

Mr. Kelly: Does not the Bill provide for a lot of the work to be done by contract?

Mr. LEWIS: It was not visualised that the work would be done by contract. I would much prefer it to be done by the trained officers of the Agriculture Protection Board. We visualised that the staff of the board would do the work with its own equipment, which would be increased as the result of the extra money, rather than have it done by contract.

Mr. Kelly: But the Bill provides for contracts.

Mr. LEWIS: In some instances it might be possible; but I think in the great majority of cases it would be preferable for the Agriculture Protection Board itself to do the work.

We find there is very little control over livestock coming to Western Australia. The Act provides at present that all stock entering the State must be quarantined until found to be free of weed seeds. All consignments must be accompanied by a declaration by the Department of Agriculture in the State of origin to the effect that the stock have, after examination, been found to be free. Recent regulations also require a declaration from the vendor on similar lines, and also a declaration that the sheep carry not more than six weeks' wool. Stock coming by rail are inspected, as far as facilities allow, at Parkeston, near Kalgoorlie.

Mr. Moir: Is anything done to inspect the stock on the east-west road?

Mr. LEWIS: No, not at that time. If the animals are found at Parkeston to be infected, they are either plucked of burr if there are only one or two; or, alternatively, they are sent on to Fremantle for shearing. We have the circumstances where, if sheep coming to Kalgoorlie are infected, they are sent to Fremantle to be shorn under supervision of the department, and they are then sent back to their ultimate destination. That is a lot of extra freight which the purchaser of the sheep must bear. Also, we believe that there is much more danger of the weed seeds being spread.

Therefore we believe that facilities should be established at Kalgoorlie, if possible, for the shearing to be done there. We also feel that there is an urgent need for control points at Norseman. Up to the present time not many consignments of stock have come by road.

Mr. Moir: You get consignments of Alsatian dogs.

Mr. LEWIS: A few sheep have come through, but not many at present. We want to guard against that; we want to get in early and prevent it. We have had evidence of noxious weeds coming in baled hay with circuses and other people coming from the Eastern States. They have also been found in machinery brought by

settlers who have come by road. They have brought their equipment with them and have travelled to the clean areas like Esperance. Once weeds get into that country, which is favoured by good rainfall, it is almost impossible to control them.

The whole purpose behind the recommendation for an increase in the rate and some early action was to prevent the further spread of weed and, if possible, to make some progress with what we hope will be ultimate eradication. The members of the committee were realistic, inasmuch as they knew the road to eradication was going to be a long and hard one but felt it was no good throwing up the sponge before a very determined effort was made to see whether it was possible to surmount this problem. For that reason I support the Bill.

Question put and passed.

Bill read a second time.

#### *In Committee*

The Chairman of Committees (Mr. I. W. Manning) in the Chair; Mr. Brand (Premier) in charge of the Bill.

Clauses 1 and 2 put and passed.

#### *Progress*

Progress reported and leave given to sit again, on motion by Mr. Hall.

### ADJOURNMENT OF THE HOUSE: SPECIAL

MR. BRAND (Greenough—Premier) [11.58 p.m.]: I move—

That the House at its rising adjourn until Thursday, the 4th October.

Question put and passed.

*House adjourned at 11.59 p.m.*

## Legislative Council

Thursday, the 4th October, 1962

### CONTENTS

	Page
<b>QUESTIONS ON NOTICE—</b>	
Cliff Street-Malcolm Street Intersection—	
Car Parking .....	1494
Roundabout .....	1494
Coal Price: Increase to Kalgoorlie Power Corporation .....	1493
Water Main at Cannington: Replacement in William Street .....	1493
Water Supplies—	
Hills Consumers: Transfer to Metropolitan System .....	1493
<b>MOTION—</b>	
Workers' Compensation Act and Mine Workers' Relief Act: Inquiry by Select Committee .....	1494

## CONTENTS—continued

	Page
<b>BILLS—</b>	
Bills of Sale Act Amendment Bill—	
Receipt; 1r. ....	1497
Bush Fires Act Amendment Bill: Recom.	1498
Child Welfare Act Amendment Bill (No. 2)—	
2r. ....	1510
Com.; Report ....	1510
Criminal Code Amendment Bill—	
2r.; Com.; Report ....	1497
Education Act Amendment Bill—	
2r. ....	1504
Com.; Report ....	1510
Local Government Act Amendment Bill:	
Returned ....	1497
Mental Health Bill: Recom. ....	1497
Prisons Act Amendment Bill—	
2r.; Com.; Report ....	1498
Public Trustee Act Amendment Bill—	
2r.; Com.; Report ....	1497
Totalisator Agency Board Betting Act	
Amendment Bill (No. 2)—	
Receipt; 1r. ....	1497
Town Planning and Development Act	
Amendment Bill: 3r. ....	1497

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

## QUESTIONS ON NOTICE

## WATER SUPPLIES

*Hills Consumers: Transfer to Metropolitan System*

1. The Hon. N. E. BAXTER asked the Minister for Local Government:

As the Government has intimated that consumers in the hills districts rated under the Country Areas Water Supply Act will be transferred shortly to the Metropolitan Water Supply Department for the purpose of rating, will the Minister inform the House—

- what specific parts of the hills district will be transferred; or
- what particular area will be included in the transfer?

The Hon. L. A. LOGAN replied:

- and (b) The area to be transferred is the Kalamunda rating zone which includes the townsites of Kalamunda, Gooseberry Hill, Lesmurdie, and Walliston.

2. This question was postponed.

## COAL PRICE

*Increase to Kalgoorlie Power Corporation*

3. The Hon. J. J. GARRIGAN asked the Minister for Local Government:

- Is the Minister aware that the Griffin Coal Mining Co. Ltd. has increased the price of coal supplied to the Kalgoorlie Electric

Power and Lighting Corporation Ltd. by 5s. per ton as from the 1st October, 1962?

- Can the Minister inform the House why this additional 5s. per ton is necessary in view of the fact that there has been no increase in wages, etc.?

The Hon. A. F. GRIFFITH replied:

This question should have been directed to me. The answers are as follows:—

- A statement by the power corporation in the form of a public advertisement appeared in a goldfields' paper to this effect recently.
- It is understood that, subsequent to such statement, the power corporation has published another statement to the effect that, following discussions between the coal company and the power corporation, it has been agreed to defer the proposed increase in the price of coal pending the receipt of further information on what the corporation's coal requirements may be between now and the 31st December, 1962, and from then until June, 1963. The supply of coal to the corporation is entirely by private contract negotiated between the coal company and the power corporation.

## WATER MAIN AT CANNINGTON

*Replacement in William Street*

4. The Hon. N. E. BAXTER asked the Minister for Local Government:

Will the Minister inform the House—

- has work commenced in William Street, Cannington, on the replacement of the 4-in. water main with a 12-in. main;
- if work has commenced, how far has it proceeded; and
- if work has not been commenced, when will a start be made?

The Hon. L. A. LOGAN replied:

- Work has not commenced but tenders are being called for the supply of pipes, and legal formalities regarding gazettal of the work are in course.
- Answered by (a).
- As soon as pipes are available. No date can be given until delivery time is known.

## CLIFF STREET-MALCOLM STREET INTERSECTION

### Roundabout

5. The Hon. F. R. H. LAVERY asked the Minister for Local Government:

- (1) In view of the increased motor vehicle traffic now using Cliff Street at the western end of Malcolm Street on account of the changing pattern of access to and from the Narrows Bridge via Cliff Street to and from King's Park Road and Malcolm Street, thereby causing a hazard, would the Minister for Traffic have investigations made with a view to adopting a roundabout of white lines on this intersection?

### Car Parking

- (2) As cars travelling north in Cliff Street have to approach well beyond the southern alignment of Malcolm Street if wishing to travel east into Malcolm Street, can favourable consideration be given to the closing of one car parking space at the top of Malcolm Street south side, as a car less here would provide a much clearer view for cars leaving Cliff Street and wishing to cross the line of traffic moving west in Malcolm Street?

The Hon. L. A. LOGAN replied:

- (1) The Main Roads Department will make an investigation of the accident pattern at this intersection.
- (2) The parking in Malcolm Street comes within the area controlled by the Perth City Council under the City of Perth Parking Facilities Act. The suggestion to close one parking space will be put to the council.

## WORKERS' COMPENSATION ACT AND MINE WORKERS' RELIEF ACT

### Inquiry by Select Committee: Motion

THE HON. E. M. HEENAN (North-East) [2.42 p.m.]: I move—

That a Select Committee be appointed to —

- (a) inquire into the adequacy or otherwise of existing provisions in the Workers' Compensation Act, 1912-1961, as they apply to men engaged in the mining industry who suffer from occupational diseases and their effects and if deemed necessary to make recommendations thereon;
- (b) inquire into any incidental matters including the adequacy or otherwise of benefits

payable to ex-miners under the provisions of the Mine Workers' Relief Act, 1932-1961, and if deemed necessary to make recommendations thereon.

