

judge, should be eligible for judgeship; that is, he should be a senior practitioner of seven years' standing or have status similar to that of the legal practitioner who is at present on the committee.

It is extremely doubtful that any Government would appoint persons who were not of this standing, but no exception whatever is taken to the suggestion of the honourable member that such qualification be written into the Act. I move an amendment—

Page 3, line 6—Add after the word "partnership" the passage "and who has had, in this State or elsewhere, not less than eight years experience as a legal practitioner".

The Hon. I. G. MEDCALF: I appreciate the attitude of the Leader of the House not only for not taking exception to the suggestion I made but also for so readily acceding to it. The original suggestion I made has been changed a little to include, in addition to a person who is eligible for judgeship under the Supreme Court of this State, a person who has had eight years' experience in Western Australia or any other State. A legal practitioner whose experience in the law has been in another State will be eligible for appointment to the law reform commission. It requires eight years' experience for a person to qualify as a judge, but that experience must have been gained in practice in Western Australia under our Supreme Court Act. The amendment proposed by the Leader of the House will quite properly bring in practitioners who have had experience in other States, which will widen the field. I have much pleasure in supporting the amendment.

Amendment put and passed.

The Hon. W. F. WILLESEE: The second amendment is a parallel amendment to write into the Bill a seniority requirement to the effect that the member of the commission who shall be a full-time member of the academic staff of the Law School of the University of Western Australia shall have an academic status or position of associate professor or professor.

Mr. Medcalf suggested that at least reader status be required, but upon investigation it has been found that term is no longer used. I move an amendment—

Page 3, line 9—Add after the word "Australia" the words "who has an academic status or position of Associate Professor or Professor".

The Hon. I. G. MEDCALF: Again I thank the Minister for so readily acceding to my suggestion. The position of associate professor or professor is in all respects in line with the suggestion I made, and I readily support the amendment.

Amendment put and passed.

The Hon. W. F. WILLESEE: The third amendment I propose to move is consequential upon the other two. I move an amendment—

Page 3, line 13—Add after the word "State" the passage "and who has had, in this State or elsewhere, not less than eight years experience as a legal practitioner".

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 7 to 11 put and passed.

Clause 12: Confidential reports—

The Hon. W. F. WILLESEE: Mr. Medcalf advanced arguments for the deletion of this clause. Upon examining his remarks, and upon reading clause 12 in conjunction with clause 11, I have formed the opinion that the clause may be deleted without materially affecting the value of the Bill. Therefore, I ask the Committee to vote against it.

The Hon. I. G. MEDCALF: I thank the Leader of the House for his co-operation and for agreeing to the deletion of the clause. I have pleasure in supporting his suggestion that we vote against it.

Clause put and negatived.

Clauses 13 to 16 put and passed.

Title put and passed.

Bill reported with amendments.

House adjourned at 5.47 p.m.

Legislative Assembly

Thursday, the 5th October, 1972

The SPEAKER (Mr. Norton) took the Chair at 11.00 a.m., and read prayers.

QUESTIONS ON NOTICE

Statement by Speaker

THE SPEAKER (Mr. Norton): I wish to advise members that questions for Wednesday, the 11th October, will close at 12 noon on Tuesday, the 10th October.

ACTS AMENDMENT (ROMAN CATHOLIC CHURCH LANDS) BILL

Introduction and First Reading

Bill introduced, on motion by Mr. T. D. Evans (Attorney-General), and read a first time.

DAIRY INDUSTRY BILL

Second Reading

MR. H. D. EVANS (Warren—Minister for Agriculture) [11.05 a.m.]: I move—

That the Bill be now read a second time.

The dairy industry in Western Australia has become divided into a manufacturing section and a whole-milk section. This division is undesirable and has been perpetuated by the legislation which currently covers the industry. This is the Dairy Industry Act, 1922-1969, the Dairy Products Marketing Regulation Act, 1934-1937, and the Milk Act, 1946-1971. This division of the industry has created unreal distinctions between milk for consumption as liquid milk and milk of similar quality used for manufacturing purposes. These distinctions have placed difficulties in the way of desirable rationalisation within the industry relating to the transport of milk and cream from farm to factory, rationalisation of factory production, the utilisation of the available milk, and the distribution of dairy products. It has also resulted in increased costs to the industry through varying inspection requirements.

The Bill as introduced has arisen from close discussion with the industry. The original discussions for the unification of the industry have in fact had their origin in the Farmers' Union. In 1969 the union established a joint committee representing the two sections of the industry and the committee has continued to concern itself with means of improving the organisation of the industry as a whole. In 1970 the committee organised a seminar at which representatives of a wide section of the industry and Government discussed various aspects of the industry's problems. In 1971 the joint committee presented a report in which it recommended that a single authority should be established to combine the functions of the Milk Board and the Dairy Products Marketing Board of W.A.

