Legislative Assembly

Thursday, the 29th October, 1970

The SPEAKER (Mr. Guthrie) took the Chair at 2.15 p.m., and read prayers.

TRAFFIC ACT AMENDMENT BILL (No. 2)

Introduction and First Reading

Bill introduced, on motion by Mr. Craig (Minister for Traffic), and read a first time.

QUESTIONS (33): ON NOTICE

1. DAMS

Wungong and Canning Rivers

Mr. RUSHTON, to the Minister for Water Supplies:

Will he indicate by description and on plan where preliminary investigations indicate the sites for the two storage dams to be built on the Wungong and Canning Rivers?

Mr. COURT (for Mr. Ross Hutchinson) replied:

The following sites have been indicated by the preliminary investigations—

(a) Wungong—

On Wungong Brook and located on land owned by the Metropolitan Water Board in close proximity to the existing Gauging Weir.

(b) Canning—

On the Canning River (southern branch) and located on one of two alternative sites at Gleneagle and Eagle Hill on land owned by the Crown.

The sites referred to are shown on the attached plan which, with permission, I hereby table.

The plan was tabled.

2. BOARDS AND ADVISORY COUNCILS

Members: Payments

Mr. COOK, to the Premier:

What was the total amount paid to members of boards, advisory councils, etc., set up under Acts of Parliament and set up by Government departments in 1968-69 and 1969-70?

Sir DAVID BRAND replied:

This information is not readily available and it is not considered that any useful purpose would be served by undertaking the considerable amount of work involved in its extraction.

I considered this answer and felt that anyone looking at the question would realise how impossible it would be to get this information within a reasonable time.

3. LILLIAN AVENUE SANDPIT

Transfer to Shire of Armadale-Kelmscott

Mr. RUSHTON, to the Minister for Water Supplies:

(1) Having regard for extensive advantages in safety, economics, and aesthetics in the Metropolitan Water Supply, Sewerage and Drainage Board Lillian Avenue sandpit, Kelmscott, being transferred to the Shire of Armadale-Kelmscott for recreational purposes, will the board transfer this land to the local authority now?

(2) If not, what conditions is the board still insisting upon before passing this worked-out pit to the shire for development for recreational purposes in this heavily built-up residential area?

Mr. COURT (for Mr. Ross Hutchinson) replied:

(1) No.

(2) This sandpit is not worked out. There is good sand still available and this will be required for present and future works of the board. Good sand is very difficult to obtain in this area.

If a suitable alternative area for mining of sand can be provided by the shire, the board would be prepared to let the shire have the Lillian Avenue sandpit.

4. ELECTRICITY SUPPLIES

Timber Poles: Forestry Management

Mr. JONES, to the Minister for Forests:

(1) Is he aware of a reply given to me by the Minister for Electricity on the 15th October, 1970, in which I was informed that the commission obtains its poles principally from State forest areas where the cutting of poles is an integral part of forest management and conservation and must be strictly controlled?

(2) In view of the fact that C. Giovanetti & Co., cartage contractors, Collie, are supplying timber for the Worsley Timber Company from a "dieback" area and have been refused an order to

supply poles for the State Electricity Commission available in the same area, does he not consider this to be bad forestry management?

Mr. BOVELL replied:

(1) Yes.

(2) As the operation referred to by the honourable member is on privately owned land, it does not come within the jurisdiction of the Conservator of Forests.

5. POWER STATION IN THE NORTH-WEST

Establishment, and Fuel

Mr. JONES, to the Minister for Industrial Development:

(1) Is the report which appeared in *The West Australian* of the 28th October correct wherein it is stated that the Western Australian Government is considering the establishment of a power station in the north-west using Newcastle coal?

(2) Have the coalmining companies at Collie been given the opportunity to quote for coal that will be used at the power station?

(3) If "Yes" will he advise when the approaches were made and who made the approaches?

(4) Does he agree with the statement that thermal power stations are more economical than nuclear power stations?

(5) Has the Government fuel and energy committee and the firm of consultants engaged by the Government to report on the fuel and energy resources of the State examined the proposal to use Newcastle coal in preference to Collie coal?

(6) Will he advise where the power station is to be erected?

(7) Will he advise the price of Newcastle coal per ton landed at the power station?

Mr. COURT replied:

(1) The Press report of the New South Wales Minister's comments regarding coal for Western Australia should not be taken too literally and interpreted on the assumption that decisions have been made either in principle or detail.

The discussions I have had with the New South Wales Minister for Decentralisation and Development surround the overall question of marrying together in both east and west the iron ore of Western Australia with the coal reserves of the Eastern States so as to achieve the maximum national as well as State benefit.

Our main interest naturally surrounds the availability of coking coal, but the honourable member would appreciate that both New South Wales and Queensland would be seeking markets for their fuel coal as well as coking coal because there are some circumstances where their fuel coal is virtually overburden before they can mine the coking coal for export as well as for Australian steel making use.

There may be circumstances when New South Wales and Queensland coal for power generating purposes in the Pilbara region could be economically and otherwise desirable, but it would be premature to suggest that the establishment of power stations in the north using Newcastle or any other Eastern States coal is anything more than a possibility to be considered with other alternatives at the appropriate time.

(2) In view of the answer given to (1) this question is hardly relevant, but the honourable member can be assured that if consideration was given to coal fired power stations in the north opportunity would be given for Collie coal companies to bid if they were interested.

(3) See answers to (1) and (2).

(4) Not entirely. It is generally accepted that nuclear power stations having a capacity of 500 megawatts and over are more economical than thermal power stations. Conversely, thermal power stations of less than 500 megawatts capacity are considered to be more economical than nuclear power stations up to this capacity. However, the economics of thermal power stations below 500 megawatts is largely dependent upon the price of raw materials such as coal and fuel oil.

It is also important to add that improved technology and greater experience with nuclear power stations is expected to reduce the size of nuclear power stations that will be competitive with thermal power stations.

(5) No, nor is such an examination necessary at this stage in view of the answers given to (1) and (2).

(6) Answered by (1).

(7) Not relevant. See answer to (1) above.

6. KWINANA POWER STATION

Sulphur Content of Fuel Oil

Mr. JONES, to the Minister for Electricity:

What is the sulphur content in the fuel oil being used at the Kwinana power station?

Mr. NALDER replied:

State Electricity Commission analysis: 2.37 per cent.

7. *This question was postponed.*

8. POLICE ACT

Convictions under Section 69

Mr. T. D. EVANS, to the Minister representing the Minister for Justice:

(1) How many convictions have been recorded for each of the years 1958 to 1969 inclusive for offences under section 69 of the Police Act?

(2) For each year above, will he please indicate the number—

(a) convicted;

(b) fined the maximum of one hundred dollars; and

(c) imprisoned in lieu of the imposition of a fine?

(3) Is he able to express the number of convictions in each of the years above as a percentage of the population of the State at the time?

Mr. COURT replied:

(1) to (3) Information of the nature requested is not readily available and would require a great deal of research to provide the details sought.

9. SUPERANNUATION PAYMENTS

Income Tax Reduction

Mr. TONKIN, to the Treasurer:

(1) Is it a fact that owing to some difficulty in using the computer persons drawing superannuation payments will not immediately receive the benefit of the reduction of ten per cent. in income tax?

(2) If "Yes" will he endeavour to have the position remedied?

Sir DAVID BRAND replied:

(1) and (2) Action will be taken to bring tax deductions into line with the new taxation scale.

10. *This question was postponed.*

11. HOUSING

Applicants, and Waiting Period

Mr. JAMIESON, to the Minister f Housing:

(1) For each of the last five yea ending the 30th June, 1970, wh were the number of applicants f housing in each of the followi areas—

(a) metropolitan;

(b) south-west land division;

(c) north-west,

for both rental and purcha assistance?

(2) What is the waiting period f two bedroom and three bedroo homes for both rental and pu chase in the following speci locations—

(a) Geraldton;

(b) Albany;

(c) Bunbury;

(d) Busselton;

(e) Balga;

(f) Lockridge?

Mr. O'NEIL replied:

(1) The figures quoted do not inclu single pensioner applicants. Ma applicants have both purcha and rental applications lodg with the State Housing Commi sion. No allowance has be made for these "dual" applic tions. In addition, there a many tenants of commission a commodation who have purcha applications recorded. It has n been possible to segregate the applications. Similarly, it has n been possible in the time availab to separate non metropolitan a plications into North-West a South-West Land Divisions.

	(a)		(b) and (c)	
	Rental	Purchase	Rental	Purchas
1966	4,286	3,766	1,315	136
1967	6,186	5,458	1,319	292
1968	7,962	6,311	1,596	171
1969	8,942	7,093	1,739	266
1970	7,967	6,873	1,231	420

(2) Accommodation is being offer to applicants who applied at t dates listed below. It is point out rental applicants may elect purchase individual homes offer when such an offer is made.

	Rental		
	Two Bedroom	Three Bedroom	Purchase
(a) Geraldton	April, 1969	Sept., 1969	April, 1966
(b) Albany	June, 1969	Nov., 1968	Feb., 1966
(c) Bunbury	Dec., 1968	Dec., 1968	Aug., 1966
(d) Busselton	Immediate	Feb., 1970	Aug., 1968
(e) and (f) Balga and Lockridge	Jan., 1970	June, 1969	Aug., 1966

The Balga and Lockridge are are combined as they form th part of the Perth area known the northern area.

12. LAND

Purchase by South-East Asian Interests

Mr. H. D. EVANS, to the Minister for Lands:

(1) Has any land in the southern portion of Western Australia been purchased this year by south-east Asian interests?

(2) If so, in what area, and what acreage?

(3) At what purchase price per acre did any such land change hands?

(4) In the event of any such transaction(s) having been made, does the Government intend to take any action to prevent recurrence, and, if so, what action?

Mr. BOVELL replied:

(1) to (4) Exhaustive inquiries have failed to reveal property purchases by South-East Asian interests.

13. "C"-CLASS HOSPITALS

Costs

Mr. RUNCIMAN, to the Minister representing the Minister for Health:

(1) Is he aware that owing to increased salaries to nursing staff and to general increase in costs a number of church-sponsored "C"-class hospitals have made substantial increases in fees?

(2) As these charges are causing some distress, will he bring this matter to the attention of the appropriate Federal minister for his attention and assistance?

Mr. COURT replied:

(1) and (2) No. Only one church-sponsored nursing home has brought the problem of increased costs to our attention.

The nursing homes referred to are private institutions registered and subsidised by the Commonwealth through nursing home benefits. We are aware of the problems faced by such institutions and the matter has been brought to the attention of the Commonwealth.

14. FISHING

Restriction of Imports

Mr. RUNCIMAN, to the Minister representing the Minister for Fisheries and Fauna:

(1) Has he discussed with the appropriate Federal authorities the need to restrict fish imports in order to assist local fishermen?

(2) Does he believe that a restriction of imports would help local fishermen?

(3) Is it his intention to give effect to two of the Scott Report recommendations on the wetfish industry, namely—

(a) to tighten the law concerning the sale of fish by amateur fishermen;

(b) to take action to ensure that imported fish is not sold under the name of local fish?

Mr. COURT replied:

(1) This subject has been raised at meetings of State and Commonwealth Ministers; but it seems unlikely that the Federal authorities will take action to restrict the import of fish in the foreseeable future.

(2) Yes, in the long term. However, there would need to be an improvement in the presentation of wet fish by local fishermen so that they are acceptable to the housewife.

(3) (a) The department is again examining the possibility of introducing measures in relation to the sale of fish by amateur fishermen which are capable of enforcement.

(b) Correct labelling of food products is required under the Health Act. The officers of the Department of Fisheries and Fauna and the Department of Public Health have had discussions in relation to this subject.

15. POLICE

Protest Marches and Meetings

Mr. BRADY, to the Minister for Police:

(1) Are protest marches by farmers, industrial unionists, conservationists, etc., permitted in the metropolitan area?

(2) Who grants permission for such marches; the police, local authority, or both?

(3) Are meetings other than political meetings permitted in Forrest Place?

(4) In what areas are protest meetings permitted?

(5) Are marches on Parliament House permitted?

(6) Are meetings of trade unionists in their respective employers' establishments permitted?

(7) Are meetings of trade unionists on verges outside their place of employment permitted?

(8) Are banners permitted in marches?

(9) What authority issues permits, if any, for meetings on the Esplanade?

Mr. CRAIG replied:

(1) Each application for a procession or parade is dealt with upon its merits, no matter from whom the application is received.
(2) The Commissioner of Police.
(3) No.
(4) In the city area it is usually suggested the Esplanade be used, as it is admirably suited for this purpose.
(5) Answered by (1).
(6) This is a matter of decision by the respective employers.
(7) Each application for a meeting is dealt with upon its merits and in the instance quoted, upon a verge, due note would have to be taken of the volume of traffic at the time, and whether any obstructions would occur to pedestrians or vehicles.
(8) Yes.
(9) The Perth City Council.

16. PROVIDENT FUND

Review

Mr. DAVIES, to the Treasurer:

(1) Has it yet been possible to reach any finality regarding alterations to the provident fund, as per question 35 of the 7th October, 1970?
(2) If so, what was the outcome?
(3) If not, is finality likely to be reached before the end of the present parliamentary session?

Sir DAVID BRAND replied:

(1) No.
(2) Answered by (1).
(3) Every effort is being made to reach finality before the end of the present session.

17. GOVERNMENT DEPARTMENTS

Payments to Ross Elliott Media Service

Mr. DAVIES, to the Chief Secretary:

What are the actual amounts paid by departments coming under his control to Ross Elliott Media Service for each of the last three years and for the current financial year to date?

Mr. CRAIG replied:

Police Department:

1967-68—Nil.
1968-69—Payment for June 1969 only—$166.66.
1969-70—Payment for 12 months —$1,999.92.
1970-71—Payment for three months to September—$499.98.

18. GOVERNMENT DEPARTMENTS

Payments to Ross Elliott Media Service

Mr. DAVIES, to the Minister representing the Minister for Health:

What are the actual amounts paid by departments coming under his control to Ross Elliott Media Service for each of the last three years and for the current financial year to date?

Mr. COURT replied:

1968-69 (one payment in June, 1969)—$166.66.
1969-70—$1,999.92.
July, August, September, 1970—$499.98.

19. GOVERNMENT DEPARTMENTS

Payments to Ross Elliott Media Service

Mr. DAVIES, to the Minister for Transport:

What are the actual amounts paid by departments coming under his control to Ross Elliott Media Service for each of the last three years and for the current financial year to date?

Mr. O'CONNOR replied:

$2,000 per annum, operative from the 1st June, 1969, has been paid to Ross Elliott Media Services. The amount is apportioned 50 per cent. Railways, 25 per cent. Road and Air Transport Commission and 25 per cent. State Shipping Service on a yearly basis.

20. POLLUTION CONTROL

Existing Industry: Annual Expenditure

Mr. BERTRAM, to the Minister for Industrial Development:

Further to his answer to question 14 of the 27th October, 1970, and since he has been able to calculate that the annual cost to control pollution will be $100,000,000 for capital equipment and $100,000,000 for extra running expenses in respect of the establishment of industries and the extension of existing industry, will he now complete the overall position by stating the amounts of money required annually for capital equipment and extra running expenses in respect of existing industry?

Mr. COURT replied:

I hope this answer does not confuse the honourable member as much as my original one did, because I must admit that his question to me was a little hard to interpret.

I would like to point out that I did not say, as claimed by the honourable member, that:

> the annual cost to control pollution will be $100 million for capital equipment and $100 million for extra running expenses.

with respect to industrial expansion.

In my reply on the 27th October, 1970, I estimated capital and operating costs as between $10 million and $30 million per year over the next decade, and I further stated:

> . . . during the Seventies, the added cost of pollution control in industry alone would be not less than $100,000,000 for capital and a similar amount in extra running expenses.

In my reply I also indicated the basis upon which these estimates of costs had been derived. It will be apparent that this method could not be used for estimating expenditure on pollution control by existing industry.

I am therefore unable to provide the information requested by the honourable member.

I would like to point out that these estimates were made to provide some guide to the amount of money that will be spent by industry in protecting our environment from pollution. Unfortunately it is not common practice to separately state the capital costs of new plant and of equipment used in them to control pollution although —if current U.S.A. practice expands and is copied here—we could see the day when major industries will indicate, as part of their information to shareholders and public, what they have done in respect of pollution control each year and the cost of it.

21. PHYSICAL ENVIRONMENT PROTECTION BILL

Suggestions from the Public

Mr. BERTRAM, to the Premier:

By reason of the acknowledged importance of the Physical Environment Protection Bill, will he table for the benefit of the public, or make available to the Opposition the suggestions which were invited from the public and which were received pursuant to such invitation in respect of this matter?

Sir DAVID BRAND replied:

There is no objection on the part of the Government to making these submissions available but I have some doubts as to the propriety of doing so without the consent of the parties concerned.

If, following the publication of these views, no objections are received, the papers will be tabled on Thursday, the 5th November.

22. KINDERGARTENS

Government Policy

Mr. BERTRAM, to the Treasurer:

(1) Has the Government altered its policy on kindergartens since the 1953 Royal Commission thereon?

(2) If "Yes" in what respects?

(3) If "No" why?

(4) Is he aware that in many cases the children most in need of the opportunity to attend kindergartens are barred therefrom by reason of their parents' inability to meet the expenses involved?

Sir DAVID BRAND replied:

(1) Not at this stage.

(2) Answered by (1).

(3) and (4) An interdepartmental committee has reviewed the basis of Government assistance to the Kindergarten Association and has had regard to the cost to parents. Its report is now being considered.

23. JUNIOR CERTIFICATE

Termination

Mr. BERTRAM, to the Minister for Education:

Will the Junior Certificate examinations cease after this year?

Mr. LEWIS replied:

No. The last Junior Certificate examination concerning Government schools will be in 1971.

In 1972 it is expected that a small number of students from non-Government schools will sit for this examination. The university will determine its future after 1972.

Meanwhile 3,500 students both from Government and non-Government schools who will complete their Achievement Certificate in 1971 subject to satisfactory performance will also be accredited with a Junior Certificate.

24. *This question was postponed.*

25. NOISE

Controlling Legislation

Mr. BURKE, to the Minister representing the Minister for Health:

(1) Has any further action been taken to formulate legislation for the control of noise?

(2) Has the Government investigated the possibility of regulating the output of noise from amplification equipment?

(3) If not, in view of the fact that the hearing of many people, particularly the young, is likely to be permanently affected, would the Government take action to ensure that manufacturers of amplification equipment incorporate controls which will limit the output of noise from such equipment to a safe level?

Mr. COURT replied:

(1) to (3) The honourable member will be aware that legislation has been introduced to establish a body to carry out research and advise on environmental protection. Control of noise is a matter which will be referred to this body when formed.

26. COMPREHENSIVE WATER SCHEME

Extension

Mr. McPHARLIN, to the Minister for Water Supplies:

As many requests have been made over the years for extensions to the comprehensive water scheme to the drier areas east and north of the existing boundaries, will he please advise of the consideration being given to the submissions which have been received relating to these areas?

Mr. COURT (for Mr. Ross Hutchinson) replied:

All submissions received have been listed for consideration when the next phase of the comprehensive scheme is being prepared.

27. DENTISTS

Ratio to Population

Mr. DAVIES, to the Minister representing the Minister for Health:

(1) Has an authoritative body of the dental profession in Western Australia, in Australia, Great Britain, the United States of America, or other advanced country, laid down a desirable population-dentist ratio and, if so, what is the figure?

(2) What is the population-dentist ratio in Western Australia—

(a) at present;

(b) five years ago;

(c) ten years ago?

(3) What number of new dentists is required in each of the next ten years to achieve the established population-dentist ratio by 1980, allowing for normal retirements, deaths, etc.?

(4) What is the number of students in each year at the Perth Dental College, and when will each course normally be completed?

(5) What is the maximum number of students that can be trained in each year of the course with the present facilities?

(6) When will further facilities for training dentists be provided, and by what authority will the funds be provided?

(7) How long after the commencement of building the increased facilities will increased numbers of students be able to start training?

(8) When will the first students through the new facilities graduate?

Mr. COURT replied:

(1) No. Various authors have suggested that existing ratios should be improved.

(2) (a) 1 : 2,600.

(b) 1 : 2,550.

(c) 1 : 2,500.

(3) Estimate: 40 per annum.

(4) 22 first year students to complete course in 1974.

25 second year students to complete course in 1973.

17 third year students to complete course in 1972.

24 fourth year students to complete course in 1971.

19 fifth year students to complete course in 1970.

(5) There is a quota of 25 students into the second year of the course. The maximum number that could graduate in any one year is 25.

(6) (a) Not known.

(b) University (Australian University Commission grants) and State Government.

(7) Immediately after completion of buildings.

(8) Five years after commencing training.

28. TRAFFIC

Grounds for Dismissal of Speeding Charge

Mr. GRAHAM, to the Minister for Police:

(1) Is he familiar with the circumstances of the traffic case where the Mandurah Shire Council prosecuted a man on a speeding charge and in which the case was dismissed as reported on page 3 of the *Daily News* dated the 27th October, 1970?

(2) Is the published report substantially correct?

(3) In view of the implications of the court's acceptance of the reason for excessive speed, namely, that a motorist can accelerate to a speed in excess of that permitted in order to keep a wider distance between the vehicle he is driving and a following or pursuing vehicle, and the court's decision to exonerate the person charged, what action, if any, does he intend to take?

Mr. CRAIG replied:

(1) No.

(2) Not known.

(3) Inquiries will be made into the circumstances and the honourable member will be advised later.

29. POLICE

"On Call" Pay

Mr. GRAHAM, to the Minister for Police:

Adverting to question 1 on the 13th May last and the payment of "on call" or "stand by duty call" pay to police officers—

(1) What number of claims have been received for "on call" or "stand by duty call" pay?

(2) How many have been paid?

(3) When were they paid?

(4) What are the reasons for the delay?

(5) In what section are the claimants working?

(6) Have claims been made from employees in any other sections; if so, which, and how many in each?

(7) Has there been any delay or refusal to grant the claims in these sections?

(8) Is it a fact that certain employees have been informed that the only course open to them is to approach the Industrial Appeal Court?

(9) If not, then what is the official reaction?

(10) In what ways does the decision of the court in September, 1969, exclude from entitlement those who are now being refused "on call" pay?

Mr. CRAIG replied:

(1) Thirty-nine policemen applied for payment of "on call" or "standby duty" with a total of 1,590 separate claims.

(2) Seven men have been paid for a total of 347 claims.

(3) The 19th October, 1970.

(4) Pending one hearing before the Industrial Court and subsequent appeal against the decision, then research into subsequent claims totalling 347, many of which revert back two years.

(5) The orginal claimants were working in the Breathalyser Squad.

(6) Claims have now been received from employees in other sections indicated hereunder—

Criminal Investigation Branch—Four members, a total of 352 claims.

Traffic Office, Fremantle—One member, a total of 80 claims.

Traffic Offices, Perth and Subiaco—27 members, a total of 811 claims.

(7) Not by the Commissioner of Police. The delay has been caused by the applicants in not submitting requisite proof of claims, and recent receipt of claims as late as the 22nd October.

(8) No.

(9) Applications have only just been received complete with sufficient detail to enable examination before decision.

(10) It is not known at this juncture whether it will exclude those applying now. No other member has, as yet, been refused overtime payment for alleged "on call" duty.

30. LICENSED RESTAURANTS

Meals: Time Limits

Mr. GRAHAM, to the Minister representing the Minister for Justice:

(1) Has any officer associated with the administration of the Liquor Act stipulated a maximum period within which a diner and his guests are required to complete their meal when dining at a licensed restaurant?

(2) If so, what period has been stipulated?

(3) Have any time limits been laid down in respect of the duration of the periods when liquor might be consumed both before and after the taking of a meal?

(4) If so, what periods have been stipulated?

(5) Who made such decisions?

(6) What is the authority for such action?

(7) On what premise were time limits based?

(8) Will he take steps to ensure that neither he nor I, nor any other person taking a meal in good faith will be put on a time limit?

(9) Will he ensure that the holder of a restaurant license is not subject to harassment by any authority for attending to customers mentioned above?

(10) In respect of both questions (8) and (9); if not, why not?

Mr. COURT replied:

I ask that this question be postponed.

Mr. Graham: Cut it out! You have had it for a week.

Mr. COURT: What of it? The honourable member wants the right information does he not?

Mr. Graham: I can find it out in five minutes.

Mr. COURT: Then why does not the honourable member withdraw the question?

The question was postponed.

31. TOWN PLANNING

Swan Location 1360: Hotel Site

Mr. TONKIN, to the Minister representing the Minister for Town Planning:

(1) When did the Town Planning Department approve of part Lot 9 and Lots 19, 20, 21, 22 Swan Location 1360 adjacent to Kalamunda Road, Maida Vale, for a proposed hotel site?

(2) In whose name was the application made?

(3) Has the area in question and any adjacent land been gazetted as a townsite?

(4) Does not this locality have a rural classification?

(5) Who was the owner of the land when approval was given?

(6) Was the approval subject to conditions?

(7) If "Yes" what were the conditions?

Mr. LEWIS replied:

(1) The Town Planning Department did not approve these lots for a hotel site. An application for subdivision including the amalgamation of various lots was approved on the 10th April, 1970. Planning approval in principle for the use of the site for an hotel had previously been given subject to satisfactory drainage and filling by the Swan-Guildford Shire of the 17th October, 1967, and the Kalamunda Shire on the 22nd December, 1969. The Licensing Court had also granted a provisional license.

(2) The Wycombe Country Club Hotel Pty. Ltd.

(3) No.

(4) This area is zoned rural under the metropolitan region scheme.

(5) See (2).

(6) Yes.

(7) (a) All lots having frontage to a constructed road connected by a constructed road to the road system in the locality.

(b) The new roads in the subdivision being constructed and drained, at the subdivider's cost, to the specification of the local authority or the subdivider paying to the local authority the cost of such works estimated by the local authority and the local authority giving an assurance to the satisfaction of the board that the works will be completed within a reasonable period acceptable to the board.

(c) Kalamunda Road being widened by 50 links along the frontage of the land the subject of the application.

(d) The road widening being constructed and drained at the subdivider's cost to the specification of the local authority.

(e) The land being filled and/or drained at the subdivider's cost to the satisfaction of the local authority.