Last year the goldmining industry of this State produced gold to the value of approximately £13,500,000, and approximately 5,000 men were employed in the industry. I mention these figures at the outset to point out that goldmining, which has done so much for Western Australia over the past 60 years, is still a major industry, and still employs a very large number of men.

Goldmining has always been a hazardous occupation. I think it will be realised that the majority of those 5,000 men now employed in the goldmining industry work right down in the depths of the earth. They are commonly termed underground miners, and they are the key men of goldmining.

Over the years in Western Australia we have had a Workers' Compensation Act, and we have amended and improved it as best we could in the light of all the circumstances. The major provisions in that Act apply to accidental injuries which are usually predominant in industry. Workers break their legs; they lose their limbs, and they injure their limbs; and the Workers' Compensation Act contains a schedule under which such workers are compensated.

Although we—the members of the Labor Party—have always claimed that the allowances now prescribed in the Act are inadequate, it has to be admitted that over the years substantial increases have been obtained. I hope that trend will continue. We have adopted the principle that workers engaged in industry should be compensated for the injuries they suffer.

It is my view, and I am sure other members of this House share that view, that if there is any justification for compensation being paid in the case of accidental injuries, then such justification should apply even more forcibly to a compensation system for occupational diseases. In regard to industrial or occupational diseases, the employee can do very little to avert or avoid them. The onset is usually gradual and the person involved is generally unaware of the hazards that he runs.

In this State the Workers' Compensation Act makes provision for industrial or occupational diseases, under the third schedule. Over the years it has been thought that the main occupational disease to which goldminers become subject was silicosis. This disease is caused by a gradual onset through the miner inhaling silica or dust which emanates from the

occupation of goldmining. In time this process has a most deleterious effect on the lungs of the miner.

The Workers' Compensation Act recognises that disease, and provides that sufferers from it shall receive compensation. It is incumbent on miners to be examined from time to time. They are X-rayed at regular intervals, and these X-ray examinations detect the onset of silicosis. Then the doctor in charge of the Commonwealth Health Laboratory at Kalgoorlie assesses the degree of silicosis, and compensation is awarded on a percentage basis.

Over the years it has been ascertained and proved that a large number of miners are forced to leave the industry through ill-health, mainly of a bronchial nature. Although they are informed by their doctors that they are quite incapable of carrying on with their work, when they are examined by the X-ray it is disclosed that they are suffering from very little or no silicosis.

I quoted to the House some time ago the case of one individual who was 59 years old. He has worked underground in the mines since 1930 at Wiluna, Gwalia, and Kalgoorlie. A couple of years ago he went to his doctor who told him that his health was in such a bad state that he had to give up work. He was quite unable to carry on. When he went for his X-ray it was revealed he had little or no silicosis at all. The man is quite incapable of doing any form of work now, but although he has spent practically 30 years underground, he does not receive any compensation. The following is what the doctor in Kalgoorlie told me about this man:—

This man is a true respiratory invalid. His condition is due to bronchitis. There is no radiological evidence of silicosis to any significant degree. This man is one of the best examples of pulmonary disease other than silicosis which has been caused by or aggravated by occupation in dusty conditions.

The Workers' Compensation Act as it now stands makes no provision for that man. I am sure that during the course of this debate other goldfields members will tell of their experiences and that they will all back me up when I say to the House that we on the goldfields are repeatedly meeting retired miners or ex-miners who are forced out of the industry but who, when examined, are found to have little or no silicosis. After a lifetime of work underground they receive little or no compensation. They suffer from bronchial troubles and contract pleurisy, pneumonia, and like complaints which the doctors have assured me, and which my common-sense tells me, are undoubtedly due to the fact that practically their whole working life has been spent underground in dusty conditions in mines.

The Hon. W. R. Hall: They must have a certain amount of silicosis.

The Hon. E. M. HEENAN: That is so. That is what I am pointing out. The Workers' Compensation Act only deals with silicosis. It does not take into consideration these other complaints which, in my opinion, are a direct consequence of their work. They are undoubtedly industrial and are complaints which are due to the work in which these men have been engaged; and I think a fair and just Workers' Compensation Act should make some provision for them. That is the principle of workers' compensation.

I am going to quote briefly from a speech made by Dr. Hislop on the 25th November, 1960. I regard Dr. Hislop as being very knowledgeable on this subject, and very sympathetic to the proposition that something should be done to alleviate the position. I am sorry he is not here at the moment, but he has told me that he is interested in my motion, and I am sure he will give us the benefit of his knowledge and experience on the subject.

However, to refresh our minds briefly, the following are some extracts from his speech:—

I know of workers who, in recent times, were most unfairly treated in respect of workers' compensation after they had left the mines. It is very difficult at times to determine whether or not they are suffering from silicosis. I have had experience of physically big men of Slav origin who could not continue working. Yet, the extent of silicosis—determined through X-ray and other methods—was very small indeed. Sometimes an individual with very little evidence of having silicosis is in grave distress. We endeavour to ascertain whether such people are suffering from pulmonary disability; but pulmonary disability is not covered by our Act. We have to establish that the worker has silicosis; and we have to determine that mainly by an X-ray examination. The whole thing is absurd and needs a complete review.

Further on he said—

A greater amount of justice will result from having a board of three experienced members to make determinations, than from a determination of the amount of compensation being made by one person after he has examined an X-ray film. I have often wondered why the miners themselves have accepted this position, and why even the members in this House representing Kalgoorlie have been satisfied with the retention of the present system.

I am sure we are all proud of the fact that last year or the year before, the three-year limitation was lifted from the Workers' Compensation Act. The present Minister

for Mines is to be applauded in my view for that step because, over the years, that limitation had caused many injustices. To that extent we have made a considerable step forward. I am hoping that if the House agrees to the appointment of a Select Committee on this occasion, Dr. Hislop will come on the Committee, but I do not know what his views are because he might be too busy and may not be able to help us; but we will leave that decision to him. I would be very pleased indeed if he would honour us and help us with his knowledge and experience.

However, there are other aspects and any half-dozen of us here in the House, although we are laymen, could go about acquiring considerable knowledge and, I think, could make some worth-while proposals on the subject. I have in mind that Dr. Hislop would like to bring experts from overseas, and that might be a very good idea. My view is that we have to do something now. We have a number of very conscientious and skilled doctors in Western Australia, and the doctors on the goldfields have first-hand knowledge of this subject. These doctors are in daily contact with miners, and there are a number of other eminent men in Perth who could help us.

I really think that if the House agrees to my proposal a lot of worth-while and practical suggestions could be made. I do not think a committee would overlook the financial aspect that would be involved. That would be a major subject for consideration. I am sure the Minister and the Government would be thankful for a committee to undertake the task. It would be no sinecure being on such a committee, because a lot of hard work would be involved. But I, as a goldfields member who has had the trust and confidence of these people for a long period, would like to accomplish something for them; and I am sure that goes for all the other goldfields members, and the rest of the members, too, who are in this House.

The other night Mr. Stubbs asked some questions which are topical. He inquired about the Coal Mine Workers' Pension Fund, and it is very interesting to recall that men who have worked in the coal mines for 25 years and who have reached the age of 60 years, or who retire earlier through some sufficient cause, do get substantial pensions. A man gets £6 2s. 6d. per week; his wife gets £5 7s. 6d. per week, and I think a child gets £1 per week. We have no such scheme as that on the goldfields. Years ago an insurance scheme was inaugurated under the Mine Workers' Relief Act and it is contributed to by the miners, the mine owners, and the Government. I think the contributions at the present time are: miners 1s. 9d., mine owners 1s. 9d. for each man they employ, and the Government subsidises to a like extent.

But when a man who has contributed to the fund for 20 or 30 years leaves the mines he does not automatically get anything from the fund. He only gets a payment if he is suffering from an industrial disease and has exhausted his compensation. I have not got the book in front of me at the moment but the point I wish to make is that the benefits payable under the Mine Workers' Relief Fund are only payable to a relatively small section of miners who have to give up work. These are the maximum benefits then payable: a man gets up to £2 per week; his wife gets up to £2 per week; and his children get 10s. per week each. Those payments do not stand up very well alongside the scheme that is working at Collie. Of course, I have to acknowledge that the Collie miners pay in a lot more than the goldminers.

My proposition is that a committee such as I now propose could well look into this matter. I want to make it clear right here and now that I am not critical of the administration of the Mine Workers' Relief Fund. It is composed of the warden at Kalgoorlie, a representative of the workers, a representative of the mine owners, and, I think, a representative of the Mines Department; and I know they are doing an excellent job and doing it as sympathetically as they can. I noticed from their report last year that they paid out approximately £59,000, but they were down about £11,000 on contributions. In other words, they had to eat into their funds to the extent of over £11,000 last year to meet their commitments. I repeat: The fund is well administered and, in its limited extent, is doing a good job.

