As the amendment stands I have no option but to vote against it. In any event I would vote against the first half of it because I do not think we can make it an offence against the measure to refuse or neglect to install a petrol pump, etc. In whose opinion is it necessary? Is it in the opinion of the retailer, the wholesaler, the general public, the King of Siam, or someone else? The amendment does not attempt to say. Even if it did, I question whether we would be justified in requiring any wholesaler to install a pump if he did not think it was necessary. No reasonable person could support the amendment in its present form. I would be prepared to support the second part of it if the phrasing were altered to clarify the intention.

Mr. OLDFIELD: I think the fears of the opponents of the amendment are somewhat ill-founded. If we look at the clause and the amendment together, we can see what is underlying the amendment. It will not mean that any little store in the country can demand that an oil company shall put in a bowser or underground equipment. I refer members to Clause 5 together with the amendment. The oil company will be at liberty to refuse to put a pump in. It could say that there was not sufficient business.

The company cannot put a pump in or take one out under the conditions mentioned in Clause 5 relating to the principle of one-brand stations. The company cannot say, "We will not put a pump in or take one out because you will not go one-brand with us," but it can for any other reason. The amendment does not impose any unfair obligation on an oil company. We should have another look at this. Perhaps we could report progress. I would like to hear from the member for Stirling as to whether he agrees with my interpretation.

Mr. PERKINS: The member for Maylands has suggested ways and means for the wholesalers to destroy the purpose of his Bill. He is suggesting that it is a valid reason for the wholesaler not to put a pump in or to take one away if it is not entirely on account of the retailer not wanting to deal exclusively with that wholesaler. Is it not perfectly obvious that the way out for the wholesaler is to say, "If you put another pump in and you reduce the throughput of our petrol to such an extent that it is not a proposition for us to maintain the pumps in your service station without charging you a rental for them, we will take them out"? Is that not then a perfectly valid reason for the wholesaler to take the pumps away? That, in effect is, what the member for Maylands is saying is how the clause will work if we accept the amendment.

I appreciate the point made by the member for Stirling that there is some difference between forcing a wholesaler to put in a new pump, and allowing the wholesaler to take out a pump that is already installed. If a retailer has had a dispute with the wholesaler and he installs another company's pump, the presumption is that if a motorist comes in, he will push the new brand of petrol rather than the petrol supplied by the company with which he has had the difference.

We can imagine the disputes that will arise between the retailers and the wholesalers on this score. I have discussed the matter with a number of retailers and many of them support the Bill, but I do not believe that 5 per cent.—perhaps not 1 per cent.—want to go as far as this. As I understand the position, all they want, provided they have a major dispute with the wholesaler, is to know that they cannot be forced out of the business altogether and that they will have the right to put in their own pumps and not be blackballed by all the wholesalers and thus prevented from obtaining petrol to sell through their own pumps. I think the member for Maylands will have provided for what is worrying the retailers if he accepts the Bill without this obnoxious provision, when I intend to oppose.

Progress reported.

ADJOURNMENT.

THE PREMIER (Hon. A. R. G. Hawke—Northam): Before moving that the House adjourn, I wish to advise members that the Government will not ask the House to sit after tea tomorrow. I move—

That the House do now adjourn.

Question put and passed.

House adjourned at 9.52 p.m.

Legislative Council

Thursday, 3rd November, 1955.

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

AUDITOR GENERAL'S REPORT.

The PRESIDENT: I have received from the Auditor General a copy of his report on the Treasurer's statement of the Public Accounts for the financial year ended the 30th June, 1955. It will be laid on the Table of the House.

QUESTION.

BUSHFIRES.

Railway Department Precautions.

Hon. N. E. BAXTER asked the Chief Secretary:

In view of the serious fire hazard in the country this season, due to the intense growth of grasses, will he advise the House—

(1) Whether the Railway Department intends to use a large percentage of Newcastle coal in steam locomotives during the danger period?

(2) Whether the Railway Department has made any large-scale precautionary plans to safeguard country districts from any chance of fires being started by locomotives?

(3) Whether the Railway Department will ensure that all railway locomotive crews, and other employees concerned, are served with a notice advising them to be extra cautious?

The CHIEF SECRETARY replied:

(1) Yes.

(2) Yes.

(3) Yes.

BILL—UNIVERSITY MEDICAL SCHOOL.