(f) Such drainage easements as may be required by the local authority being granted free of cost to that authority.

(g) The applicants making arrangements with, and to the satisfaction of the Metropolitan Water Supply, Sewerage, and Drainage Board for the provision of reticulated water to all lots within the subdivision.

(h) The land being connected to a comprehensive district drainage system at the subdivider's cost to the satisfaction of the local authority and the Metropolitan Water Supply, Sewerage, and Drainage Board.

(i) The compensating basin and ancillary works to be the subject of a separate diagram of survey and transferred free of cost to the Metropolitan Water Supply, Sewerage, and Drainage Board.

(j) The amalgamations taking place on the diagram of survey.

32. ALBANY HARBOUR

Effluent

Mr. COOK, to the Minister for Works:

What is the chemical analysis of effluent being discharged into the Albany harbour by—

(a) the Albany Superphosphate Works;

(b) the Albany Woollen Mills?

Mr. COURT (for Mr. Ross Hutchinson) replied:

(a) Total dissolved salts—1950 parts per million.

Sodium Chloride—390 parts per million.

Sulphate as SO_4—691 parts per million.

(b) Chemical analyses are not being made. However, quantities of water discharged daily are—

30,000 gallons of very diluted soap and soda fluid with a P.H. of 7.

500 gallons of Minute Ammonia Dye fluid with a P.H. 5 to 7.

33. FLUORIDATION OF WATER SUPPLIES

Cost, and Installation of Machinery

Mr. BURKE, to the Minister for Water Supplies:

(1) What was the total cost of machinery required for the fluoridation of the water supply?

(2) When did the machinery arrive in Western Australia, and when was it installed?

(3) When was fluoride first added to the water supply?

(4) What was the total cost of the machinery and its installation?

(5) What has been the cost per annum of fluoridating the water supply?

Mr. COURT (for Mr. Ross Hutchinson) replied:

(1) (a) For metropolitan area—approximately $45,000.

(b) For country areas—approximately $48,000 for seven installations.

(2) (a) Metropolitan area: latter half of 1967.

(b) Country as follows:—

Location		Plant arrived in W.A.	Plant installed
Wellington	Dam	September, 1967	December, 1967
Mundaring	Weir	September, 1967	December, 1967
Albany	....	November, 1968	June, 1969
Geraldton	....	November, 1968	July, 1969
Collie	....	Purchased locally	October, 1969
Manjimup	....	Purchased locally	October, 1969
Esperance	....	Purchased locally	Not yet installed

(3) (a) Metropolitan: January, 1968.

(b) Country:—

Wellington Dam: 3rd January, 1968.

Mundaring Weir: 4th January, 1968.

Albany: 1st July, 1969.

Geraldton: 1st August, 1969.

Collie: 19th November, 1969.

Manjimup: 26th November, 1969.

Esperance: not yet commissioned.

(4) (a) Metropolitan: Approximately $173,000.

(b) Country: Total cost to date—$136,700. Work is still in progress at Esperance.

(5) (a) Metropolitan: Approximately $37,500.

(b) Country: $27,375.

QUESTIONS (5): WITHOUT NOTICE

1. SUPERPHOSPHATE

Discontinuance of Bounty

Mr. GAYFER, to the Minister for Agriculture:

As farmers' superphosphate orders must be completed by the 31st October, could he inform the House what effect the discontinuance of the $16 a ton nitrogenous manufacturing bounty will have on the price of compound fertilisers and urea in Western Australia in the forthcoming year?

Mr. NALDER replied:

I thank the honourable member for giving me some information concerning this question prior to the sitting of the House. The answer is as follows:—

It is not expected that the price of compound fertilisers or urea will be affected by the Commonwealth decision to cease bounty payments on some nitrogenous fertiliser manufacture. Western Australian manufacture of compound fertilisers and ammonia has never received bounty assistance. The bounty on urea manufacture which has been discontinued was a temporary bounty and has not determined the selling price of urea to farmers. The Commonwealth subsidy of $80 per ton of nitrogen contained in fertilisers is not altered by the cessation of the manufacturing bounty.

2. HANCOCK AND WRIGHT

Feud with Minister

Mr. BICKERTON, to the Minister for the North-West:

(1) Is there any truth in the newspaper reports which are circulating that there is a feud and/or disagreement between the Minister and the Hanwright group concerning iron ore areas in the north-west?

(2) If there is any truth in these reports, is it likely to impede the overall iron ore projects of the north-west; and if, in fact, there is no truth in these reports, will he assure the House accordingly?

Mr. COURT replied:

(1) If the member for Pilbara had asked me what question I would like him to ask me, I would have told him this was it.

Mr. Bickerton: I thought you would like it.

Mr. COURT: I am sure you did, and I appreciate it.

Mr. Bickerton: Just another Dorothy Dix!

Mr. COURT: I never thought I would get one from the Opposition! Let me assure the House that as far as I am concerned and the Government is concerned there is no feud and there never has been a feud. However, allegations and statements have been made from time to time to the effect that there is a feud, and that there is a big bad Minister and a ruthless Government at variance with Messrs. Hancock and Wright.

Mr. Bickerton: I wish Mr. Hancock was a member so I could ask him the same question.

Mr. COURT: I would appreciate listening to his answer. Perhaps you could ask him privately.

Mr. Jamieson: He probably wishes he was a member, too.

Mr. COURT: As far as we are concerned—and as far as I am concerned in particular—there is no feud; and, in fact, if the member for Pilbara was present in my office when the said gentleman came into it, he would think that my long lost brother had turned up instead of our being feuding partners.

Mr. Bickerton: I was not invited.

Mr. COURT: However, I can only say that in my search to find a reason for the publication of such reports—in the Eastern States Press in particular—it is because of information which is disseminated to try to give the impression that the Government in general is, and I in particular am, trying to frustrate the efforts of a "struggling" boy.

I want to assure the honourable member, as far as I am able to assure him, that there is no feud on our side, and any request for an appointment received from both the gentlemen is always made promptly and carried out courteously, and every effort is made to answer any questions they raise.

Mr. Bickerton: Does the fact that you treat one another as long lost brothers mean that he may receive some form of preferential treatment?

Mr. COURT: I am trying to convey to the honourable member the situation which exists because it is quite bewildering to me and my officers to read these comments—and particularly is it bewildering to the officers present at appointments.

(2) There is no suggestion that our actions will impede Pilbara development. However I will say that because of this acrimonious and contentious atmosphere in certain areas as a result of the activities of the gentleman, it has become extremely difficult for the Government to finalise negotiations for the Pilbara.

Nevertheless, as far as I can determine the development of the area will not be impeded, bearing in mind that we are progressing at a very fast rate. At the moment we are exporting 40,000,000 tons a year and we have plans to raise this to 90,000,000 by 1977. As far as world buyers of ore are concerned, I know of none who is apprehensive at all about receiving supplies in accordance with projections of demand.

3. HANCOCK AND WRIGHT

Temporary Reserves: Cancellation

Mr. TONKIN, to the Minister for the North-West:

Relating to the subject with which he has just dealt, is it the Government's intention to cancel any of the temporary reserves held in the name of Hancock and Wright and, in so doing, do something which has never been done before in the history of the State;

because hitherto reserves have been cancelled for no other reason than those related to non-compliance with the provisions of the Mining Act?

Mr. COURT replied:

The Government has made it well known to the public that it is considering the total development of the Pilbara, both for the short and long terms. In doing so, the Government is considering the whole of the area including the many temporary reserves in the names of people other than Hancock and Wright.

When the Government reaches the stage that it is able to predict the best way that it can develop these areas to achieve the maximum result for the community, for the State, for the region, and for the nation, it will undertake a series of detailed negotiations with all the companies concerned. I am not going to say that no temporary reserve—belonging to anybody—will be cancelled, bearing in mind that many reserves are in the names of other people. We never hear of them complaining in the Press, because they know they will be treated fairly and will be given ample opportunity for negotiation at the appropriate time. This applies to all companies including C.S.R., Rhodes, Nicholas, Hanwright, or any other companies or people who have temporary reserves.

Mr. Tonkin: I notice the Minister does not include B.H.P.

Mr. COURT: It includes anyone else who has temporary reserves. B.H.P. has a temporary reserve at Marillana. It applies to everyone, including B.H.P., if the Leader of the Opposition wants that added. They will be given ample opportunity to discuss with us our plans for the better development of the region for both the short and long terms.

I am sure the Opposition would expect the Government to try to achieve the optimum result, because this happens to be the point in the history of the Pilbara when the Government has to reappraise the methods of development, the degree of processing and the degree of integration that can logically be achieved.

I do not think anyone would expect the Government to do other than what we are doing now; namely, to make a proper appraisal. Having made that, we shall negotiate, as has been our practice, on fair and reasonable terms. I might add that they might not be the terms that some people want.

4. LAMBS

Robb Jetty Abattoir

Mr. GAYFER, to the Minister for Agriculture:

(1) How many lambs of the special Stacey lamb train of 9,500 were still unkilled at the commencement of this recent Robb Jetty strike?

(2) How many still remain unkilled?

(3) If a farmer consigned lambs for killing to Robb Jetty and weight loss and deaths occurred because of that strike, would that farmer be compensated by the union or the Government for such lossess?

Mr. NALDER replied:

Again I thank the member for Avon for giving me some prior notice of his intention to ask this question. The answers are—

(1) 1,184.

(2) 1,184.

(3) No.

5. POWER STATION IN THE NORTH-WEST

Establishment, and Fuel

Mr TONKIN, to the Minister for Industrial Development:

My question relates to the answer the Minister gave to the member for Collie in respect of question 5 (4) on today's notice paper. The question reads—

> Does he agree with the statement that thermal power stations are more economical than nuclear power station?

I understand that the Minister replied, "Not entirely." I ask the Minister whether he will elaborate on his answer to indicate to what extent he does agree with the statement.

Mr. COURT replied:

I thought I had dealt with this fairly exhaustively. If I can go back over the answer I gave I said, "Not entirely." However, I went on to say—

> It is generally accepted that nuclear power stations having a capacity of 500 megawatts and over are more economical than thermal power stations. Conversely, thermal power stations of less than 500 megawatts capacity are considered to be

more economical than nuclear power stations up to this capacity. However, the economics of thermal power stations below 500 megawatts are largely dependent upon the price of raw materials such as coal and fuel oil.

Mr. Tonkin: Is that your view?

Mr. COURT: Just a moment. I then added—

> It is also important to add that improved technology and greater experience with nuclear power stations is expected to reduce the size of nuclear power stations that will be competitive with thermal power stations.

In answer to the interjection by the Leader of the Opposition, following on the research I have done over the last five years in particular, it is my view that the answer I gave adequately and accurately sets out the position as I know it.

There is a change taking place in nuclear power as a result of the experience which has been gained. The experience over the last five years has not been as good as expected, but I believe it was a transitory period which had to be gone through to iron out the bugs from the system. The indications are that the original predictions will be achieved.

BOOKMAKERS BETTING TAX ACT AMENDMENT BILL

Second Reading

Debate resumed from the 27th October.

MR. TONKIN (Melville—Leader of the Opposition) [2.56 p.m.]: There are two proposals in this Bill. The first proposal is to increase the amount of taxation to be imposed upon on-course bookmakers and the second is to vary the allocation of the revenue received in order to give a somewhat larger proportion to the Government and a somewhat smaller proportion —not necessarily a smaller amount—to the race courses and trotting courses.

In the first place it appears that this is a burden to be carried by the bookmakers. However the Minister explained that what will happen is that the bookmakers will reduce their prices and make their books so that on-course punters will be those who will pay this taxation. Therefore, let us not disguise the fact that this is a taxation measure on a section of the community—a section which is already somewhat heavily taxed.

I suppose it could be argued that if a person does not want to pay this tax he should not go to the races.

Mr. Craig: He should not bet.

Mr. TONKIN: However, some people derive considerable enjoyment, although possibly not much profit, from going to the races. Of course there are one or two knowledgeable people who may gain some profit for some time.

Mr. Craig: Very few.

Mr. TONKIN: They possibly will not mind paying this extra taxation and I suppose it has the virtue—if taxation can be said to have any virtue at all at any time—that it is a kind of painless extraction, because the people paying it will be unaware of the fact that the bookmakers are, in this way, taking from them the money they will be obliged to pay to the Government.

Mr. Craig: A winning bets tax.

Mr. TONKIN: It would appear on the surface that the Government has decided to take this action to recoup the money which will be lost from the repeal of the investment tax. That is not necessarily the case. The Government could have decided to do this in addition to retaining the money it received from the investment tax, and there would be nothing to prevent it. Apparently the Government believes that this is a field of taxation that can be tapped to the Government's advantage.

We on this side of the House have always supported the idea that the investment tax should be repealed. I have already said that the Government's action in this direction meets with our approval.

I cannot blame the Government if, in order to make up for the loss of this revenue, it looks elsewhere for a section of taxpayers upon whom it can place this burden.

To be more specific with regard to the proposals, it was explained by the Minister that the Government received 40 per cent. and the clubs 60 per cent. of the revenue previously received from the betting tax, and that for the financial year to the 31st July, 1970, the total amount of bookmakers betting tax which was divided up between the Government and the clubs was $563,020, which is quite a substantial sum of money.

In order to increase this revenue and make up for the loss from the investment tax, it is proposed to increase the tax on a bookmaker's turnover from 1½ per cent. to 2 per cent. on the first $100,000, and from 1½ per cent. to 2½ per cent. on the turnover in excess of $100,000. It must be conceded that these increases are quite substantial.

Mr. Cash: When was the last increase?

Mr. TONKIN: Back in about 1954, I think.

Mr. Craig: No; it was in 1956.

Mr. TONKIN: The substantial increase in the tax from 1¼ per cent. to 2 per cent. will require some adjustment on the part of the bookmakers. I have no doubt that they will be equal to the task of passing this on. It is intended to vary the distribution of this tax so that it will be split fifty-fifty between the Government and the clubs.

I am wondering whether the clubs are not receiving more than they should be from the taxation, having regard to the very large sum of money which has become available to them as a result of the introduction of licensed off-course betting on the principle that is now known to us. I think serious consideration will have to be given to the existing position, because it seems to me to be very difficult to justify giving the clubs an ever-increasing sum of money in this way when there are so many other avenues requiring assistance from Government sources.

We have raised this question before because we believe it is very necessary, in the interests of sound government, to ensure that one section does not get more than it ought to get in the circumstances, at the expense of others who are getting far less than they ought to get. However, we support the legislation because it appears to have followed from the Government's decision to repeal the investment tax.

MR. CRAIG (Toodyay—Minister for Police) [3.04 p.m.]: I thank the Leader of the Opposition for his support of the Bill. He more or less implies that, bearing in mind that the tax has not been increased since 1956, the increase in the bookmakers betting tax is inevitable. He also says that the time is possibly coming when consideration will have to be given to the amount that is made available to the racing and trotting clubs from this particular source and from the Totalisator Agency Board.

The Premier referred to this matter only a week or so ago, and said this would be borne in mind because the time is approaching when it could be considered that the clubs have re-established themselves to a degree where they can possibly do more, or where they can carry on without this increasing assistance year by year. The Premier made that quite clear when replying to an interjection by the member for Belmont a couple of weeks ago.

In fairness I might say that I received a deputation from the bookmakers in connection with this particular matter, when it was explained to them. As a result of that meeting it was arranged that they would have a further meeting with the secretaries of the Turf Club and the Trotting Association, and the T.A.B., in order to try to iron out some of their problems so that they could be compensated for any increased costs incurred by them by way of taxation.

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.

Third Reading

Bill read a third time, on motion by Mr. Craig (Minister for Police), and transmitted to the Council.

TOTALISATOR AGENCY BOARD BETTING TAX ACT AMENDMENT BILL

Second Reading

Debate resumed from the 27th October.

MR. TONKIN (Melville—Leader of the Opposition) [3.08 p.m.]: When the Totalisator Agency Board commenced operations in 1961 it did so under an Act which imposed upon it taxation of 5 per cent. on turnover, which had to be paid to the Government. That percentage continued to be paid until 1966, when the Government saw fit to increase the tax by ½ per cent., and that percentage has operated up to the present time.

In order to recoup itself for part of the loss of revenue which will result from the repeal of the investment tax, the Government now proposes to increase the tax on the turnover of the Totalisator Agency Board by an additional ½ per cent. It is expected that this will return to the Government a sum of $510,000 each year.

The Totalisator Agency Board anticipates that, as a result of the repeal of the investment tax and the reinvestment of the money which has been saved by the investor, its turnover will increase. This legislation appears to be necessary in order to ensure no loss of revenue to the Government because of the measures it has taken, and we have no opposition to this Bill.

MR. CRAIG (Toodyay—Minister for Police) [3.10 p.m.]: Again I express thanks to the Leader of the Opposition for his support of this measure which, as he says, is inevitable.

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.

Third Reading

Bill read a third time, on motion by Mr. Craig (Minister for Police), and transmitted to the Council.

BETTING CONTROL ACT AMENDMENT BILL (No. 2)

Second Reading

Debate resumed from the 27th October.

MR. TONKIN (Melville—Leader of the Opposition) [3.13 p.m.]: For the purpose of ensuring that legal effect will be given to the Government's legislative intentions in regard to the alteration of the proportions of revenue that will go to the clubs and the Government, it becomes necessary to amend the Betting Control Act. No new principle is involved in this measure. The position has already been explained during the debate on the Bookmakers Betting Tax Act Amendment Bill, so it is necessary for the Betting Control Act to be amended in the way desired.

The amendment in the Bill simply means that whereas previously 60 per cent. of the turnover tax was retained by the clubs and 40 per cent. went to the Govenrment, in future 50 per cent. of the tax will go to the Government and 50 per cent. to the clubs. As already explained, the Opposition has no objection to the proposal.

MR. CRAIG (Toodyay—Minister for Police) [3.14 p.m.]: Might I say that the Leader of the Opposition has given a clear and concise resume of these four taxing measures, which are all associated. Again I express my thanks to him for his support of this Bill. Although this measure does affect the revenue of the clubs, they have raised no objection to the new arrangement.

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.

Third Reading

Bill read a third time, on motion by Mr. Craig (Minister for Police), and transmitted to the Council.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 5)

Second Reading

Debate resumed from the 27th October.

MR. TOMS (Ascot) [3.17 p.m.]: It is interesting to read the remarks of the Minister in this House and those of the Minister in another place when they introduced this measure in their respective Houses. The Minister introducing the Bill in another place said—

> This Bill is designed to introduce amendments, the necessity for which has become apparent during the past year.

However, in this House the Minister who introduced the Bill said—

> The Bill is designed to introduce amendments which have become necessary because of changing conditions and developments.

The principal Act was passed in 1960 and came into operation on the 1st July, 1961. At that time it was said there was no doubt that amendments would have to be made from time to time. The experience has been that every year since one, or perhaps two or three amending Bills have been brought before Parliament. Indeed, I believe that from 1961 to 1968 approximately 300 amendments were made to the Act until, in 1968, a reprint was necessary.

Since that time—a matter of two years—48 amendments to various sections have been brought before this House. I have quoted the opening remarks of the Minister who introduced the Bill in another place and those of the Minister who introduced it in this House, and whilst I agree that some of the amendments in this measure may be necessary, I certainly believe it was not necessary to bring all of them before the Chamber for the purpose of amending the Act.

As I have said before, too often the Minister has lent an ear to some of the shire councils when something has happened within their particular shires and as a result he has introduced an amendment to the Act to rectify the situation. However, it is quite probable that the incident would never recur and therefore there was no necessity for an amendment to be brought before the House.

It is remarkable that, in all, 300 amendments have been made to the Act since 1960. Some of them were most necessary, others I considered to be unnecessary, and two or three have entirely changed the original interpretation of the Local Government Act.

As has been mentioned by the Minister, the first amendment in the Bill seeks to have deputies for the members of the existing Boundaries Commission appointed. The Minister also said it was apparent that in future years a great deal of activity would take place in this field, and much work would be undertaken by the Boundaries Commission. I believe that this is perfectly true, because the tendency in the future will be for the amalgamation of many more local authorities into larger

This particular clause sets out that the Minister will make a decision regarding the appointment of a chairman. If, after the committee has been appointed, it cannot reach a decision on the election of a chairman, it reports to the mayor or the president who calls the committee together again in an attempt to select a chairman. In the event of there still being a stalemate the matter is referred to the Minister who will then make a decision.

I feel that a much easier way around this problem would be for the senior member of the council to be appointed chairman. It would save all this silly rot of the mayor or the president having to call the committee together and, in the event of not being able to reach a decision, an approach having to be made to the Minister. The Minister would then have to make a decision. There is no guarantee that the person appointed by the Minister would be prepared to accept the position, so another stalemate could eventuate. As I have said, a much better way around the problem would have been, in the event of a stalemate, for the senior councillor for the time being to be the chairman.

Mr. Nalder: That might not work either, as the honourable member must know.

Mr. TOMS: Such a system would short-circuit the situation. Why should the Minister have to fiddle in a matter such as this? It is an internal part of council business, and the Minister should not have to appoint the chairman of a committee of the council. I feel that this provision goes a long way round to achieve its objective.

The next amendment deals with the inclusion of the word "cemetery" in section 181 of the Act. This amendment has been found necessary because the Fremantle City Council, with the assistance of five other councils, manages the affairs of the Fremantle Cemetery. Provision is made in the Act at the present time for shire councils to appoint management committees to control halls, libraries, etc., and it is felt that cemeteries should be included. I think this is quite right and, therefore, I have no objection to the amendment.

Clause 12 of the Bill deals with owner onus proof in relation to parking, and I have no objection to this amendment either. Anything we can do to clean up the problem which arises from time to time with cars parking on verges and such areas is, I believe, a move in the right direction.

The next amendment is to section 297A of the Act. It has been the custom, or the role, ever since rights-of-way became a problem, that with the closing of them the owners of the respective adjoining properties took part of them. The proposed amendment will enable the owner of one adjoining property to take the whole of the right-of-way, or a section of it. A safety provision is included inasmuch as the local authority concerned must notify the other adjoining owners of its intention, and the other adjoining owners have 30 days in which to lodge an appeal. Any objection which is lodged must receive consideration, and no doubt no Minister would do anything to jeopardise the rights of an adjoining landowner by granting the whole of the right-of-way to one particular landowner.

I think this amendment has been brought about by the high density development, and the GR4 and GR5 zoning. It is not necessary for the owner of a residential block to have another 5 feet or 10 feet of land, but it could be very convenient for a person who has ideas of developing high density flats to be able to acquire that extra land. I believe this is a reasonable amendment, and I have no objection to it.

The final amendment contained in the Bill deals with the advertising of loans. The Act at present states that the full text of a loan, showing the rate of interest, must be advertised. However, if before the loan is finalised the rate of interest changes, it is necessary for the shire—because of the changed conditions of the application for the loan—to readvertise all the details. Rates of interest can change, and they do vary. The elimination of words specifying the rate of interest, from the section of the Act, will be of benefit to local authorities, because they will not have to readvertise their proposed loans.

As I have said, I am prepared to support the second reading of this Bill, but I do so with the reservation I made early in my speech that I am absolutely opposed to any amendment to section 35 of the Act, as is proposed in the Bill before us.

MR. MOIR (Boulder-Dundas) [3.37 p.m.]: I have no intention of traversing the points raised by the previous speaker, the member for Ascot, but there are one or two matters I want to touch on in relation to this amending Bill.

Subsection (6) of section 12 of the principal Act is to be amended to provide for the appointment of deputy members to the Boundaries Commission. That is quite a necessary amendment and I notice, from the Minister's remarks, that the Boundaries Commission will be fairly active for several years. That could be quite true, but the Boundaries Commission seems to have a peculiar way of working inasmuch as at times it makes decisions not in accordance with the evidence placed before it.

I refer to the action of the Boundaries Commission in the case of the Boulder Municipal Council.

The SPEAKER: I do not think members can hear. Would you please speak up?

Mr. MOIR: An appeal was made to the Boundaries Commission by ratepayers—disgruntled ratepayers in this instance—who took exception to the Boulder Municipal Council giving permission for the building of a native hostel. The Boundaries Commission heard the appeal, and the Boulder Municipal Council was represented by counsel. I thought the evidence on behalf of the Boulder Municipal Council was quite overwhelming but, nevertheless, to the astonishment of everybody in the district the Boundaries Commission brought down a recommendation that the Boulder Municipal Council should be abolished and taken over by the Kalgoorlie Shire Council.

The people in the area did not allow the matter to rest there, and a deputation went to the Minister for Local Government. The matter was discussed with the Minister for Local Government, and I must say, much to the credit of the Minister, he decided on an entirely different course of action. That course of action meant that the Boulder Municipal Council ceased to exist, and the Minister also dissolved the Kalgoorlie Shire Council. As a result, there was an amalgamation of the two councils, and the outcome has been quite beneficial to the ratepayers in the district and to the welfare of the district.

I must commend the Minister for the action he took, but I do not think the Boundaries Commission earned any kudos in that case. I only hope that in any other case where the Boundaries Commission has to act its members will not act in the same manner as they did in the case of the Boulder Municipal Council.

Another provision in the Bill deals with the qualifications required of a person standing for election as a councillor. It is proposed to alter the present provision, and I strongly oppose the amendment because in my view the Government's proposition is entirely wrong. In introducing the Bill the Minister said—

> It is entended to make it quite clear that eligibility for membership of a council includes an owner, irrespective of whether or not his name appears on the roll. This has been the case hitherto, but the phraseology which at present reads as follows:—
>
> A person who—
>
> (c) is either an owner of rateable land within the district of the municipality or occupier of rateable land within the district whose name appears on the Electoral roll thereof.
>
> tends to cause confusion and it is proposed to clarify this point.

For the life of me I cannot see how there can be any confusion. However, if it is desired to provide for the owner as well as the occupier, a small amendment to the section would enable both persons' names to be placed on the roll and therefore they would become eligible to stand for election. However, to provide for a person whose name does not appear on the electorate roll is, in my opinion, entirely wrong.

Many years ago we had a case in Boulder where a man was wrongly holding office on the Boulder Municipal Council. As a matter of fact, this person held a very high office—he was the mayor of the Municipality of Boulder. Subsequently it was found that he had no right to hold that position. It is true that his name was on the roll, and he was on the roll because he was supposed to be the occupier of premises. However, some time prior to that he had ceased to occupy those premises and he did not even live in the municipality. There was a case of a person living outside a municipality holding the office of mayor—a position he was not entitled to hold.