The Hon. A. F. Griffith: And recently improved also in regard to rates.

The Hon. E. M. HEENAN: Yes; but I think the time has arrived when we should be capable of inaugurating some better scheme whereby men who have worked so long in any particular industry, for that matter, should receive something when they get old and worn out and are no longer able to work.

I know a complication arises over the Commonwealth social service payments. If a man leaves the mines he might get an invalid pension or an age pension and, of course, he is allowed to receive only so much above that. I realise that that is a complication; and there are a number of matters like that which a committee would have to consider.

I hope I have made my point, and I hope the House will agree to my motion. As I say, it will not be any sinecure; the committee would not be out to blame anyone or criticise anyone. My aim and object simply is to do something constructive and to make improvements to the Workers' Compensation Act which would give a larger measure of justice to the men covered by it; and also to put up some

sensible proposals whereby the scheme envisaged by the Mine Workers' Relief Act could be improved upon. It would, of course, be helpful to have someone from South Africa, or from Canada; but, as I said, I think we have good men here in Western Australia who could give sufficient guidance and help on the technical side for our purposes.

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

## **TOWN PLANNING AND DEVELOPMENT ACT AMENDMENT BILL**

### *Third Reading*

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

## **LOCAL GOVERNMENT ACT AMENDMENT BILL**

### *Returned*

Bill returned from the Assembly with an amendment.

## **BILLS (2): RECEIPT AND FIRST READING**

1. Totalisator Agency Board Betting Act Amendment Bill (No. 2).

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

2. Bills of Sale Act Amendment Bill.

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

## **MENTAL HEALTH BILL**

### *Recommittal*

Bill recommended, on motion by The Hon. L. A. Logan (Minister for Local Government), for the further consideration of clauses 5 and 21.

### *In Committee, etc.*

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

### **Clause 5: Interpretation—**

The Hon. L. A. LOGAN: The amendment I wish to move, and which is on the notice paper, is consequential upon an amendment already agreed to by a previous Committee. It will include the words "the deputy director." I move an amendment—

Page 3, line 25—Insert after the word "Act" the words "and includes the Deputy Director".

Amendment put and passed.

Clause, as further amended, put and passed.

## **Clause 21: Approval of private hospitals—**

The Hon. L. A. LOGAN: This deals with the issue of a permit for a private hospital, and with its withdrawal at the expiration of one month if the permit holder dies. I think Dr. Hislop pointed out that some further period would be necessary in certain circumstances; that in the Bill as it was the provision of a month would mean that at the end of that time the hospital would no longer be an approved hospital in the circumstances outlined above. To overcome that difficulty it is proposed to insert the words "or within such further period as the Minister may allow." I move an amendment—

Page 12, line 25—Insert after the word "holder," the words "or within such further period as the Minister may allow,".

Amendment put and passed.

Clause, as amended, put and passed.

Bill again reported, with further amendments.

## **PUBLIC TRUSTEE ACT AMENDMENT BILL**

### *Second Reading*

Order of the day read for the resumption of the debate, from the 25th September, on the following motion by The Hon. L. A. Logan (Minister for Local Government):—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

### *In Committee, etc.*

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

## **CRIMINAL CODE AMENDMENT BILL**

### *Second Reading*

Order of the day read for the resumption of the debate, from the 25th September, on the following motion by The Hon. L. A. Logan (Minister for Local Government):—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

### *In Committee, etc.*

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

## PRISONS ACT AMENDMENT BILL

### *Second Reading*

Order of the day read for the resumption of the debate, from the 25th September, on the following motion by The Hon. L. A. Logan (Minister for Local Government):—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

## BUSH FIRES ACT AMENDMENT BILL

### *Recommittal*

Bill recommitted, on motion by The Hon. F. D. Willmott, for the further consideration of clause 28.

*In Committee, etc.*

The Chairman of Committees (The Hon. W. R. Hall) in the Chair; The Hon. L. A. Logan (Minister for Local Government) in charge of the Bill.

Clause 28: Sections 66, 67 and 68 added—

The Hon. F. D. WILLMOTT: I move an amendment—

Page 17—Insert after subsection (5) of proposed new section 68 in lines 16 to 22 the following new subsection:—

(6) Before any action is taken by the Board under the provisions of this section the local authority concerned shall be notified in writing of the Board's intention so to do and no such action shall be taken by the Board until twenty-one days after the service of the notice.

I apologise for the fact that this amendment does not appear on the notice paper; but the House was closed yesterday and I was unable to do anything about it. However, I have had a copy circulated to members. My reason for this amendment is that I consider it is most desirable that there should be some time in which to cushion the effect of the proposed new section 68 which deals with a board taking action against a local authority.

If this amendment is accepted it will give room for diplomacy to be used before direct action is taken by the board. I am convinced in my own mind that if it comes to the point where action such as is proposed has to be taken by the board, it might achieve its object in the eyes of

the law, but it will not achieve the object which is most desirable—a more ready handling of bushfires.

As I said before, we come back to the brigades again; and unless we have the goodwill of the community and of the people who are fighting the fires we cannot have effective fire control. Therefore, although action taken under the proposed new section 68 might have legal effect, the effect on the local community would not be beneficial.

The Hon. C. R. ABBEY: I think the insertion of this new subsection will improve the proposed new section slightly, but I still feel the whole section is entirely objectionable. I cannot agree that the Bush Fires Board should have power placed in its hands to subject a local authority to the humiliation of being taken before a court of summary jurisdiction and having a conviction recorded against it.

Proposed new section 68 is punitive and should not be applied to local authorities. Although this further amendment will slightly improve the section—I hope the amendment will be agreed to—it still will not meet with my approval or desires in the matter. Members of this Committee may have had the time to give second thoughts to this matter since it was previously debated and agree they should withdraw their support of the proposed new section. I believe we should delete it.

I say that because, although I have had very little time to talk to local authorities within my province, I know the general feeling throughout the area and I am sure they would regard it with disfavour were it put into practice. I could not agree more with Mr. Willmott when he states we need the co-operation of local authorities and the bushfire brigades. The whole conception of bushfire control has been built up on co-operation and not on enforcement. In some cases it is necessary for local authorities to enforce such things as the provisions relating to fire-breaks; and, with the exception of one or two shire councils, this has been done. Therefore, because one or two shire councils have not complied with some directions of the Bush Fires Board we are going to impose on every local authority in this State the provision that is contained in proposed new section 68.

We will be setting a precedent which I am sure all members interested in local authorities will very greatly regret in the future. I hope this Committee will re-examine the matter; and although we may agree to insert this subsection, I am going to move then that the whole proposed new section be deleted.

The Hon. H. R. ROBINSON: Although at an earlier period of the Committee I endeavoured to retain this proposed section in the Bill, I have since had a second look

at it. I have made inquiries and I find there is no other Act under which a local authority can be taken to court and prosecuted. This will be the first time that a local authority can be taken to court and suffer a penalty of £50. Who would pay that penalty? The council? I would point out that there is no provision in a budget to allow for penalties of fines imposed on a local authority, or upon councillors themselves for not complying with the requirements of the Bush Fires Act. If that is to be the case, I think the whole of proposed section 68 should be re-examined.

I do not think Mr. Willmott's amendment will rectify the situation. I cannot help feeling, now that the Bill has been recommitted, that the whole of proposed new section 68 should be taken out. I think it would be a retrograde step for a local authority to be taken to court.

The Hon. G. C. MacKINNON: May I suggest that we discuss the advisability of this amendment when the next question is put from the Chair, "That the clause, as amended, be agreed to." We could then discuss the advisability of retaining section 68; otherwise, I think we might lose sight of the desirability of this amendment.

This amendment is desirable in the event of our not being successful in deleting the proposed section, as suggested by Mr. Abbey. We would have ample time to discuss the deletion of the proposed section 68 when the next question is put from the Chair.

The reason for the desirability of this amendment was covered fairly fully by Mr. Willmott who, when we last dealt with the Bill, suggested there should be an appeal to the Minister. However, the Minister has to O.K. a prosecution, and there did not seem to be much point in having a further appeal to the person who has to O.K. the prosecution. I think that is why the majority of us voted against it.

This amendment provides sufficient time for local authorities to comply with the provisions of the Act, and I feel this provision is an improvement. I appeal to the Committee to discuss the advisability of this amendment before discussing the point raised by Mr. Abbey. I intend to support the amendment.

#### *Point of Order*

The Hon. H. K. WATSON: I rise on a point of order. This Bill has, notwithstanding our protests from time to time, been drafted in what I regard as a very unfortunate manner, inasmuch as we have one clause proposing to insert not one new section but three new sections. If the proposed section 68 were to be deleted from the Bill it would not be merely a matter of voting against clause 28; it would more appropriately be a matter of voting that proposed section 68 be deleted from clause

28. In view of the fact that it is now proposed to add a new subsection (6) to section 68, would it be competent for the Committee, having done that, to consider the deletion of section 68? I think that Mr. Willmott should first withdraw his amendment and the Committee should vote on the deletion of the proposed section 68. If the section is retained, it would then be appropriate for Mr. Willmott to move his amendment.