Read a third time and *passed*.

BILL—CHILD WELFARE ACT AMENDMENT.

Second Reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [4.35] in moving the second reading said: This small Bill contains several amendments which the Government considers desirable. Section 6 of the principal Act provides that the Governor may from time to time appoint a secretary to the Child Welfare Department. It is considered that this title is obsolete and does not in these days give an adequate impression of the responsibilities of the position. In most other States the position is described as "director," and the Bill seeks to alter the title here in the same manner. It is also proposed to describe the next ranking officer in the department as "assistant director," and there is an amendment to this effect in the Bill.

Prior to 1947, offences both against and by children were heard by the Children's Court. In 1947 the principal Act was amended to provide that offences against children should not be dealt with in the Children's Court. It appears that the main reasons for this decision were, firstly, that in those days the bench of the Children's Court was occupied by a magistrate who had no legal qualifications; and, secondly, that the Children's Court should deal with child cases only, and not with a mixture of child and adult cases.

The situation is now different. A qualified magistrate deals with all cases, and publicity cannot be given to any case without his consent; nor can the public be admitted to the court without his permission.

The Inspector General of Mental Hospitals has expressed the opinion that the subjection of young children to open court procedures could have a very deleterious effect on their mental health in later life, and that they should be protected against that risk. This opinion has been submitted to senior governmental officials. The Solicitor General considers that if Dr. Thompson's view is correct, a great injustice may be done to a child who is compelled to give evidence in the Criminal Court concerning an offence against him or her.

The special magistrate of the Children's Court has presented a very lengthy report on the matter. He is of the opinion that cases should again be dealt with by the Children's Court. He points out that while judges give children every consideration in court, the atmosphere can be a very frightening one to young minds.

The present method can result in a child victim being questioned on three occasions: By the police in taking a statement when inquiring into the offence; at the preliminary hearing in the Police Court; and, finally, in the Criminal Court.

Another aspect is that some parents are loth to complain to the police of alleged crimes against their children because of the publicity they think will ensue as a result of a prosecution and a trial. As members know, Press publicity is given to such cases in the Police and Criminal Courts. The name of the child witness is not given, but the parent and child attend the court, where many others are present on business, and where the public are not always excluded.

If a man gets off scot-free through parents' reluctance to complain because of their desire not to subject their children and themselves to the publicity of Police and Criminal Court proceedings, there is a danger he may be encouraged to add to his crimes.

The consensus of opinion is that, if the cases were heard in the Children's Court, more complaints would be laid.

There could be no publicity attached to such hearings unless the special magistrate specifically approved. Also, the public would not be admitted to the court; nor do the public use the Children's Court as they do the Police Court building.

The Commissioner of Police, the inspector-in-charge of the Criminal Investigation Branch, and other senior police officers also hold the same views. They state that, apart from the undesirability of children of tender years having to appear in open courts, the opinion of police officers who have handled many of these cases, is that a child is more at ease in the different atmosphere and surroundings of the Children's Court; and will, in consequence, give much clearer evidence which, in the interest of justice, is most necessary. The commissioner states his officers never at any time suggested that offences against children should be removed from the jurisdiction of the Children's Court. It is important, I feel, to look at this matter from the aspect of the welfare of the child witnesses who should be accorded every consideration.

Another important proposal in the Bill provides that no child under 14 years shall be imprisoned. The present position is that unless a juvenile is convicted of an indictable offence for which a court of summary jurisdiction may inflict a maximum of three months' imprisonment, he can be gaoled for a considerably longer period for quite a simple offence.

The imprisoning of children of under 14 years would be a very drastic and undesirable step. Where an offence by such a child merits serious punishment, the necessary correction should be provided outside prison walls. All such offenders are now sent to the Anglican Children's Farm at Stoneville, which opened in August last.

The remaining amendment is designed to bring up to date the Second Schedule to the Act. This schedule specifies the orphanages and industrial schools which can be subsidised by the Government. Several changes in this list have occurred, and the amendment will provide a correct list.