Subsequent to the drafting of the legislation following the approval of State Cabinet in 1971, the detailed legislation has been discussed with representatives of the dairy and whole-milk section executives and the Bill before the House has the support of these combined executives. The draft legislation has also been discussed with representatives of butter and cheese manufacturers, milk treatment plants, and the Amalgamated Milk Vendors Union. In addition, the essential features of the legislation have been outlined at a public meeting attended by over 100 dairy farmers.

It is a Bill aimed at rationalising the dairy industry and providing a sound foundation for its future development. In an era of rising costs it is essential that every effort be made within any industry to ensure that economies which can be made are in fact made.

The SPEAKER: Order! There is too much audible conversation.

Mr. H. D. EVANS: It is essential that the manufacturing section of the industry be preserved not only for immediate

economic reasons but also to preserve the industry as a source of milk for the growing population of the future.

It is well known that Western Australia does not produce its total dairy produce needs. Nor can it be expected, in the present economic environment, that it will be able to produce at a level supplying all its needs for manufactured products. Nevertheless, provision must be made for the State to be able to provide its whole-milk needs.

The total milk production in 1971-72 was about 59,000,000 gallons whereas consumption in terms of milk equivalent was over 80,000,000 gallons. Estimates indicate that by 1985 the State could need 120,000,000 gallons as milk equivalent for total consumption of dairy products including milk and cream.

Of the 59,000,000 gallons produced in 1971-72, almost 25,000,000 gallons were used as whole milk. Obviously a large part of a production level of this order will be required when the population of the State reaches 2,000,000 merely to supply the whole-milk requirements of the population. The legislation proposed is designed to cater for the industry for the next 30 years rather than look back on the history and organisation of the industry over the past 30 years.

The Bill provides for the establishment of a body by the name of the Dairy Industry Authority of Western Australia. It is proposed that the Dairy Industry Authority be subject to the Minister for Agriculture and that it replace the present Dairy Products Marketing Board of W.A. and the Milk Board of W.A. It was considered more appropriate to use the title "authority" instead of "board" for the proposed body in order to avoid confusion with the national body known as the Australian Dairy Produce Board. The proposed term "authority" has been used in relation to a single industry organisation established in another State and furthermore is the term preferred by the Farmers' Union of W.A.

The dairy industry authority shall consist of seven members including a chairman who shall also represent the consumers of milk and dairy produce. There would be three representatives of producers, two representatives of manufacturers, and a nonvoting representative of the Department of Agriculture.

All members of the authority would be nominated by the Minister but the producers' representatives would be selected from a panel of names submitted by the Farmers' Union. Likewise, the manufacturers' representatives would be selected from a panel of names submitted by the Milk Treatment Plants Association, the Butter and Cheese Manufacturers' Association, and any individual dairy companies.

The chairman and all members will serve on the authority on a part-time basis. The chairman will be appointed for a term of five years, the producers' and Department of Agriculture representatives for three years, and the manufacturers' representatives for two years. During the first three years of the appointments some of the representatives of producers and manufacturers will serve lesser terms in order to achieve a rotation whereby one producers' representative and one manufacturers' representative will retire each year but are eligible for renomination.

An interim authority will be nominated by the Minister to carry on the functions of the authority until the actual members of the authority can be appointed.

The authority will have a full-time manager who shall be responsible to it for the conduct and organisation of the business of the authority. The present Chairman of the Milk Board, if he so consents, shall be appointed to this position. He will certainly be given the opportunity to act.

Consideration was also given to representation of milk vendors, retail grocers and storekeepers, and dealers in dairy produce. The present Milk Board contains no such representation but the Dairy Products Marketing Board has a representative of dealers in dairy produce. While the valuable role these people play in the marketing of milk and dairy produce is recognised it was decided not to grant representation in order to keep the authority as small as possible in the interests of effectiveness and manageability. It was also considered that as the authority will have as a major responsibility the making of recommendations regarding the control and future development of the dairy industry as a whole, the calibre of the men selected as members must be such that they will consider the industry as a whole and, while selected for particular background, must make decisions in the interests of the entire industry.

In order to ensure that such groups as milk vendors, dairy produce dealers, and retailers are able to have their views placed before the authority, provision has been made for the formation of an advisory committee. This committee would be open to representation from many classes of persons and organisations and will provide a means whereby all persons and bodies in the dairying industry can contribute to the working of the authority.