The CHAIRMAN (The Hon. W. R. Hall): It would not be competent for the Committee to deal with proposed section 68; it would have to deal with the whole clause.

#### *Committee Resumed*

The Hon. F. D. WILLMOTT: Would it be competent for me to withdraw my amendment?

The CHAIRMAN (The Hon. W. R. Hall): Yes.

The Hon. F. D. WILLMOTT: I ask leave to withdraw my amendment in order that we might first discuss the other aspect and have my amendment readmitted afterwards.

The Hon. L. A. LOGAN: I want to know where we are going. It was the decision of the Committee the other night not to delete clause 28. The proposed new section 68 is part and parcel of clause 28 of the Bill. Does the Committee want to withdraw the whole of clause 28?

The CHAIRMAN (The Hon. W. R. Hall): The honourable member desires to withdraw his amendment which is now before the Chair. He then desires to move another amendment, and it will be in order for him to do so.

The Hon. L. A. LOGAN: If the honourable member moves an amendment to delete the clause he will merely be repeating what he did the other night. I want to know where we are going.

The Hon. A. R. JONES: If this is agreed to, will it remove the reason why this Bill was recommitted?

The CHAIRMAN (The Hon. W. R. Hall): Mr. Willmott has asked that leave be granted for him to withdraw his amendment.

*Amendment, by leave, withdrawn.*

The CHAIRMAN (The Hon. W. R. Hall): The question now is that clause 28 stand as printed.

*Sitting suspended from 3.50 to 4.6 p.m.*

The Hon. C. R. ABBEY: I still feel that this proposed new section should be deleted; and I am glad that Mr. Watson raised the point he did because it gives us an opportunity to deal with the matter without confusion.

Proposed section 68 undoubtedly sets a precedent. Mr. Robinson has raised the question whether this type of provision



appears in any other Act. I am pretty sure the Minister cannot tell us of any other Act which contains a similar provision.

In my opinion the Bush Fires Board has adequate powers under the present Act to ensure that firebreaks and so on are provided. We want the co-operation of the local authorities; we do not want to bully them into doing these things. I move an amendment—

Pages 16 and 17—Delete new section 68.

The Hon. S. T. J. THOMPSON: I support Mr. Abbey. Within the last two or three days I have had two requests from local authorities in connection with this matter. I feel that the proposed section is rather an insult to the many shire councils that have been carrying out their duties in the past.

The Hon. L. A. Logan: They will not come into it.

The Hon. S. T. J. THOMPSON: There may be one or two that have not carried out their duties, but I am not aware of them; and even if there are a few that have not done what they should, there is plenty of power in the Local Government Act to ensure that they will enforce the by-laws.

I feel this is a retrograde step. We will be giving the board power to sue a local authority—a body composed of men who are doing a job voluntarily. This will have a detrimental effect on local authorities throughout the State. The board as at present constituted has plenty of authority. As a matter of fact I feel that some boards have too much authority, and that is why I am definitely against this provision. The majority of members should be in favour of retaining some powers for the local authorities without giving the board an overriding authority like this.

The Hon. L. A. LOGAN: Despite what has been said, and despite the vote the other night, I think members should further consider this matter. If we take this provision out we will be in the position that Parliament will have passed an Act providing that certain persons shall do certain things, but the local authorities will be able to do as they like.

The Bush Fires Act has been in operation for some time, and it lays down the conditions which the local authorities have to carry out. We are not giving authority to the board to prosecute a local authority, but to the Minister. He will have the final say.

The Hon. H. K. Watson: Where is that made clear in the Bill.

The Hon. L. A. LOGAN: The Bill provides, "If in his opinion the circumstances of the case so warrant, the Minister may authorise the board." If that does not

give the power to the Minister, I do not know what it does; and that power has been in the Act for a long while. Now we are to say to the local authorities, "It does not matter. We have the Bush Fires Act, but take no notice of it." Because of the reasons given for deleting proposed section 68 from the Bill, that, in effect, is what members will be doing.

Mr. Robinson will find that what he said in regard to other Acts is not quite correct. Section 71 of the State Electricity Commission Act states—

"Every person . . ."; and members will find, if they look at the Interpretation Act, that the word "person" includes an authority or body corporate, and that would include a local authority. So if a local authority was obstructing the S.E.C. in the course of its duties, the local authority could be fined under the State Electricity Commission Act; and I think the same thing applies in respect of many Acts.

The requirements of the Bush Fires Act have been complied with by 86 of the 90 local authorities in the State, and now members want to say that the other four local authorities need not do anything about it.

The Hon. F. R. H. Lavery: There should be some way other than this.

The Hon. L. A. LOGAN: What other way?

The Hon. F. R. H. Lavery: Why pick on the 86?

The Hon. L. A. LOGAN: We are not penalising the 86.

The Hon. F. R. H. Lavery: This will affect them?

The Hon. L. A. LOGAN: No, it will not. How will it affect them? Those local authorities have complied with the law. Under section 61 of the Act, as it is at present, the board has power to do this by regulation. However, because many members object to such matters being handled by regulation, we have inserted the provision in the Bill for incorporation in the Act.

The Hon. J. Murray: But a regulation would not necessarily carry the power to fine people.

The Hon. L. A. LOGAN: Why not? If a by-law is made and a person does not comply with it, he could be fined £50. This provision was asked for by local government itself.

The Hon. F. R. H. Lavery: By the Local Government Association?

The Hon. L. A. LOGAN: No; but there are five men on the W.A. Fire Brigades Board who are also members of the Local Government Association. I named those five men the other evening. They have been recognised as being among the top

men of local government in Western Australia. I think the members of the Committee should give serious consideration to this matter, and I hope they will not agree to the amendment.

The Hon. F. D. WILLMOTT: I think I should make my position clear on this clause. Members will recall that last Tuesday I moved for the deletion of a similar proposed new section from the Bill. I not only take strong exception to this clause because it will grant power to the board to sue a local authority, but I am also concerned at its over-all effect on local bushfire brigades. The only people who can be relied upon to give adequate control over bushfires are the local residents. Unless their co-operation is obtained it will be impossible to control fires adequately.

If action such as this is taken in a district of any local authority it will antagonise the local people. Despite the fact that there are four local authorities that have not complied with the instructions issued, I believe a little common sense and tact would get those four to do as they were requested without upsetting the local residents. The whole Act is worthless unless we can get the co-operation of the local people to control a fire.

The Hon. G. C. MacKINNON: I think all of us have a great deal of admiration for the tenacious way the Minister is handling this clause. What concerns me in the clause is that all local authorities will immediately become subject to the direction of the Minister for Forests and not the Minister for Local Government. I do not think that is wise. The Minister for Local Government has many forms of control over local authorities when they fail to carry out their duties, and this is something that could come under his jurisdiction because this clause is specifically aimed at local authorities.

The Hon. H. K. Watson: And exclusively local authorities.

The Hon. G. C. MacKINNON: Yes; and I do not think it is a good move to make them subject to the direction of the Minister for Forests. The Minister mentioned that the board has power to do this by regulation; but a regulation-making power would not make any difference, because we could still take action against any regulation. Had we been told that because this power does not exist such and such an event had happened, we might have adopted a different viewpoint. We have been informed, however, that there are only two or three local authorities that have not followed directions. No definite case has been cited to show that this has upset bushfire control. This legislation must be aimed at the ease of operation of volunteers, because the whole system of bushfire control is based on voluntary work.

It is extremely important, therefore, that bushfire control should be performed with the exercise of tact and co-operation among the voluntary workers. The control of local authorities should remain under the jurisdiction of the Minister for Local Government. I do not think another Minister should be granted power to sue a local authority under this legislation. For that reason I propose to vote against proposed new section 68.

The Hon. J. MURRAY: My view of the Bush Fires Act and the amendments we have been dealing with is that they are aimed at granting statutory powers to volunteers to exercise bushfire control. In this proposed final amendment, not only has the Government decided to grant statutory powers to the board to do certain things on the State's behalf, which are commendable and desirable, but it also seeks to insert penal provisions in the Act so that volunteers performing bushfire control work can be punished if they do not do this or that.

The Hon. L. A. Logan: Where is that? We are only dealing with the local authority.

The Hon. F. D. Willmott: And the local inhabitants with them.

The Hon. L. A. Logan: In that case you might as well remove all the other provisions in the Bill.

The Hon. J. MURRAY: It is proposed to grant certain statutory powers to the board to do certain things, but the Bill also proposes to punish volunteers should they go against the wishes of Parliament.