Certain people started to make inquiries and they found out the true position, but the person concerned forestalled them. He jumped in quickly, bought a vacant residential block in Boulder, and thus became qualified. Those who were making inquiries did not wish to press the point and take action, even though for some time the mayor was not really entitled to be on the council.

If the Government's proposal is adopted, who will check the qualifications of a person who wishes to stand for election if his name is not on the roll? It is not up to the public to find out whether or not a person's name is on the roll. In my view it would be quite a simple matter to lay down that a person to be eligible for election to some position on the council should have his name and qualifications shown on the roll. Apparently it is the Government's intention to do away with that proposal and, like my colleague who has already spoken against it, I cannot agree with the proposition.

Sitting suspended from 3.45 to 4.06 p.m.

Mr. MOIR: I want to make a few comments about the amendment in regard to postal voting. I am quite sure everybody recognises that this a most vexed question, and I think many people feel the legislation would be better if this provision was abolished altogether. However, I can understand the reluctance to do that because it is unjust to deprive a person of a vote if he genuinely wishes to cast a vote and is interested in the election but finds he will be unavoidably out of the ward on the polling day. I notice the amendment will affect people in large

local authority areas which do not have wards at all and, of course, this must complicate the position.

I think we are all aware of misdemeanours that have been committed as far as postal voting is concerned and we all know of the recent case here in the metropolitan area. That was a most unfortunate case and many people think that the penalty imposed was harsh. Nevertheless, these sorts of things go on and the desire to eliminate them as much as possible is understandable.

I cannot see that the steps that were enunciated by the Minister will do very much to rectify the position. We know that people living in local authority areas are entitled to vote but many do not care very much about who they vote for. If they think they are pleasing a friend or somebody who has influence over them, they will vote the way that person would like them to vote. It is only natural, human nature being what it is, that an enthusiastic supporter of a particular candidate will approach people with whom he is friendly and request them to vote in a certain way. Very often the people will do just that. I know of cases in which people have volunteered to vote. They said they would be away on polling day and wanted a postal vote for a certain person.

The present situation is far too open. The qualification for a postal vote is that if a person has reason to believe he will be absent from the district on polling day, he is entitled to a postal vote. I have known people to apply for postal votes not only in local government elections but also in State and Federal elections when they had no intention of being absent from the district. They obtained a postal vote by saying they had reason to believe they would be absent from the district; and it is easy for anyone to say that. In these circumstances if a person is challenged he has only to say that he has reason to believe he will be absent from the district on polling day.

I do not know what can be done to make the postal voting provisions watertight; but there are certainly all manner of means by which malpractices can occur at the present time. I do not think the proposed amendment will do anything to remedy the position.

That is about all I have to say on this Bill. In the main, I support it with the exception of, firstly, the question I mentioned regarding the eligibility for membership of a council; and, secondly, the fact that an owner of property shall be eligible to stand for election irrespective of whether or not his name is on the roll. I oppose those parts of the Bill.

MR. NORTON (Gascoyne) [4.13 p.m.]: I rise to support the Bill in the main but, like other speakers, I have reservations about certain things contained in it. The Bill has relationship to a variety of matters ranging from the appointment of deputies to the Government Boundaries Commission, to postal voting and the qualifications of a councillor, mayor, or shire president.

The first provision I wish to mention is that dealing with the appointment of deputies to the Government Boundaries Commission. I think this is a good provision because the deputies will be able to help expedite any rush of business. Like the two previous speakers I have strong reservations regarding the amendment to section 35 of the Local Government Act, which deals with the eligibility of persons to become councillors, mayors, or shire presidents. I think it has been understood by all of us over the years—and it is certainly the practice in Government and semi-Government organisations—that if a person is on the rolls for the various electoral districts of the Legislative Council, the Legislative Assembly, the Senate, and the House of Representatives, he is eligible to be elected a member of Parliament.

Likewise, up to now we have understood that a person who is on the ratepayers' roll is eligible to stand for the position of councillor, or shire president, whatever the case may be.

Mr. Nalder: What if his name has been accidentally omitted from the roll?

Mr. NORTON: It is just the same.

Mr. Nalder: He can apply under certain provisions of the Act.

Mr. NORTON: He can still apply; but what does it matter? This Bill seeks to make a person eligible to stand for election when he is not eligible to be on the ratepayers' roll.

Mr. Nalder: No; you have that wrong, altogether.

Mr. NORTON: I have not.

Mr. Nalder: He is the owner of the land and automatically he should be on the roll.

Mr. NORTON: That, of course, is not the case. He cannot get on the roll unless he is a ratepayer.

Mr. Nalder: What about if he owns the land?

Mr. NORTON: If he owns the land he is not necessarily the ratepayer.

Mr. Nalder: Rubbish!

Mr. Toms: Why put it in?

Mr. NORTON: It is not rubbish. Let us consider, for example, some of the large buildings in the Terrace where suites of offices are let, and where the contract in one's lease states that one pays so much per square foot of office space. In such

a case the person concerned pays the rates and taxes. Does the person who owns the building pay the rates? Does he pay anything towards them? Of course he does not! If one rents a house one is eligible to go on the roll.

Mr. Lewis: But the owner would be responsible if the other fellow fell down on the payments.

Mr. NORTON: The other fellow is paying rent for the land and he must pay the rates.

Mr. Nalder: You mean the owner should be struck off the roll?

Mr. NORTON: He can go on the roll if the occupier wishes to exercise his right to have his name placed on the roll. That is well understood. The Minister does not know his Act at all. If he looks at the provision in the Act he will find that to be a fact.

The reason for this amendment is to cover up argument which has occurred in the past, and which is still occurring, in relation to a person who is not qualified to nominate as a councillor and who has the approval to stand for election as a shire councillor, a mayor, or a shire president.

This provision will make it legal even for a person who is the owner of land and who pays no rates to apply to stand for election as a shire councillor. I believe it is only those who really pay rates as laid down in the Act who should have the right to have their names placed on the roll, and the right to vote.

People must have certain qualifications to get on the Commonwealth or State rolls—and it is only those who are so qualified who are entitled to vote. Here again, it is only the person who is on the roll who should be entitled to stand for office under this Act. If a person applies to stand and is given the right to stand as a councillor under this amendment, he will not be able to vote if he is not the ratepayer, even though he might be the owner of the land.

I think we can deal with this matter more fully in the Committee stage. I do oppose this provision—and I will continue to do so as hard as I can—because I think it is completely unfair.

I feel that the provisions in the Bill will, as they apply to postal voting, considerably ease the position so far as a number of pastoral shires are concerned. Shires like Murchison and Upper Gascoyne virtually have their shire offices as their only centre. They have comparatively few ratepayers—perhaps six in a ward—and in the majority of cases it is agreed in the shire that the various occupiers of leases should take it in turn to stand as shire councillors within the various wards. This gives them experience in local government matters and also provides them with a chance to put forward in committee their requirements in connection with roads.

Very often the person with a property near the boundary is the first to be elected as a councillor and the others take their turn in due course. As each person takes his turn to stand, the roads in his area are upgraded.

The method set out in the Bill is a very good one because so far as postal voting is concerned I would point out that there would not be a polling booth within the area. The only polling booth would be at the shire office which might be hundreds of miles away. The provisions in the Bill will help such places considerably.

I cannot understand why there is all this argument about the election of a chairman. Surely the committee of a shire can get together and elect a chairman! If it cannot do so why cannot the shire president or the mayor take over for the time being? This would be far better than haggling over the matter and finally appealing to the Minister. Perhaps the shire president or the mayor could take on the job for two months, after which time I am sure the position would resolve itself and it would not need to go to the Minister. With the exception of the clause which seeks to amend section 35 of the Act, the amendments contained in the Bill are, by and large, satisfactory.

MR. JAMIESON (Belmont) [4.21 p.m.]: There are several matters I wish to mention while debating the second reading of the Bill. Certain amendments relating to parking offences and other matters mentioned by the member for Gascoyne seem quite desirable. I refer particularly to that provision mentioned by the member for Gascoyne which concerns the mayor or the president being given the right to nominate the chairman of a committee if the committee itself cannot decide on a chairman.

This provision will help us get away from an impasse which has been created in recent years, particularly in relation to the local authority in my district which could not make up its mind as to who would be the deputy chairman for the year. After a number of ballots were taken in connection with the matter it was finally decided to refer it to the Minister who made a determination. For a lesser situation, as in the case of the deputy chairman, or chairman, I feel it is right and proper for the titular head of a local governing body to have the say as to who shall hold such office.

If some members knew that there was a disturbance and they themselves were not on the committee they would probably be glad, for a time, to serve on such committee—as mentioned by the member for Gascoyne—at least until things settled

down. This would be the sensible way out. Some of them, however, might feel they were placing their feet in a bear trap and might think it desirable to keep out altogether, and nominate a member of the committee to be the chairman.

Mr. Nalder: Do you think that is a reasonable approach?

Mr. JAMIESON: I think so. We must get away from the possibility of creating an impasse. There has only been one occasion in the Canning Shire since the introduction of the Local Government Act when it has not been possible for the shire to make up its mind as to who should be shire president. There was a deadlock in this matter. In order that the shire might function, the position had to be put to the Minister who had power to make a decision. The Minister declared that the previous deputy shire president should be reinstated. The matter was important at that time because the elected president of the shire was away permanently ill. The whole matter assumed a degree of importance, because the shire could not very well carry on until this appointment had been made.

If a person is eligible to continue, and is desirous of doing so, the Bill would provide one way out of an impasse—it would certainly provide a solution in the case of the selection of a chairman for the committee. If, however, the people did not want the chairman and an impasse occurred in the council itself, it is right and proper the Act should contain some provision to overcome the situation.

It is also desirable that deputy members of the Boundaries Commission should be appointed, even though they have not done as much as I would like them to do. The report of the assessment committee, which was released some months ago, has been fast gathering cobwebs and dust. It is now outmoded and not possible of implementation even if one wanted to implement it, because a number of things have happened since then.

There have been amalgamations which were not suggested by the committee, and partial amalgamations which were suggested by the committee. There has been very little action where the committee suggested there should be action. In future I hope that with the assistance of the Act the Boundaries Commission will be very active in implementing portions of the Local Government Assessment Committee's report.

Far too often have I referred in this Chamber to the situation in the metropolitan area as being ludicrous, particularly in this day and age when there are so many local governing bodies. I believe they may have been rightly formed 80 or 100 years ago when they first came into being, because tremendous distances were involved during the days of the horse and cart. But now, when we can move from one local authority to another in a matter of minutes, it is desirable that they be combined into a reasonable sequence. In the ultimate this will be the responsibility of the Boundaries Commission with some direction and approach being made from certain local authorities as to how it should be achieved under the provisions of the Act.

I have never liked the postal voting procedures even in a compulsory election, but I have liked them far less in relation to voluntary elections, because if ever anything lends itself to voting manipulation it is the matter of postal votes. This is done quite extensively in the State elections and we all know that complaints are made to the various political parties. If the Labor Party receives such complaints, the other political parties must also receive them. We have been told of people being prevailed upon to vote even though they were quite able to visit the polling place on the day of election.

I know that in the past the member for Wellington and other members opposite have hastily said they would not be associated with such activities; but I also realise only too well that this practice does exist in all party organisations. One has only to view the statistics to see which party has the best organisation in connection with this matter. The more enthusiastic the figures appear to be in respect of a particular brand of candidate the more one can be certain that some degree of manipulation has taken place in the area concerned.

When we consider the specific instances of local authority elections—particularly as this refers to Perth City Council elections where there is some prestige value in becoming a city councillor—we find an over-abundance of postal votes being recorded for ward elections.

At the time when Mr. McI. Green was Town Clerk of the City of Perth, it was pointed out to him that there were more postal votes in one ward than there was polling at the booths. He asked what he was to do; and he said the Act provided that so long as he received a declaration that an elector desired to post a vote for a variety of reasons, he was bound to supply that vote.

I believe he was quite correct in saying that, but I do not believe all the votes lodged on that occasion, or other occasions, for Perth City Council elections and other elections were authentic.

Perth City Council elections, of course, carry a certain prestige value because of the apparent importance attached to being a Perth City Councillor.

It is passing strange that on many occasions candidates for wards of the Perth City Council spend far more money than

do candidates for the Legislative Assembly State elections. Under those circumstances there must be some undue enthusiasm on the part of certain local government candidates. When zealots are associated with these activities, they will try all sorts of things. It is useless for people to believe otherwise. I hark back to the days when Legislative Council elections were held on a voluntary basis. I am certainly not morally in favour of some of the activities which took place then. All the jiggery-pokery that people could think of occurred.

The best protection we can have against manipulation is to introduce compulsory voting. A person would think twice about voting in someone else's stead if it were known that ultimately an inquiry would be held because of a duplication of voting, and at such inquiry the offender would be found out. However, in the case of non-compulsory voting, it is very easy for one person to impersonate another. For instance, it is always easy for a person to ascertain the names of the members of various religions which are opposed to voting. In such a case it would be quite easy for them to be impersonated in an election.

The situation is different, of course, with regard to State elections because we know that although the members of these religions are opposed to voting they must, to comply with the law, at least attend the polling booth, collect their ballot paper, fold it up, and place it in the box. In this way they register an informal vote, but at least their names have been crossed off the roll and they have carried out their duty according to the law because, in effect, all that is required of them is that they receive their ballot paper. They are not compelled to vote for anyone on the ballot paper.

Members will appreciate, from what I have said, that I am not, to any great extent, in favour of the retention of any form of postal voting for local government elections while the franchise remains as it is on a voluntary basis. To extend this postal voting as is proposed under this Bill, further encourages manipulation in elections.

If we study the provisions in the legislation we find that such words as "might," "may," and "expect" are used, and these leave the situation wide open. Practically everyone could, in good faith, claim a postal vote. For instance, one of the provisions in the Act reads—

> (a) at a district election and resides more than five miles from the nearest polling place appointed for the election, or has reason to believe that on that day he will be absent from the district;

How can we prove that a person did not genuinely believe he would be more than five miles from the nearest polling place on the day of the election? A person who lives in Perth might genuinely intend to go to Bunbury for the weekend but, because of sickness in the family, he does not proceed to carry out his intention. In any case, how could we prove otherwise? Of course, the manipulation will continue. I hate the idea of our making it easier still, as will be the case under the Government's amendment.

The only provision in this Bill which tightens up the law a little is the one which might, in future, be referred to as the Franchina amendment to the Local Government Act. The courts have found Franchina guilty of transgressing the provisions of this Act. However, the Act does not stipulate that a person who is a candidate is not able to help another person fill in a form. Nevertheless, doubtless because of the evidence before it, the jury in its wisdom, found Franchina guilty of having transgressed against the Act, and said he had committed forgery; although, I might point out, it appears that amongst the 45 forgeries for which he was convicted one was associated with his assisting his 77-year-old mother to vote at the election. The fact that this person was his mother did not make any difference. This is the sort of situation which exists under our jury system.

We must remember that the demeanour of witnesses and persons charged, and many other things are taken into account. These include, of course, the liver of the judge, which often influences the way he handles the jury from time to time. All these facets affect the verdict the jury ultimately presents. However, when the jury finally makes its determination, it is accepted, subject to the normal right of appeal.

As I say, certain limitations are to be imposed now, but I do not think these will make very much difference to the possibilities of manipulation. The situation will be just as bad in future. It is useless for anyone to think that this does not go on. If the Minister is of this opinion, I am sorry for him, because it does.

Mr. Nalder: But would you not be encouraging it by—

Mr. JAMIESON: The Government is certainly encouraging it by the very amendment concerning the five miles.

Mr. Nalder: —making these statements?

Mr. JAMIESON: The situation is already wide open. If a person thinks he will be away he is entitled to a postal vote. That leaves the door wide open for anyone. The law cannot be policed and if it cannot be policed, it is bad legislation.

We should have a good look at the situation and if we are not prepared to go to the full extent and impose adult franchise, compulsory voting, or something like that to protect the situation, we should abolish postal voting.

The position regarding the central ward of Perth is that about 60 per cent. of the voting is done by post, whether or not those entitled to vote attend their offices in the city. If a person does attend his office, he trangresses the law if he casts a postal vote. However, how can we police the situation? Such a person might genuinely not intend to go into the city on election day, but something may occur which compels him to do so. However, how can we prove that he did not intend in the first place to visit his office?

As I say, the position is so wide open we can drive a whole wagon train through it, and this does us, as a legislative body, no credit. Over the years it has been exploited by all sorts of people—no names, no pack drill. However, I guarantee that most people on the Perth City Council in some way or another have used this provision in an attempt to obtain as many votes as they can for themselves. It has also been used by those working for candidates. The votes must be obtained, and if loopholes exist in the law then, of course, the political parties and committees associated with the various candidates—whether for local government or State elections—will find them and exploit them to the utmost. We should go a long way towards tightening up the position.

One last point I wish to make relates to witnesses. In the Bill it is sought to amend section 113 of the Act, but this amendment is laughable. The Bill provides that an authorised witness for the purposes of witnessing absent voting applications and absent vote certificates is —within the State—any person who is enrolled as an elector on a roll for an electoral district under and for the purposes of the Electoral Act, 1907. No returning officer should legally count a vote, unless he has checked fully against a roll to ensure that the qualification is correct. Any person could say his name was on the Kimberley roll, for instance, but there is no certainty unless the roll is checked.

If the rolls have to be checked it will be a tremendous job, as all local authorities would have to have 51 rolls. To do this would be ridiculous, and we might as well not have the provision in the Bill. We could have an alternative provision that an authorised witness is someone who has signed the required form and has given his name and address. It would be physically impossible to check the particulars under the proposal in the Bill.

A person might claim to be on the Kimberley roll, and that he was from Wyndham. It might transpire that since the time he left Wyndham his name had been taken off the roll; and through no fault of the voter he would find he was casting an improperly witnessed vote.

The Electoral Department carries out a reasonable check when some person witnesses a signature. If there is any doubt the officers of the department will examine the enrolment cards and compare the signatures. However, local authorities do not have such facilities, and, to arrive at their decisions, they have to carry out this task by guess and by God.

A smart person, acting as a scrutineer for a candidate, can virtually wipe off any postal voter if the officer cannot produce a roll to show the qualification of the voter concerned. By including the amendment in clause 7 we make the legislation look foolish; even by reframing the amendment in the Bill in another form we will do nothing to enhance the Act. That being the position we might as well leave the Act as it stands rather than fool around with it.

The accumulation of loopholes which exist under this section of the Act adds up to manipulations, manipulations, and manipulations; and this will go on for as long as people attempt to enter local Government. If people acting on behalf of candidates can see a way of obtaining additional votes they will use these loopholes.

We have a far greater responsibility to the public than that; and we should not put through legislation which contains loopholes to enable manipulations to take place—and manipulations take place not in isolated instances, but in a number of instances each time there is a local government election.

The Bill contains some minor features which could well be supported, but it also contains others which open up the position further than it is. I object strongly to the amendment to section 113 of the Act, and I suggest we need to have a far closer look at the situation than there has been up to date. We should not revise the category of witnesses so that the position is made easier, and so that the provision does not include as many categories as are listed in the Act.

MR. BICKERTON (Pilbara) [4.45 p.m.]: I shall not keep the House very long in speaking to the Bill. There is only one clause on which I wish to say a few words, and it concerns the amendments to the postal voting provisions in the Act. The other amendments in the Bill have been dealt with quite adequately and ably by the other speakers.

I do not like postal voting under any circumstances, because I believe that postal voting—whether it be in local government elections, in State elections, in Federal elections, or in any other elections —lends itself to more rackets than second-hand dealing.

In my view the procedure that is adopted to canvass for postal votes is an intrusion into the rights of the individual. I reiterate that I think it lends itself to rackets and manipulations. Postal voting cannot be policed, and therefore we are better off without it.

We can see postal votes being taken in places like geriatric wards, and I doubt whether, in many instances, the people casting the votes know what they are doing. They seem to be harangued by the supporters of candidates, if not by the candidates themselves. People who are going away on voting day are pestered for days before they leave in order to obtain their postal votes. Invariably the person who is looking after the postal votes of a candidate seems to arrive conveniently at the same time as the postman puts the ballot paper in the letter box. This goes on; it is not wishful thinking; it is a fact, whether the election be compulsory or voluntary. I think if we did away with postal voting we would go a long way towards conducting clean elections.

The opportunities for malpractices, manipulations, and so on in a properly conducted booth are much fewer, if indeed they exist at all, than they are under the procedure of postal votes. Some people will ask: What about the rights of the individual—the individual who is sick, who is away from home on election day, or who is out of town?

People who are sick or who are out of town on a particular day miss out on many things which happen on that day. It is up to the individual to cast his vote in a properly conducted booth in compulsory elections. If for any good reason he is unable to do so he misses out. If the reason for missing out is a good one I will be surprised if he is fined. If the reason is not a good one he will pay the penalty, whatever it may be under the Act.

The failure to cast a vote applies more in local government elections and, as the member for Belmont pointed out, in other voluntary elections. To my way of thinking what I have put forward does not rob the individual of any privilege; it is in effect protecting him from errors that may be created by others in tempting him to vote in a certain way, or in manipulating his vote in a certain manner to favour a particular candidate.

The sooner we forget postal voting the better. In its place we should have more voting booths as we know them, and if this procedure is adopted I believe that half the number of cases that now arise, half the number of protests that are registered, and most of the disputes that occur in elections will cease to eventuate.

If people are not conscientious enough to get to a polling booth they should miss out on having a vote. By adopting this procedure we will do away with many of the problems which the amendment in the Bill relating to postal votes seeks to overcome.

I do not know how long the public will put up with many of the rackets which go on in postal voting. I refer to the people one sees around "C"-class hospitals and geriatric wards using all the guile they know to get someone to record a postal vote—and very often helping those people while they fill in the ballot papers.

If postal voting was discontinued more provision would have to be made for ordinary booth voting. However, we would at least know that the voting would be conducted under circumstances which would not allow the sleight-of-hand tricks and the wretched antics of some people when they grovel for a vote.

I repeat what I said when I commenced my speech: The sooner postal voting is done away with, the sooner we will have cleaner elections. I consider that under present conditions elections lend themselves to far too many rackets, too much manipulation, and too much intrusion into the rights of individuals.

MR. NALDER (Katanning—Minister for Agriculture) [4.52 p.m.]: We have listened to some interesting comments from members of the Opposition, and I appreciate what has been said. I want to reply to several points, and the first concerns clause 4 of the Bill. Several members have mentioned other aspects of the measure, but most opposition seems to be directed towards clause 4.

I beg your indulgence, Mr. Acting Speaker (Mr. Williams), to allow me to quote from section 35 of the Act to make my point. Section 35 sets out the qualification of mayor, president, and councillor, and states that a person, to qualify, has to be an owner of ratable land within the district of the municipality. That is one category: he is the owner of the land. Another qualification is that a person must be the occupier of ratable land within the district, whose name appears on the electoral roll thereof.

I believe that is quite clear. So as to overcome the situation where the qualification has been misunderstood, the Minister in whose responsibility this Act lies desires to make it clear. Clause 4 of the Bill proposes to insert the passage "irrespective of whether his name appears on the electoral roll thereof."

The addition of those words will clarify the position as I see it. I understand the objection to the amendment is that members opposite consider that the owner of the land should be on the roll.

Mr. Toms: He could be on the roll now if he wanted to be.

Mr. NALDER: Yes, but in case his name is not on the roll, and in case the person who is occupying the land is not on the roll, an amendment is proposed.

Mr. Toms: If a person is interested in getting on the council he should be on the roll.

Mr. NALDER: The Minister has said that the amendment is for one purpose, and for one purpose only; that is, to make the position clear.

Mr. Toms: This has been the law all the time.

Mr. NALDER: That is why the Minister wants to make it quite clear. The owner of ratable land within the district of the municipality is one person. The alternative person is the occupier of the ratable land within the district, whose name appears on the electoral roll thereof. I have been in touch with the Minister and he says there is no catch in this amendment whatever. It is only designed to make the present Act clearer in its interpretation. When one studies the Act in conjunction with the proposed amendment, one sees that the amendment is designed for that purpose, and that purpose only.

I cannot see why we should argue about the amendment. The two persons cannot both be on the roll. It has to be either one or the other, and that is quite clear. If the person who is the owner of the land desires to become a councillor, and for some unknown reason his name is not on the roll, he will be able to nominate for any one of the positions.

Mr. Sewell: The electoral roll, or the municipal roll?

Mr. NALDER: The municipal roll. As I said, I see no reason why we should go to town on this one. It is designed to clarify the position and there is no reason why we should object to the amendment.

Several members mentioned the situation of a committee not being able to reach agreement on who should be the chairman. The member for Belmont has indicated an instance where this situation actually did arise. I see no reason why this particular amendment should not be accepted. The clerk of a council will notify the mayor or the president that the committee cannot reach agreement, and the mayor or the president will make a decision.

Under the present provisions in the Act, where a mayor or a president cannot get agreement on the appointment of a chairman to a committee, an appeal is made to the Minister. The proposed amendment will get away from that problem; and surely in such a situation the mayor or the president of the local council or shire should be able to overcome the difficulty. Of course, if he cannot overcome the difficulty, there are other avenues open to him. The amendment is designed to overcome the cumbersome method of solving the problem.

Mr. Toms: It will be more cumbersome.

Mr. NALDER: I do not think so.

Mr. Toms: Well, the problem is going from the committee to the mayor, and then to the Minister.

Mr. NALDER: In this case the matter does not have to go to the Minister, but to the mayor or president. It is quite likely that the mayor or president will solve the problem. The mayor or president can call the council together again.

Mr. Toms: If there is no agreement then there has to be an approach to the Minister.

Mr. NALDER: That is the last resort for solving the problem. The amendment is designed to help a situation which should be successfully overcome, as has been indicated by the Minister.

A number of members made some comment on postal voting, which is a principle applying not only to local government but also to other elections. I accept the comments made. I do not agree with them, although I acknowledge that there are associated difficulties. As I see it, postal voting was designed in the first place to allow a person who wants to vote but who cannot get to the polling booth on polling day the chance to exercise a vote.

Mr. Toms: There are many improper practices.