All milk and cream supplied in the State for human consumption or for use in the production of milk or dairy produce shall be vested in and become the property of the authority.

The vesting of milk and cream in the authority is necessary to allow the authority to obtain its funds by methods other than by levies based directly on the volume

or value of production or sales. Such levies are at risk of being defined as an excise which only the Commonwealth Government has power to levy.

The authority shall arrange for the payment to each farmer in respect of milk delivered to the authority of an amount calculated to include provision for quota production or on the content of butterfat, or any other component of milk that may be prescribed. The price may be varied in accordance with the grade, quality, composition, description, or quantity of milk or components of milk or any premium.

The authority will determine quotas for milk production for consumption as liquid milk, but holders of Milk Board quotas will be granted automatically a milk quota no lower than the one previously held. I think this safeguard is important.

It will also be empowered to impose maximum supply quotas for manufactured products, if required under a national production management scheme, for the manufacturing industry.

A quota appeals committee will be established to deal with appeals by persons dissatisfied with the refusal of the authority to grant a quota or with the quantity of milk or butterfat set forth in the quota.

The authority shall have powers to fix the minimum prices to be paid to dairy farmers for milk and butterfat and the maximum prices at which milk and declared dairy produce may be sold, but it will be assisted by a dairy industry prices tribunal.

The tribunal shall consist of the manager of the authority, a Department of Agriculture officer who is not a member of the authority, and a consumers' representative who also is not a member of the authority. The term of appointment shall not exceed seven years for those appointed members.

The authority shall request surveys of the cost and income structure of the dairy industry by the rural economics and marketing section of the Department of Agriculture at intervals of not more than three years. Results of these surveys shall be furnished to the prices tribunal and the authority.

The Bill provides that all dairymen will be licensed by the authority upon notification by the department that the premises and facilities comply with the requirements and that the premises are registered with the department. Similarly, all milk and dairy produce vendors, dairy produce manufacturers, and persons owning treatment plants, packing places, stores for milk and dairy produce and who deal in milk or dairy produce will be licensed by the authority, unless exempted from this requirement by the Minister.

The Department of Agriculture will register all dairies and dairy produce premises and be responsible for the inspection and supervision of these. The authority may then grant licenses to persons to operate registered premises or facilities in the production, manufacture, treatment, packing or storing of milk or dairy produce, or as a vendor or dealer in milk or dairy produce.

The supervisory and laboratory staff of the Milk Board will be transferred to the Department of Agriculture which will then be responsible for laboratory services relating to the supervision of quality of all milk and dairy produce. The department has performed these functions for the manufacturing sector of the industry and the combining of this work for the whole industry together with the co-ordination of advisory and supervisory functions will have considerable advantages. The authority will pay to the department an annual grant of money towards defraying the cost of these services.

The dairy industry authority will have the power to initiate, conduct, or arrange sales promotion of all classes of milk and dairy produce. This power does not exist in the present Milk Act. As a result, the potential for market expansion of whole-milk products has not been tested.

In summary the Bill provides for the continuation of the functions of the Milk Board in relation to the control of the whole-milk industry. In doing this it recognises the contribution made by whole-milk dairy farmers to the stability of their industry and provides that their position be preserved by the guarantee that existing quotas will be renewed by the authority at no less than their existing figure. It provides the machinery for the promotion of the use of whole-milk products in order to increase the market for the most profitable product produced by the dairy industry.

It provides the framework within which the authority can exercise its power to improve the quality of dairy production in Western Australia and reward the farmer who is prepared to meet quality standards. At the same time it provides sufficient flexibility to take into account the need to preserve the manufacturing segment of the industry which has declined rapidly in the last 10 years, partly due to some members becoming whole-milk producers by the spread of quotas but to a big extent due to farmers diversifying and leaving the industry.

This is an industry which not only provides employment and diversified manufacturing opportunity in country areas, but also requires considerable capital investment in stock and plant at farm level which cannot be readily replaced; nor can the expertise required for dairy production be learnt quickly by new people

who wish to enter the industry. Certainly as far as Western Australia is concerned there is a need to preserve the existing industry even though world trends are such that expansion of the manufacturing segment of the Western Australian industry could not be legitimately undertaken when production controls for manufacture are likely to be required throughout Australia. In this respect the authority will also have power to administer production control in the manufacturing sector.

