, but they use them and obviously get some sadistic pleasure from such use. I have definite proof that such weapons have been carried in Western Australia, although they are used to a comparatively lesser degree. I cannot recall any actual case of deliberate murder by these teenage delinquents or vandals in this country.

Hon. Sir Charles Latham: What about the two girls in New Zealand?

Hon. J. M. A. CUNNINGHAM: Yes; they cold-bloodedly committed murder. It is apparently commonplace in some parts of America for murder to be committed, but we do not want to see it here.

I cannot help but say—and I sincerely believe this—that the present growth of child delinquency has gone hand in hand with the development in modern times of child psychology—that is the general name given to it. We must not repress the child. We must not encourage any inhibitions by stopping it from doing this or that, but must let it have free rein to express its individuality and develop its personality. That is a happy and cheery way to get rid of parental responsibility.

If parents are so neglectful and uninterested in the development of their children that they are quite prepared to go about their own amusements, happy in the belief that their children are apparently living normal lives and are being encouraged to develop their personalities, they are making a mistake. They are the ones who are most staggered when suddenly an officer of the Child Welfare Department, or perhaps a police officer, lands on their doorstep with their child under arrest, telling them that the child has been stealing motorcars and indulging in all sorts of depraved practices or vandalism by smashing up public propertly. In many cases delinquent children come from good homes, and the parents are genuinely staggered to know that they do these things. But members can read about these occurrences in the paper every day.

The growth of child delinquency has gone hand in hand with the growth and encouragement of this so-called psychology of children. If the children are caught they go before the Children's Court, and the case is dismissed under Section so-and-so. It has got to the stage when the child knows, before he goes to court, that nothing can be done to him; he boasts of it. I know of a lad in Boulder who was called "Two-bob Bill" because he was fined two bob. The list of convictions that he had behind his name would have done justice to Al Capone.

Hon. F. R. H. Lavery: That is stretching it.

Hon. J. M. A. CUNNINGHAM: No; I really mean it. This lad is one of a family of children, and they have been breaking into churches and stealing church property. They have also broken into schools and other institutions. At the South Kalgoorlie school an energetic parents and citizens' association has raised a fair amount of money and made the school, which was at one time the Cinderella school on the Goldfields, into a very pleasant place for the teaching of children.

A group of, I think, four children—the oldest was nine—one Saturday afternoon did over £400-worth of damage to the school property. They smashed a projector, a piano, a tape-recording machine and, I believe, nearly every window in the school; and this was in a comparatively well-settled area. Those children were able to do that damage without being punished by the court. They were ultimately caught; and the fantastic thing is that the case was dismissed by the court. The parents are probably warned, but next Saturday they, happily, go down to the betting shop or hotel and indulge in the same irresponsibility towards their family as they previously indulged in when their children were doing this damage to public property—the school.

For many years I have been of the opinion that it is time that some action was taken to compel parents to accept the responsibility for the damage their children have done as the result of the neglect in their own homes.

Hon. E. M. Davies: Is that universal?

Hon. J. M. A. CUNNINGHAM: Is what universal?

Hon. E. M. Davies: The neglect in their own homes.

Hon. J. M. A. CUNNINGHAM: The neglect in the home can be said to be universal where child delinquency is prevalent. I do not think child delinquency occurs in normal family circumstances where the parents are reasonably interested in their children.

Hon. E. M. Davies: You don't know everything.

Hon. J. M. A. CUNNINGHAM: I do not profess to know everything; but I hope the hon. member does not set himself up as an expert on child delinquency merely because he lives in a bigger town than I do, because I think I have come in closer contact with child delinquency than the hon. member has during the course of my activities.

Occasionally, because a delinquent child may have some peculiar mental twist or characteristic, and where the parents may be perfectly satisfied that they are carrying out their responsibilities in regard to

the child to the fullest extent, that child is still able to give rein to these criminal tendencies. But can any member of this House honestly believe that a child, whether a boy or a girl, after it has supposedly gone to bed, has repeatedly got through the window, stolen a car and gone for a joy ride in it in the early hours of the morning, could do so without the knowledge of its parents?

Hon. G. E. Jeffery: That has occurred.

Hon. J. M. A. CUNNINGHAM: Do members believe that a child that can do such an act regularly, belongs to parents who are aware of their responsibilities in caring for the welfare and the conduct of that child?

Hon. R. F. Hutchison: Such an act has been committed by a child at a college.

Hon. J. M. A. CUNNINGHAM: I will admit that there is always the exception which proves the rule.