Mr. NALDER: The honourable member apparently knows of improper practices which have taken place. The member for Belmont mentioned this, too, as well as the member for Pilbara. Postal voting has been with us for many long years. The reasons for it may have been greater in the past and perhaps members could produce strong arguments for its necessity some 30 or 40 years ago when it was not possible to move from place to place as quickly as one can move today.

The problem of allowing a person to exercise his vote when he cannot get to a polling booth still exists to some extent. If there is a better way of overcoming the problem and perhaps reducing somewhat the incidence of abuse, let us try it. However, it appears that nobody has been able to come up with a successful alternative.

Mr. Toms: There are many abuses at present.

Mr. NALDER: Would the honourable member be prepared to say that this section is not allowed to vote in future?

Mr. Toms: No.

Mr. NALDER: I would not like to, either.

Mr. Toms: There are other ways. I tried once to get them across to the Minister.

Mr. NALDER: As time goes on we might be able to find some system which will be accepted generally. Just what it will

be I do not know. At the moment, however, nobody is prepared to come out and say, "This is the answer."

The Minister for Local Government has made it quite clear that special conditions, which will have to be complied with, will attach to absentee votes. Until it is found that this does not work properly and that some other system should be brought in, I think we have to accept it. As a matter of fact, all members have made some criticism but have not been able to come up with the answer. Under those circumstances, I believe we have to accept it as it is.

Mr. Toms: It would be impossible to get a perfect system of postal voting. However, there are ways.

Mr. NALDER: Time will tell. I think I have covered all the points raised by members and, if I have not, possibly they can be discussed in Committee. I commend the Bill to members.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. W. A. Manning) in the Chair; Mr. Nalder (Minister for Agriculture) in charge of the Bill.

Clauses 1 to 3 put and passed.

Clause 4: Section 35 amended—

Mr. TOMS: During the second reading debate I mentioned that I intended to oppose the proposed amendment to section 35 of the Act. The Minister indicated that the purpose of the amendment is to clarify the wording of the section. However, the Minister in another place, when speaking on this matter, said that as far as he was concerned it could be deleted. That was the remark made on the amendment which I am now opposing.

I indicated earlier that it would be possible for both an owner and an occupier to be on the roll at the same time. The word which has possibly led to a great deal of misinterpretation is the second word "either." I do not think this confusion would have arisen had the wording been—

> (c) is an owner of rateable land within the district of the municipality or occupier of rateable land within the district whose name appears on the electoral roll thereof.

Instead, the inclusion of the word "either" has certainly led to a great deal of confusion over many years. Ever since the Act has been in operation, every local authority clerk to whom I have spoken has interpreted it to mean that either the owner or the occupier would be on the roll.

Mr. Brady: Can a man and a wife both be on the roll?

Mr. TOMS: Yes, a man as the owner and the wife as the occupier, or *vice versa*. There is provision for this in the Act at the present time, although it is not generally known. Most people think that the property has to be in joint ownership before both have the right to vote.

Mr. Norton: Both can vote?

Mr. TOMS: Yes. I make the point that I do not believe this Government can have it both ways. In 1964 the present Government wrote into the Act what I believe to be a despicable provision which took away the right of a person, who had made arrangements under section 561 of the Act to defer payment of rates, to be a councillor, president, or mayor. In other words, it took away the right of a pensioner to become a councillor, president, or mayor.

The Government now intends to write into the Act a provision which will make it possible for an owner who does not live on the premises and for the occupier both to be registered and to be eligible to stand for election as councillor, mayor, or president.

On the one hand a person in the district —an elderly person who has reached 65 and is receiving social services— is debarred simply because his rates have been deferred. Not one cent of those rates will be wiped off; they are simply deferred. The Government has said, "We will not have a bar of him because he owes rates to the council." As I have said, not one cent of those rates will be waived but they become a second claim on the property after the funeral claim.

On the other hand, the Government now wants to make it possible for two people—the owner and/or occupier of one house—to be eligible to be elected as councillor, mayor, or president. As I say, the owner could be living in another district.

Mr. Nalder: It does not say "and/or the occupier."

Mr. TOMS: It says "or the occupier."

Mr. Nalder: The word "or" is to be taken out and another word included.

Mr. TOMS: The words to be included are—

> irrespective of whether his name appears on the electoral roll thereof, or an

Mr. Nalder: There is still the word "either" at the beginning of the provision.

Mr. TOMS: That is correct. However, the interpretation over the years by shire clerks and, in the old days, by road board secretaries was that a man who was paying rent was entitled to be on the roll with the consent of the owner.

Mr. Nalder: Yes.

Mr. TOMS: This has been the arrangement over the years.

Mr. Nalder: Yes.

Mr. TOMS: Now the Government is saying that it wants the man who owns the property to have the right to stand as a councillor as well regardless of whether his name appears on the roll.

Mr. Nalder: That is right.

Mr. TOMS: Can the Minister quote any other electoral provision where a man whose name does not appear on the roll is entitled to be a president or, for that matter, entitled to be elected to Parliament? The Minister cannot, because the provision is nowhere in the Electoral Act. Nevertheless the Government wants to write it into the Local Government Act. I think it is the most stupid suggestion I have heard, apart from the provision inserted in 1964 which I have mentioned; namely, the provision which took away the right of a pensioner to be a mayor, councillor, or president.

I am absolutely opposed to this clause and I trust the Committee will agree to leave the Act as it is at the present time. If a man has enough civic responsibility or pride to want to be on the council, there is provision already in the Act. We should not specifically write it into the Act, particularly in view of the action we took in this Parliament in 1964.

Mr. NORTON: I also wish to oppose this clause, because I consider that if a person has enough interest to stand for election as a shire councillor, president, or mayor, he should have enough interest to qualify by having his name placed on the ratepayers' roll.

As I understand it, at present most properties have a maximum of two votes, which can be distributed. If there are three occupiers of a property, two of them can have one vote each. The owner and the occupier of the property could have a split vote, and each could be placed on the roll, but they would have only one vote each; whereas normally the occupier who is on the roll has two votes. Why should we allow a person who has not sufficient interest to have his name placed on the roll to become a shire councillor or president?

As the Minister said in the second reading speech, there are great blocks of offices where the rent is calculated at so much a square foot, and the occupiers or tenants pay all the rates and taxes. The reason for that is to save varying the rent, and the occupier or owner has to pay the extra. Virtually, the person who owns the block has no say as far as rates are concerned.

I believe that the person who is entitled to vote in a shire election is the one who is actually paying the rates. The Minister might say that the owner of the property is the person who pays the rates, but when such owner leases or rents a property he does so knowing quite well that a certain amount of rates and taxes have to be paid, and he includes those in the rent he charges.

Mr. Nalder: Not always. I know of a case where the owner pays the rates and the occupier pays to the owner the rent only.

Mr. NORTON: He must have included something in the rent for the rates. It will be found that a proportion of the total rental value is allowed as a deduction in order to arrive at the annual rental value. Taxes are also taken into consideration. If the rent is not sufficient to cover the full amount of rates, that is the owner's fault. A person who rents a property is virtually the ratepayer, and that has been understood for many years. That is the person who is entitled to have a vote and stand for election to any of these positions.

Mr. NALDER: I do not think it is necessary for me to say any more. I outlined the position during the second reading debate, and it is quite clear as far as I am concerned. After discussing the matter with the Minister for Local Government, I am satisfied that the clause is designed to clarify the position. Members have made their point; I do not agree with it, and I request that the Chamber accept the clause.

Mr. Norton: The Minister said it does not matter whether it is in or out.

Mr. NALDER: The Minister indicated to me that it is intended to clarify the position.

Mr. Norton: During the debate he said he did not mind whether it was in or out.

Mr. NALDER: I express the opinion that we should allow the clause to remain as it is.

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

Ayes—23

Mr. Bovell	Mr. McPharlin
Sir David Brand	Mr. Mitchell
Mr. Burt	Mr. Nalder
Mr. Cash	Mr. O'Connor
Mr. Court	Mr. O'Neil
Mr. Craig	Mr. Runciman
Mr. Dunn	Mr. Rushton
Mr. Gayfer	Mr. Stewart
Mr. Grayden	Mr. Williams
Dr. Henn	Mr. Young
Mr. Kitney	Mr. I. W. Manning
Mr. Lewis	*(Teller)*

Noes—20

Mr. Bateman	Mr. Jamieson
Mr. Bertram	Mr. Lapham
Mr. Bickerton	Mr. May
Mr. Brady	Mr. McIver
Mr. Burke	Mr. Moir
Mr. Cook	Mr. Norton
Mr. T. D. Evans	Mr. Taylor
Mr. Fletcher	Mr. Toms
Mr. Graham	Mr. Tonkin
Mr. Harman	Mr. Davies
	(Teller)

Pairs

Ayes	Noes
Mr. Mensaros	Mr. Jones
Mr. Hutchinson	Mr. H. D. Evans
Mr. Ridge	Mr. Sewell

Clause thus passed.

Clauses 5 to 14 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by Mr. Nalder (Minister for Agriculture), and passed.

BILLS (4): RETURNED

1. National Trust of Australia (W.A.) Act Amendment Bill.
2. Criminal Injuries (Compensation) Bill.
3. University of Western Australia Act Amendment Bill.
4. Murdoch University Planning Board Bill.

Bills returned from the Council without amendment.

POLICE ACT AMENDMENT BILL (No. 2)

Second Reading

Debate resumed from the 27th October.

MR. BRADY (Swan) [5.21 p.m.]: I have studied the Bill introduced by the Minister the other night and whilst I would like to agree with his amendments, I feel I can go only part of the way and not all the way. I think we as a Parliament should not become emotional in regard to the matters the Minister presented to us. When introducing the Bill he referred to antisocial conduct and the involvment of emotional and disorderly conduct in assemblies.

The Minister also referred to the increase in vandalism, and the increase in the use of, and trafficking in, drugs. He made mention of people having in their possession goods supposed to have been stolen. Personally, I agree with the Minister that we should clamp down on those people who indulge in vandalism both in regard to public property and private property. I support the Minister's efforts to reduce the incidence of drug-taking and, in particular the trafficking in drugs, and I hope he is successful in this respect.

However, I cannot fully agree with the Minister regarding the proposal dealing with unlawful assemblies, nor can I agree fully with the provision relating to unlawful possession. I hope to set out the reasons why I cannot go all the way with the Minister in regard to these matters, and I think he will see that there are good reasons why we should not rush into this business of having people picked up when assemblies become disorderly.

Vandalism and drug peddling are, I think, becoming evident and must be nipped in the bud. I think the more we do along these lines the better it will be for everybody. I do not intend to enlarge on that aspect except to say I think it is well known that these things are going on. Later I may quote some extracts from the daily newspapers and other papers to prove that this is so.

The Minister set out to show that there is a difference between our way of life and the way of life in some overseas countries, inasmuch as disorderly assemblies do not occur in some countries because no assemblies at all are permitted. In other words, in dictatorship countries such things are quickly suppressed and the people involved are usually sent to Siberia or some other part of Europe. However, we live in a democracy and I think as citizens we have certain rights in regard to our democratic way of life.

It is easy for people to become emotional and even partly disorderly in many situations. The Bill will enable people to be prosecuted if they are involved in the most innocent events. I will give some examples. People often become emotional at sporting events, such as football and soccer. At times the situation at recreational activities becomes explosive and could result in people being arrested and fined heavily for their activities.

Mr. Cash: I suppose it could also be responsible for people getting hurt.

Mr. BRADY: Innocent people are hurt by irresponsible motor vehicle drivers every day of the week. I will come to this aspect later when I refer to the Liquor Act for which the Government the member for Mirrabooka supports is largely responsible. This sort of thing is occurring on Sundays at hotels at the moment; people get hurt when they go along for a drink, and the honourable member's Government supports that type of legislation.

Mr. Rushton: How was this Government responsible for that?

Mr. BRADY: If the honourable member wishes to support that sort of thing he can do so; but I will not condone it. People can become emotionally involved in assemblies such as political meetings. How many times have members from both sides of the House attended political meetings at which somebody makes an interjection resulting in a hullabaloo? Under this Bill if a person thought that disorderly conduct would result he could call in the police and have the people concerned arrested.

Mr. Craig: But that sort of thing does not develop into a free-for-all.

Mr. BRADY: Yes, it does. As a matter of fact, one of the best fights I have ever seen in my life occurred at one of my election meetings at the town hall in Midland some years ago. It was a beauty!

Mr. Jamieson: I nearly lost an eye.

Mr. Bovell: Did you win?

Mr. BRADY: Yes, I won. I won the election against eight opponents including representatives of the Country Party, the Liberal Party, the Communist Party, other political parties, and independents. The peculiar thing about it is that although it was the best fight I have ever seen at a political meeting, nobody was arrested. Everybody calmed down and went their way. In those circumstances why should somebody be arrested and fined $100 or else receive a gaol sentence of six months? That is not necessary.

It is easy for these things to occur. The other night 500 ratepayers attended a meeting of the Perth Shire Council in order to protest against the increase in rates which, in some cases, are up 125 to 150 per cent. We can understand people getting upset at a meeting of that kind. Why should they be subject to a penalty of $100 or six months in gaol if somebody happens to direct some abuse at one of the councillors, or speaks in favour of the council?

I refer also to anti-Vietnam war and moratorium meetings. Church dignitaries and other men of high standing in the community take part in those meetings. Why should a policeman or anybody else consider those people are acting in a disorderly manner? I do not agree with the amendments. We have to draw a line somewhere, because we do not want to set up a police State. People become emotional at times, and I have seen it happen in this House. I once saw a member of this House walk across the Chamber and attempt to strike another member. Should he have been put in gaol for six months or fined $100? Probably, if he had struck the other member he may have felt that he was entitled to; but the member who lost control had the decency, afterwards, to apologise due to one of his colleagues pointing out that he had done the wrong thing.

So we have to be very careful in considering this legislation. Today I asked several questions of the Minister as to whether public marches can be permitted by the police or the local shires and, in the main, they can be. I asked whether public meetings could be held in Forrest Place or on the Esplanade, and, in certain instances, they can be. But at times people attend public meetings and marches and deliberately bait the people who are taking part in them. Take, for example, an anti-Vietnam war meeting that was held on the Esplanade. Two soldiers, no less, stood behind a private citizen and deliberately provoked him time and time again during the whole time the meeting was held. That man would have been entitled to plug both the soldiers who were provoking him but he did not. He stood his ground despite the fact that he was being provoked.

At the same meeting a man came out of the crowd and got onto the platform and tore to ribbons the flag that was being exhibited. It was not an anti-Vietnam flag, but another flag which was being used to urge anti-Vietnam activity. We do not want to see people arrested in the circumstances surrounding those two incidents, because they blow over if everyone keeps cool, calm, and collected. Even if the Minister is successful—and I am sure he could be—in getting the Bill passed, the police officer in charge of any arrests that are made during such incidents should be a senior inspector or senior sergeant with a great deal of experience.

I can take my mind back to the days when there was great unemployment and I saw an unemployed man, whilst taking part in a march of unemployed in Barrack Street, being badly dealt with by police. I do not want to see a recurrence of that incident. In recent times I have noticed that one or two firms, immediately their employees give an indication of holding a stop-work meeting or a strike, send for the police. If this is not provoking the men, I do not know what is. There is no justification for such action. When the police come along they mill among the men and anything can happen.

I say to the Minister that the Police Act, as it is at present, affords ample protection. The Minister has referred to the relevant section of the Act, and I would point out that he also has ample protection already under the provisions of the Criminal Code. Therefore, I urge him not to go further, because he could get members of the Police Force into a great deal of trouble if they are called to all public meetings.

Mr. Craig: I do not think so.

Mr. BRADY: Probably the Minister wants to see the establishment kept as it is but we, on this side of the House, want to see reforms and legislation that will give people justice. The Minister wants to see the police involved in everything when it is not necessary. I do not want to see that. So whilst I go along with some of the desires of the Minister in seeking amendments to the Police Act, possibly I cannot agree with him on this idea of having people arrested for being disorderly at assemblies. I could go on to enlarge on that by saying that time and time again when lawful public meetings are called the workers want them to be held, but then, when somebody gets out of hand, several arrests could take place.

I believe that those people who become disorderly at a public meeting can be dealt with under the Police Act as it is at present, or under the Criminal Code. It is rather strange that whilst this is an important amendment the Minister did not bring any evidence to the House to show why it should be passed. All he said was that a senior inspector of the Police Department felt that some sections of the Act should be amended. Why should the Police Department make the sole judgment? If it were a Select Committee or a Royal Commission that made the recommendations, I could go along with that. On the other hand, we on this side of the House coud say that in many instances the police are falling down on their job.

Mr. Craig: I thought you claimed to be an ex-Minister for Police.

Mr. BRADY: What has being an ex-Minister for Police to do with the question? The fact that I am an ex-Minister for Police does not mean that I have to condone everything the police do. In Sydney, three ex-members of the Police Force have been accused of malpractices.

We have to be practical, and the Minister should not always be guided by the police. In the eyes of the public the police should not be regarded as being the sole judges of everything that is right. In fact, many questions have been raised from time to time in regard to which the police have not always been considered to be right. My advice to the Minister is not to pursue this clause. I feel there are times when disorderly assemblies may be encouraged through the news media. In saying that, I am referring to television, radio, and the daily Press. We need only to turn on the radio in the morning to hear some of our radio commentators expressing their views and, in my opinion, at times they are inciting people to do things that are wrong.

Mr. Graham: There was a very good comment by one of them this morning.

Mr. BRADY: On the other hand, from time to time we find the Press publishing incorrect reports of incidents that have taken place. Only last night or the night before, during an interview on TV with no less a person than the Rt. Hon. Sir Robert Gordon Menzies, one of the interviewers tried to provoke him into making an adverse comment in regard to Mr. Hawke, the leader of the Trades and Labor Council in Melbourne. Sir Robert Gordon Menzies was too fly to be caught out, but not everyone is too fly to be caught out in this way. The mass media often place people in a difficult position by provoking them. Very often, at a public meeting, it is an innocent party who is provoked or incited to such an extent that he is picked up, lodged in gaol, and eventually fined $100 or given six months' imprisonment.

I could go on to cite many cases of a similar kind, but I will not do so. I could probably quote two cases that were reported in the Press in regard to which people found that the newspaper had incorrectly reported the actual facts. In respect of the penalties to be prescribed, I feel the police are probably on the right track in seeking to increase penalties for vandalism; that is, both monetary fines and gaol sentences.

I feel that in regard to the use of drugs and drug trafficking, the very steep penalties that are to be imposed are not too severe for people who are peddling drugs. In one case the fine is to be $2,000 or three years in gaol, and in another instance the fine is to be $4,000 and 10 years in gaol, and those penalties are not too severe for people who are peddling drugs.

This brings me to another matter. I am inclined to think it is high time the Police Department cited some of the places where these misdemeanours occur. How is it that the places in which the drugs are being peddled are never mentioned during police actions? The places where drugs are peddled should be put out of business; but they are never quoted by the police.

Only yesterday we saw in the *Daily News* that a well-known singer was arrested on a drug charge. This man has visited Western Australia several times.

Mr. Craig: He has been in gaol in Western Australia and has given a free concert.

Mr. BRADY: That is so. In my opinion there are certain places in which the peddling of drugs and other offences are taking place almost weekly, but there is no question of the police bringing in amendments to curtail these activities.

This also applies to other matters over which the police have some control; and I refer now to licensed houses. How many times do the police walk into a hotel, find drunken people being served with liquor, and take the necessary action?

Sir David Brand: Are you suggesting the Police Force is not doing its job?

Mr. BRADY: It is all very well for the Premier to say that, and I will let him draw his own conclusions on the matter. I merely say it is strange that these things should be allowed to continue. As soon as the drunken man walks outside however, he is either picked up in his car or somewhere else. Why are not these people picked up on the spot—at the place where the offence is committed? This is a burning question not only among members of the Opposition but also in the minds of the public generally. Certain people make a very lucrative livelihood out of such offences, but it is the other people who have to pay the penalty.

While I could go on in that strain for quite a while, I now want to say that the position with which we are faced is a very difficult one; particularly when we agree that penalties should be increased, because I have had the unfortunate experience of seeing people involved in heavy fines or the alternative of having to go to gaol, thus possibly losing the house for which they had half finished paying. Such people make one bloomer and they are fined $200, $300, or $500, which, of course, they cannot pay. They are then sent to gaol and because of these penalties it probably means that a lifetime of work has gone down the drain.

Mr. O'Connor: It could mean a lifetime of debt for someone else if they were not stopped.

Mr. BRADY: That is unfortunately true. Quite recently it was necessary for me to make representations to a building society to give a young man the opportunity to extend the time set down for the payments on his building, because the man concerned was in Fremantle Gaol and could not meet these payments. The payments in question will cripple not only the man concerned but also his wife and family—they have already crippled his mother and father financially.

I often wonder, therefore, whether we are tackling this matter from the right end when we have amendments such as these brought before Parliament. When the police officers visit the schools to advise children about breaches relating to traffic matters and how they should conduct themselves on the pedestrian and traffic highways, I wonder whether they should not also give them a talk on how they should conduct themselves in other ways.

I do not think the average young boy or girl who is attending school, or even those who have left school, want to break the law. In 99 cases out of 100 it is possible they do not realise the penalties they will heap upon themselves and their families if they do break the law. I wonder, therefore, whether it would be possible through the schools to bring to the notice of the young people where they might finish up were they to break the law; particularly as it relates to unlawful assembly, vandalism, the peddling of drugs, or having goods unlawfully on their premises.

Mr. Lewis: A lot more needs to be done at home.

Mr. BRADY: I agree with the Minister. Far too many people go out for recreation purposes and leave their children to find their own way around. I give the Minister full marks. I have said that more should be done in connection with the young people in the community who, perhaps, do not realise their responsibilities. The Youth Council is doing a great job in helping the youth of this State and making those who are more serious-minded realise their responsibilities; but there are still others who are not quite so responsible, and it is to those young people to whom our attention should be directed.

Only recently I heard of a school in which new toilets had been placed and these toilets were damaged before the work on them had been completed. This is the sort of thing which requires attention.

Some two or three years ago it was necessary for me to make representations to the Minister for Railways for lights to be placed in the West Midland subway—in close proximity to where I live—for the protection of the womenfolk who might at night be leaving the train at that point. Members may believe it or not, but for about six or 12 months those lights were consistently broken. I might, of course, be excused for again asking where the Police Force was on those occasions. The Railways Department has staff appointed to watch for vandalism on the railways; we have the Police Department, which is appointed to protect the public against damage, vandalism, and so on; and yet we find that, in a subway, lights can be broken week after week for a period of six months, or more, without the culprits being apprehended.

There must be some weakness in the setup, particularly as it relates to the authorities who are responsible for preventing such damage—and I refer, of course, to the Railways Department and the Police Department.

In the main I agree that the Minister is on the right track when he seeks to step up the penalties for vandalism and drug peddling. I am not quite so sure, however, about this as it relates to the question of unlawful possession. I say this, because about 10 years ago a man engaged in contracting work, who happened to be living quite close to me, was arrested for having in his possession some of his employer's goods.

This man readily admitted to me that the goods did belong to his employer, but said that he had brought them home to do a job at the weekend. This was regular practice, and the firm which employed him permitted this to be done. Even so the man was arrested by two detectives and it was necessary for me to arrange bail to release him from custody pending the hearing of the case.

There are many such cases where employees have in their possession at their homes implements, utilities, and motorcars which might belong to the firm for which they are working. If we are not careful, an employee who has fallen foul of the boss could be arrested for unlawful possession of his employer's goods after he had been paid on Friday night.

We must be very careful when inserting such amendments in the Police Act, because two justices without a great deal of experience could easily send a man to gaol or impose a heavy penalty. Some provision should be made for such cases to be heard by a magistrate alone.

I could quote cases similar to the one I have just mentioned. It is not unusual for firms to allow their employees to take implements home to use. If some firm was like the contractor I have mentioned it could have the employee arrested for taking home the firm's implements.

We have cases of building contractors who leave hundreds of dollars' worth of goods on building sites. Vandals, children, and other people often remove the goods. I sometimes wonder whether the owners of such properties should not be placed in the same position as drivers of vehicles who leave the ignition keys in the vehicles. I understand that the Police Force is now prosecuting the owners or drivers of vehicles who leave ignition keys in their vehicles, because by their action they cause an unnecessary amount of trouble to the department. The same action should be taken against the owners of property who leave that property on building sites, and thus enable other people to take it away. Sometimes such owners of property are as much to blame as the people who are charged with its theft.

The time is passing, so I will not continue in this vein. I support the two clauses I have mentioned, and I sum up by saying this: There could be many occasions in the near future, as well as in the distant future, when people who are concerned with various activities in the community wish to hold public meetings—whether they be in connection with conservation, protest marches by the wives of farmers, or natives trying to celebrate some occasion. It could transpire that workers going to Trades Hall to attend a stop work meeting assemble outside the hall in a group of 20 or 30. On such an occasion they could be arrested for unlawful assembly. I do not think such a provision in the legislation should be encouraged, and I intend to vote against it when it is dealt with in Committee.

I conclude my remarks at this stage; if I do not we might be here for another hour. Other remarks which I have noted for mentioning can be left. I oppose the two clauses I have referred to, and support the other two.

MR. T. D. EVANS (Kalgoorlie) [5.53 p.m.]: Members will be aware that this Bill is one to amend the Police Act. Before analysing the provisions of the Bill I would like to make the general observation that a Police Act is brought into being as a result of the concerted effort of the community, through its Legislature, to regulate the conduct of its citizens so as to bring about a balance between the rights of the individual and the preservation of public order. Already in the Police Act of 1892-1967 we have such a body of law. It is right that from time to time the Legislature should reflect the mood of the community and, if necesary, should change the law to meet the mood.

The Minister, when introducing the second reading of the Bill the evening before last, commenced by saying—

> This Bill contains amendments to four sections of the Police Act. The first amendment deals with antisocial conduct; namely, group involvement in emotional and disorderly situations. The second deals with vandalism; the third with the growing evil of drugs; and the final amendment concerns the crime of unlawful possession.

Mr. Speaker, you may have heard me emphasise the two words "the crime." I would like to make a passing observation that the person who briefed the Minister on this particular speech apparently slipped up, because unlawful possession is not a crime. It is a simple offence, and not a crime as defined by the Criminal Code.