While there may be some feeling abroad that such production control will not be necessary, critical analysis of the world supply and demand position after England joins the E.E.C. indicates on the one hand that Australia will have little or no access to the United Kingdom market, and on the other that the remaining available markets, which have a demand for butter-fat in butter and butter oil varying from 150,000 to 200,000 tons depending on price, seem likely to have available to them supplies of greater than 280,000 tons. Under these conditions it would be an extreme optimist who did not anticipate tense downward pressure on prices, with an inevitable requirement for Australia to retain its production within the limits of available markets.

Mr. Nalder: There are those types of optimists in other sections of agriculture as well.

Sir David Brand: Do you think the authority will be able to help in this respect?

Mr. H. D. EVANS: It will assist if there is a requirement on the entire industry in Australia. The machinery will be available to carry out the proposed functions, and will comply with the requirements as in the other States.

The need for a single authority to control the dairy industry in Western Australia has been recognised by the various sectors of the industry for some time. The proposals contained in the Bill have strong industry support and provide the framework for the development of the industry in the period ahead.

I commend the Bill to the House, and am prepared to agree to the adjournment of the debate for one week.

Mr. Nalder: When do you expect the whole system to operate?

Mr. H. D. EVANS: Not until 1973.

Debate adjourned for one week, on motion by Mr. I. W. Manning.

BILLS (3): ASSENT

Message from the Governor received and read notifying assent to the following Bills:—

1. Alumina Refinery Agreement Act Amendment Bill.

2. Alumina Refinery (Pinjarra) Agreement Act Amendment Bill.
3. Mental Health Act Amendment Bill.
4. Auctioneers Act Amendment Bill.
5. Noxious Weeds Act Amendment Bill.
6. War Service Land Settlement Scheme Act Amendment Bill.
7. Aboriginal Heritage Bill.
8. Western Australian Products Symbol Bill.

DAIRY INDUSTRY BILL

Message: Appropriations

Message from the Governor received and read recommending appropriations for the purposes of the Bill.

TOTALISATOR DUTY ACT AMENDMENT BILL

Second Reading

MR. BICKERTON (Pibara—Minister for Housing) [11.30 a.m.]: I move—

That the Bill be now read a second time.

The introduction of this Bill and the one which follows it—that is, order of the day No. 3—is necessary because a Bill to legalise greyhound racing has been introduced in another place. I have been informed that during the introduction of that Bill it was brought to the attention of the Chief Secretary that the two Bills we now have—that is, Nos. 2 and 3 on our notice paper—would have to be introduced in the Legislative Assembly.

The Chief Secretary gave the Leader of the Opposition in the Upper House an undertaking that he would not proceed with the greyhound racing legislation until such time as these two complementary Bills were passed in this House. Perhaps a tidier method would have been to introduce all the legislation here and then send it on to another place. However, as the greyhound racing legislation had already been introduced in another place the Chief Secretary gave the undertaking to the Leader of the Opposition there that he would not proceed further with it until the two complementary Bills were passed here.

Consequently the situation we find ourselves in now is that we have two complementary Bills without any legislation to which they are complementary. However, the undertaking having been given, we will proceed with the two measures concerned.

The purpose of the Bill now before us is to amend the principal Act which imposes duties in respect of the takings of totalisators to include greyhound racing.

An alternative method of dividend calculation termed the "losing bets method" is also proposed. The percentage commission

deductions specified will provide a commission deduction which, taken on an annual basis, is not expected to exceed the percentage commission deduction already in force under the principal Act.

This system has been used by the Totalisator Agency Board for some years and is considered to be the most equitable method of dividend calculation available. It provides a better balanced dividend structure than the so-called standard method which has the effect of unduly depressing or inflating a dividend. Display of anticipated dividends by on-course totalisators is also possible. I quote the following example:—

Example: Losing Bets Method Place Betting

Deduction of 25 per cent. of losing bets used by T.A.B. for off-course pools:

- (1) Divide place pool into three equal parts.
- (2) Deduct units invested on each placed horse from relative one-third of the pool.
- (3) Deduct 25 per cent. commission from losing bets in each one-third of the pool.
- (4) Add back units invested on each placed horse to the relative one-third of the pool.
- (5) Divide the units invested on each placed horse into one-third of pool after finalising step (4) above.

This method of place pool dividend calculation has the effect of keeping the dividend on the shorter priced horse at a reasonable level because a commission would be taken only from the losing bets balance relative to that horse.

Should more than one-third of the place pool be invested on one placed horse then a dividend of 50c is paid out of the pool for that horse without affecting the true dividend on the remaining placed horses. The dividend of the other two placegetters is kept at a reasonable level because of this method of dividend calculation.

If the horse with more than one-third invested is not placed, then the amount invested on that horse is spread over the three placegetters thereby giving a slightly increased dividend to the placegetters.