Another point I wish to make is that the Minister, in objecting to the deletion of this provision, obviously has no faith in the regulation-making powers which he suggests are already provided in the Act. For instance, he says this new section is necessary because local authorities have not carried out the provisions of the relevant section. If the board has power to make regulations, why is there any need for this section?

The Hon. N. E. BAXTER: Before agreeing to the deletion of this provision, I hope the Committee will give the matter serious consideration. The new section provides that before the board can take action against any local authority it must obtain the sanction of the Minister; and I am sure all members feel certain he would not give his sanction unless it was a very serious case.

I refer members to clause 7 of the Bill dealing with burning off during prohibited times. Under this clause a person may apply to the local authority for permission to set fire to the bush for clearing and development. On granting the permit the local authority shall allocate the day or days upon which the burning shall take place. Members should note that the words "shall allocate" are used.

Therefore, if proposed section 68 were deleted from the Bill and a local authority refused to allocate a day—

The Hon. F. D. Willmott: Do you know of any local authority that does?

The Hon. N. E. BAXTER: Yes; later I will cite one local authority that did so. If a local authority refuses a farmer permission to burn, what recourse has that farmer got? I know of a farmer who, only a few years ago, applied to his local authority for a permit to burn and he was refused. Finally he had to obtain permission from the Minister. The area was quite safe, and the farmer had the men ready to carry out the burning on a date to be selected by the local authority. The reason for refusing a permit was that his neighbour, who was the bushfire control officer, was fearful and would not agree to the issue of a permit. The farmer had no recourse except to approach the Minister through his Parliamentary representative.

If the proposed new section is agreed to, then in a case such as the one I have referred to the local authority could be penalised for failing to carry out its duty. After all an individual should have some rights, but if the proposed new section is deleted the individual will have none. Under the section, a local authority will be aware that it is liable to be prosecuted if it refuses to grant a permit when the Act provides that it shall grant one.

Permits are issued by local authorities, subject to the conditions laid down by them. We will not be helping the farming community, which at various times has to carry out the burning and clearing of land, by refusing to issue permits to burn. Very few local authorities are likely to contravene the provisions of proposed new section 68; and as it is to be administered by the Minister there should be no fear.

The Hon. F. R. H. LAVERY: This morning in discussing the Bush Fires Bill with someone in authority, I was told that proposed new section 68 is designed to deal with two local authorities which have failed to carry out their functions in a proper manner. I asked about the position of the other 88 local authorities in this State, and I was told that perhaps they would not have anything to fear.

The first two lines of proposed new section 68 (1) state that a local authority which fails or neglects to carry out any duty commits an offence. If this provision is placed on the statute book I am sure that in the years to come additions will be made to it; because in my ten years' experience in Parliament I have often found penal clauses being added to legislation.

I do not know any of the members of the Bush Fires Board, but I have met volunteer firemen and they have this fear:

If the new provision is agreed to the volunteer fire fighter may refuse to remain in the bushfire brigade because of a fear of being penalised. This provision affects local authorities which fail to carry out their functions; however, I would prefer the matter to be covered by a regulation which can be revoked by Parliament at any time should that be necessary. In my view no-one will be affected if the proposed new section is deleted. I ask the Minister if he is prepared to name the two local authorities which have refused to comply with the instructions of the board.

The Hon. C. R. ABBEY: The Minister has said that Parliament desired to instruct local authorities to carry out certain functions. In my view that was not the intention of Parliament; our intention was to enable local authorities to carry out their functions for the protection of their districts.

The Hon. G. C. MacKINNON: I refer the Minister to section 35 (1) of the Act which gives the board power to step in when a local authority fails to carry out its functions. The board can get the job done and then recover the expense involved from the local authority.

The Hon. L. A. LOGAN: Section 35 (1) only covers the case where a local authority issued an instruction to an individual and the individual failed to carry out the function. The board can then step in. This situation is different to one where the Act lays down that the local authority shall carry out a certain function. Section 35 (1) only applies to the individual and his failure to carry out a function.

Proposed new section 68 would not have been included in the Bill if section 35 (1) was sufficient to meet the circumstances. The Bush Fires Act lays down that certain functions are to be carried out for the benefit of the whole community, and not for the benefit of a few. Eighty-six local authorities have complied with the requirements of the Bush Fires Board on a voluntary basis, but it has been proposed by some members here that the remaining four should not be required to do the same.

It is all very well to say that the Minister should take over in such cases, but he has limitations when he issues instructions to local authorities. He can only ask or advise them to carry out certain functions. The four local authorities had been advised but they did not comply. I do not want to mention the names of those local authorities because it would not be fair to do so. It is because of the failure of a few local authorities to carry out the requirements of Parliament that something should be done.

The Hon. R. Thompson: Are the districts of those two local authorities subject to bushfires?

The Hon. L. A. LOGAN: Very much so. A local authority which fails to comply with the requirements of the law in this

regard jeopardises the safety of the adjoining local authorities. Legislation is passed to benefit the whole community, and that is the purpose of the Bush Fires Act. At the present time one or two local authorities are defying the Bush Fires Board, and have failed to carry out the functions prescribed in the Act.

When this Bill is passed the Bush Fires Board will include six members representing local authorities. Thus the local authorities will have a majority on the board, and there will be no danger of the board recommending to the Minister that a particular local authority should be prosecuted unnecessarily.

Members should have another look at this. Action will only be taken if a local authority is not carrying out the law as stated in the Act.

The Hon. F. R. H. Lavery: Do you agree with Mr. Robinson that this is the first time local government has been in this position?

The Hon. L. A. LOGAN: No, I do not think so. I have already mentioned that under other Acts local authorities can be penalised.

The Hon. H. R. Robinson: Were they actually stated like this?

The Hon. L. A. LOGAN: No; because we are dealing with an entirely different matter here. We are dealing with bushfires and the Act contains certain specified duties which people and local authorities must carry out. Those local authorities—

The Hon. F. D. Willmott: Who are also volunteers.

The Hon. L. A. LOGAN: Forget about volunteers for the moment. We are dealing with an Act of Parliament which specifies that certain things must be done. Are we now going to say that they need not be done? If that is so they must be taken out of the Act and out of all the other Acts as well.

The Hon. N. E. Baxter: You might as well take out the word "shall," referring to local authorities, as agree to this amendment.

The Hon. L. A. LOGAN: No. I think we all have to be careful that we do not let one or two default for their own benefit to the detriment of others around them. If it ever came to my knowledge that local authorities were not doing the right thing in other respects, although I could not as Minister direct them to do the right thing, I could tell them what I thought they ought to do. But they can tell me to jump in the lake.

The Hon. H. R. Robinson: Have they ever done that?

The Hon. L. A. LOGAN: Not directly. But let me tell members that on two occasions I was told not exactly to jump in the lake but to mind my own so-and-so

business. It is fortunate that things turned out all right in the long run. A Minister is limited in his powers in this respect. I suggest that we leave this provision in the Bill for the time being and then if it is found to be detrimental to volunteer services—

The Hon. F. D. Willmott: It will be too late then.

The Hon. L. A. LOGAN: It will not be too late. Parliament sits every year. Mr. Lavery is worrying about other new penal laws. They can only be included at the will of Parliament and are only included to deter any attempt to evade the law. I hope the Committee will not agree to the amendment.

The Hon. R. F. HUTCHISON: I am going to support the amendment. Mr. Logan has begged us to think of local authorities: If they were on a democratic standing—

The Hon. L. A. Logan: That has nothing to do with this.

The Hon. R. F. HUTCHISON: I say we should let the citizens decide and if adult franchise—

The Hon. A. F. Griffith: Where is that mentioned in the Bill?

The CHAIRMAN (The Hon. W. R. Hall): I do not think anything about adult franchise comes into this Bill.

The Hon. R. F. HUTCHISON: It comes very much into this Bill.

The CHAIRMAN (The Hon. W. R. Hall): The honourable member must speak to the amendment.

The Hon. R. F. HUTCHISON: I am, and this is my reason.

The Hon. A. F. Griffith: It is a pretty poor one.

The Hon. L. A. Logan: It has nothing to do with it.

The Hon. R. F. HUTCHISON: When a few people are elected on a very restricted franchise to a local authority they should not be allowed to keep on placing impositions on the people. I agree with other members who have said that everything brought forward is a restriction or an imposition on the individual. Mr. Willmott has made the only point worth recognising, and that is that co-operation is most essential in regard to bushfires.

I have been in very serious bushfires, including one in the 1920's in Holyoake. I know what co-operation is necessary and the sacrifices required in the fighting of a bushfire. I think I have given sufficient reason to show why I should not be persuaded against my conscience. If those who have to fight the fires had a say in these matters, this kind of thing would not be necessary, because commonsense would be exercised.

The Hon. J. G. HISLOP: I hope you will grant me a little tolerance, Mr. Chairman.