In view of the minor amendments in the Bill, I hope there will be no difficulty in getting it through this Chamber. I know one of the points is very debatable; and that is, whether cases should be heard in the Children's Court or in the Police Court or Criminal Court. If members examine the position they will find that the weight of evidence that has been given has been provided by people who ought to know, and who should be the best judges. The Inspector General of Mental Hospitals gave information quite voluntarily; he was not asked to do so. Coupled with his evidence is that from the senior police officers of the State, and the special magistrate of the Children's Court. Accordingly, these amendments have been drafted in the light of the evidence adduced by people who ought to be the best judges in this matter. I move—

> That the Bill be now read a second time

HON. SIR CHARLES LATHAM (Central) [4.44]: I have not read the Bill. I cannot see the necessity, however, for removing the word "secretary" and inserting the word "director" in lieu. I also wonder whether there is any reason to have an assistant director. The more important point, however, is one that was stressed by the Minister and that is taking away the right of a child to be tried in the Children's Court.

What will happen in the case of serious offences committed against children I do not know. If the offender is committed for trial, is it intended to go back to the Children's Court to find out the details from the principal witness, who would be the child, or would the child have to go into the Criminal Court so that the jury could hear the case? The Minister ought to make that point clear. I fail to see how justice could otherwise be achieved; and, after all, the courts are courts of justice as much as they are courts of law.

In the case of the first trial it could be done easily enough in the Children's Court; but when it comes to the criminal side, before a jury, I would like to know where the evidence of the principal witness would be taken. This was tried out some years ago. I think the present Premier was Minister for Child Welfare at the time, and he appointed Mr. Schroeder, a clergyman, as magistrate. I am not here to question whether Mr. Schroeder's decisions and treatment were right; but some discussion did take place as to its not being a very satisfactory method of trying these cases.

I agree with the Minister in charge of the Bill, that in the case of the first or second offence committed by a child, every leniency should be shown in making the correction. Unfortunately, however, there are certain types of children who do not respond to leniency. I have in mind one particular case of a young fellow who was charged with being drunk, and who was subsequently fined 1s. Of course, the person who gave him the drink should have been prosecuted. Subsequently, however, this young man was charged with a second offence and, recently, with a third offence. In those cases leniency would be misplaced.

I have often been into the homes to which this type of child is committed. I have visited the Salvation Army Home to which boys were sent; they are now sent to the Anglican Church Home somewhere in Upper Swan. It is more a question of trying to alter the mind of the child than anything else. Those of us who have had children of our own are inclined to feel sorry for children; and frequently it is

not the fault of the child that it drifts into evil, but of the home life it has had. Some of these children start very young. Not long ago, very close to where I live, a child of not more than four years of age committed an offence which the police were called in to investigate. He was one of the most mischievous children I have seen.

Hon. H. K. Watson: At four years of age?

Hon. F. R. H. Lavery: He would not know what he was doing.

Hon. Sir CHARLES LATHAM: I do not blame the child, but the parental control to which he is subject. This child, however, seemed to know what he was doing.

The Chief Secretary: They generally turn out very bright children.

Hon. Sir CHARLES LATHAM: Then I must have been very dull as a child and the hon. member must have been very naughty.

The Chief Secretary: I was very dull.

Hon. Sir CHARLES LATHAM: A plant grows according to the treatment it receives when planted. If a child is started off in the wrong way and he is criminally minded, it is difficult to keep him on the straight and narrow path, unless he has the right type of environment. The Swan Boys' Orphanage is a very good institution, and I would be surprised if at least 98 or 99 per cent. of the boys who left that school did not come out as really good citizens. I do not say that merely to boost the school; but I think we ought to applaud the action taken by these schools when considering legislation of this type.

I have a great deal of sympathy for children and would do all I could to assist them. The Child Welfare Department did not come into operation as early as it might have done. As I explained the other day, an organisation to which I belong at the moment—the Children's Protection Society—came into existence at a time when it was found necessary to deal with a case of cruelty by a woman towards some children in her care.

Anything we can do for children should be done. I know that officials of the department keep a pretty close watch on the treatment meted out to children under their care. In most instances the home life of children who appear before the court is not altogether satisfactory. There are not many of those cases, but there are still some, and frequently they occur where there are big families. If children are trained correctly from the beginning, it is marvellous how much care the older ones bestow on their younger brothers and sisters. On the other hand, if they are allowed to roam the streets at all hours of the night, they soon find themselves in difficulty. It is hard to train a child along right lines unless he has a proper home life.