This system is suitable for use on on-course totalisators for probable dividend display purposes by means of barometers or visual display screens. Let me give a further example—

Example: Standard Method Place Betting

Standard 15 per cent. Deduction in
Use in Eastern States

- (1) Deduct 15 per cent. from total place pool.

- (2) Divide balance of pool three ways.
- (3) Divide units on each of the three placed horses into one-third of pool available.

This method of place pool dividend calculation has the effect of producing sub par dividends on short priced horses, which requires a subsidy to 50c. and higher than usual dividends on longer priced horses.

In other words, part of the investment unit—50c—on the short priced horse is used to make part of the dividend for longer priced horses and therefore is not considered a reasonable system of dividend calculation.

This system, however, is the most suitable for probable dividend display purposes by means of a barometer tote. The following are place dividend calculation examples:—

Example A—

Standard 15% commission deduction with pool divided into three parts.

| | |
|------------|--------|
| Pool | 20,000 |
| Commission | 3,000 |

17,000 = \$5,666.60 for each placing.

| | | | |
|-------------------|-----|-----------------|--------|
| Units on placings | 1st | 10,000 dividend | = 0.55 |
| | 2nd | 2,000 dividend | = 2.80 |
| | 3rd | 1,000 dividend | = 5.65 |

Example B—

Losing bets 25% commission deduction.
Pool \$20,000.

| | | | |
|-------------------|-----|-----------------|--------|
| Units on placings | 1st | 10,000 dividend | = 0.60 |
| | 2nd | 2,000 dividend | = 2.80 |
| | 3rd | 1,000 dividend | = 5.10 |

Example C—

Standard 15% commission deduction with pool divided into three parts.

| | |
|------------|--------|
| Pool | 20,000 |
| Commission | 3,000 |

17,000 = \$5,666.60 for each placing.

| | | | |
|-------------------|-----|-----------------|--------|
| Units on placings | 1st | 15,000 dividend | = 0.37 |
| | 2nd | 2,000 dividend | = 2.80 |
| | 3rd | 1,000 dividend | = 5.65 |

Example D—

Losing bets 25% commission deduction.
Pool \$20,000.

| | | | |
|----------|-----|-----------------|--------|
| Units on | 1st | 15,000 dividend | = 0.50 |
| | 2nd | 2,000 dividend | = 2.45 |
| | 3rd | 1,000 dividend | = 4.80 |

Mr. O'Neil: What would the quinella pay?

Mr. BICKERTON: I am not too sure. The Deputy Leader of the Opposition has me on touchy ground.

The information I have given would be sufficient to enable the honourable member who takes the adjournment of the debate to give the House his opinion. I therefore commend the measure to members.

Debate adjourned, on motion by Mr. O'Connor.

TOTALISATOR REGULATION ACT AMENDMENT BILL

Second Reading

MR. BICKERTON (Filbara—Minister for Housing) [11.40 a.m.]: I move—

That the Bill be now read a second time.

As I explained previously, this Bill is complementary to the measure I have just introduced, and I do not think it requires a great deal of explanation. The notes I have in connection with this measure state that the purpose of the Bill is to amend the principal Act in order that a club conducting greyhound racing may be licensed to operate a totalisator on course. I commend the Bill to the House.

Debate adjourned, on motion by Mr. O'Connor.

FUEL, ENERGY AND POWER RESOURCES BILL

Council's Amendments

Amendments made by the Council now considered.

In Committee

The Chairman of Committees (Mr. Bateman) in the Chair; Mr. May (Minister for Fuel) in charge of the Bill.

The amendments made by the Council were as follows:—

No. 1.

Clause 7, page 4, line 20—Delete the passage "undertake, the co-ordinated" and substitute the words "co-ordinate the".

No. 2.

Second Schedule, page 24, lines 21 to 23—Delete paragraph (b) and substitute the following—

(b) is a discharged bankrupt or person whose property is subject to an order or arrangement under the laws relating to bankruptcy; .

Mr. MAY: I move—

That amendments Nos. 1 and 2 made by the Council be agreed to.

The Government has no great opposition to the first amendment which was proposed in another place. Its purpose is to delete the passage "undertake, the co-ordinated" and substitute the words "co-ordinate the."

When the Bill was discussed in this Chamber this matter was debated and the Leader of the Opposition desired to know the intention of the Government with regard to the interpretation of the word "undertake." We gave the Leader of the Opposition an assurance that it was not the intention of the legislation to set the

Government up as a trading concern. The Leader of the Opposition was quite happy with our assurance.