The CHAIRMAN (The Hon. W. R. Hall): I hope this will not be tedious repetition.

The Hon. J. G. HISLOP: I will endeavour to stick to the point. Many people have expressed to me their doubts as to the future of local government. Various reasons have been given for these doubts, none of which I need name at the moment. But it does make me wonder whether there should not be some more diplomacy used in obtaining the co-operation of local authorities.

The Hon. F. D. Willmott: That is just what is required.

The Hon. J. G. HISLOP: The local authorities in question are not wealthy but are probably some of the lesser groups, and I think that influence from all sides could prove much more effective than what is proposed here. My fear is that in view of the concern that has been expressed about local government, if we constantly add penalties, we are going to lessen the calibre of those applying for election to a local authority. If this sort of thing went on, I would not have any desire to take part in a local authority. If for example, I were to vote for a measure which was eventually discarded by—

The Hon. E. M. Davies: There would have to be a commissioner appointed in some instances, you know.

The Hon. J. G. HISLOP: Of course. I doubt very much whether penal provisions would be nearly as effective as an approach from the adjacent and contiguous bodies asking that the defaulting authority conform with the Act.

The Hon. S. T. J. THOMPSON: From the Minister's remarks it appears that there have been four authorities that have not been enforcing the necessary regulations in their respective shires. That is what it apparently boils down to. I suggest that the Minister should report progress in order that the local authorities' association might be contacted and asked for its opinion.

I realise that the Minister has obtained the views of five shire council members on this particular point. However, if I ascertained that the association supported the Minister, I would be willing to change my way of thinking. But I would like the opportunity to make inquiries before we go any further.

The Hon. L. A. LOGAN: I have already told members not once, but many times, that the Bush Fires Board met last Tuesday morning; and five of its members are representatives of the country shires. If that is not an expression of local government, I do not know what is.

The Hon. S. T. J. Thompson: That is the expression of the board.

The Hon. G. C. MacKinnon: Aren't we interested in the expression of this Chamber?

The Hon. L. A. LOGAN: Mr. Syd Thompson wants an expression of opinion from the country shires. I have already given it. I did not ask for this provision to be included in the Bill. I can tell members the name of the person who asked for it; and he has asked for it for a specific purpose.

The Hon. F. R. H. Lavery: Was it the chairman of the board who asked for it?

The Hon. L. A. LOGAN: I am not going to say who it was. However, it was not the chairman. The chairman is the Under-Secretary for Lands and he is an independent chairman because he does not have a deliberative vote. I do not intend to delay the Bill any longer, but whatever the Committee decides will be accepted. The only answer I can give Mr. Syd Thompson is that five members of local authorities were on the board which recommended to the Minister for Forests that this provision remain in the Bill.

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

#### Ayes—12.

Hon. C. R. Abbey	Hon. R. C. Mattiske
Hon. J. J. Garrigan	Hon. J. Murray
Hon. J. G. Hislop	Hon. S. T. J. Thompson
Hon. R. F. Hutchison	Hon. H. K. Watson
Hon. F. R. H. Lavery	Hon. F. D. Willmott
Hon. G. C. MacKinnon	Hon. H. R. Robinson

(Teller.)

#### Noes—11.

Hon. E. M. Davies	Hon. C. H. Simpson
Hon. A. F. Griffith	Hon. J. D. Teahan
Hon. E. M. Heenan	Hon. R. Thompson
Hon. A. R. Jones	Hon. W. F. Willesee
Hon. L. A. Logan	Hon. N. E. Baxter
Hon. A. L. Loton	

(Teller.)

Majority for—1.

Amendment thus passed.

Clause, as amended, put and passed.

Bill again reported, with a further amendment.

## EDUCATION ACT AMENDMENT BILL

### Second Reading

Debate resumed, from the 2nd October, on the following motion by The Hon. L. A. Logan (Minister for Local Government):—

That the Bill be now read a second time.

**THE HON. W. F. WILLESEE (North)** [5.3 p.m.]: This amendment to the Education Act seeks to make law the provision that children attending school and reaching the age of 14 years in a particular year shall continue on at school for the full period of that year. That is to say, a child turning 14 in, say, March, would continue on for the full year rather than, as at present, leave school immediately on attaining the age of 14 years.

To achieve what is desired it is necessary that the term "leaving age" be redefined as provided for in the Bill; because we already have a leaving age of 15 years, but it has not been capable of achievement because of the practical difficulties that apply with regard to teaching personnel, and the financial difficulties that apply with regard to the housing of schoolchildren. This amendment tends to flatten out the period of education of a 14-year-old child to a consistent average of nine years of training, or education. A child who turns six during any particular year can start school that year, and if he leaves at the end of the year during which he turns 14 there will be uniformity in regard to education and it will save the problem of additional classrooms.

Whereas children now leave school when they turn 14 and so deplete attendances, that will not be the case in the future; and it will not place any greater responsibility or onus upon a teacher, because he will start with a full class and will teach accordingly. There will also be some benefits, I should imagine, with regard to the curriculum based on this premise.

Another section deals with the matter of truancy, and I think it is quite sensible. It will save embarrassment to a parent who might be working, because a truant officer will take the child of such a parent, and also the child of a parent who cannot be located, to the school. The court will be able to place these children in the care of the Education Department and so keep them under control and, at the same time, see they are taught.

There is also a further provision which deals with appeals. It will bring trainee teachers of the teachers' college up to the standard of teachers with regard to appeals. This widening of appeal rights gives teachers more opportunity to appeal, and I think that is laudable, because a teacher, if he is dismissed, should have the right of appeal at all times.

So I consider the measure is straightforward. The amendments in it are reasonable; and I think that the Bill tends towards better machinery working with regard to the material that it brings forward.

**THE HON. R. F. HUTCHISON** (Suburban): [5.8 p.m.]: I support the Bill, regretting that the Government could not see fit to take a further step and raise the school-leaving age to 15 years. After all, money is always found—by the millions—for industry and anything with a profit motive. If a proposition offers big profits then money will be found to develop it. I know that it is necessary to make the money go around, as it were, but I do think that humanity in our society lags sadly behind. I think that the intellect of a child is neglected when he leaves school at the age of 14, even though

the reason may be through economic circumstances. We cannot count the loss to society through this happening. I think it would improve the cause of humanity if Governments—from both sides of politics—were to give more serious thought to the raising of the school-leaving age.

At the other end we have the kindergartens, and they have come to stay. Kindergartens start the child where he should be started; and it is depressing that the ordinary people do not get much opportunity of sending their children to these kindergartens. The ordinary working man struggles to live and very often cannot afford to pay the 12s. 6d. or so that is now charged by kindergartens. In these circumstances we have the child handicapped both at a very early age and when leaving school—and this in a society that raises its eyes to the atomic age, and when science is becoming a greater power within our society.

I commend the Government as I would commend any Government which attempted to keep a child at school for a longer period than is now the case. This will have a good effect, and it will affect the flow of labour to industry. When we speak of the school-leaving age we should think deeply of the stultifying effect it has on our society when we are not ready to develop and train the intelligence of our children. I know the argument can be put forward that those who want to learn can go on, and that there are all kinds of opportunities. But there is not this opportunity offering to every child, and some of them are brilliant children.

I know that in the suburb in which I live children have had to leave school because of economic circumstances. In my opinion, some of these children were bright enough to make their mark in society—and they probably will at a later age. But it is never the same when there is a break in the development of their intelligence and their forward drive. I make this pertinent point: When the soldiers returned from the war their attendances at the universities were very good. They were very balanced, and they were eager to go on and put their best into the effort they were making. I think that should be a pointer to the raising of the school-leaving age; and that is the best argument in its favour that I know. I support the Bill.

**THE HON. G. C. MacKINNON** (South-West): [5.13 p.m.]: There is only one aspect of this Bill on which I would like to say a few words. It is the general policy of most people to support any increase in the school-leaving age. I think we have come to accept that as being desirable perhaps without giving it a great deal of thought in the light of changed circumstances—changed economic conditions and changed social conditions.

I think the time has come when it could be worth while having a serious look at the desirability of legislating for a higher school-leaving age. There are some parts of the world where the school-leaving age is as high as sixteen and seventeen, and, indeed, eighteen.

The general condition that appertains today is that the bulk of children stay on at school. If a child has the potential he generally remains at school at least until his Junior and completes that phase of his education.

The child who leaves school at the age of 14 years today is in the minority—girls, of course, cannot be employed until they are 15 years of age. However, there is a danger in making a compulsory age limit of, say, 16; because then there is a sprinkling of children throughout the schools who have no desire to increase their learning, and, indeed, are markedly antagonistic to the need to stay at school, and they bring about a destructive influence within the class. No doubt if there were special courses which could be designed to interest them, that would be all to the good; but experience in America has been that in many cases these boys who compulsorily have to stay at school until they are 16 or 17, and who have no interest in learning, tend to disrupt the whole class. Consequently there is a very good argument for leaving the compulsory school-leaving age at, say, the end of the year in which a child turns 14, as it is in this Bill, and giving the utmost encouragement to children to stay at school rather than legally compelling them to do so.