My examination of the Bill confirms that the breakup of its provisions is in accordance with the description given by the Minister; in other words, it contains amendments which attempt to deal with antisocial conduct, group involvement in emotional and disorderly situations, and vandalism. These amendments are included possibly to better equip the police and the community to cope with the growing problem of vandalism. The Bill also contains amendments dealing with drugs, and the particular provisions make a distinction between those who take drugs and those who traffic in drugs. Finally, the Bill contains an amendment to section 69 of the Act, and this steps up the penalty in respect of unlawful possession of property.

At this stage I would like to mention that as far as the provisions relating to vandalism are concerned I go along with the Minister's comments. I do not think anyone in this community can stand by idly and observe the antisocial conduct that arises in our midst when property is wantonly and sometimes maliciously destroyed.

Regarding the provisions which relate to drugs I make this observation: There has been, apparently for the first time, a deliberate effort made to distinguish between a person who is unfortunate enough to become addicted to taking drugs, and one who for the motive of profit trafficks

in these commodities. Regarding the penalties which have been prescribed—and they are harsh penalties—to punish those who are convicted under the law of trafficking in drugs, I raise no objection despite their severity and harshness. I think the Gilbertian situation is really fitting in this instance: that the punishment should fit the crime.

The penalties provided under this Bill in regard to those persons unfortunate enough to be taking drugs and, possibly, more unfortunate enough to be caught taking them, are harsh. I agree with the remarks made the other evening by the member for Belmont when he said that the community must soon study this problem of drug taking in the same light as it does the problem of alcoholism. The community and the Government have at long last faced the problem of alcoholism and the Government has established legislation and facilities under which these people, known as inebriates, can be treated. Karnet is one example.

We should study and try to ameliorate the problems associated with drug addiction. We all know that prevention is better than cure, but if we deal with this problem in the same way as we have dealt with alcoholism we will at least be able to reduce the number of people who become addicted to this deleterious practice. It is also for this reason that we can justify the steep penalties which are to be imposed upon those convicted of trafficking in dangerous and pernicious drugs.

So far I have been able to commend this measure. However, looking at it as a whole, it can be said to be like the curate's egg because it has both good and bad parts. If one were presented at breakfast time with a curate's egg, one would be reasonably expected to reject it.

Mr. Craig: And settle for weeties!

Mr. T. D. EVANS: Because I am unhappy with some of the provisions in this Bill I must, unless something can be done to remedy certain defects in those provisions, either in this House or in another place, be placed on record as being one who would reject the measure *in toto*, despite the fact that I have been able to commend certain parts of it.

It would be of some interest to record portions of the editorial under the heading "Police powers," in today's issue of *The West Australian*. I believe it is fitting that the newspaper should take a responsible stand in reviewing legislation currently before Parliament. The editorial limited itself to those provisions relating to antisocial conduct, and a portion of it reads—

> Under the new proposal, the police would be expected to act with restraint and not prematurely from nervousness or officiousness.

Further on it reads—

> But experience has convinced the Government that it is necessary to fill a gap in the law between the disorderly-conduct section of the Police Act and the unlawful-assembly section of the Criminal Code.

If experience has convinced the Government to this effect, the Minister, in his speech, did not adequately convince Parliament of the findings of the Police Department. Before leaving the editorial, I might mention that it gave the measure as a whole—referring only to the provisions relating to antisocial conduct—passing praise; but the editorial stated that Parliament had an obligation, because another extract reads—

> It might be able to strengthen the Bill by imposing greater onus of proof on the police.

Before pursuing the thoughts expressed by the Press, it is desirable to analyse the Bill's provisions dealing with antisocial conduct.

Section 54 of the Police Act is the dragnet section which the police utilise for almost any conduct which is said to be objectionable. If a policeman cannot deal with any particular sort of behaviour under any other section of the Act, he finds it very convenient to charge the offender under section 54, which relates to disorderly conduct.

We have been told by the Minister that the proposed new section 54A is designed to enable the police to fill a gap which exists between the provisions of section 54 of the Police Act—as wide as they are—and the provisions of sections 62 and 63 of the Criminal Code relating to unlawful assemblies. The Minister said that the object of the amendment was to fill that gap, but he certainly did not seek to convince this Parliament that there was a gap and, if there was, that it was desirable to fill it.

Under the provisions of section 62 of the Criminal Code, under the heading "Unlawful Assemblies: Breaches of the Peace" it is provided that when three or more persons, with intent to carry out some common purpose—I draw attention to the words with intent to carry out some common purpose—assemble in such a manner or, being assembled, conduct themselves in such a manner as to cause persons in the neighbourhood to fear, on reasonable grounds, that the persons so assembled will tumultuously disturb the peace, or will by such assembly needlessly and without any reasonable occasion provoke other persons tumultuously to disturb the peace, they are an unlawful assembly.

That section of the Criminal Code provides that there must be three or more persons assembled with intent to carry out some common purpose. Those persons must assemble in such a manner as to

cause persons in the neighbourhood to fear that they will tumultuously disturb the peace. In those circumstances three or more persons are deemed to be an unlawful assembly.

Under the proposed new section 54A of the Police Act—clause 3 of the Bill—a disorderly assembly is defined as follows—

> 54A. (1) A disorderly assembly is an assembly of three or more persons who assemble in such a manner or who so conduct themselves when they are assembled as to give persons in the neighbourhood of the assembly reasonable grounds to apprehend that the persons so assembled—
>
> (a) will disturb the peace; or
>
> (b) will by that assembly needlessly provoke other persons to disturb the peace.

The offence of unlawful assembly can be committed under the Criminal Code or under the Police Act. However, we find that a person charged under section 62 of the Criminal Code has the right to trial by jury, but a person charged under the Police Act can be convicted by two justices of the peace.

Mr. Craig: Under the Criminal Code it is a more serious offence.

Mr. T. D. EVANS: Section 63 of the Criminal Code states that any person who takes part in an unlawful assembly is guilty of a misdemeanour and is liable to imprisonment for one year. Under the provisions of the Police Act, a person can be fined $100 or be imprisoned for six months. Both of those penalties are maximum terms.

Mr. Craig: The Criminal Code deals, more or less, with occasions of riot.

Mr. T. D. EVANS: No, the Minister is not quite right. The Criminal Code goes on to provide for riots but I have not touched on the provisions relating to riots. Section 62 of the Criminal Code reads as follows:—

> When three or more persons, with intent to carry out some common purpose, assemble in such a manner, or, being assembled, conduct themselves in such a manner as to cause persons in the neighbourhood to fear, on reasonable grounds, that the persons so assembled will tumultuously disturb the peace, or will by such assembly needlessly and without any reasonable occasion provoke other persons tumultuously to disturb the peace, they are an unlawful assembly.

Under the proposed new section of the Police Act we are dealing with a disorderly assembly, and under the Criminal Code we are dealing with an unlawful assembly. I am not yet trying to bring in the Criminal Code provisions dealing with a riot.

Mr. Craig: The new provision is in between; that is what it amounts to.

Mr. T. D. EVANS: I feel that the provisions in the Criminal Code, under section 62, provide a safeguard for the citizens of this State who, for some reason or other, assemble. There is a strong onus on the police when a prosecution is made under section 62 of the Criminal Code.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. T. D. EVANS: I had been examining the provisions of section 62 of the Criminal Code relating to an unlawful assembly in an endeavour to show that proposed new section 54A of the Police Act, which likewise deals with an unlawful assembly, is lacking in certain ingredients which the Legislature found so essential to include in section 62 when it enacted the Criminal Code.

Section 54 of the Police Act already deals with disorderly conduct. The Minister, when introducing the Bill, rightly pointed out that if the police are to prosecute successfully under section 54, there is an obligation upon them to show that the conduct or behaviour of an individual in any group situation—and, after all, we are dealing with group situations—was such as to constitute behavioural conduct which is known as disorderly.

The situation which we are considering under section 62 of the Criminal Code, or proposed section 54A of the Police Act, is that of being confronted by a large group of people, the outer fringes of which may be seen to be acting in a tumultuous manner. The whole atmosphere would be electrified with emotion and, instead of the police desiring to prosecute persons on the outer fringes of this mass of seething humanity who are seen to be acting in a disorderly manner, it is desired that the police should be able to control the entire group. This means that persons inside the group who are not readily visible to the police officers who are supervising the group from a distance will be taken into custody under the provisions of this proposed section, on the ground that such persons have been acting in an unlawful assembly.

This means that whether the police propose to act under section 62 of the Criminal Code, or proposed section 54A of the Police Act, the situation they face will be exactly the same. The police will be trying to control a seething mass of humanity; in other words, they will be trying to control the entire group. This being so, it is the Opposition's view that, as near as possible, the obligation upon the police to prove that a person within the group is part of an unlawful assembly should be identical, regardless of whether they are prosecuting under the Criminal Code or under the Police Act.

I think I have shown that the ingredients comprising the two offences—one under the existing section of the Criminal Code and the other under the proposed section of the Police Act—are not identical, and that the proposed section in the Police Act lacks certain essential ingredients.

It has been said so often that it is becoming rather trite but, nevertheless, it is true that not only must justice be done but it must manifestly be seen to be done. Whenever justice is not seen to be done not only does the community suffer as a whole but the image of the Police Force, which is an essential organisation of any body politic, suffers accordingly. When justice is not seen to be done, I repeat that it is the image of the police which suffers. It is bad in any community when the image of the police is seen to suffer.

For this reason I intend in the Committee stage to move certain amendments designed to write into the proposed new section two new ingredients which would strengthen the Bill by imposing a greater onus of proof on the part of the police. Incidentally, the ingredients which I hope to introduce are in accord with the views expressed in the leading article in this morning's newspaper. If my amendments are accepted, whenever the powers under the new section are exercised, the community will be able to say that not only has justice been done but it has, in fact, been seen to be done.

With your indulgence, Sir, I will take this opportunity to give notice of my amendments and leave it at that for the moment. Proposed section 54A (1) has two paragraphs, (a) and (b). In paragraph (b) I desire to add the words "and without any reasonable occasion" after the word "needlessly." In its present wording proposed section 54A (1) reads—

> A disorderly assembly is an assembly of three or more persons who assemble in such a manner or who so conduct themselves when they are assembled as to give persons in the neighbourhood of the assembly reasonable grounds to apprehend that the persons so assembled—
>
> (a) will disturb the peace; or
>
> (b) will by that assembly needlessly provoke other persons to disturb the peace.

The corresponding provision in the Criminal Code contains the words "will by such assembly needlessly and without any reasonable occasion provoke other persons . . . to disturb the peace." It is the latter words that I seek to have inserted into this provision. Those words appear in section 62 of the Criminal Code, but they are lacking from this Bill.

Before leaving clause 3, I would like to draw attention to subsection (3) of proposed new section 54A. It reads—

> (3) Any member of a disorderly assembly who, after being warned by a member of the Police Force to disperse immediately and go peaceably to his home or his lawful business, neglects or refuses to do so, commits an offence.

We have here a situation where a person is believed by a police officer to be a participant in an unlawful assembly, and he is told something by the police officer, as a result of which he has two options immediately open to him: one is to go to his home, and the other one is to go to his lawful business. He cannot go anywhere else unless he commits an offence.

I can imagine a situation where a person could be some miles from his home and from his business, but he might desire to go somewhere else upon leaving the scene of the unlawful assembly. By the wording of this subcause, he has only two options open to him—(1) to go home, and (2) to go to his place of business.

Mr. Craig: His business may be to go to the nearest pub.

Mr. T. D. EVANS: It does not say that. It says "to his home or his lawful business." I believe that to give effect to the legislative intent we should insert the words "go about" after the word "or", so that it would then read, " . . . to his home or go about his lawful business"; not to his lawful business but about his lawful business. I think the Minister should give immediate consideration to this.

I would now like to pass to clause 6, the proposed amendment to section 69 of the Police Act. Section 69 does not have any great appeal to me. This deals with persons who are charged with being in unlawful possession of goods, which is far from being akin to stealing. A person who steals and is convicted of having stolen property can be shown under the clear provisions of the Criminal Code to be guilty of the offence; whereas a person who is charged and convicted under section 69 and like provisions of the Police Act can often, in the eyes of the public, be held to have been the victim of circumstances, and not necessarily guilty of any unlawful intent whatsoever.

This provision and others like it reverse the basic principle of British law—the cornerstone upon which our law is founded —which is the presumption that a person is innocent until, by the due processes of the law, he is found beyond reasonable doubt to be guilty. This principle that a person is innocent until proved guilty is the cornerstone upon which our British system of jurisprudence operates.

Let me read section 69 and see how far it operates here. Section 69 reads—

> Every person who shall be brought before any Justice charged with having on his person or in any place, or conveying, in any manner any thing which may be reasonably suspected—

Not proved; only suspected. The section continues—

> —of being stolen or unlawfully obtained, and who shall not give an account to the satisfaction of such Justice how he came by the same, shall be liable to a penalty of not more than one hundred dollars, or in the discretion of the justice may be imprisoned, with or without hard labour, for any term not exceeding six calendar months.

Members will note that this section completely discharges the obligation of the prosecution to prove the guilt of a person beyond reasonable doubt, and casts upon the accused person the obligation of endeavouring to prove his own innocence.

In this Bill we are being asked to increase, or to set up, or to augment, or to extend the sanctions provided by the section. Instead of a maximum penalty of $100, we are being asked to condone an increase to $400; and instead of a maximum term of imprisonment of six calendar months—bearing in mind that a monetary fine, with or without imprisonment, can be imposed—we are being asked to agree to a maximum term of two years.

One would reasonably expect that if the police, as the law enforcement officers of our community, have, by their experience, found it desirable to extend the sanctions of section 69 because of an increase in the incidence of unlawful possession, they would be able to provide adequate and convincing proof to the members of the Legislature that there is a real and urgent need for that to be done; but all the Minister was able to say was that the present situation in the building industry is such that where builders leave valuable building equipment on site during the course of construction of a building it is difficult to protect this equipment during periods when the workmen are away from the site; that this provides a temptation to persons to pilfer from the building site; and that it is therefore necessary to increase the sanctions in this section of the Police Act, which offends the very principle of British justice; namely, that a person is innocent until, by due processes of law, he is proved beyond reasonable doubt to be guilty.

The Minister has not brought forward one iota of evidence to support his contention. I attempted to take the opportunity to glean, from the statistics available to the Government, the number of persons who had been convicted of an offence under section 69 in each of the last 10 years. I today asked the Minister representing the Minister for Justice the following questions:—

> (1) How many convictions have been recorded for each of the years 1958 to 1969 inclusive for offences under section 69 of the Police Act?
>
> (2) For each year above, will he please indicate the number—
>
> (a) convicted;
>
> (b) fined the maximum of one hundred dollars; and
>
> (c) imprisoned in lieu of the imposition of a fine?

In an effort to compare figures in relation to one year with the population of that year in order to try to glean whether there was an increase in the incidence of this offence, I also asked the following question:—

> (3) Is he able to express the number of convictions in each of the years above as a percentage of the population of the State at the time?

The reply I received was—

> Information of the nature requested is not readily available and would require a great deal of research to provide the details sought.

Surely to goodness, if the police are convinced that there is a need to increase the sanctions under this particular section of the Act, the need has not arisen overnight. Surely the Police Department should, initially, have taken out these figures and given them to the Government which, in turn, should have paid Parliament due respect by saying, "Members, you be the judge. These are the facts; these are the figures." But what have we got? We have only a supposition that because certain property in the building industry is, by the very circumstances of that industry, left unprotected on sites when workmen are not present, there is a temptation for persons to pilfer that property and become in unlawful possession of it, because the circumstances are such that it could be difficult for the police to prove outright stealing.

In concluding my remarks on this measure I would say that in any Police Act Amendment Bill, or in any enactment of a measure offering police sanctions, we should always try to balance the desires and the rights of the individual against the rights of society as a whole. Arising from that principle, I feel we should write in golden letters a principle that the convenience of the police and the liberty of the subject should never be weighed in the balance one against the other.

Mr. Court: Those words sound brave, but in regard to practice I think they present a certain amount of compromise.

Mr. T. D. EVANS: I notice that in an amendment relating to the distinction between persons who take drugs and those who traffic in drugs, and in relation to prosecutions arising from the amendments, provision is made that an offence shall be triable only in a court of summary jurisdiction constituted only by a magistrate. I give an indication that I am 100 per cent. in support of that provision because it will provide, in cases of a very serious nature, that only a magistrate and not two justices of the peace will be able to preside.

I give notice that, in relation to the unlawful assembly provisions, I would desire to move, at the appropriate stage, for the insertion of a new subclause (4) to clause 3 to read as follows:—

(a) A complaint for an offence against this section subject to paragraph (b) hereof shall be heard by a court of summary jurisdiction constituted by a stipendiary magistrate sitting alone.

(b) Before an accused person is asked to plead to a complaint against this section the magistrate is required to explain to him that he is entitled to be tried by jury and is not obliged to make any defence before him and to ask him whether he objects to the charge being dealt with summarily.

Those members who are familiar with the Criminal Code will find that this provision applies in a chapter dealing with stealing, where that offence, under certain circumstances, may be tried summarily; but when it is tried summarily, the justices presiding are required to give the accused the right to elect whether he shall be tried summarily or tried by jury. If that is a fitting provision for stealing, it is most worthy of inclusion in the Police Act in regard to the very serious offence of being convicted of being a participant in an unlawful assembly.

MR. JAMIESON (Belmont) [7.56 p.m.]: I would like to make a few comments on this Bill concerning some matters I raised during the Budget debate. However, in the first instance I would like to comment on the matter at which the member for Kalgoorlie so rightly took umbrage; that is, the proposition relating to disorderly assemblies contained in proposed new section 54A. I do not know whether the Government has hopped on some sort of law-and-order bandwagon, but we have been told very clearly that if there is a need for recourse to action the Criminal Code contains abundant provisions under which action can be taken.

To duplicate this sort of provision in the Police Act seems to me to be quite unnecessary. This provision makes the situation so open, particularly under proposed new subsection (1)(b). Obviously, if three Liberal members attended a Labor Party meeting it could constitute a disorderly assembly.

Mr. Craig: If they were creating disorder.

Mr. JAMIESON: They do not have to do so; it does not say that.

Mr. Craig: It says so in the Bill.

Mr. JAMIESON: No, the Bill says, "reasonable grounds to apprehend that the persons so assembled. . . ." What are reasonable grounds?

Mr. Craig: If they were creating a disorder.

Mr. JAMIESON: They do not have to create disorder. Their very presence would do that.

Mr. Craig: I thought you would welcome three members of the Liberal Party.

Mr. JAMIESON: That would make a total of four or five at a meeting, I will agree! However, on occasions meetings are held at which feeling can get a little high and, as the member for Swan indicated, there have been occasions at political meetings when the position has been sorted out quite well without the use of such stringent powers. I say that if people assemble for the purpose of doing harm to, or disrupting, the community then that is a different matter and it should be dealt with under the Criminal Code.

Mr. Craig: That is what the Bill is intended for.

Mr. JAMIESON: Why duplicate the provision? Why not use the Criminal Code if that is the intent? The Criminal Code defines more clearly the fact that one must have more than simply reasonable grounds to apprehend such people. One must have some suggestion that a near riot is being caused. I would suggest the provision in the Bill is quite unnecessary and it would be hard to apply.

When the police are not only given the right to exceed their powers in certain circumstances, but are also prevailed upon to use them against one side or the other, I suggest it places them in a bad light in the eyes of the community. I think it is necessary that the police should have harmonious relationships with the community. Of late we have seen too many attacks on the police merely because they are in charge of law and order. I think good public relations with the Police Force are most essential. The police are not expected to exercise powers such as these without good reason; if they are expected so to act because it is suspected that certain things may happen as a result of a person being provoked, I suggest that this would be unreasonable.

In recent times we have seen what has occurred when there has been a difference of opinion during a moratorium march or at other assemblies. If those people

who were opposed to the moratorium marches chose to display signs and to cajole those taking part in the march, it could very easily be determined, under this provision, that they were acting contrary to the Police Act. I do not think this is reasonable. I think such people, within reasonable limits, should be allowed to demonstrate or express their opinions.

I do not agree that the opinions of people should be kept under cover, or steps taken that would send people underground to voice those opinions. It is far better to have them expressing their views in the street than to drive them under cover and so cause additional turmoil in the community. I did mention I would touch on matters that I debated earlier in the session, but I will leave them for the moment, because I want to speak briefly on proposed new section 80.

To some extent I am pleased with this provision, because for a long time all principal political parties have been plagued by people who create a nuisance by destroying signs at election time. Whether this provision was intended to cover such acts or not—the Electoral Act certainly does not give any such coverage to those who have signs destroyed—it seems this proposed new section 80 will give that coverage, because it states very clearly—

> Every person who wilfully or maliciously destroys or damages any real or personal property of any kind, whether owned by Her Majesty or any public or local authority or by any other person, is guilty of an offence.

That seems to cover the situation which, to some people in the community, has been rather disastrous. I consider that if people display signs for election purposes they should be able to expect police protection for them. To date, if a complaint was lodged, the police could make an inquiry, but that was about as far as they could go. They would report on what they discovered and it would be up to the individuals themselves, or to the political party involved, to take some kind of civil action which, to my way of thinking, is not reasonable and fair, especially when some people seem to revel in destroying signs that have been erected for a certain purpose.

However, I am not so keen on the "let-outs," because it would seem, on reading the provision further, that if someone is hunting for birds' eggs or such-like, and he damages a sign in a tree, he is excused from the offence. I do not know why the "let-out" seems to be so complete. There is provision for two "let-outs". One is as follows:—

> where the alleged offender acted under a fair and reasonable supposition that he had a right to do the act complained of;

How the law is interpreted to allow such a "let-out" as that, I do not know. There again, it is left to the good judgment of the police, but in my opinion both parties could be confused in view of the fact that the act, in earlier provisions, has been defined.

Mr. Graham: I think it makes ignorance of the law an acceptable plea.

Mr. JAMIESON: Virtually it does, and this is what worries me. It is in such situations that we throw the mentors of the law into a foray with the general public by not making it clear to the police where their duties start and finish, and where the rights of the individual start and finish. However, I hope the provision will be tight enough to protect electoral signs. I do not want to be specific in regard to this, because the protection of other property is important, too. There are many points in regard to property that I feel are important.

One sound provision increases the penalty against those who commit vandalism in gardens and other places. I think this is desirable, because far too many gardens, street trees, and the like are destroyed by vandals, and it is only right and proper that they should be punished for their misdemeanours, and punished sufficiently so that they will not be inclined to repeat the offence.

I now come to that part of the Bill dealing with drugs and the proposed increased penalties. I again express the opinion I voiced earlier in the session; namely, we are adopting the wrong attitude towards many of these offences. To my mind they should not be regarded as offences under the Police Act, but rather offences, say, under the Mental Health Act, because I think there is something wrong with a person who becomes involved with drugs and who feels the need of them. We appreciate this to a great extent by making provision for inebriates who indulge in too much alcohol. We provide special retreats for them where they can obtain specialised treatment and, possibly, be cured. We treat them as people who are suffering from a sickness.

There are not many Chinese residing in this State now, but I almost pitied those poor old Chinamen regarding whom we read reports in the Press before the war and just after it of their being arrested for smoking a pipe of opium and being fined, say, £50, or some other such sum. I am sure that to a Chinaman in such circumstances life seemed to be pretty hard, because he did not have much to live for and he was not doing much damage to others in the community. He was not like those men who got half a skinful of alcohol and who perhaps tried to wreck the Waikiki Hotel. After his fill of the pipe he was inclined to snooze off and if he was doing anybody harm it was

himself. Such people constitute a different type in the community, and I feel that whilst we have to protect others from being induced into similar habits, at the same time we should show compassion towards them, because of their particular habits, and we should not be in such a hurry to tear in and punish them.

In regard to cannabis, I do not know what cannabis is like. I would not know whether it was growing in my garden. Some of the plants in my garden could be cannabis and I know that some cannabis plants were found in Nedlands. I do not know whether they were found in the garden of the Minister for Industrial Development, or near his place, but he could be interested in starting a new industry if he used several of the lanes in Nedlands for the growing of cannabis.

In view of the fact that there are so many students and others associated with higher forms of education who live around his area, the Minister could quite easily have a good industry in the making. As I have said, however, I do not know the plant at all.

I do know that one of the rivers in the Eastern States had cannabis growing along its banks. Either by chance or by design seeds were spilt along the river banks and nobody knew anything about it until somebody recognised the plant and felt that quite an amount of money could be made out of it. It cost the Commonwealth Government a good deal to cut a swathe for about 100 miles along the river bank before the plant was eventually eradicated.

Mr. Toms: Which river was this?

Mr. JAMIESON: I think it was the Darling; but it is a long way from here, just in case the honourable member is running out of supplies! The taking of this drug seems to me to be something that young people are dared to do. We all know that some young people drink alcohol at an early age when they can get it. Others of course resist the temptation. We also know that some young people are inclined to smoke cannabis, while others like smoking cigarettes.

I well remember my own experience at school. I have never been very keen on cigarette smoking at any time in my life, but while I was at school I probably thought it was a smart thing to do and, like the other students, I smoked a few cigarettes if only to prove that I could outwit the authorities. Cigarette smoking, however, has never appealed to me at any time.

Quite a number of young people get involved in drug taking. This could possibly happen to my children or the Minister's children, and it seems wrong for them to be placed in the position of being treated harshly by the court merely because it is felt they are a growing menace to the community.

If treatment is to be meted out in such cases it should take the form of corrective treatment and be carried out in specified institutions. This would be preferable to sending the youngsters in question to gaol for four months or six months merely because they are found to be in possession of drugs.

I have no sympathy for the person who is making money out of dispensing these drugs. While there is money to be made, of course, people will continue to try to make it. We heard the member for Mt. Hawthorn say the other evening that certain people were making money out of cigarettes. For instance, we know how much the Minister for Police likes his cigarettes and we also know how harmful these can be. We all have our own point of view on this matter.

We have all been made aware of the activities of the tobacco research organisation, which has had in its employ various experts who have come up with a brochure —with which we have been supplied—indicating that tobacco and cigarettes are not harmful.

We always seem to be in the hands of experts in these matters. Recently a number of young people were charged with being in possession of drugs and during the case the defence counsel gave as his opinion the fact that the drug in question did no harm; he went into a long discourse as to why the drug was not harmful. The magistrate, on the other hand, was inclined to think the drug was harmful and said, "If you have that point of view you should talk to the legislators and not to me about this matter."