Hon. F. J. S. Wise: What about the influence of moving pictures on a child?

Hon. J. M. A. CUNNINGHAM: I am not an expert on what type of picture a child should be permitted to see.

Hon. R. F. Hutchison: You set yourself up as an expert.

Hon. J. M. A. CUNNINGHAM: I am not doing that at all. I am merely saying that I have as sound a knowledge of the the subject as has the hon. member. I think that the right type of motion pictures which are produced specifically for child audience must be beneficial. It is a form of mass education. On the other hand I do not think that many of these films which are regarded as being bad for children are as detrimental as some people make them out to be. For instance, there are many wild west films where the hero goes around shooting off bullets at a rate equalled only by a Gatling gun. Such films are greatly exaggerated, but I do not think it can always be said they are bad for children.

Hon. F. R. H. Lavery: Did you see "Blackboard Jungle?"

Hon. J. M. A. CUNNINGHAM: Yes.

Hon. F. R. H. Lavery: Do you think that was a sensible picture to be exhibited before children?

Hon. J. M. A. CUNNINGHAM: The film "Blackboard Jungle" was not regarded as being a sensible picture to be seen even by adults. That picture depicted a series of incidents that had happened in various schools all over the United States of America. They were glamorised and put together as one picture, and were shown as having occurred at the one school. Each one of those instances, however, was an isolated case.

If one cared to collect isolated cases in Australia, one could produce a film which would be almost as shocking as "Blackboard Jungle." I do not believe that was a suitable picture for children and I do not believe it was good entertainment. If it were designed to shock parents into a true sense of responsibility in regard to their children it could have had some value, perhaps; but it did not have much value as an educational film.

However, does any member believe that the instances depicted in that film could occur here? For example, there was the attack on the female school teacher and the deliberate destruction of the special records. Then there was the attack on the schoolteacher in the street. Does any member believe that that could happen with a child whose parents had its welfare at heart and who exercised their responsibility to the full? Does any member think that such things could happen with a child who had a normal happy home life?

Most parents know that the child attends the Y.M.C.A. in the town on a Saturday morning, and also perhaps on one evening during the week. They also know their child attends a high school dance on Friday night and that it might go to a picture theatre on Saturday night. They know, however, that the child is generally always home regularly at 11 p.m. and goes straight to bed. With a routine such as that, could a parent have no knowledge of a child getting out of its bed and driving round the streets at 2 a.m. in stolen cars?. Does any member believe that a parent would not know that his child was carrying a bicycle chain or other type of implement such as we saw exhibited in the Council corridor only recently?

Hon. E. M. Davies: A child may go to bed and the parents ensure that it is in bed; but later in the evening the child may get through the window and commit all sorts of wrongful acts. You want to hold the parents responsible for the actions committed by a child in those circumstances.

Hon. J. M. A. CUNNINGHAM: When that sort of happening continues week after week, does any hon. member think that a parent would be ignorant of the child's actions and should not be held responsible for the damage caused by the child in such circumstances? Would any member regard that as proper behaviour in a child?

Hon. E. M. Davies: When you say a child, what age have you in mind?

Hon. J. M. A. CUNNINGHAM: From nine years and upwards. There have been cases of children of those ages being brought before the Children's Court. So long as a child who commits these misdemeanours knows that it can get away with them and that nothing will happen as a result, it will continue to perform such acts. If a child has reached that

stage, can any member tell me that its parents have accepted their responsibilities towards their child, or their responsibilities as citizens?

In many instances a child can cause damage amounting to hundreds of pounds, which might represent money that has been earned by extremely hard work over many years. If a parent was made to accept the responsibility of meeting portion of the cost involved, he would certainly make sure in the future that he knew where his child was and what it was doing.

Hon. E. M. Davies: There would be many parents who would not have the money to meet the costs.

Hon. J. M. A. CUNNINGHAM: It is all very well for the hon. member to laugh and to throw his book on the bench.

Hon. F. R. H. Lavery: Why don't you talk sense?

Hon. J. M. A. CUNNINGHAM: The hon. member is setting himself up as the quivering champion of the down-trodden working man.

Hon. F. R. H. Lavery: You wait till I get on my feet!

Hon. J. M. A. CUNNINGHAM: I will welcome the hon. member getting on his feet and watching him put on the show that he generally does. The hon. member is talking about the down-trodden working man—

Hon. F. R. H. Lavery: I'm talking about the man who is on about £15 a week.