I have spoken on this Bill merely to raise those aspects of the question, because I think these matters should be looked at in times like these so that they may encourage a little rethinking with perhaps, a slightly different approach to the problem. There have been a number of educational problems within schools when the school-leaving age has compulsorily been raised much higher than it is in our own State. It has been found in these older classes that even if only one child has no interest or desire to stay, and is indeed anxious to leave, he induces a fringe of other children—boys and girls—to misbehave themselves.

The Hon. L. A. Logan: And the higher you make the age the harder they would become to control.

The Hon. G. C. KacKINNON: Yes. I merely put those views forward because changed conditions have altered some of our fundamental ideas with regard to the raising of the school-leaving age. I voice those thoughts whilst at the same time giving my support to the Bill as a whole.

**THE HON. N. E. BAXTER** (Central) [5.18 p.m.]: After studying clause 3 of the Bill I believe that whoever drafted it wants to have another look at it. In this

clause there are certain interpretations, one of which is of the "leaving age" and the other is the "school year." In regard to the "leaving age" it states that it means the age of the child at the end of the school year in which he attains the age of 14. Therefore if a child turns 14 before the 23rd or 24th December, which is about the normal closing date of the school year, he can end his school days when school goes into recess for what is normally termed the Christmas holidays.

Then there is a period of approximately eight weeks before the next school year begins, so that any child who attained the age of 14 after the close of the school year, and before the next school year commenced in February, is not catered for under this Bill.

The Hon. L. A. Logan: That is so; and they were not intended to be catered for.

The Hon. N. E. BAXTER: How does it apply to these children in any way; because the clause states—

... means the age of that child at the end of the school year in which he attains the age of 14 years ...

If he attains the age of 14 after school commences on, say, the 7th February, he has to continue his schooling until the next December, even if his birthday is on the 7th or 8th February.

The Hon. L. A. Logan: That is so.

The Hon. N. E. BAXTER: But if he turns 14 on the 29th December, or even on the 5th January, or the 5th February, he can leave school.

The Hon. L. A. Logan: You must have a demarcation line somewhere.

The Hon. N. E. BAXTER: That is nonsense. One child, for a matter of two days, has to continue for a full year, while the other child can leave school if his birthday is before the beginning of the school year.

The Hon. L. A. Logan: You must have a demarcation line somewhere.

The Hon. N. E. BAXTER: There is one, and it is a very broad line. For a matter of a couple of days one child is forced under the law to continue at school; whereas the other child does not have to do that.

The Hon. J. G. Hislop: Whatever date you made it, it would be the same.

The Hon. N. E. BAXTER: Admittedly, but still—

The Hon. G. C. MacKinnon: Are you sure the end of the school year, under the definition, does not mean the day school breaks up?

The Hon. N. E. BAXTER: I shall read the relevant portion of the clause. It reads—

"School year" in relation to a Government or efficient school means that part of a calendar year from and

including the first day in that year on which that school opens for attendance of children to and including the last day in that year that such school is open for that purpose.

That is some time around the 23rd or 24th December. I think a number of people will be very upset over this Bill, for the simple reason that their children, for a matter of a few days, or perhaps a month or so, will be forced to attend school right to the end of the year; whereas other children will not have to do so. I realise that there must be a definite line somewhere, but why not make the age, say, 14½ years, or something like that rather than have it the way the Bill is at present worded?

**THE HON. J. G. HISLOP** (Metropolitan) [5.22 p.m.]: I can see some of the difficulties that have been enunciated by Mr. Baxter, but I think one must realise that in principle this Bill is endeavouring to make the school-leaving age 15 years, and that is a very good policy.

**The PRESIDENT** (The Hon. L. C. Diver): Order, please!

**The Hon. J. G. HISLOP**: I have seen many children who have left school at 14 years of age, and who have regretted it in later life.

**The PRESIDENT** (Hon. L. C. Diver): Order, please!

**The Hon. J. G. HISLOP**: The position in which these young people find themselves when they mature is very difficult; and if one were to ask a young man or a young woman who was in some sort of menial job, shall we say, in relation to their intelligence, whether it was wise to have left school so early they would almost invariably say, "No."

However, there are a number of children of the type that Mr. MacKinnon referred to who do not really know their own minds on the matter, and in the main they are children who are somewhat maladjusted—it may be in a minor way or it may be in a major way. Therefore, I trust that the Minister, before consent is given to clause 6 and it is put into practice, will refer a child to a vocational guidance officer who has been trained as a psychologist in order that the child may be given some help to make a reasonable approach to the problem, and be given means whereby the child can understand exactly the results of the action he is taking so far as his future is concerned.

At the rehabilitation centre we see a number of children who regret that they have left school so early; and in almost every case where a young person has left school at an early age, and has sought some sort of occupation, and has failed to continue in it, or where a child has been retarded in his education by an illness, education at the centre is absolutely essential before work can be obtained for him.

So far as a boy is concerned, if he leaves school at an early age, and if he is physically fit, he can find a job doing outdoor work—labouring work—but the girl who leaves school without education has a very limited future in front of her—it is almost impossible for her. She cannot do outside work, or labouring work, and she is forced to look for some sort of job that requires a degree of intelligence that she does not possess because of her lack of education.

I would stress to the Minister, because I know he is keenly interested in this problem, that the report of a vocational guidance officer might well be obtained before the Minister gives his consent to the provisions in clause 6.

**The Hon. L. A. Logan**: Clause 6 or clause 5?

**The Hon. J. G. HISLOP**: I am sorry, it is clause 5. On the other hand I believe that clause 5 implies that the children covered by it may be allowed to enter employment on the grounds of family financial difficulties. I do not see how we can get over that situation; but, on the other hand, it means a great penalty to the child if the family has got to call upon him to leave school and earn the very small amount of money that he would be able to earn, because a boy or girl at 14 years of age is not going to earn much.

I wonder whether, in special cases, the Minister for Local Government and the Minister for Education might confer to get some simple solution to this problem; and perhaps they could regard the particular child as a charge of the Child Welfare Department for a further period of time, if the child concerned is capable of advancing any further with his education. To take such a child away from school, when he shows promise, simply on the grounds of financial stringency in the family, seems a very difficult situation in which to place the child; and I think thought should be given as to whether some arrangement could be made between the two departments so that the small sum of money that the child might earn if he were working might in some way be, if not totally then partially, reimbursed through the Child Welfare Department, so long as the child stayed at school, and up to a period of time beyond which it was thought he would not progress.

A point which has been interesting me lately in regard to the question of education has been the provision in some of our public schools—and I am not condemning the State schools because I do not know whether the same provision exists there—of a vocational guidance officer to give advice to children during the year in which they are leaving school. In that way parents and their children can be interviewed and a decision made as to what will be the best vocation for those children in life.



I realise it would be expensive, because of the vast number of schools involved in State education, but in cases like those covered by clause 5 it might well be a start. How many children leave school without any idea of what they can possibly do in the way of employment is at times quite amazing. One will hear many people say how thankful they are that their children know exactly what they want to do in life; but how difficult it is if a family has a child, particularly a son, who has no idea of what vocation is open to him!

I thought it would be of great value to children if some means could be employed to convey to them the vocations which they could follow. This might possibly prevent a number of children leaving school at an early age, when many children do not realise the value of education; and I believe a vocational guidance officer could impress this aspect on such children and convey to them the value of higher education.

There are some children who have no desire whatever to learn. Some of those who attend the rehabilitation centre have a very intense objection to learning, even though everything is provided for them. This objection is evident in various forms. We have had cases of children who are willing to undertake correspondence classes, though they are not prepared to go to school.

The problem of a child leaving school at an early age is one that bears a great deal of investigation. I applaud the Bill, and I do trust that before a child is allowed to leave school all the information possible is placed before it. If the child leaves on the ground of financial stringency, I trust that an effort will be made by the co-ordinating departments to see whether some financial assistance cannot be made available.

**THE HON. J. D. TEAHAN** (North-East) [5.33 p.m.]: I am very pleased to support this Bill, which has such a laudable object. The outstanding point about the measure is that it will not necessitate further classes or further teachers, and it maintains the same balance of students throughout the year. One does not need much imagination to know that when boys or girls are due to attain the age of 14, in March, April, or May, very often they have their minds set on the fact that it is a waste of time to continue learning; their sole object is to wait till they turn 14 so that they may leave school. Their minds are not on their subjects for the remainder of that year.

The Bill will be of great benefit by providing that such lads or girls complete the full year, after which they will be able to judge and discern what is good for them. I have come in contact with many young boys, and I have questioned them as

to whether they have been glad to leave school in the middle of the year; and on occasions they have said "No"—they were not glad to leave. I was surprised at this, and I would then ask whether they were doing all right at school, to which they would reply they were.