This was probably the proper thing for him to say, because he is committed to a certain line of action in such matters. The only course of action open to a magistrate is to keep enforcing and increasing the punishment when particular crimes are continually brought before him—he must do this, because the Legislature says that these crimes must be stamped out. If cigarette smoking were illegal and cases of cigarette smoking were constantly brought before a magistrate, he would have no option but to continue to increase the penalty to the maximum allowable by law. I am not sure whether this is altogether necessary, because such an attitude has not resulted in an improvement of the situation.

As you know, Mr. Speaker, we have in the community innumerable problems associated with alcohol. We can introduce all sorts of new devices in an endeavour to counter the objectional features of a particular drug, but we are not always successful in achieving our end; it does not always prove to be a deterrent.

Increased penalties certainly bring in more money to the Treasury and they certainly do result in more convictions, but

I do not believe that this should be our prime object when attacking a situation such as the one with which we are dealing.

Mr. Craig: It is a deterrent.

Mr. JAMIESON: One could argue, of course, that if hanging were a deterrent there would be no murders committed. We could argue all day along those lines, but no measure will ever prove to be a deterrent so long as people are prepared to continue to take risks with drugs. If they continue to do so they will continually become associated with the law and its penalties.

Mr. Craig: This will be more or less a uniform penalty throughout the Commonwealth.

Mr. JAMIESON: It will be interesting to know whether the Minister can give us any further information as to the moves that might have been made in the other States. If the Ministers for Police throughout the Commonwealth are taking this action prior to receiving the Senate report on drugs, I feel they are jumping the gun a little, because the Senate report could be most interesting. It is due to be released shortly and we might be able to glean some information from it, because a considerable amount of evidence has been taken on the do's and don'ts of certain drugs and on the desirability or undesirability of the features of certain drugs; and, as a result, after considering the report we may be able to decide the most desirable action to take.

I think we are groping a bit at the moment. We get a bit alarmed when a new drug comes among us and we don't like the idea at all. We are all aware of the drugs contained in tea, coffee, tobacco, alcohol, to name but a few; and, according to the medicos, we use aspirin quite indiscriminately to the detriment of our health. Other drugs which are reasonably readily available are also objectionable to the human body. Should we, for instance, provide a penalty in certain circumstances for people who use excessive aspirin and, as a result, end up with all sorts of internal problems which eventually cost the State money, because the people concerned must be hospitalised, treated, and so on? I do not think that would be reasonable.

In the main it is a question of educating people in the reasonable use of drugs. They should be educated as to the drugs they should avoid; they should be told which drugs they can take in reasonable quantities, and so on.

You will be aware, Mr. Speaker, that provision is made in the Liquor Act to help educate children at school in relation to the dangers of alcohol. It would not be a bad thing if this were extended into the field of sophisticated drugs, and the community told what should be done and what should not be done in the taking of such drugs.

It might sound like an old gramophone record, but I must repeat that I know nothing at all about cannabis; nor can I recall any person having been charged while "stoned"—I think that is the expression— and under the influence of this drug. I have never known such people to be obnoxious, to do harm to anyone else, to create a riot, or to do any of those things which can quite easily be associated with those who are charged with excessive drinking and alcoholism.

In the circumstances it would appear that perhaps the right thing to do would be to prohibit the sale of alcohol and to try something else, the consumption of which will cause less violence among the community; but heaven forbid that this stage will be reached, because we have a summer just around the corner.

It is a problem to decide on the right track to follow. My only objection is that we are inclined to tread too heavily. I have pointed out that magistrates have taken the view that the taking of drugs has to be stamped out, and rightly so, because the legislation states that it is unlawful. But instead of coming to grips with the problem we are giving the magistrates greater power to deal with the takers of what I term the mild forms of drugs.

I have mentioned previously the aphrodisiac qualities that are supposed to exist in cannabis. As to whether it is desirable for young people to take this drug I am not too sure. In view of the statistics which show widespread promiscuity among youngsters, I wonder whether we should not be supplying them with bromide tablets. If we did that we might, as I said before, achieve a better balance. Somehow I do not think the youngsters will accept the bromide tablets even if they are supplied free of charge. I do not think these tablets will prove to be attractive to them. On the other hand, if we make cannabis available free of charge we will probably find many takers. The attractions of a drug depend on the demands, the likes, and the desires which are in the makeup of a human being. Somewhere along the line the takers of the mild drugs have been missing out on something, and they seem to need the drugs to break down their inhibitions.

It is up to us to try to find out the reasons why they take drugs, and to this end we have not been sufficiently well advised. Cannabis is not something new. Recently I referred to an article which was published in a newspaper way back before the turn of the century. It dealt with the sale of Indian hemp cigarettes which were being sold at 6d. a packet. According to the article these cigarettes were supposed to make people feel good. Cannabis has been known to be a drug with uplifting qualities.

We all know the types of mild drugs that were obtainable from chemists a few years ago without prescriptions, but now the sale of these drugs is restricted. I am referring to the relaxing tablets, tablets which reduced the need for sleep, and tablets which tranquillised people. I well recall that at the time some students at high schools were often found to be in possession of these tablets. These students had a quirk in thinking that these tablets helped them in their examinations by relaxing their minds. In taking the tablets they did not realise the harm they would cause.

It looks to me as if our education system is falling down. It needs to be extended to educate the children on the effects drugs have on the health of people. They should be educated in this direction so that they are able to cope with difficult situations in life without the use of drugs.

I feel very strongly that virtually unlimited powers are to be conferred on magistrates. Many of the young people who are prosecuted for these offences have not the money to pay the fines that are imposed, particularly if the fines are the maximum. If they cannot pay the fines then they will be subjected to severe gaol sentences. When they are sent to gaol they mix with the other prisoners, and as a result of this contact they pick up ideas which lead them to a way of life that is undesirable.

The Minister might contend that there is the prison reform council and other services that are provided to help prisoners. However, we cannot blind ourselves to the fact that when young people are placed in an institution among other types of prisoners they are influenced by the attitudes and the way of life of those prisoners.

Possibly in the first instance we should spend more money on research, and, secondly, more money on the establishment of institutions to which young offenders can be sent. I am referring to those who have an unbalanced nature and who have a desire to take drugs which we, as legislators, deem for the time being to be things which they should not take and should not have in their possession.

Of course, the Bill contains some features which are necessary. I support it with reservations, and in my view certain parts of it, such as the amendment to add section 54A, need tidying up before they will suit me as being appropriate to be included in the legislation of this State.

MR. GRAHAM (Balcatta—Deputy Leader of the Opposition) [8.26 p.m.]: It is my intention to deal only with clause 3 of the Bill; and I want, firstly, to make a protest against such a provision being included in the Bill, and, secondly, to make an earnest appeal to the Minister to give further consideration to its implications.

It should be understood that there are two types of assemblies, because "assembly" is the operative word in the particular provision in the Bill. The first is where there is a group of irresponsibles who gather together as a mob or a pack with the intention of creating mischief, of coercing people, and perhaps of bashing people. I, and I daresay every member on this side of the House, as well as those who support the Government, would go along with the Minister in any endeavour he made to discourage people who were mischief bent, and to take appropriate action where they persisted with their antisocial behaviour.

On the other hand, there is the type of assembly of people who gather together for the purpose of commemorating a special occasion, or of demonstrating a point of view. In both the latter cases I suggest they have a perfect right so to do; and any action which interferes with this basic right is one to be deplored.

Mr. Craig: There is no mention of interfering with that type of assembly, provided the people are not disturbing the peace.

Mr. GRAHAM: If the Minister will be a little more patient he will appreciate the point I am making. I hope and trust that he does appreciate there is a difference between the two groups of people who assemble, as I have mentioned.

Mr. Craig: I appreciate that.

Mr. GRAHAM: It is good to hear that. If provisions are to be inserted in the Act they should be expressed in such a way that there is no possibility of confusion.

Mr. Craig: I do not think there is any doubt about the intention of the clause as it is worded.

Mr. GRAHAM: I fear there is every prospect of the wrong thing being done, and to some extent I am suspicious of the motives. I say that, because the provision in the Bill is drawn in such wide terms. I am fortified in saying that, because a certain element which sits behind this Ministry derives a certain amount of satisfaction every time members on this side of the House protest against the possibility—

Mr. Rushton: You are trying to draw a red herring across the trail.

Mr. GRAHAM: —of demonstrations by decent citizens being upset or inconvenienced by the terms of legislation such as this.

It is known that these people are right-wing in the extreme and no doubt, whilst I have not heard them doing so, they have applauded some of those shocking statements emanating from people who should be ashamed of themselves and who pretend to speak on behalf of the ex-servicemen of Australia.

Mr. Rushton: What about Dr. Cairns.

Mr. GRAHAM: Some of the most earnest and decent citizens in the community are ashamed of the participation of Australia in the needless slaughter in Indonesia at present; and, of course, everyone knows perfectly—

Mr. Rushton: In where?

Mr. GRAHAM: I am sorry; I meant in Indo-China. Everyone knows that more than 90 per cent. of the countries of the world will have nothing whatever to do with this venture. Everyone is aware of the fact that the United States foolishly moved into the arena and is now bending over backwards in an endeavour to find a way out in accordance with the old Chinese procedure of doing so without loss of face.

Australia's role in connection with that whole unhappy affair has been a most ignominious one and there are people in Australia who are sensitive, in common with most of the civilised world, and who protest about this sort of thing. However, we find that people, including those who sit opposite, in responsible positions in Australia, and who should know better, are classing those who are shocked and ashamed of Australia's participation, as Communists, near-Communists, and being led by Communists.

Mr. Craig: Have the police ever hindered any of those demonstrations? I think they have always worked in co-operation.

Mr. GRAHAM: Of course, if the Minister will allow me to make my speech instead of treating me like a prisoner in the box under cross-examination, he will learn my views in connection with this matter.

This is the type of thinking which apparently pervades Liberal Party schools and circles: those who are opposed to the establishments are antisocial, disloyal, and a danger, and therefore are a menace to the community. Consequently, steps of one sort and another are taken in order to curb their activities.

I want to state here and now that I abhor with the feelings of utmost intensity the degrading spectacle the reigning Government in Australia has presented of Australia because of its participation in Vietnam and the fact that it has sent young Australians over there to kill and to be killed. I mention this because I have endeavoured to support these protests from time to time by all the means at my disposal.

I was one of those who stood, together with other members of this Parliament, in the grounds of Wesley Church—and members will see the significance of this—where there was a silent vigil against this shocking excursion of Australia at the behest of the Government at present reigning. Whilst we were standing in silence as a protest, and in a mood of reflection, there were some misguided people outside the fence which surrounds the church, in William Street and Hay Street, flinging taunts, distributing pamphlets, holding up signs, and the rest of it. They were the provokers, if ever there were any, and had there been any trouble who would have been responsible? Would it have been those who had assembled for a purpose which was near and dear to them or those rabble-rousers on the other side of the fence in the street where the police were parading, but where no action whatever was taken against the rousers?

I was not here, otherwise I would have been one of those who marched when the moratorium march was held a few weeks ago. Those who participated were decent responsible citizens of all ages and from all walks of life. It must be emphasised that there were several thousands of them, but they comported themselves in a decent manner.

Mr. Craig: Yes.

Mr. GRAHAM: I state that from secondhand reports to me and from my reading of the paper. However, what do we find in the columns of *The West Australian*? We read that there were a number of incidents, but so far as I am aware nothing happened to those people responsible. Apparently they are not assembling and if they are continuing their activities in ones or twos, this legislation will have no application whatever to them. However, if it appears that there is likely to be some tumult, shouting, and disorder arising from the activities of these decent, respectable, and thoughtful citizens seeking to demonstrate their sincerity and point of view, they will be required, because they are more than three in number, to go about their lawful business, or to go to their homes.

The only incidents reported in the Press concerning the moratorium march were that someone who had a balloon filled it with water and then dropped it on the marchers; friction developed between the marchers and counter-demonstrators in Barrack Street after some insulting words had been thrown at the marchers; a man pumped flyspray over the demonstrators; a man threw eggs at the marchers; a group of hecklers challenged the marchers at several points along the route; two scuffles broke out among soldiers who attended a rally after the march; one counter-demonstrator grabbed two anti-war placards and tore them; and so on. Therefore it will be appreciated that as those people were not in organised groups the provisions of this Bill, if it becomes law, will have no application to them.

I well remember the last Labour Day march—and I have marched in every one since I have been living in the metropolitan area. There were sundry groups strategically placed with all sorts of insults, verbal and written, for the purpose

of taunting those who were peacefully marching in order to commemorate a day which to them and to some countless millions in this country is a day of significance and extreme importance. These are the people the Minister and the legislation should be doing something about and not allowing the possibility of decent citizens being required to disband, whether they be in thousands, hundreds, or scores, when they merely seek, as I said earlier, to commemorate an occasion or to present a point of view.

It is a comparatively easy matter for those extreme right-wingers, those fascist-minded Hitler types, of whom we have read in the Press in the last couple of days, and who besmirch the name of the R.S.L., to advertise their viewpoint. No doubt they have command of funds and are able to buy space in the Press and time on radio and television, in order to express their point of view, because they are backing the establishment. But the ordinary humble citizen has not the resources available to him to impress his fellow man and convey his message, except by gathering with others in peaceful demonstration. Is there anything wrong with that in a democratic country?

Mr. Craig: Nothing at all. He is still allowed to do it.

Mr. GRAHAM: No. If someone demonstrates and if anyone senses, feels, or believes that there is likely to be trouble, then the game is on.

Mr. Craig: No.

Mr. GRAHAM: Disregarding what may be on the Statute book at present, there is nothing in the proposals of the Minister to deal with those people responsible for initiating, stirring, or provoking those who seek to go about a demonstration in a peaceful and lawful manner. The Minister is not concerned about them.

Mr. Craig: Yes, I am.

Mr. GRAHAM: The provision will affect people such as those who attend a decent Labour Day demonstration, or a Labor Party political meeting. If there were a few provocateurs present, and it appeared that there was likely to be a disturbance —of major or minor proportions—then the constable on the beat could require all and sundry to go home or to their place of business. If they did not conform with the request they would be in danger of facing a fine of $100, or a term of imprisonment not exceeding six months, or both.

Mr. I. W. Manning: I think the Deputy Leader of the Opposition would concede that some of the Labour Day placards were a bit provocative.

Mr. GRAHAM: I suppose they would be provocative to the member for Wellington, and for that reason they were probably jolly good stuff. I cannot hear what the Minister for Education is trying to say, and I do not know whether he considers that he has a right to decide what the Australian Labor Party should advocate, and the manner in which it should advocate—provided it does so within the terms of the law—but he should remember that he is a member of a mighty little splinter group whereas the Australian Labor Party is the greatest and the largest political party in the Commonwealth of Australia, and we are not subjected to being told what we can do and what we cannot do.

Mr. Lewis: Who is telling you what you can do and what you cannot do?

Mr. GRAHAM: I heard a remark from the other side of the House regarding certain comments which appeared on Labour Day placards.

Mr. Lewis: I did not say anything about that.

Mr. GRAHAM: I wish the Minister would.

Mr. Lewis: I said that so long as the laws suit you they are all right, but when they do not suit you they are all wrong. That is the burden of what you are trying to tell us.

Mr. GRAHAM: That is the burden of what I am trying to tell you.

Mr. Lewis: I could not agree more.

Mr. GRAHAM: So long as the Australian Labor Party is acting within the terms of the law I deny the Minister for Education, or anyone else, the right to dictate or suggest what it should be advocating.

Mr. Lewis: I am not talking about the Australian Labor Party.

Mr. GRAHAM: Well, I am.

Mr. Court: Dr. Cairns does not believe that one should obey the law.

Mr. GRAHAM: I am not discussing Dr. Cairns.

Mr. Court: He is a prominent member of the Labor Party, and he appeared on television tonight and supported the Labor Party campaign for the Senate election.

Mr. GRAHAM: To whom are you referring?

Mr. Court: I said that Dr. Cairns appeared on television tonight. He is a prominent member of the Labor Party and he has been encouraging people to break the law.

Mr. GRAHAM: Dr. Cairns or anyone else is subject to the law.

Mr. Court: He does not want to be.

Mr. GRAHAM: My protest is against the introduction of a law which can lend itself to this extreme right line of thought. As I have endeavoured to point out, there is nothing in this Bill to penalise those responsible for the trouble. Indeed, those

people could be responsible for a particular demonstration having to be broken up because of the possibility of trouble.

Representations have been made to me today by organisations which, from time to time, have occasion and a desire—which should not be denied them—to parade their points of view before the public. After all, if I had the resources and could pay for half an hour of time on a television programme I could advocate whatever I liked within the terms of the law. The people to whom I am referring have not the resources, and therefore they endeavour to parade their point of view and they hope it will have some effect on the public. They appear before the public in marches, at meetings, and at demonstrations, and why should they be interfered with?

I said at the outset, and I repeat: If the Minister had the Bill redrafted so that it clearly and unmistakably was directed at packs of hooligans and groups who are intent upon doing damage to life and limb and property, and who generally create disorder, he would receive 100 per cent. support from this side of the House. However, the present provision is dangerous. It is something which can hit those who should be left alone. It makes no attempt to get to the bottom of the trouble. In other words, it is an upside-down provision.

Surely the proposed legislation will be a form of inducement to some of those nuts who appear from time to time—many of whose names are known—sometimes with cameras, and sometimes in other roles. As the Minister for Industrial Development brought a little Australia-wide connotation into this discussion I will refer to those people who were getting down on their hands and knees in order to take a picture of the Leader of the Australian Labor Party with the flag of another nation in the background. Those are the people who cause trouble.

Mr. Lewis: What has that to do with this Bill?

Mr. GRAHAM: It is typical of the type of thing that certain people do in order to upset an orderly demonstration. It is possible for them to continue to do that, and because of their activity in having disturbed the peace a demonstration could be terminated. Those who could be assembled for the purpose of a peaceful and lawful exercise could be required to disperse immediately and go peacefully to their homes or about their lawful business.

Those are the terms of the Bill, and it is in connection with those terms that I protest. Unfortunately, I was not in the Chamber when the Minister for Police introduced the Bill but I understand—and correct me if I am wrong—that somewhere along the line it was stated, or suggested by the Minister, that the provision was in the Bill as a consequence of a request from the police because the police felt there was a necessity for something along these lines.

In respect of that request I want to say not only to the Minister for Police, but to all Ministers, that Ministers are the Government for the time being. They are the ones who make the decisions. I well recall an instance which occurred during the years when I was a Minister. The then Acting Commissioner of Police came to my office—I will be precise about this—when it was contemplated that a traffic liaison officer would be appointed. At that time about 20 different committees dealt with all sorts of aspects of traffic, and it was thought in certain quarters—I think it partly stemmed from Press speculation—that a police officer would be appointed to the post. The post is now designated as traffic engineer, and Mr. D. J. Davies was the first appointee.

The Acting Commissioner of Police to whom I have referred came to me, as Minister for Transport and Traffic, and pleaded with me not to appoint a member of the Police Force to the position. He informed me that the very nature of the training and the psychology of a policeman was that he was there to enforce the law. He was there to supervise, police, and prevent certain antisocial activities from occurring. The acting commissioner claimed that a policeman was not skilled or trained—and it would not be expected of him—in the promoting of new ideas and innovations. In other words, a policeman would not be expected to foster new laws.

At that time there was a great deal which had been neglected, and left undone over the years. A great deal of urgent attention was required. In connection with this, it is somewhat natural that a conscientious policeman—and I do not criticise him in any way whatsoever—would want all laws drafted in such a way that the odds are his way to facilitate his detection and apprehension of people, to nip things in the bud, even to the extent of preventing from taking place certain of our basic freedoms and liberties. In the very nature of things he would look at everything through the eyes of a policeman.

The gentleman who came to my office of his own volition, after he had phoned and asked to see me urgently, is no longer with the Police Force but I have recounted to the House, as faithfully as I can, the representations he made to me on that occasion. Therefore, it is not a recommendation for the passage of the clause which I am debating to say that it was recommended by the police.

I am aware of the fact that this is merely a small portion of the Bill which we are debating. I said at the outset that

I wanted to make a protest that this sort of thing is contemplated because of its implications and because of its possible unfairness when put into operation. On a more positive note, I would appeal to the Minister to have the clause redrafted to ensure, without any question or doubt whatsoever, that it is directed against those packs of irresponsible people who go about committing all sorts of antisocial acts ranging from the damaging of property to the most shocking offences against harmless men, women, girls, and boys who have had no association with them whatsoever. If the Government desired to clamp down on them and to anticipate the event, the Opposition would support it, but this provision which can lend itself to what I have endeavoured to outline is something to be appalled at, something to be resisted.

Even if there is only the slightest possibility that what I have been endeavouring to describe could come about—and I feel there is more than a slight possibility—the provision should be removed. It should be made patently clear that the proposals are aimed at those who are antisocial and that it leaves uninvolved and inviolate those who merely seek to express their point of view or commemorate some particular occasion.

It is of no consequence whatsoever whether you, Sir, or I—or anybody else in this House for that matter—agree or disagree, however violently, with the point of view that these people seek to express; they have a right to express their point of view. This is a way which has been accepted throughout the Commonwealth of Australia.

All I want to say finally is that some two or three years ago I was in Sydney when there was a very large demonstration that had something to do with this shocking Vietnamese affair. Several weeks earlier there had been a demonstration organised by the same people. I think it was one of the worst incidents which Sydney had ever experienced. There were brawls and bashings, and both police and civilians, including bystanders, were injured. Generally speaking it was something of which no decent Australian could be proud.

On the occasion that I happened to be in Sydney equal numbers of people—indeed, more—went about their business. There was an air and atmosphere of goodwill and cheerfulness, not only on their part but also on the part of the police who let them go and walked beside them, or on the footpaths while the people were in the street. There was good-natured bantering between the two but no harm was done.

Had there been little groups of people—ones and twos—behaving in an extreme manner, this could have triggered off some difficulty resulting in goodness knows what dire consequences. That is why I come to the point that these are the people who should be specially catered for, not those who seek to assemble for some decent and constructive purpose; namely, to present their points of view.

For instance, when there is a Labour Day march, I suppose that in a democratic country those who are there with swastikas and who call Laborites communists through the banners and placards they put up when the procession is proceeding on its way, have a right to express themselves. However, surely that could be regarded as the day when the Labor movement has its demonstration and Laborites should be permitted to proceed without molestation. If these other people desire on some other occasion to have their own demonstration, in whatever form, it is up to them and they should be permitted to do it without being molested or interfered with by the people generally.

Mr. Court: Have Labour Day marches been interfered with in this State's history?

Mr. GRAHAM: I am considering the possibility of this happening if the measure becomes law, as I hope it will not. The point I am endeavouring to make all the time is that if these small groups or individuals cause trouble by provocative acts, and they are seen dotted around the streets of Perth, the police or anybody as an informer—and I am not using that word in a demeaning sense—would be entitled to make a complaint that there were the ingredients of some disturbance and trouble. In order to prevent it from occurring an over-zealous police officer—indeed, one who felt it was his duty—could require those who were assembling for the purpose of a demonstration or procession to go home or to go about their lawful business, whatever that might mean on a public holiday.

For the third time, I ask the Minister to give some consideration to this. These objections are not being lightly made. They are being made in consequence of a sincere belief that there is a possibility of the wrong thing occurring. Incidentally, some people whose names are well known in the community called upon me today and, equally, they have these same fears which are sincerely grounded.

Surely it would be a good thing if the legislation could be framed to achieve exactly what the Minister wants but without this lurking fear that, through his burning desire, he is going too far. Would not it be a far better thing for all the young hooligans if they felt there was a unanimous feeling amongst the members of this Parliament, irrespective of party, to clamp down in every respect? However, as long as the Bill remains in its present terms, it becomes the obligation and duty of members of the Opposition to take what

action they can and, of course, endeavours will be made to this end in the Committee stage.

I sincerely appeal to the Minister. I do not know whether there is any extreme urgency but Cabinet will meet on Monday and perhaps some further thought could be given to it; perhaps the Parliamentary Draftsman could insert some words to overcome this lurking suspicion which we hold. In the interests of the community, therefore, I make this request; indeed, I plead with the Minister for Police.

In respect of the other provisions, it is not my intention to speak about them now. However, I may have something to say at a later stage.

MR. CASH (Mirrabooka) [8.58 p.m.]: I am always surprised and I sometimes view protests with suspicion. The Minister has introduced a Bill which has certain provisions for the protection of the public. If we read carefully into the legislation we see that it has certain provisions, too, for the protection of the police themselves.

The Deputy Leader of the Opposition, others on that side of the House, the people he met today, and others in the community who have spoken out on this matter, would be the first to protest if the laws of the State were quite inadequate to allow the police to act in the way they should to protect the public and every other person within range of a demonstration in a public street or some other place where people gather from time to time.

Clause 3 of the Bill mentions a disorderly assembly. Immediately there are protests about the rights of the individual; about the rights of people to take part in a peaceful march; about the rights of those who wish to demonstrate in a peaceful way; and about those who wish to protest in a peaceful way. The Bill before us in no way provides that these people shall not be able to continue as they have always done in the past.

The amendment is simply designed to protect the people in the community. That is one of the reasons I asked a question the other day about the meetings in Forrest Place. I would say to the Minister that many aspects of law and order are changing throughout the world today. We cannot believe that we in Western Australia will be immune to the changes that have occurred in other parts of the world and in the Eastern States.

We have an election meeting coming up in Forrest Place at a time when there will be far greater traffic than in previous years and a lot of pedestrian traffic. We are going to hold a public meeting for important national policies to be discussed, many of which are controversial, and I have no doubt that great crowds will go to Forrest Place, particularly when the Prime Minister is speaking.

Mr. Graham: So what?

Mr. CASH: Building construction is going on in that area. There has been a change in Forrest Place, with the erection of an escalator and crossover to one of the new arcade buildings. When a crowd of demonstrators gather in Forrest Place in November—as most certainly they will—I wonder what will happen to this escalator. Will the demonstrators press the buttons that automatically stop the escalator? Will they impede people who are going about their normal shopping and business activities? Will they put the thought into the minds of people who are going about their normal business that they will be affected by demonstrators?

Many of the demonstrators who go to these meetings are organised, and on the day the Prime Minister and other Ministers of the Government are there they will certainly be more organised than on any other day.

Mr. Graham: What about the protests against the moratorium march? I have not heard a word about them.