Hon. J. M. A. CUNNINGHAM: The down-trodden working man is practically non-existent these days.

The PRESIDENT: I ask the hon. member to get back to the Bill.

Hon. F. R. H. Lavery: The hon. member is speaking untruths.

Hon. J. M. A. CUNNINGHAM: I resent that remark! If the hon. member wants to express sincerity—

The PRESIDENT: I ask the hon. member to continue with the debate.

Hon. J. M. A. CUNNINGHAM: Once a parent is compelled to accept the responsibility for the damage caused as a result of the actions of his child—whether that child has been well trained and well cared for or otherwise—I am certain that child delinquency will not be so prevalent. The fact that a parent has endeavoured to do the right thing by a child should not be an excuse to avoid the responsibilty of paying for the damage the child has done.

If any youth, from 13 to 17 years of age, steals my vehicle, either on his own or in company with others, and causes considerable damage to it, is it reasonable that, merely because a parent has tried to train that child in the right way but has been unsuccessful, I should have to suffer as a result of my vehicle being smashed up by that child? Or does the family concerned have to be awakened to its responsibilities and to realise that the child has done the wrong thing? I do not say that parents should bear the whole cost of the damage caused, but they should be made to bear some of the cost to make them realise their responsibility as parents and citizens and that a child cannot go around stealing motorcars for its own pleasure.

When that stage is reached, I am sure we will see a sharp drop in child delinquency. Figures were quoted by Mr. Jones in regard to towns in the United States of America that have passed legislation similar to what we are debating now. As a result, the fall in child delinquency in those towns has been considerable. The results achieved have conclusively proved that sound legislation can prevent the commission of some of these terrible acts that young people are committing today.

Hon. E. M. Davies: You would not be holding America up as an example, would you? There is more gangsterism in that country than in any part of the world.

Hon. J. M. A. CUNNINGHAM: America gave us the lead in child delinquency with its propaganda in regard to this much-vaunted child psychology.

Hon. G. C. MacKinnon: Did it not start with the practising of Freud's theories?

Hon. J. M. A. CUNNINGHAM: Freud could not be held responsible for the fathering of all the child delinquency of today, although no doubt he propounded some of the theories in regard to this problem originally. However, apparently America has seen the light and it is taking the lead in an effort to overcome this problem of child delinquency which is prevalent in most countries of the world today.

I believe that this legislation is long overdue and I support it. Although some member may feel that this is a measure which may be inclined to exercise undue control over children, I ask them to give serious consideration to what the effect of this Bill may mean in the prevention of child delinquency and the breaking up of homes. If these things are brought home early enough, when the children are raised in modern society they will not be so likely to smash up the property of other people. I support the second reading.

HON. R. F. HUTCHISON (Suburban) [10.46]: I oppose the measure, which aims at making parents responsible for the damage done by their children. I think a wrong approach has been taken by some members who have spoken. Many factors cause delinquency in children. This is not a modern trend, although it may be growing wider and a little worse because of the pressure of modern society and the

way in which we live. Newspaper publicity and the showing of unsuitable films play a certain part in producing delinquency.

The provision to make parents responsible for acts of vandalism by their children is unwise. I cannot accept the sweeping statements which have been made by some members, because I have known well-to-do and responsible parents, who have great love for their children, suddenly being faced with acts of vandalism carried out by those children. Forces within the human frame, sometimes right outside of the home, may cause the sudden lapse of a child who does something which one would not expect.

Hon. N. E. Baxter: Have you read the Bill?

The PRESIDENT: Order!

Hon. R. F. HUTCHISON: In considering the responsibility of parents, we should take into account all parents. How would a civilian widow be dealt with under these provisions—one who has to work because she has not enough to live on, or perhaps one with three or four children to look after? Would she be held responsible for the damage done by her children if society has placed her in poor circumstances? I know hundreds of women who do not get enough real food in the home for their children to live on properly.

I was placed in that position at one time, when I was left with a big family and I had to fight to provide for them. It is not an easy task. How would such a parent react when held responsible for any such damage? I was fortunate that my children did not cause any trouble, because often I had to leave them when I went to work for a living. I had to trust to my training of them.

I have seen people in good circumstances, whose children have done outrageous things. I am not a young woman now; but I can remember boys committing acts of vandalism when I went to school. One of my brothers at one time broke every electric globe he saw when electricity superseded gas for street lighting in Geraldton. He thought it was a great joke. Nowadays if children were to do such a thing, they would be brought before a court. My brother got a good strapping from my father, but I do not know if he broke any more globes. The trend of modern life adds to the seriousness of things done by children today. that is not by any means the fault of the parents. It is the fault of the conditions met up with in society. We cannot expect to have wars and to get off without some legacy.