Unfortunately, members in another place had some apprehension and, as a consequence, we now have the proposed amendment before us. It is very difficult to dot all the "i's" and cross all the "t's" when introducing a new concept to set up a fuel and power commission. We have endeavoured to provide legislation so that the new commissioner will have full power to look at the overall situation.

Whilst we still feel that the word "undertake" would not militate against the operation of the legislation we are prepared to accept the amendment proposed in another place.

Mr. O'NEIL: I desire to thank the Minister for accepting this proposition from the Legislative Council. As the Minister would be aware, I cannot speak entirely for the Leader of the Opposition regarding his conception of the undertaking given by the Minister. I believe the Leader of the Opposition accepted the undertaking and assurance given by the Minister; namely, that it was not the intention of the Government to set up a trading concern under the provisions of the Bill. However, I think the Leader of the Opposition was still concerned about the retention of the word "undertake" because Governments change from time to time and Ministers change from time to time. On behalf of the Opposition I thank the Minister for accepting the amendment.

Mr. MAY: Amendment No. 2 proposed by the Council was as follows:—

Second Schedule, page 24, lines 21 to 23—Delete paragraph (b) and substitute the following—

(b) is a discharged bankrupt or person whose property is subject to an order or arrangement under the laws relating to bankruptcy;

The amendment was suggested in this Chamber and I gave an assurance that when the Bill reached another place we would arrange for it to be included.

Question put and passed; the Council's amendments agreed to.

Report

Resolution reported, the report adopted, and a message accordingly returned to the Council.

LEGISLATURE OF WESTERN AUSTRALIA BILL

Second Reading

MR. T. D. EVANS (Kalgoorlie—Attorney-General) [11.47 a.m.]: I move—

That the Bill be now read a second time.

This short—and that description of the Bill is obvious—but very important Bill is to constitute a unicameral Legislature for the State of Western Australia in place of the existing Legislative Council and Legislative Assembly.

By way of explanation it is pointed out that the Bill is submitted in this form with the object of establishing the principle which it seeks to accomplish.

It will be clearly evident that if the principle is accepted comprehensive amendments would have to be made to the Constitution Act, 1889, the Constitution Acts Amendment Act, 1899, and to a number of other Acts including the Electoral Act, 1907, the Electoral Districts Act, 1947, and the Parliamentary Privileges Act, 1891, before the operative date.

It is the intention of the Government to follow that course but in the interest of the taxpayers a decision on the overall proposition is sought by this Bill before a request is made to the Parliamentary Council to commence the time-consuming drafting of the considerable amendments necessary to the various Acts involved.

Mr. Lewis: Does the Attorney-General expect any trouble with this Bill?

Mr. Rushton: This is similar to the Pilbara concept.

Mr. T. D. EVANS: Do not tell me that the Opposition is claiming title to being the author of this Bill! To continue: Clause 1 is the title clause and clause 2 provides that the Act shall come into operation on the 31st January, 1977, if before that date Her Majesty's approval has been proclaimed in the State.

It is a matter of interest that the nature of the Bill is such that, if it is passed by both Houses, it will have to receive the personal assent of Her Majesty.

Clause 3 is the only other clause and it provides for the constitution, in place of the Legislative Council and the Legislative Assembly, of one House of Legislature consisting of 81 members, such House to be designated the State Legislature. The 81 members will be designated members of Parliament and they will be elected from 81 electorates composed as nearly as practicable of equal numbers of electors. There is now only need for me to commend the Bill to the House.

Debate adjourned, on motion by Mr. O'Neill (Deputy Leader of the Opposition).

ELECTORAL ACT AMENDMENT BILL

Second Reading

MR. T. D. EVANS (Kalgoorlie—Attorney-General) [11.52 a.m.]: I move—

That the Bill be now read a second time.

This Bill emanates from an examination of the provisions of the Electoral Act and electoral matters generally by a Cabinet

subcommittee appointed for that purpose, and the amendments sought are the outcome of that subcommittee's recommendations.

The main objects of the Bill are to provide for the use of a circular ballot paper and for the method of voting to be changed from the existing one of preference to a system of what is usually referred to as "first-past-the-post."

Clause 1 is the short title and citation and clause 2 provides for the legislation to come into operation on a date to be fixed by proclamation. Clause 3 seeks to amend section 86 of the principal Act. The amendment retains the existing provisions for the determination by the returning officer of the placing of the names of the candidates on the ballot paper, but stipulates that those names shall be placed in clockwise progression in keeping with the requirement for ballot papers to be circular.