Mr. CASH: I am saving up something about Dr. Cairns for later on. There are safeguards in the Bill. I do not think the Deputy Leader of the Opposition made his point very well, because the Bill specifically provides that the police, to secure conviction, must prove that the conduct of those people who may be apprehended is liable to cause apprehension to others within the particular area. A disorderly assembly is defined in the Bill. There is a provision that the police, before an arrest is made, must give warnings to demonstrators and other people that they should proceed elsewhere, or go home, or go about their lawful business. If they fail to do do, and disregard the warnings of the police, they will be arrested.

Mr. Davies: What about the Criminal Code?

Mr. Graham: Do not forget that it says "a member of the assembly." It does not say "the provoker."

Mr. CASH: What problems can arise at such a meeting! I have no doubt that Dr. Cairns will come to Perth during the Senate campaign. Will he say to the people of Perth exactly what he said to the people of Melbourne—"Stop work. Take over the streets. Disrupt all the traffic. Paralyse commerce and industry"? Young people will be present. They will be able to be influenced by an eloquent speaker such as Dr. Cairns, and they are just as likely to take over and disrupt activities in that place—overcrowd people

who have other views, people who are perhaps carrying anti-moratorium or anti-A.L.P. slogans of some kind. A demonstration of a far greater nature could easily occur in that area.

Mr. Jamieson: He is coming over, is he?

Mr. CASH: Dr. Cairns is clearly on record as to what he has to say.

Mr. Graham: You want to ban public meetings?

Mr. CASH: Because the Deputy Leader of the Opposition has been over there for part of his 25 years, why does he think things might never change? Certainly, other things will change, and the problems of law and order will face this State, as they face other parts of the world.

Mr. Jamieson: You have been reading Federal *Hansard* too much. You are still on somebody's list.

Mr. CASH: I have not the time. Dr. Cairns said in a public statement that there is a world-wide rebellion against authority by people under 25. He went on to say—

> I believe that those who are prepared to resist authority are those behind this new twentieth century reformation. I sincerely hope that authority has had its day.

This is the sort of view that will be expressed by a man who has some political experience and authority.

Mr. Jamieson: Is he coming here, or are you speaking about some hypothetical campaign?

Mr. CASH: I think he has been over here on some campaign.

Mr. Jamieson: He has never addressed a meeting in Forrest Place.

Mr. Court: Are you going to produce him?

Mr. CASH: I think the Minister for Industrial Development has made a very good point, and the member for Belmont is trying to talk over his interjection. It is true that he might not be produced in Western Australia.

Mr. Court: He would not win any votes for you here.

Mr. CASH: He did say he hoped authority had had its day. What effect does this have on a policeman? A member of the Police Force has to rely on the laws brought down by his Minister and the Government of the day to protect him. Look at other countries of the world; look at the number of policemen being killed in demonstrations in New York. In some places three policemen are being shot each day.

Mr. McIver: Have you ever heard Dr. Cairns speak or address anybody? You are just taking it out of newspapers. You do not know what you are talking about.

Mr. CASH: I heard him many times when I was in the Federal Parliament. He said to me one day, "Why do you always criticise me?" I told him why, and I still hold the same views. If Dr. Cairns does not come to Perth, Mr. Whitlam will. What about the happening earlier this year? The Leader of the Opposition went to New Guinea and encouraged members of the Mataungan Association—who are a dissentient group of people—to refuse to pay taxes.

Several members interjected.

Mr. CASH: He will come to Perth and express views such as that.

Mr. Graham: He has the whole of the United Nations on his side.

The SPEAKER: Order! Order!

Mr. CASH: The Deputy Leader of the Opposition quoted from *The West Australian*. Let me also quote from *The West Australian* of the 12th January, 1970, as follows:—

> Mr. Whitlam identified himself with a body practising organised violence and civil disobedience.

In June this year there was an anti-apartheid demonstration in Sydney, when the South African women basketballers were there. There was a demonstration which the police had great difficulty in controlling, and all sorts of events took place. After that demonstration Mr. Whitlam told the New South Wales A.L.P. conference, "The demonstration was a credit to the Australian people." These people are going to be roaming the country in the years to come as the leaders of the A.L.P. in Australia. Certainly in this State we will be faced with demonstrators who will take notice of these people, who are using the mass media to the greatest possible extent. Senator Keeffe, the President of the A.L.P.—

Mr. Davies: No, no. You are behind the times.

Mr. CASH: He was President of the A.L.P. at the time I am speaking of. At that time he took the Aborigines Act of Queensland and burnt it in a public place.

Mr. Davies: Jolly good!

A member: That is an example of apartheid.

Mr. Graham: What is this—an anti-A.L.P. Bill? This is to curb Laborites.

Mr. CASH: I am taking up what the Deputy Leader of the Opposition said. I was not going to speak until he got up.

Mr. Graham: You would have pleased a lot of people if you had remained seated.

The SPEAKER: Order! Order!

Mr. CASH: This Bill is to provide that the public and the police will be protected during demonstrations, which could occur

in November or at some future time. I am glad to see that the Bill provides that the public is to be protected.

Mr. Graham: We will call you "Adolf," if you like.

Mr. CASH: Apart from those people I have mentioned, Labor members of Parliament in other parts of Australia have advocated the burning of draft cards and unions have called on Australian soldiers to mutiny. Surely the people who follow the A.L.P.—and the Leader of the Opposition and the Deputy Leader of the Opposition seem to think that is 50 per cent. of the people in Australia—are making some impression on the young people in the community, the people who will be listening to them when they speak on public platforms, the people who will be listening to them in Forrest Place, when they say that the policies of those who oppose the A.L.P. are the wrong policies and that therefore they should demonstrate against those standing alongside them who may hold far more sensible views.

To conclude my remarks on this aspect, as we all know, a Labor Premier has advocated that certain laws within the community be broken. I believe this Bill contains a most worth-while provision in clause 3 which will certainly afford protection to the public in the event of a demonstration taking place. Of course, it is never the demonstrators who get hurt. They may suffer mild injuries as a result of the police taking hold of them and taking them away; but quite often it is the innocent person who gets caught up in the mad rush when the demonstration gets out of hand and everybody tries to get out of the way.

Defenceless women and children get caught up in the rush and are knocked down by demonstrators who should never have been there in the first place. This is why I say that consideration should still be given—even at this late stage—to refusing permission for any further election meetings to be held in Forrest Place. That street is no longer suited to this purpose: there is more traffic nowadays and a far greater number of people use the Post Office facilities. Political meetings held there in the past have always caused a certain amount of disturbance.

Mr. Jamieson: Have you got an interest in a business there?

Mr. CASH: No! Only a person with a mind as small as that of the member for Belmont would think that.

Mr. Jamieson: I can imagine.

Mr. CASH: I would hope the Minister will take some heed of my remarks because sooner or later—either this year or next—we will be faced with a problem concerning political meetings in Forrest Place.

I would like to say a few fords about the provision relating to drugs and the proposed increased penalties. These amendments are very welcome to most clear thinking people in the community, even though the member for Belmont does not agree with them.

However, here again we have a Labor senator advocating that the use of marihuana be legalised. I wonder what the country is coming to when senators can say things such as that to the people throughout Australia. I wonder how members opposite can stand on the same platform as those people.

Mr. Bertram: Something like cigarette smoking.

Mr. CASH: Having allowed the honourable member to get that in, I will continue. The Bill also contains an amendment directed particularly at the problem of vandalism in the community.

A member: Isn't it time you sat down?

Mr. CASH: I would not have spoken had it not been for the remarks of the Deputy Leader of the Opposition.

Mr. Graham: I apologise to the Assembly.

Mr. CASH: Thank you. That would be the first time. The amendments in this Bill relating to vandalism follow from the findings and recommendations of the vandalism research committee. The Minister accepted some of the views put forward by that committee in connection with the lifting of penalties, and has provided that magistrates may make compensation orders against offenders or else impose heavy fines and prison sentences upon them. The committee brought down certain recommendations which the Minister has not accepted at the present time. One of those is the matter of work penalties for offenders, and it is interesting to note that the vandalism research committee went to Riverbank and spoke to some of the young people in that reformatory. It found that the young people themselves felt that work penalty sentences for offenders would be a deterrent of the greatest strength in regard to lessening vandalism.

Mr. Graham: Why did the Government reject that recommendation?

Mr. Craig: We didn't.

Mr. CASH: I asked a question about this and, of course, I have since learnt from the second reading speech of the Minister when introducing this Bill that the matter is still being investigated and is under review by the Government. The committee also mentioned a weekend detention system whereby young people

could go out to work for the normal 40-hour week and lose their weekend privileges by spending their time working to restore the damage they caused, or else doing work of a similar nature.

The committee also recommended that a citizens' committee be set up to guide young people and help them with their problems; to help them fit more suitably and quickly into the social life of our community, rather than remain alienated from society as so many of our young people are today. Those young people eventually finish up in the courts as a result of committing various types of offences. I think it would not be a bad idea if we had a teenage court to adjudicate upon the offences committed by young people and to decide on the penalties to be imposed.

I think this might be practical because if a teenager commits an offence—as many do, not only in relation to vehicles, but in relation to many other aspects—it is the reputation of every young person in the community that suffers. The same applies to university students. A small percentage of students do something and every student is labelled with the same brand. This applies to young people in general; a certain number of them offend in a variety of ways and young people as a whole in the community are blamed. This being so, I think we should look at the possibility of setting up a special court in which teenagers—particularly those involved in vandalism—could be brought before other teenagers presiding in the court to fix penalties for the offenders, if they are convicted. Teenagers themselves should have a far better idea of what would be the appropriate penalty.

Mr. Jamieson: You ought to be in the streets of London.

Mr. CASH: I see nothing wrong with such a system. If we are going to accept the principle of giving a vote to those in the age group of 18 to 21, there is no reason why we should not give them other rights. Here again, I think it is logical that young people in that age group should have normal rights within the community. They should be able to adjudicate on their own and ensure that they themselves make a contribution towards protecting the image of young people in the community. I support every aspect of the Bill and I ask the House to give it full support.

MR. DAVIES (Victoria Park) [9.17 p.m.]: I did not propose to speak to this Bill during the second reading debate, although I intended to speak on one or two clauses in the Committee stage. However, the member for Mirrabooka said he was surprised at what the Deputy Leader of the Opposition had to say; therefore, I thought I should speak. Of course, the member for Mirrabooka is in a state of constant surprise. The remarks he made, which fringe on fascism, made me rise to my feet to say a few words in support of some of our Federal members. The member for Mirrabooka made his attack in this House under parliamentary privilege, and he followed the lead given by the Minister for Industrial Development—

Mr. Cash: You should listen to your own deputy leader.

Mr. DAVIES: —who refused to say anything outside the House.

Mr. Court: Your deputy leader attacked R.S.L. leaders who have a good record of defending this country.

Mr. Graham: I am not concerned with their war efforts, but with their statements.

Mr. Court: They had a record of defending this country—when you didn't!

Mr. Graham: I was talking about their utterances, and you know I was.

Mr. Court: I will bring in your record in a minute, and we will see what that looks like.

Mr. Graham: It will compare with the Minister's—whatever that has to do with it. Get your nose out of the gutter and discuss the Bill!

The SPEAKER: Order! The member for Victoria Park.

Mr. Jamieson: You ought to have a look at Senator Keeffe's record.

The SPEAKER: Order! We are not discussing the war record of Senator Keeffe. The member for Victoria Park.

Mr. Court: It always hurts the Deputy Leader of the Opposition when we bring up this subject.

Mr. DAVIES: If I may interrupt the interjections, I will continue. As I said, the speech of the member for Mirrabooka sounded to me to be bordering on fascism, and it prompted me to rise to my feet.

Mr. Cash: It started over there.

Mr. DAVIES: It does not matter where it started; as far as I am concerned it is the attitude of the member for Mirrabooka to which I take exception.

Whilst he continues to sling mud, I am willing to keep it going. The party to which the honourable member belongs has long wanted to keep out of Forrest Place because it is afraid to face the people of Perth. It has been reluctant to hold meetings in Forrest Place during the last three elections. The member for Belmont and I could tell the honourable member more about political meetings in Forrest Place than any other member because during the last nine or 10 years we have, between us, chaired the election meetings held in Forrest Place on behalf of the Australian Labor Party.

Mr. Court: Promise you will chair them for the next election.

Mr. DAVIES: I would be delighted to chair the next election meetings in Forrest Place, and I probably will.

Mr. Court: You have done very well for us in Forrest Place.

Mr. DAVIES: I know we will have people who are prepared to stand there and listen to what is going on; not people who want to fight. I can name many in that group who are likely to interject and who are likely to put on a bit of a performance.

Mr. Cash: So can I when the Liberal Party is there.

Mr. DAVIES: This is not unusual, but none of those persons ever got really out of hand; they did not even get mildly out of hand. The fact is that it is not only because of this aspect that the Liberal Party is worried; it is worried because of its record, its policy, and the fact that it has nothing to tell the people. It is ashamed of some of its policies.

Mr. Graham: It should be.

Mr. DAVIES: This makes it reluctant to go into Forrest Place. The great white father—Menzies himself—has said it is the finest political forum in Australia. Mr. Gorton, who is certainly losing favour, and who has certainly been stabbed in the back by some members of his own party, has also applauded the type of political forum provided in Forrest Place.

Mr. Cash: Do you accept his views on other things?

Mr. DAVIES: I accept his views on quite a few matters. I certainly do not like the people who run around and stab him in the back. Whether one likes his views or not, one does not do that kind of thing. The fact remains that the remarks of the member for Mirrabooka in regard to the interpretation placed on clause 3 conform exactly with what the Deputy Leader of the Opposition feared the interpretation would be. Those on the other side have gone to a great deal of trouble to point out how just the provision is, and then have gone to further trouble to say they hope it will not have to be applied. This is just complete nonsense.

We boast of the freedoms we enjoy in Australia; but if we do not protest about those freedoms that are slowly being whittled away, then goodness knows where we will finish. Whilst things were going well with the Liberal Party I think it was quite happy to hold meetings in Forrest Place. I can remember Mr. F. Book chairing meetings in Forrest Place and others being there waving the Australian flag and performing all kinds of other acts in pretending that they represented the only party that cared about Australian. But now, when things are different, the Liberal Party wants to opt out. Nobody forces any political party to go to Forrest Place. No political party has to go there. It does not have to apply for a permit to be there.

Let us not stop free speech and those parties that are prepared to hold and attend meetings under all conditions and at all times.

The SPEAKER: I think the honourable member is getting well away from the subject.

Mr. DAVIES: Thank you, Sir. Let us not stop those parties who are prepared to go to Forrest Place to express their views.

Mr. Court: The member for Mirrabooka did not ask for political meetings to be stopped. He said that that is now an inappropriate place for a meeting. He never suggested that there be no meeting.

Mr. Graham: The trouble is that people attend in large numbers; that is what the Government members do not like.

Mr. Cash: There is more room on the Esplanade for more people.

Mr. DAVIES: At all times the position is that it is the reactionary parties that introduce this type of legislation. I tried very hard to be benevolent about it and to place a reasonable interpretation on it, but the way the debate has proceeded, and the remarks made by the member for Mirrabooka in particular, have convinced me that it is most undesirable to have this clause in the Bill in its present form.

The Deputy Leader of the Opposition has indicated that we are quite prepared to accept a provision that gives adequate protection under adequate conditions, but until it is presented in a better form we cannot accept clause 3 in the Bill. Mention has been made of various people who have spoken in Forrest Place, and this evening we have heard mouthed the same old arguments that have been mouthed again and again by the Government political parties in the Commonwealth Parliament, and we understand that this has become part of the propaganda pattern to indicate to the people that, during the coming elections, law and order shall be a matter for debate by the Federal Liberal parliamentary party. It seems to have fallen flat, but it now appears that the State Labor Party might be doing something to help it along again.

The only thing I did not hear mouthed was any reference to the silent majority. I was prepared to bet that before the member for Mirrabooka sat down he would mention the silent majority, because it represents the people to whom the Liberal Party always appeal. It always says that they are the backbone of the country

However, it was the silent majority that let Christ be crucified, and it was the silent majority that let Hitler get into power. It is only the noisy minority that has brought about any decent reforms. The silent majority will always let the world go along undisturbed, and it can be blamed for most of the vicious and evil things that have happened in all forms of government. However, the member for Mirrabooka did not go so far as to mention those people.

I would like to endorse the attitude that has been so well expressed by the Deputy Leader of the Opposition. I took part in the last moratorium march and I was pleased to be able to write to the Minister for Police afterwards to congratulate the police on the way they acted. Some of the poor devils looked really scared. They were only youngsters and were probably fresh out of the police school. But they had no reason to be scared.

Mr. Craig: Do not forget that the organisers of the moratorium in the first place stated that they were going to have their march despite any opinion expressed by the police or the Perth City Council. It was only because the police discussed the matter with them that they came to an arrangement about the march.

Mr. DAVIES: It is expected that this should be done, but, in some cases, what follows is completely different. There was a confrontation, but that was expected. Naturally, in the first instance, the police were inclined to refuse to let them march.

Mr. Craig: They did not refuse, but the organisers said they were going to defy the police before they applied to have the march.

Mr. DAVIES: I cannot quite follow the point.

Mr. Graham: Anyhow, it turned out all right in the end.

Mr. Court: Thanks to the police.

Mr. Graham: And thanks to the way they acted.

Mr. Court: And thanks to the action of the Commissioner of Police beforehand.

Mr. Graham: Thanks to everybody; no thanks to the Minister.

Mr. DAVIES: The fact remains that it was an orderly procession. The right wing Fascist movement would have liked to create a disturbance, but due to the forbearance of the police and the attitude of the marchers, the whole event went off very well.

The only trouble was from a person who, no doubt, wanted to have his photograph published in the paper. He dressed himself up to get some attention and went to no end of trouble to make sure he was noticed. For instance, he had a swastika painted on his stomach, if my memory serves me correctly, and he flung his arms around as if he were an octopus when anyone went near him. He is the type of person to whom the police had to give their attention. But on this occasion the police acted with remarkable restraint. They acted so well that I was prepared to write to the Minister for Police to tell him that the attitude of the police and their whole approach to the march was most commendable. Let the Minister for Industrial Development speak up, and not make snide remarks under his breath.

Mr. Court: They acted from inspiration from their revered Minister.

Mr. DAVIES: This could be so.

Mr. Graham: Certainly not from inspiration from the member for Mirrabooka. He is a basher.

Mr. Bertram: An ear basher.

Mr. DAVIES: This could be so. I have spoken to members of the Police Force on this moratorium and other political demonstrations and they say that the people who are to be feared are those who attend demonstrations in order, to create trouble.

The general audience does not provoke a disturbance; it is only those who want to create such a disturbance who do so. This generally comes from the right-wing reactionary groups within the community who are not prepared to allow other people to express an opinion. It would be a great pity, however, if this type of legislation did anything to limit in any way political meetings which might be held in Forrest Place.

The member for Mirrabooka feels that the legislation is necessary, because we can expect trouble. Of course, the more we talk about trouble and the more we tell people to expect it, the more likely it is to occur. This was the case in the last moratorium march and also the one held in May, and it was somewhat of a disappointment to those concerned that the trouble which was forecast did not eventuate either in Sydney or in Melbourne.

One aspect on which I would like the Minister to give us an answer when he replies is in connection with clause 7 which deals with vandalism. I am sure that no member in this Chamber supports vandalism in any shape or form, because we are all aware of the huge cost that is involved to the community. We are also aware of what the Minister did in regard to forming an inquiry—if I remember it was at the suggestion of the Chamber of Commerce or one of those organisations which possibly felt they were suffering more than anybody else and needed additional protection.

There is usually a motivating force. This was not done for the good of the community at large. I do not want to impugn

the motives of such organisations, but the fact remains that there are provisions in the Bill which increase penalties and allow gaol sentences.

I have never seen evidence of increased fines being a deterrent, but in this case I think they are at least worth a trial. I would, however, like to hear further about the weekend penalties that have been suggested and I hope that something can be done in this regard. While the Minister was overseas, and though we heard very little of his visit, I believe that on one occasion he said he had seen this penalty in action in other countries and had been rather impressed by it. But having included this in the relevant clause we then find that two exemptions are also included which, to my mind, make the clause meaningless.

We find that subsection (2) of proposed new section 80—which is contained in clause 7 of the Bill—states that malicious destruction or damage of property does not apply—

> where the alleged offender acted under a fair and reasonable supposition that he had a right to do the act complained of;

This seems strange to me. Under what terms can one commit an act of vandalism and then say, "I thought I had the right to do that"?

Mr. Cash: It is quite easy, particularly on a building construction job. Someone might have some pseudo-authority and say, "You can take this."

Mr. DAVIES: But that is not an act of vandalism. Such a man would be acting in his own right. How can one say, "You have committed an act of vandalism, but because you believe you are able to do it we are not going to charge you for it"? To me this sounds like absolute gobbledygook. Why this exemption has been provided and under what circumstances it can operate, I just cannot think. I have been honestly trying to work out the circumstances under which it would apply. Accordingly, if the Minister, when he replies, is able to tell me how this can come about, I will be very pleased to hear him.

Subsection (2)(b) of proposed new section 80—which is also contained in clause 7 of the Bill—states that malicious destruction or damage does not apply—

> where the act complained of was done in the course of hunting or fishing, or in the pursuit of game and was not done with an intention to destroy or damage the property.

What are the reasons for giving the people concerned this special exemption? I can recall that several years ago we debated at considerable length the question of increasing the penalties relating to people who trespass on properties in search of mushrooms because, in effect, they were committing acts of vandalism, and we felt the farmer should be protected. The Opposition felt that the Government was being too harsh but, as the Government had the numbers, the matter was carried, as it always is.

On that occasion we felt that the farmer should be protected from people who broke his fences, destroyed his crop, frightened his stock, left his gates open, and generally committed acts of vandalism. Having decided to provide this protection on that occasion, on this occasion the Government is prepared to say that a hunter can do all these things and not commit an act of vandalism; that he can be exempted. It just does not add up.

If one person has not the right to trespass on a farmer's property and is likely to be severely fined for doing so, surely another, even though he be a hunter, must also suffer the same penalty should he do the same thing. Surely he should not be given the advantage of special exemption.

Accordingly, I would be delighted if the Minister could explain the reason for the Government's attitude on this occasion, particularly when it is compared with its attitude on the previous occasion I mentioned.

I join with the member for Belmont in some of the views he expressed in connection with drugs. I cannot think of any penalty that would be too harsh for people who peddle drugs. I think they are the slime of the community, and the harshest possible penalty should be imposed on them. I congratulate the Government heartily on its action in this regard.

I would also like to congratulate the members of the special drug squad. On one occasion I spoke to one police officer who said that if he ever broke the law he hoped the officer in charge of the drug squad was never sent out to track him down and apprehend him, because he knew he would eventually be caught. I thought that was a tremendous compliment to Detective Sergeant McGrath, and I certainly felt a great deal safer in knowing that we had this type of man at the head of the squad, together with the very able officers who support him. I believe it is still only a very small squad, but I felt quite happy that it should be in charge of drug detection in Western Australia.

I would remind the House, however, that a little over 12 months ago when a suggestion was made to raise the penalty for drug taking, the Minister for Health was quoted in the newspaper as saying there was no problem here; that there was no need to raise the fines for drug taking because the existing fines were adequate.

I think the Government missed an opportunity on that occasion, because it could have amended the law along the lines

it is now doing. If it had done so, perhaps the increase in drug taking which has become so evident over the past 12 months or so would have been nipped in the bud. I am quite pleased, however, that even at this late stage the Government is amending the Act along these lines.

I think there is some doubt about the application of the law. I am thinking of the case where drugs are prescribed for a person who has a serious illness, and who then passes away. The drugs may be left lying around the house. I hope that this does not constitute *prima facie* evidence that the person was a peddler of drugs. What has been done was done quite unintentionally, although I am aware that most of the drugs which are prescribed these days are labelled in such a way that very few people in the community know whether they are drugs of addiction. That being the case when a person passes away in the circumstances I have mentioned, the drugs might be left lying around the house, and the other persons in the house might unwittingly be breaking the law.

The House seems to be restored to some kind of order, and has quietened down a little; so perhaps at this stage we might hear the Minister in reply to the debate. With the reservations I have mentioned I support the Bill.

MR. CRAIG (Toodyay—Minister for Police) [9.41 p.m.]: I thank the member for Victoria Park for the homily he delivered at the end of his address: that the House had now been restored to order.

Mr. Davies: There was no reflection on the Speaker.

Mr. CRAIG: With a Bill of this nature I could be excused for being confused with the trend of the debate. One might gain the impression that it was on the merits or demerits of the Labor Party or the Liberal Party—the Country Party did not get a mention—that the Bill would be acceptable.

Mr. Jamieson: Do not invite coals on your head from this side of the House!

Mr. CRAIG: I might remind the House that the Bill contains four features: they relate to vandalism, antisocial conduct in respect of which more protective powers are sought to be given to the police, drug taking, and thefts from building sites.

Most of the debate, other than from the political angle, has centred around the objection to giving the police additional powers. I do not mind admitting that I am a little surprised at the attitude that has been expressed to me in many instances. I could not help but gain the impression that it was an anti-police attitude. I would not like to feel it is. I think that every one of us is a great believer in civil liberties and the rights of the individual; however, the necessity to introduce this measure has been brought about by circumstances that have become apparent in recent times.

Unfortunately a different construction has been placed on the intention of the Government, which has acted on the recommendation of the Commissioner of Police and has introduced the Bill in an effort to meet, in a more satisfactory manner than the police have been able to deal with those situations in the past, the particular situations that have arisen. I do not think there is any need for me to emphasise the circumstances under which these occasions do arise, although the Deputy Leader of the Opposition did admit that he was not in the House when I introduced the second reading of the Bill.

Perhaps it would not do any harm if I were to read a small part of my remarks, mainly for the information of the Deputy Leader of the Opposition. In dealing with the first amendment which relates to antisocial conduct I said—

> Dealing with the first amendment—antisocial conduct—it could be considered that throughout the democratic world today there appears to be great tension in the community between the claimed rights of the individual and public order.
>
> I mention throughout the democratic world because in countries of other ideology, public order is never disturbed simply because there is no freedom whatsoever of the written word or of speech, and certainly demonstrations of any type are forbidden.
>
> Because of the existing tension, any attempt to legislate against assemblies becomes contentious and all sorts of non-existing restrictions to freedom are read into the amendments by certain people and organisations.