Hon. L. A. Logan: There have been wars from the beginning of time.

Hon. R. F. HUTCHISON: If there is a serious family quarrel, it may take years and years to right the effect on the children. Sometimes it is never righted. Sometimes children are the victims of an unsettled state in the home. This is brought about by insecurity and by insufficient income to run the home. Shortage of money is one of the great causes of delinquency. When children have to be short of things, and when they see things going on that we did not see in our days, they become more prone to delinquency.

Life is not as simple today as when I was young. We were satisfied with the simpler things then, because science had not shown us any better. We are falling down on the job of bringing up children because we are not supplying them with the amenities, the standard of education or the things which they need today, but which we did not require in our simpler way of life. That is the great cause of vandalism. In this State we have not even a proper home to which we can send erring children.

Hon. J. M. A. Cunningham: We are talking about the cause and not the effect.

Hon. R. F. HUTCHISON: There are all kinds of causes, such as sickness or nervous trouble, which may occasion an outbreak of vandalism. I know a case of a perfectly normal girl. Her behaviour was good up till 15 years of age; but through an upheaval in the home, which was not caused by her, she climbed out of her window one night and went to her friend's place. That was the start of her doing the sort of thing which we have heard about. She continued doing that without her mother knowing. To penalise the parents for the damage caused by their children may be all right in cases where they have the means, but the position would get worse and worse.

Hon. J. M. A. Cunningham: What about the person who suffered the damage?

Hon. R. F. HUTCHISON: I do not know about that, when damage is done.

Hon. J. M. A. Cunningham: Who should pay for the damage?

Hon. R. F. HUTCHISON: I cannot see the position being improved by the passing of this Bill. I think it is a retrograde step.

Hon. J. M. A. Cunningham: The strapping which your brother received for smashing the electric globes was the very punishment to deter such acts of vandalism.

Hon. R. F. HUTCHISON: That does not come into this at all. These things went on in our youth, but the children were not then brought before the courts. There were other ways of meting out punishment.

Hon. J. M. A. Cunningham: They do not get the strappings today.

Hon. A. F. Griffith: Who do you think should pay for the damage?

Hon. R. F. HUTCHISON: The women's organisations were the first to urge the Press not to give publicity to proceedings in the Children's Court. When I was studying child delinquency—I inquired mostly into boys' homes, and I suppose the same would apply to the homes for girls—I found that when Press publicity was given to something which boys in one home had done, further cases of the same kind would happen in other homes.

We do not seem to take cognisance of the fact that there is no proper rehabilitation system in our society. No proper arrangements are made for our youth. We see suburbs built up, but no decent playing fields or amenities provided. In England a positive step in this direction was taken, and any community that wanted a youth hall was supplied with one. A cry was raised that if the people were given these things without having to struggle for them, no voluntary aid would be forthcoming to look after these amenities. But exactly the opposite happened. When any community asked for a home, it was given one, and the only stipulation was that it was to cater for all the youths in the district. As a result there was so much voluntary organisation coming forward that it could not all be used. That has gone on ever since, as far as I know. That shows that if the people are assisted they will help themselves.

Half the cause of child delinquency found in this State—and I should think this applies all over Australia—is brought about by the lack of amenities supplied to the youths. If one goes to a youth gathering, one will find that there is always a struggle to raise the pennies and threepences to build a hall, but by the time half of what is wanted is raised, one lot of children will have outgrown their childhood; consequently they do not get any benefit from any such effort. That seems to happen in every youth movement that I know of.

There is the suburb over the river that I have referred to for some years, in which 2,000 houses were built together, with not an acre left for the children to play in. It is very wrong to infer that the parent of any child guilty of an act of vandalism, is no good, is a drinker or a gambler. That is not true.

Hon. J. M. A. Cunningham: Did I say that?

Hon. R. F. HUTCHISON: The hon. member did.

Hon. J. M. A. Cunningham: I did not.

Hon. R. F. HUTCHISON: The hon. member said that.

Hon. J. M. A. Cunningham: I said they were isolated cases.

Hon. R. F. HUTCHISON: We are not talking about isolated cases but acts of vandalism among youths. I say that the causes are often far removed from the parents. Largely they are brought about through the legacy of the last war, through insecurity and upsets. The hon. member seems to be dragging along and does not move with the times. When repercussions arise the parents are blamed.