Clause 4 is to amend section 99B of the principal Act to provide that, in the regulations relating to postal and absent voting and voting pursuant to section 122A, each ballot paper shall be circular in shape and shall be set out as prescribed.

Mr. Williams: Round and round!

Mr. T. D. EVANS: Clause 5 is to amend section 113 of the principal Act to make it clear that ballot papers shall be circular in shape.

Clause 6 seeks to amend section 128 by the deletion of subsection (2) of that section, which subsection sets out that where there are more than two candidates, the elector is required to mark his preferences against the names of the candidates other than the one for whom he votes.

Clause 7 is to amend section 139 of the principal Act to repeal the provisions regarding preference voting, and clause 8, which contains an amendment to section 140 which sets out how ballot papers are not informal, is also complementary to the principle of first-past-the-post.

Clause 9 seeks to amend section 142 by re-enacting the procedure to be followed in the count of votes by the deputy and assistant returning officers. It eliminates all mention of preferences.

Clauses 10 and 11 amend sections 142A and 144 respectively for a similar purpose to that referred to regarding clause 9.

Clause 12 repeals section 145 of the principal Act, as that section is no longer required in the concept of first-past-the-post. Provision for the returning officer to give a casting vote in the event of equality of votes is already contained in section 143.

Members will be aware that the Bill in fact seeks endorsement of two principles. The first is the principle of having circular ballot papers and the second is the re-

placement of the preferential system of voting by the system known as first-past-the-post. This is not the first occasion on which these principles have been placed before the Parliament of Western Australia for endorsement or otherwise.

I do not want it said that the Minister has not justified the reasons for bringing such proposals before the Parliament but, at the same time, I feel that the arguments in favour—and, doubtless, the arguments we will hear against these proposals—are well known, not only within this Chamber but certainly also within the community.

Mr. W. A. Manning: You have not mentioned them in the speech.

Mr. T. D. EVANS: It is only necessary for me to indicate that the concept of circular ballot papers is an attempt to overcome what is referred to as an unfair advantage—or an alleged unfair advantage—which is given, or is capable of being given, to candidates who are sufficiently fortunate to be placed in early, or prominent, positions on the ballot paper.

We are all aware of the meaning and, no doubt, many of us—if not all—have some belief in the significance of what is referred to as the donkey vote. The circular ballot paper is an attempt to try to equalise the chances of all candidates receiving the early attention of the elector. For those persons who enter a polling booth fully committed to vote for a given candidate, the circular ballot paper certainly will be no advantage but, at the same time, it will not hinder that person from carrying out his determination to vote for a given candidate.

The circular ballot paper will give effect to its aim of endeavouring to make the chances of all candidates at least equal in the long term; that is, in the turnover of the many ballot papers in the hands of many electors when such electors enter the polling booth uncommitted.

Not one of us is certain as to the extent or, for that matter, the value of what is referred to as the donkey vote. At least the introduction of the circular ballot paper is an attempt to confront electors, who enter polling booths uncommitted to vote for any given candidate, with the situation of taking the ballot paper and, no doubt, of examining the names of each of the candidates—because of the placing of the names in the manner prescribed—before casting their votes. If the proposal contained in the Bill achieves that result it will at least succeed in drawing the names of all candidates to the attention of the electors concerned.

Mr. O'Neill: A pious hope!

Mr. T. D. EVANS: The other principle contained in this Bill is that of "first-past-the-post." Many arguments have been

advanced for and against this proposition. It is a fact that where the parliamentary system of elections as we know it is held throughout the world, "first-past-the-post" voting is far more common than the preferential or any other system.

Debate adjourned, on motion by Mr. O'Neil (Deputy Leader of the Opposition).

RESERVES (UNIVERSITY LANDS) BILL

Second Reading

Debate resumed from the 21st September.

MR. LEWIS (Moore) [12.02 p.m.]. I predict the Minister will have a happier result with this Bill than with the two pieces of legislation he has just explained to the House in his capacity as Attorney-General.

Mr. T. D. Evans: Can I get a price on the prospects of this Bill?

Mr. LEWIS: I do not know whether, under the Electoral Act, it is still legal to wager.

Mr. T. D. Evans: This is not the Electoral Act.

Mr. LEWIS: This Bill to establish the Murdoch University is the corollary to legislation passed in 1970 to establish the Murdoch University Planning Board, which in turn was the result of investigations by the Jackson Committee which inquired into tertiary education and recommended that planning be commenced for a second university. The previous Government therefore introduced legislation setting up a planning board for the Murdoch University. The board was subsequently established and has done a great deal of planning work in connection with the second university.