I say I was surprised, because I thought these boys and girls would probably tell me that they were waiting for the day when they could leave school; that they wanted to leave school. In some of those cases I would be very doubtful whether economic circumstances prompted their leaving school. I do not think it was altogether necessary for them to do so. But where it is necessary for children to leave school, the Bill provides that the director shall have some authority; and I hope he will use that authority sparingly, and that it will be applied only in cases where it is really desired that the boy or girl should leave.

It is possible that something good might even come out of that provision because the day may come when the Government will be able to establish a fund to assist children who must otherwise leave school for economic reasons, and thus enable the gap to be taken up. If that were done it might not be necessary for children to leave school. It is quite surprising to find the number who are anxious to continue at school. The reason for this is that school is no longer the bugbear it was a few years ago. Boys and girls are treated with less severity and accordingly school is no hardship to them. So I am pleased that lads will be able to continue to the end of the year, and I hope that where economic necessity makes it necessary for a boy to leave school something will be done to overcome the problem.

**THE HON. F. R. H. LAVERY** (West) [5.36 p.m.]: I also rise to support this Bill, and I am rather pleased that provision is made in clause 5 for the Minister, the director through the Minister, or others in authority, to analyse the necessity for a child leaving school on account of economic circumstances. There is a wide divergence of opinion on this Bill in the electorate I represent. I will be quite candid in this matter and will name the districts to ensure that the story is correct. In the Applecross area, and in those districts just over the river, there are of course many people who would be glad of their children continuing at school after the age of 14, and who would be able to give them every opportunity in this direction.

But in South Fremantle, and in other areas where market gardeners operate, parents generally want their children to leave school as soon as they can—they cannot afford to let them continue if it means depriving themselves of additional help. In such cases the child usually starts waiting for the day when it will be 14 years of age, and will thus be able to

leave school. I did not hear Mr. Baxter's remarks to the Minister, but if they are along the same lines as mine, perhaps the Minister could answer the two queries at the same time.

We find that the school year means that part of a calendar year from and including the first day in that year on which the school opens for attendance, etc. Schools usually open during the first week of February—not later than the 14th February, anyway. Let us, for example, say that a child is 14 years of age on the 7th February and the school opens on the 8th February. In such case my reading of the Bill would be that the child whose birthday was on the 7th February would not come within the meaning of the Bill. I would like the Minister to make some comment on that.

The next point I am about to deal with refers to what Dr. Hislop and Mr. Teahan have already said when dealing with the advanced education of those children who wish to continue their schooling. To my mind there is an anomaly in the high school curriculum. There is no other opportunity for me to bring this matter up so I must do so now.

The Hon. L. A. Logan: You will have the Supply Bill.

The Hon. F. R. H. LAVERY: I refer to the case of children who go on to high school and who are not correctly advised by the educational counsellors or class masters at the commencement of the year as to what subjects they should take in the event of their desiring to go on and matriculate.

The PRESIDENT (The Hon. L. C. Diver): I suggest the honourable member use the Supply Bill to deal with this matter.

The Hon. F. R. H. LAVERY: It would save a lot of time if I dealt with the question now. I crave your indulgence for one minute, Mr. President. The point I am trying to make is that boys or girls who wish to matriculate after passing the Leaving Examination—even although that examination has been passed well—find they cannot go on because they did not take one or two other subjects which were necessary for matriculation. This means their five years at high school are wasted. This is something of which the department should take cognisance.

I am also concerned about the fact that the Minister in another place, when introducing the Bill, mentioned that the measure would help save the department money in regard to the supply of teachers and extra classrooms, because there will not be full classes in attendance at the end of the year. This makes me wonder whether, because of the economics of the situation, the department is not doing a bit of chiselling. I do not say that with any intention of being disrespectful. I know

it is necessary for Government departments to keep costs down, because of the policy of the Grants Commission; but I wonder whether it is altogether necessary in the cases that have been referred to.

With the number of high schools at the moment there is a greater incentive for children to take advantage of secondary education; it is more readily available to them today. Another point that must be considered is that when children leave school after doing their Leaving Examination, employers will not be able to take advantage of the younger age groups that have hitherto been available to them, and to whom they pay a lower wage.

If, however, it is necessary for a child to leave school and accept some menial occupation because of financial stringency, then the Government must do something on behalf of that child—not on behalf of its parents or brothers and sisters, but on behalf of the child itself, because social service payments do enter into it.

One other aspect on which I wish to touch is whether the Bill will affect the present set-up with regard to scholarships. Under the present system a child who reaches 12 years before the 1st September is eligible to compete for a scholarship. But now that this age limit has been changed, I wonder whether it will affect such children! It gives me great pleasure to support the Bill.

**THE HON. L. A. LOGAN** (Midland—Minister for Local Government) [5.43 p.m.]: I think we all appreciate the very great problem that is presented, and the real necessity to make sure that every child is given the opportunity to get the best education possible. Not only do we owe this to the child but to the community as well. I am inclined to agree with Mr. MacKinnon that although it has been a catchcry for many years that the school-leaving age should be raised to 15, there are some thoughts gathering momentum that it is not necessarily the right thing to do.

Even raising the age to that provided in the Bill has brought forth some queries about its being a waste of time; that it is going further than it should, and it is unnecessary to proclaim an Act when Parliament has already passed a measure to raise the school-leaving age to 15. Possibly as time goes on that thought might grow. I believe it will.

The question raised in regard to the economics of children leaving school is, I think, a real one, and this will be treated with great discretion. A boy could leave school because of economic conditions in the home; but this could quite easily jeopardise the family because, if that child had completed the year at school plus another year, he would be in a better

position to keep his family than by leaving earlier. I will certainly have a talk with the Minister for Education on that aspect.

The Hon. W. F. Willesee: He would have to go on a fairly long way. One year would not be much help.

The Hon. L. A. LOGAN: No; he would have to go the following year as well. Coming back to the point raised by Mr. Lavery, I would mention that there has to be a starting point. What has been occurring in the past is that the children who reach the age of 14 before school starts, are able to leave school; but if they have not reached the age of 14, they are forced to go back to school. The department, during the school holidays, gets the classes and teachers lined up for the commencement of the year; and there is nothing more disconcerting in my view than to have a class of 35 children and a teacher for that class, and after three months find that the class has been reduced to 22 or 25, and that the teacher is not gainfully employed.

The Hon. F. R. H. Lavery: When has there been a class of 35?

The Hon. L. A. LOGAN: There are a few of them. That is the reason why we found we could not adopt the school-leaving age of 15. However, we wanted to ensure that the children had a full nine years' schooling where possible, and this was one way out of it. We discussed with the Employers Federation the effect of the extra children leaving school at the end of the year, and that organisation is prepared to do what it can, although it did not think it would make much difference to it. We did not make this decision without going to that organisation.

I think this is about as far as we will go for quite some considerable time. Like other members, I appreciate the fact that once a child knows at the beginning of the year that it has to stay at school for a full 12 months, that child will be more inclined to settle down and do earnest study than it will otherwise.

The Hon. F. R. H. Lavery: And probably carry on for a further year.

The Hon. L. A. LOGAN: Yes. If they are satisfied with the work they are doing, they may stay at school for a further 12 months, thus getting away from the need to make the leaving age a compulsory one of 15 years.

The Hon. F. R. H. Lavery: That is what makes this a good Bill.

The Hon. L. A. LOGAN: Because of the trend of economic conditions today, the number of children leaving school at the age of 14 years is getting fewer and fewer.

This world of ours is becoming more complex and scientific; and if children are going to fight their way through under these conditions they will need to be equipped with all the education it is possible for them to obtain. There is a lesser demand for unskilled labour and a greater demand for skilled labour; and this will force children to remain at school for an extra period. If they do not do this they will be left out in the hard cold world.

I appreciate all the points raised in regard to this Bill and thank members for their contributions.

**Question put and passed.**

**Bill read a second time.**

*In Committee, etc.*

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

## **CHILD WELFARE ACT AMENDMENT BILL (No. 2)**

### *Second Reading*

Debate resumed from the 2nd October, on the following motion by The Hon. L. A. Logan (Minister for Child Welfare):—

That the Bill be now read a second time.

**THE HON. W. F. WILLESEE** (North) [5.52 p.m.]: This Bill is complementary to the measure we have just dealt with, inasmuch as it is necessary to repeal section 42 of the Child Welfare Act so that the provisions now to be implemented under the Education Act can take effect. Basically it is a section which deals with the control of truant children, and that authority is being ceded to the Education Department.

I do not think there is any need for me to elaborate further on this Bill, as it is completely complementary to the previous measure.

**Question put and passed.**

**Bill read a second time.**

*In Committee, etc.*

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

*House adjourned at 5.53 p.m.*