If one was able to tell how six different people would react to one set of human circumstances one could probably build up a perfect world; but that cannot be done. One of those persons would go to one extreme, and another would go to the opposite extreme. Until that problem is solved, it is easy for us to generalise about the responsibility of the parents. I would like to see something more real being done instead of our just talking about vandalism.

Funds should be provided to establish the things which are needed to teach children to do right. That is not even being carried out in the schools, and the curriculum is nowhere near what it should be. We live in a very specialised age. We will not make any contribution whatever to society by making parents responsible for their children's acts when they are taken before the Children's Court. The magistrates in such courts have a tremendous job to do; I pay all tribute to them for carrying out their task so well, because they are looking at it as a human problem.

What would a little lad of nine know about the deeper fundamentals of an act of vandalism? I know that this sort of thing is done and it is dreadful; and I am not speaking in favour of vandalism. But I am discussing the approach to the problem, and this is not the proper approach. As for the psychologists, they are still groping; and I would be more prepared to listen to a man who makes a study of the subject. I spent many years with a doctor from the university inquiring into this matter, and I would say they had got something; but they are only now realising that the mind and the nervous system play as big a part in the make-up of an individual as a sick body does. It is no good putting a burden on an over-burdened parent and saying "Your child did this, and you must pay the damage."

Hon. J. M. A. Cunningham: No; let somebody else pay!

Hon. R. F. HUTCHISON: That does not solve the problem; it makes it ten times worse. We do not want just to punish people in order to cure something. There must be a deep understanding of these problems. I had seven children, and I could not put two side by side and say that they were alike; because those seven children were seven different individuals. That will be found to be the case all through. There may be one in a family who causes a lot of headaches and heartaches for no other reason than that he is

an individual who does not conform to the pattern of life followed by the model son or daughter.

These things cannot be explained. If they could, we would not have criminals amongst us. This matter must be considered on a very broad basis. It is something that needs all our skill to solve and all the knowledge that our medical men and psychologists can provide. Then we will get at the root cause of delinquency. But this Bill will do nothing to solve the problem.

HON. G. C. MacKINNON (South-West) [11.2]: I wish to support the measure for several reasons. I feel that I must also contradict Mr. Cunningham on one or two points. Listening to the debate, one would gain the impression that practically all parents and children, particularly in America, are a pretty scurrilous lot. But I would like to point out that while much publicity has been given to delinquency in America, that country also leads the world in youth organisations like the 4-H clubs, J.C.'s and many other organisations of that kind. For every child delinquent in America there are thousands of young children who are good citizens. The same applies in Australia. We could probably find 100 excellently adjusted children who are members of various organisations such as junior fauna clubs, junior chambers of commerce, and so on, for every one who is maladjusted.

This type of legislation was tried in Michigan with some success. There were also some failures. Most of the failures resulted from a tendency on the part of the worst type of children to indulge in parental blackmail. They would ask for the loan of a car and be refused. Then they would suggest in no uncertain terms that if they went out and pushed over a telephone booth it would cost Dad a couple of hundred dollars, and it would be cheaper for him to lend the car.

But this Bill has taken care of that phase. In its wording, it will be found to be not as open as the American legislation, and due regard has been shown for that aspect. It also covers the point brought forward by Mrs. Hutchison, inasmuch as it provides for a penalty for a parent or guardian who has conduced to the commission of an offence by neglect. Consequently, if a widow had to go out to work, the court would surely take cognisance of that fact in the event of her children getting into trouble, and would pay due regard to her difficulties.

I must disagree with the idea that children are neglected only by parents who are not particularly worth while. There is, unfortunately, a growing tendency in our community—and it is perhaps more obvious in small towns—for certain citizens, because they are energetic and reasonably good organisers, to find themselves co-opted on to every committee in the town. The result is that they are out four or five nights a week. They are good citizens, referred to as being worthwhile and admirable in every way.

But how can a father who is actively engaged in work of that type give the personal care and attention which he should give to his own children? It is a problem I have discussed several times with people in Bunbury, and it is one which some are beginning to appreciate. A mother cannot be a member of a parents and citizens' association, the Red Cross, and the C.W.A., and the father cannot belong to a lodge, and Rotary and the progress association and the R.S.L., and so on—those people cannot attend all the functions of those organisations, and still give to their children the care and attention they should have.

Hon. F. R. H. Lavery: That is a good point.