That is exactly what happened this evening. Certain members have read something into the Bill, as I have just mentioned. They read in non-existing restrictions. I could not imagine for one moment that the police would interfere with any lawful political meeting, or any other meeting of a similar nature. The police would only interfere where the peace of the people was being disturbed, or where circumstances arose which were likely to cause injury to the people attending the meeting or to cause damage to property, and the like. The power that is sought to be conferred on the police is that when a person offends in such a manner as I have outlined the police will be able to tell him to be on his way. If he refuses to comply he commits an offence. Here again, proof has to be adduced that the suspected offender did

not go about his business when he was directed by the police. I cannot interpret anything harmful in this particular provision in the Bill.

Certain parts of the measure have been quoted in this debate. If we take the full details we will find that every protection is provided for people who may be involved unwittingly by the exercise of the powers which are sought in the Bill. With the permission of the House I will quote the clause which relates to disorderly assembly—

> A disorderly assembly is an assembly of three or more persons who assemble in such a manner or who so conduct themselves when they are assembled as to give persons in the neighbourhood of the assembly reasonable grounds to apprehend that the persons so assembled—
>
> (a) will disturb the peace; or
>
> (b) will by that assembly needlessly provoke other persons to disturb the peace.

To me this provision is quite clear. I admit that both the Crown Prosecutor and the Parliamentary Draftsman drew my attention to the fact that they considered this could turn out to be a contentious provision. Their opinions have been confirmed by the remarks that have been made in this debate.

The comments which appeared in the subleader of *The West Australian* this morning have been mentioned. As far as the Government, the Parliamentary Draftsman, and I are concerned, what *The West Australian* has suggested has been done to the extent that the most careful consideration has been given to the drafting of the Bill in its present form.

Mr. Graham: *The West Australian* comment was made after the writer had seen the Bill, and not before.

Mr. CRAIG: I do not know about that. I read the subleader hurriedly, and this is how I interpret the comments: that careful attention would have to be given to the drafting of the provisions in the Bill.

Mr. Graham: In other words *The West Australian* has some of the fears that we on this side have, but not to the same extent.

Mr. CRAIG: That is immaterial. All I am saying is that careful consideration was given to the matter before the Bill was presented to this Chamber. It has been suggested that the Bill could go further, to the extent suggested by the Deputy Leader of the Opposition. He said that it should be confined to meeting cases of hooliganism and the like. If he can suggest how it can be drafted more effectively, consideration will be given to his proposals.

I would not like the Bill amended at this stage, anyhow. It intends to cover all circumstances, but, in particular, it covers the type of assembly over which we want to have control, and at the same time it gives protection to members of the public.

Might I also say that the proposals in regard to antisocial conduct have no connection at all with those envisaged by the Commonwealth in its Law and Order Bill, I think it is called, or with the proposals which are to be introduced by the New South Wales Government. This Bill was under consideration in Western Australia for several months, and I thought it best that I inform the House that there is no intended relationship between what we propose and what is being done elsewhere in the Commonwealth.

I do not know that I should comment on each individual member's remarks, but perhaps I can do so very briefly. The member for Swan said that we cannot afford to become emotional on this matter and then, of course, he proceeded to become very emotional himself. I interjected at times during the course of his speech and suggested he was very critical of the police, which he denied. I suggest to him that he study his remarks closely. Perhaps I misinterpreted what he said, but I feel sure that what he said can be read as being definitely critical of the force.

Mr. Brady: I have read it and I do not withdraw one word, and I will tell you why directly.

The SPEAKER: Order!

Mr. CRAIG: The member for Kalgoorlie gave a very rational and balanced account of what is intended, and he agreed with what the member for Belmont had to say on a previous occasion in regard to drugs. To a certain extent I agree with those comments, but my agreement is in reference to those minor instances of drug taking; that is, first offenders concerning marihuana. However, might I assure the honourable member, and the member for Belmont, that the police and the drug squad—and particularly Detective Sergeant McGrath, to whom the member for Belmont referred—do take a very tolerant attitude in certain cases.

As a matter of fact, only today I was with Detective Sergeant McGrath and he told me there were no fewer than nine cases on remand for pre-sentence reports, and this suggests that severe action will not be taken against these particular nine. They might be remanded to Heathcote or put on probation, or some similar action might be taken in connection with them. However, overall, we must hit hard at the one who traffics in these drugs because he is the source of all the evil; and it is

pleasing to note that all members of the House are in accord with action taken under this Bill in this matter.

Mr. Cash: Have you heard of any cases of babies being born who are already drug addicts?

Mr. CRAIG: I was asked this question some time ago, and I understand there was one case, but I have not been able to confirm this. There have been cases overseas, of course.

Mr. Cash: Yes, recently.

Mr. CRAIG: The member for Kalgoorlie also referred to the particular section of the Criminal Code dealing with unlawful assembly, disorderly conduct, and the like. Clause 3 is, say, a half-way measure between section 54 of the Police Act and the Criminal Code. The advantage, of course, is that the offender can be dealt with summarily instead of having to wait a considerable time before he can be dealt with in a superior court.

It is also interesting to note, in regard to drug offences that most of the offenders seem to come from overseas or from the Easten States, and this is all the more reason, to quote the words of Magistrate Smith, why we have to crack down hard on it right from the start. If we do not, the situation can get completely out of hand. I would like to thank the member for Mirrabooka for his support of the Bill.

Mr. Jamieson: For this rabble-rousing!

Mr. CRAIG: I will make no comment on his other contribution, but he did support the Bill and also was one of the few speakers to refer to other matters in the Bill, and particularly to vandalism.

Mr. Jamieson: Turn it up!

Mr. CRAIG: I said that he was one of the few.

Mr. Jamieson: As long as you do not give him all the credit.

Mr. CRAIG: The member for Mirrabooka said that certain recommendations in the report were not carried out. I say that most of them have been carried out, but not actually fulfilled. The two, as far as I am concerned, are the two he referred to, and these are weekend or periodical detention and restoration of damage to property.

However, there are a number of other matters in the report—that is, the vandalism report—which have not been carried out because, for some reason or other, we cannot obtain the full co-operation of local authorities. Local authorities were amongst those who objected most strongly about no action being taken to curb these acts of vandalism.

Mr. Cash: What about all-night street lighting?

Mr. CRAIG: I am coming to that. Amongst the matters was that of street lighting all night. A number of local authorities agreed to all-night street lighting, but quite a few have refused.

Similarly—and I was surprised at this—most of them would not agree to form citizens' committees; and also a number would not agree to appoint, shall we say, patrol officers, for work in certain areas where people congregate on weekends. For instance, a particular function might be held which could entail the congregation of a large number of people.

The local authorities considered that all these functions are the responsibility of the police. Admittedly, they are, but if we are to overcome vandalism we must, as is the case in regard to the litter problem, have a concerted effort by all—and that includes not only the local authorities, but also the public themselves.

Members would be surprised to know of the number of acts of vandalism which are witnessed by members of the public, but which those members will not report to the authorities simply because they are frightened they might become involved themselves.

Mr. Cash: What about a special phone number for reporting vandalism?

Mr. CRAIG: We still have 000 for emergency services, and that number covers anything.

Mr. Cash: They made another suggestion, didn't they? I think it was 999.

Mr. CRAIG: Yes, and this also was referred to the Postmaster-General's Department, but I have nothing further to report on that yet.

I can only repeat that a concerted effort is required by all concerned if we are to overcome this problem. I think it was only yesterday that the member for Mirrabooka asked me whether the incidence of vandalism was increasing or decreasing, and I expressed to him my personal opinion that since the matter had been publicised the incidence had been reduced. Then I read in this morning's paper that vandals had poured treacle into quite a number of parking meters.

Mr. Jamieson: I think they had a sense of humour.

Mr. CRAIG: I think they had a sense of vandalism.

Mr. Cash: I hope that is not the view of the member for Belmont!

Mr. Jamieson: Go on! Go and jump in the river where you belong.

Mr. Davies: Freeze, if you please!

Mr. Jamieson: Go on, you tadpole!

Mr. CRAIG: I thought I had restored the tenor of this debate and had got back onto the right track.

Mr. Jamieson: On reflection I think it is good that we have introduced this legislation because it might be needed to curb the effects of the actions of the member for Mirrabooka.

Mr. CRAIG: I thank the member for Victoria Park for the kind words he used in commending the Police Force and, in particular, the work being done by the drug squad. I will convey the commendation to Detective Sergeant McGrath who, with the rest of the members of the drug squad, is doing an excellent job in this particular field.

The member for Victoria Park also referred to clause 7, and to another clause, dealing with vandalism. I think if the honourable member looks at this particular clause he will see it is more or less a redrafting of the section in the Act so that it will be in more workable language. The redrafting does not have any great effect so far as the implication of what is intended under the original section of the Act is concerned. In conclusion, I thank members for their support of the Bill.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. W. A. Manning) in the Chair; Mr. Craig (Minister for Police) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Section 54A added—

Mr. BRADY: The Commissioner of Police, in his annual report, did not in any way refer to the necessity for the Police Act to be amended along the lines suggested by the Minister and as proposed in this Bill. However, the Commissioner of Police does refer to many other matters of importance to the police and to the community generally.

It would seem that whilst the Scarborough incident has been used in this debate as the reason for the inclusion of this clause, we will probably not hear any more about the Scarborough incident. However, we will probably hear of other incidents which we were told tonight will not come within the scope of the Bill.

I intend to move a number of amendments proposed by the member for Kalgoorlie. Whether the amendments are accepted, or rejected, I intend to oppose the clause at the third reading stage of the Bill. I understand the member for Kalgoorlie has discussed his proposed amendments with the Minister. I move an amendment—

> Page 2, line 14—Insert after the word "needlessly" the words "and without any reasonable occasion".

The proposed new subsection (1) would then read as follows:—

> (1) A disorderly assembly is an assembly of three or more persons who assemble in such a manner or who so conduct themselves when they are assembled as to give persons in the neighbourhood of the assembly reasonable grounds to apprehend that the persons so assembled—
>
> (a) will disturb the peace; or
>
> (b) will by that assembly needlessly and without any reasonable occasion provoke other persons to disturb the peace.

Mr. CRAIG: Before he had to leave the House, the member for Kalgoorlie did inform me that he proposed moving an amendment along the lines stated by the member for Swan. Admittedly, the Bill was introduced only a few days ago, but I would have liked the member for Kalgoorlie to place his proposed amendment on the notice paper. I would like to proceed with the rest of the Bill and I will give an undertaking to the member for Swan that I will have the proposed amendment examined, and I will convey the result of that examination to the Committee before the final stages of the Bill.

Mr. BRADY: I will accept the Minister's undertaking, and I ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Mr. BRADY: The member for Kalgoorlie also feels that on page 2, line 24, the word "about" should be inserted after the word "or." The proposed new subsection (3) would then read as follows:—

> (3) Any member of a disorderly assembly who, after being warned by a member of the Police Force to disperse immediately and go peaceably to his home or about his lawful business, neglects or refuses to do so, commits an offence.

The member for Kalgoorlie points out that a person who is warned by the police may not have a lawful business to go to and, therefore, would not be able to carry out the instruction from the police. By inserting the word "about," a different construction can be placed upon the interpretation of the clause.

Mr. Craig: I give an undertaking to have that matter examined also.

Mr. BRADY: So long as the Minister gives that undertaking, I will not move the amendment.

Mr. GRAHAM: I indicated, as strongly as I could, my opposition and doubts, which have not been appeased by anything that the Minister has said. I want to assure him that I am genuinely disturbed. For instance, if we look at the wording of

lines 9 to 11 we will see "they are assembled as to give persons in the neighbourhood of the assembly reasonable grounds"; in other words, certain things will be able to happen as a result of these grounds.

This could mean that a nervous old woman who happened to be in the locality might imagine certain things because there is a group of Laborites around the place.

Mr. Craig: Don't bring politics into it again.

Mr. GRAHAM: Well, a group of temperance people or some other group.

Mr. Craig: The Salvation Army.

Mr. GRAHAM: It could be a group of young people whom she mistakes as being leatheries or bikies when, in fact, they are not. If she thinks that they will disturb the peace or provoke other persons to do so, it becomes a disorderly assembly. In other words, this group of people becomes a disorderly assembly on her say-so.

Mr. Craig: How do you interpret "reasonable"?

Mr. GRAHAM: It is her say-so.

Mr. Craig: Yes, it is her say-so.

Mr. GRAHAM: That is so.

Mr. Craig: It has to be confirmed by others, or confirmed by the police.

Mr. GRAHAM: The wording is—

(a) will disturb the peace; or

(b) will by that assembly needlessly provoke other persons to disturb the peace.

That is virtually the definition which decides what is or is not a disorderly assembly. Later on, the clause says that any person of a disorderly assembly, after being warned, is expected to do certain things; namely, to go home or to go about his lawful business.

It will be noticed that the persons who have created the situation will face no consequences; nothing will happen to them.

Mr. Craig. Yes it will.

Mr. GRAHAM: We could envisage a situation where a group of young people on motorbikes had come together perhaps with the idea of going to Yanchep for the day. Other people round about could be poking fun at them. A nervous person could simply make a report thinking that a certain situation may develop. Having done that, the group becomes a disorderly assembly, but the police are not authorised to tell the people responsible for the trouble to go home. Indeed, no! The wording is—

> (3) Any member of a disorderly assembly who, after being warned by a member of the Police Force to disperse immediately and go peaceably to his home or his lawful business, neglects or refuses to do so, commits an offence.

This does not apply to the one or, perhaps, the two people who are provoking the trouble.

I have got completely away from the political aspect, about which I have the gravest doubts. I am saying that this can happen in respect of a social group. Will the Minister make comment on the conclusions I have drawn from the words to which I have given special mention?

Mr. CRAIG: The only comment I can make is that this is not the intention of the clause.

Mr. Graham: I accept the Minister's intention, but what does the Bill say?

Mr. CRAIG: The Bill says quite clearly what is intended. The Deputy Leader of the Opposition simply places a different interpretation upon it. Certainly an old woman, who perhaps is sick, might think her peace is being disturbed. I agree that this is in accordance with the Bill. She might have these thoughts because of a gathering of bikies or some other group in the vicinity.

Mr. Graham: She thinks it might happen.

Mr. CRAIG: Yes, she may think it, but surely the police would not take action and charge people if they refused to be on their way about their lawful business simply on the complaint of a particular woman who felt that her peace was being disturbed. It requires an intelligent interpretation of what is intended. After all, I think the police act intelligently.

Mr. Graham: What will be the position if there are a couple of people taunting these bikies? It is not the couple of people who will be declared; the bikies will be declared a disorderly assembly. Nothing will be done about the taunters; but the gate is wide open for the police to do something about the bikies.

Mr. CRAIG: The two taunters can be dealt with under another section of the Act.

Mr. Graham: Yes, the taunters can be dealt with under another section of the Act.

Mr. CRAIG: I know they can.

Mr. Graham: The meaning of the clause under discussion is directed at the assembly and not at the taunters.

Mr. CRAIG: The purpose is to get at those who are the hard core of the trouble. That is the whole purpose.

Mr. Graham: It does not touch them.

Mr. Dunn: Would they not be regarded as part of the assembly?

Mr. Rushton: How far away would they be?

Mr. Graham: They could be on the other side of the road.

The CHAIRMAN: Order!

Mr. GRAHAM: If the Minister will not move from his stand—and he shows no intention of it—I would like to submit an amendment.

Mr. Craig: What about the other amendments of the member for Kalgoorlie?

Mr. GRAHAM: I do not want to interfere with the member for Swan, who has mentioned these on behalf of the member for Kalgoorlie. I understand a copy of the amendments proposed by the member for Kalgoorlie has been submitted to the Minister. Two of them have been quoted by the member for Swan, but the Minister intends to have a look at all the amendments. I do not know whether the member for Swan wants them recorded in *Hansard*.

Mr. Brady: If the Minister will look at them, that will be all right with me.

Mr. GRAHAM: I hope that what I have been suggesting could occur will not, in fact, occur. I further hope, although I have no confidence in this regard, that it is not possible for it to happen.

I want to move an amendment that will have the result of limiting the period during which the provision has force. There is nothing novel for a whole Statute, or a portion of a Statute, of this Parliament to have operation and effect for a limited period.

The Minister must accept that members on this side of the House and other people associated with quite reputable organisations are genuinely disturbed at the possibilities of what could happen if this provision becomes operative. We should not take the risk of having it find a permanent place on the Statute book of Western Australia. The return of a Labor Government could still be beset with a politically hostile group in the Legislative Council and, accordingly, it would be unable to give effect to its programme, regardless of whether it was part of the platform endorsed by the electors or not.

The best we can do is to limit the duration of this offensive provision. If it works all right, the Minister can bring in a continuance Bill to extend it for another year or two as the case may be. If it has worked well and caused no offence to anybody, I should say there would be no great difficulty in getting the extension. This would not be a time-consuming operation. Members will recall that a limitation in respect of the period of operation has applied to most controversial legislation including the Increase of Rent (War Restrictions) Act and, later, the Rents and Tenancies Emergency Provisions Act, to name but two. These were renewed every year only after the whole legislation was thrown open for further consideration. Therefore, I move an amendment—

> Page 2—Insert after subsection (3) the following new subsection to stand as subsection (4):—
>
> (4) The provisions of this section shall continue in operation until the thirty-first day of December, one thousand nine hundred and seventy-one, and no longer.

There is no need to consult the Parliamentary Draftsman or to obtain legal advice in connection with this. Apart from the date, I have taken the exact wording from one of the Statutes I mentioned earlier.

Mr. Davies: What is the date?

Mr. GRAHAM: The 31st day of December, 1971, and no longer. In other words, it would have effect until the end of next year. Sometime towards the end of next year a continuance Bill could be introduced and, if no harm has been caused, Parliament may feel disposed to continue its operation for another year, or two years, as the case may be.

Mr. CRAIG: I am aware, of course, that there are provisions of this nature in certain of our Statutes. However, inclusion of such a provision in the Police Act would be beyond reason.

The Police Act itself deals with offences against the law, and penalties, and the like. With respect to the honourable member, I cannot agree to this. If the provision proves to be unworkable, I feel sure the Government of the day will take appropriate action next year.

Mr. Graham: I am afraid it might prove to be too workable.

Mr. CRAIG: If the honourable member thinks it has proved to be too workable, it will be in his hands to draw attention to it by taking action in this Chamber.

Mr. Graham: What prospect would an Opposition member have?

Mr. CRAIG: I cannot agree to amending the Police Act along the lines proposed by the Deputy Leader of the Opposition.

Amendment put and negatived.

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

Ayes—17

Mr. Burt	Mr. Mitchell
Mr. Cash	Mr. Nalder
Mr. Court	Mr. O'Connor
Mr. Craig	Mr. O'Neil
Mr. Dunn	Mr. Runciman
Mr. Grayden	Mr. Rushton
Mr. Kitney	Mr. Young
Mr. Lewis	Mr. I. W. Manning
Mr. McPharlin	*(Teller)*

Noes—14

Mr. Bateman	Mr. May
Mr. Bertram	Mr. McIver
Mr. Bickerton	Mr. Moir
Mr. Brady	Mr. Norton
Mr. Graham	Mr. Taylor
Mr. Jamieson	Mr. Toms
Mr. Lapham	Mr. Davies

(Teller)

Pairs

Ayes	Noes
Mr. Mensaros	Mr. H. D. Evans
Mr. Bovell	Mr. Harman
Sir David Brand	Mr. Cook
Mr. Hutchinson	Mr. Fletcher
Mr. Ridge	Mr. Jones
Mr. Stewart	Mr. Burke
Mr. Williams	Mr. T. D. Evans
Dr. Henn	Mr. Tonkin
Mr. Gayfer	Mr. Sewell

Clause thus passed.

Clauses 4 to 6 put and passed.

Clause 7: Section 80 repealed and re-enacted—

Mr. DAVIES: The Minister said, in replying to the debate, that the two new paragraphs (a) and (b) in this clause were taken from the repealed section 80 of the Police Act. The drafting of the clause is certainly far superior to that of the section in the old Act, which was one long paragraph and was difficult to read. Whilst the body of what is contained in the new clause has been lifted from the old section 80, quite a different interpretation could be placed on the new clause. The proviso in the old section 80 reads—

> Provided that nothing herein contained shall extend to . . . any trespass, not being unlawful or malicious, committed in hunting, fishing, or in the pursuit of game, but that every such trespass shall be punishable in the same manner as if this Act had not been passed.

That reads as if the particular exemption relates to trespass only, as distinct from vandalism. The new subclause clearly indicates that hunters are given a special exemption provided they are hunting; that is, blood sportsmen, according to paragraph (b), can be exempted where the act complained of is done in the course of hunting, or fishing, or the pursuit of game, *and is not done with intent to destroy* or damage the property. There is no mention of trespass, as there was in the old section 80. The way I read it, the proposed clause can be interpreted quite differently from the old section 80.

Mr. CRAIG: I cannot explain the reasons why the draftsman has put it this way. There is no reference to it in his notes. I can only place my own interpretation on it, which might not be the correct one. As my papers are not complete, I will ask the draftsman for an explanation, and then inform the honourable member.

Mr. JAMIESON: That is not a very satisfactory answer from the Minister for Police, because at this stage we have to vote on the clause, and, having voted on it, it is past further discussion as to whether the draftsman's reasoning is valid. I think this clause is very good as regards subclause (1), and I have no objection to subclauses (3) and (4); but I think there are plenty of objections to both paragraphs (a) and (b) of subclause (2).

For instance, according to paragraph (b), we could interpret the fact that many of the signs on country roads have holes in them—which are obviously as a result of rifle shooting—as meaning that there have been kangaroos sitting in front of them and that this has happened because the people responsible were hunting in some way or another. Is this to be some sort of let-out? This is the point I made. If we provide let-outs when we are making specific legislation to guide the police in their activities, that is where the trouble occurs.

Proposed new section 80 states that every person who wilfully or maliciously destroys or damages any real or personal property of any kind, whether owned by Her Majesty or any public or local authority, or by any other person, is guilty of an offence. I do not believe that a person should be exempted simply because he acted under a fair and reasonable supposition that he had a right to do what he did.

Mr. Davies: When he was caught he would be let off.

Mr. JAMIESON: He would certainly be let off if he had a reasonable lawyer. He could say, "I thought I had a right to do it." Well, does he or does he not? Is a person entitled to be exempted even though he lets cattle loose, breaks down fences, and leaves gates open simply because that was done during the course of fishing? He is guilty of wilful damage and as far as I am concerned, it is unreasonable to exempt him. He could shoot holes in a water tank simply because a bird sat on the tankstand. I think it will be most difficult indeed for anyone to say after a person was apprehended that his actions were wilful and with intent to destroy or damage property.

The crux of the Bill is to give to the police powers where a person wilfully or maliciously destroys or damages property. I think that protection is vital and we should not write it into legislation and then write in a let-out in the very next paragraph. I think the Minister should guarantee that the matter will be inquired into and that we will be advised without having to commit ourselves to a decision at this stage.

Mr. CRAIG: It is unfortunate that the honourable member has adopted this attitude because when I give an undertaking I stand by it. All I can do now is to give my interpretation of it. I said earlier that I felt the matter warranted some explanation from the draftsman as to the reason for wording the clause in this fashion. However, I come back to my original explanation and trust the Committee will accept it.

The member for Victoria Park quoted the existing section 80 of the principal Act and said it more or less runs into one long paragraph and includes the provisions of this clause. The last part of the existing section 80 states—

> Provided that nothing herein contained shall extend to any case where the party trespassing acted under a fair and reasonable supposition that he had a right to do the act complained of; nor to any trespass, not being unlawful or malicious, committed in hunting, fishing, or in the pursuit of game, but that every such trespass shall be punishable in the same manner as if this Act had not been passed.

That is more or less condensed into what is contained in the clause before us. It has been redrafted in the terms of proposed new paragraph (2) (b) in the Bill. I undertake to obtain for the member for Victoria Park an explanation from the Parliamentary Draftsman.

Mr. JAMIESON: I would remind the Minister that there is no suggestion of trespass in the clause to which we are referring.

Mr. Craig: It does not need to be there.

Mr. JAMIESON: That is the difference; the damage is done without trespass. If the damage is done with trespass it is an entirely different situation. If people damage things without trespassing I think some action should be taken against them.

Mr. Craig: That is covered in other sections of the Act in relation to trespass.

Mr. JAMIESON: The Minister quoted the existing section which deals with the matter of trespass. This clause does not deal with trespass; it deals with the matter of malicious or wilful damage that might be done by a person. I think it is difficult for us to say we will agree to it because the Minister wants it done this way, and that we can come back to it another time. The Minister said he will look into it, and we have to take him at face value. I hope he will tell the draftsman that the situation is confusing the legislation, and I hope we have a chance to look at it again if the explanation of the draftsman is unsatisfactory.

Clause put and passed.

Clauses 8 to 13 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

House adjourned at 10.38 p.m.

Legislative Council

Tuesday, the 3rd November, 1970

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

BILLS (4): INTRODUCTION AND FIRST READING

1. Commonwealth Places (Administration of Laws) Bill.
2. Disposal of Uncollected Goods Bill.
3. Sale of Land Bill.

   Bills introduced, on motions by The Hon. A. F. Griffith (Minister for Justice), and read a first time.

4. Poisons Act Amendment Bill.

   Bill introduced, on motion by The Hon. G. C. KacKinnon (Minister for Health), and read a first time.

QUESTIONS (5): ON NOTICE

1. AUTOMATIC TELEPHONE

Carnarvon

The Hon. G. W. BERRY, to the Minister for Mines:

When is it anticipated that the automatic telephone will be operating in Carnarvon?

The Hon. A. F. GRIFFITH replied:

It is anticipated that the automatic telephone exchange will be brought into use in Carnarvon during February, 1971.

2. POLICE

City Discotheque

The Hon. R. F. CLAUGHTON, to the Minister for Mines:

(1) Is it a fact that a non-profit discotheque conducted by the Anglican Church in the interests of youth, has been closed because of lack of police supervision?

(2) Was police supervision requested by the organisers of the discotheque?

(3) Was this request refused?

(4) Do the events leading to the closure of the discotheque indicate that city police patrols are inadequate to protect the Public?