I cannot see anything wrong with the Bill; but I would like the Minister to tell us how the very necessary evidence will be presented in connection with criminal offences against children, and whether it is proposed to transfer juries to the lower court and exclude the public from the hearing. I support the second reading.

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

BILL—SUPERANNUATION AND FAMILY BENEFITS ACT AMENDMENT.

Report of Committee adopted.

BILL—SOIL CONSERVATION ACT AMENDMENT.

Second Reading.

Order of the Day read for the resumption from the previous day of the debate on the second reading.

Question put and passed.

Bill read a second time.

In Committee.

Hon. W. R. Hall in the Chair; the Minister for the North-West in charge of the Bill.

Clause 1—agreed to.

Clause 2—Section 2 amended:

The MINISTER FOR THE NORTH-WEST: Some queries were raised during the debate on the second reading, and I take this opportunity to reply to Mr. Jones. He pointed out the possibility of the owner of a property situated on high land being put to considerable expense in arresting soil erosion, and of his work having the effect of preventing erosion extending to properties lower down the hill and thus benefiting the owners of those properties. There is no provision for any payment by those who benefit from such expenditure; but there is a responsibility on all property-holders to control erosion, and the position really should not arise where one person is virtually protecting another by spending money on combating erosion that has commenced on his own property.

Hon. L. C. Diver: The hazard would be created on the higher land.

The MINISTER FOR THE NORTH-WEST: The point Mr. Jones raised was that it was unfair that a person on high land should be put to a lot of expense and thereby protect an owner of another property.

Hon. L. C. Diver: That man's property might not be eroded.

The MINISTER FOR THE NORTH-WEST: More than likely the erosion would creep down. It could apply in the opposite direction: the erosion could extend upwards. I have seen that occur. Erosion usually starts at the creeks and creeps up to the higher areas.

However, although there is no provision to meet the case instanced by Mr. Jones, it is thought that assistance could be given to the person carrying out work on soil erosion, if circumstances warranted it. It is thought that grants could be made in necessitous cases. Of course, anybody purchasing a property should take into account the degree of erosion existing on it and assess its value accordingly. It is hardly likely that a person would purchase a seriously-eroded property.

It would be very rare for cases such as that instanced by Mr. Jones to arise, but the point was well worth bringing forward. My advice is that there is no way of asking settlers to contribute to the expense incurred by a neighbour in combating erosion on his property and thereby benefiting such settlers; and that the only assistance that could be given to the man carrying out the work would be by a Government grant made under a clause in this Bill, if circumstances warranted the making of such a grant.

Clause put and passed.

Clauses 3 to 11, Title—agreed to.

Bill reported without amendment and the report adopted.

House adjourned at 5.5 p.m.

Legislative Assembly

Thursday, 3rd November, 1955.

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The SPEAKER took the Chair at 2.15 p.m., and read prayers.

QUESTIONS.

HOUSING.

(a) Draining of Carey Park, Bunbury and Lockyer, Albany.

Mr. HILL asked the Minister for Housing:

(1) What is the estimated cost of draining the Carey Park area at Bunbury?

(2) How much of this cost is to be paid by—

(a) Bunbury local authority;

(b) State Housing Commission;

(c) State Government?

(3) Will he give the corresponding information for Lockyer at Albany?

The MINISTER replied:

(1) Council estimate—

1. Carey Park—£7,000.

2. Carey Park East—£18,000.

(2) (a) £7,000 for Carey Park—i.e. the council is to meet the full cost of draining this housing area, which has been built out. Drainage is the responsibility of the local authority.

(b) Nil.

(c) Nil.

Note: The commission has requested the local authority to drain an area of vacant land at East Carey Park, which is at present vacant and unsuitable for housing. The commission and the Government will meet the cost of this work, £18,000, the State Housing Commission paying £15,000 and the Government £3,000. The reason for this expenditure is to open up additional vacant land for housing.

(3) The commission has offered an ex gratia contribution of £3,000 to the Albany Municipal Council towards the cost of drainage which is the local authority's responsibility, but the local authority has declined the offer.

(b) Funds for War Service Homes.

Mr. HEARMAN asked the Minister for Housing:

(1) Is he aware that an applicant for a war service home whose plans have been approved was told recently by an officer of the State Housing Commission that about 40 applicants for war service homes had entered into contracts with builders to build homes under this scheme, and were subsequently advised that no further funds were available for the present for this purpose?