Hon. G. C. MacKINNON: It is not only the poor—if we have any poor left in this very wonderful country of ours—who neglect their children, but very often the well-to-do.

Hon. J. M. A. Cunningham: I agree. I said that.

Hon. G. C. MacKINNON: Mention was made of a picture called "Blackboard Jungle." I saw that picture and I thought it was very powerful. It was well produced, and the acting was marvellous. It frightened the life out of me. But I have heard people say they have seen precisely the same attitude in high schools in this State. They have walked past a boy and said, "Get off that wall and move over" and the boy has got off and slouched away with an attitude of extreme rudeness and insolence. How can such boys be disciplined?

Despite the fact that there is marvellous co-operation and liaison between parents and citizens' groups and the teachers, teachers dare not discipline the children. I saw a teacher the other day who was virtually in tears. She was in tears as she spoke to me. She had given a warning for three nights to her class that they would be kept in after school for doing something. She kept them in until 4 o'clock; and there were two parents who were so ignorant that they burst into the classroom and ticked her off in front of the children. She was just out of training college and did not know that she could order them out and go to the headmaster. Those parents did that!

Hon. J. M. A. Cunningham: They were hardly responsible, were they?

Hon. G. C. MacKINNON: They have been allowed to build up the idea that they can do that sort of thing. I was in a class another day, and the teacher is a very

capable woman. One of the children took a note from a parent to the headmaster complaining that this teacher had struck the child on the face. I was present at an interview between the teacher and the child, and the following conversation took place:—

Teacher: What happened? Weren't you running through that door?

Child: Yes, Miss.

Teacher: Did I try to stop you?

Child: Yes, Miss.

Teacher: Did you run straight into me?

Child: Yes, Miss.

Teacher: Then I didn't hit you?

Child: No.

Teacher: You ran into me?

Child: Yes.

I know that this woman is a very honest and good type. Yet there was a note brought to the headmaster to that effect. Teachers have no right today to discipline the children. We have taken that away from them. What, therefore, has a child to fear? Why should it not play up?

There are some parents who cannot do anything about these things, such as the widows. This measure takes care of them. It tends to bring home the responsibility to those parents who should bear it, but all the faults of the Michigan Act seem to have been taken care of. Some reference was made to large families. One can generalise and theorise for ages, but the fact remains that large families mostly tend to pull together and there is not often this sort of problem to be found amongst them.

It has been suggested that wars have caused this problem. But is this siutation the aftermath of war? I tend to the belief that it might be the direct result of a very fiercely-waged safety campaign. That might sound fantastic, but we surround children with safety precautions. They are told to look both ways, not to eat dirty things, not to use bows and arrows.

I bet there is not a man in this room who, but for the grace of God, would not have been in trouble at some time in his boyhood. But in those days one could get into the bush in two minutes. Anyone who has come from the bush knows what strife he got into as a boy—or out of! One could take risks in those days. One could take a shanghai and shoot at birds, because it was not forbidden. At that time one could go into a shop and buy shanghai elastic. One could buy yards of it. But let one try to get it today! It cannot be bought. All those things tended to give an outlet for boys, but it is difficult today. Various theories have been advanced for the present situation. I may as well advance another. A big committee in America considered this matter and concluded that one of the troubles was the building up of large towns and the nomadic nature of populations. People work for big firms in different towns. They stay there for two or three years and then move on.

It is not long ago that a child walking down the street in most towns in this State could not go 50 yards, if he were out a bit late, without some adult saying. "Does your Dad know you are out?" because everybody know everybody else. But now, in places like Bunbury, Northam, Albany and Kalgoorlie, there are all sorts of people coming and going, and nobody knows anybody any more and the kiddies can get away with it. It is considered that in America that is the major contributing factor to child delinquency.

Coming back to this legislation, there is only one point on which I have any doubt, and I believe there is an amendment suggested that will cover that; and that has relation to a person purporting to have control of a child. All other objections, I consider, have been covered, including the one raised by Mrs. Hutchison. The court has to be satisfied that the parent has contributed to the child's delinquency, time is given to pay, and there is a provision that the child itself can be made to pay. That takes care of the tendency which developed in America of children blackmailng parents. I would like to commend those who worked out this Bill on the thought and care put into it; and I have pleasure in supporting it.

On motion by Hon. J. McI. Thomson, debate adjourned.

ADJOURNMENT—SPECIAL.

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

That the House at its rising adjourn till 5.15 p.m. tomorrow.

Question put and passed.

House adjourned at 11.16 p.m.