The purpose of this Bill is to give authority for the excision of 186,557.6 hectares from the endowment lands now held by the University of Western Australia to be vested in the Murdoch University Planning Board. It might have been helpful if the Minister had also given the area in acres because many of us are still associated with acres rather than hectares, but as I understand it the area is approximately 460 acres. This land will provide a home for the new university, and an area of 460 acres appears to me to be a reasonable one on which to establish a university campus and, in due course, the halls of residence associated with such university.

The Murdoch University will be the second university to be established in Western Australia, the first one having been established by the University of Western Australia Act, No. 37 of 1911. I

crave the indulgence of the House to quote from the preamble of that measure, which reads—

Whereas of the States of the Commonwealth Western Australia alone is unprovided with a University:

And whereas it is desirable that provision should be made for further instruction in those practical arts and liberal studies which are needed to advance the prosperity and welfare of the people:

And whereas it is desirable that special encouragement and assistance should be afforded those who may be hindered in the acquisition of sound knowledge and useful learning by lack of opportunity or means:

Some of us might have cause to wonder whether the hopes for the outcome of the establishment of the first university have been fully realised.

I acknowledge quite freely that the great majority of graduates of the university have filled a very useful place in the history of Western Australia and, indeed, of other parts of the world. Unfortunately, there always seems to be a small minority which attracts publicity and, I think, detracts from the image of the university in Western Australia and from the desire of many of the students to further their education. Occasionally we read of protests by the more responsible students that their studies are being interfered with by the noisy minority. I am not altogether blaming the students. Unfortunately a minority of the teaching staff appears not to be actuated by the highest ideals.

I recall seeing an article in a newspaper which I think was accompanied by a photograph of a tutor and his *de facto* wife who claimed to have a child as a result of their association and who walked barefoot to the university each day in order to demonstrate that this is a free country. That is not a good example for the students of this State. Of course, I am quoting only one of many instances. However, it is not my intention to dwell on that aspect.

I have not checked the area or technical description given in the schedule to the Bill, which is rather involved and reminds me somewhat of the compass marches that used to be set by the member for Greenough way back in 1942.

Mr. Jamieson: He usually got lost, anyway.

Mr. LEWIS: I do not think anyone was lost because everyone arrived at the proper point at the right time. Also I have not done any research into clause 4 of the Bill, which retains for the University of Western Australia the revenue from the timber rights of the pine plantation on the site. I do not know what is the purpose of that.

I do not think when he introduced the Bill the Minister explained why it was necessary to retain the revenue rights for the University of Western Australia which is ceding this land for the second university. It may not be of any significance but perhaps the Minister will explain it to us when he replies to the debate.

The Minister may also give us an assurance that the harvesting of this timber will in no way inhibit the further development of the Murdoch University. I assume that this will not be a problem; nevertheless I would appreciate some information if it is available.

I support the Bill because it is necessary to move forward with the development of the Murdoch University as quickly as we can. At one stage it was to have opened in 1974, but I understand it will now be opened in 1975. I sincerely hope the opening will not be further deferred. I have much pleasure in supporting the measure.

MR. O'NEIL (East Melville—Deputy Leader of the Opposition) [12.11 p.m.]: I rise to indicate I support the principle of this Bill on behalf of the Liberal Party. During the term of office of the previous Government, negotiations took place between various Government departments, private organisations, the State Housing Commission, and other bodies, for the provision and consolidation of an area of land suitable for the establishment of the Murdoch University. The introduction of this Bill appears to be an indication that all the necessary consolidations and land transfers have been effected and the Government is now in a position to hand over the appropriate area of land to the authority.

I understand from private discussions with the Minister that some difficulty has arisen as to the actual description of the land. I make this point because I asked the Minister, by way of interjection during his second reading speech, whether he would table a plan of the land concerned. The Minister was kind enough to explain the difficulty in this regard. However, the principle contained in the Bill will be supported by this side of the House.

MR. T. D. EVANS (Kalgoorlie—Minister for Education) [12.13 p.m.]: I would like to thank the member for Moore and the Deputy Leader of the Opposition for their general support of the Bill.

The proposed Murdoch University, which intends to open its doors to students in 1975, will be built on land which is vested in the University of Western Australia. To that extent the University of Western Australia is offering its services as a foster parent to the new university to be established south of the river under the name of and in honour of that great Western Australian, the late Professor Murdoch.

The member for Moore drew attention to the fact that pine is being grown on this land at the present time, and I assume this is *pinus pinaster*. The honourable member asked for an explanation as to why the University of Western Australia is prepared to cede the land but at the same time seeks to retain the revenue to be derived from the harvesting of the pine softwood. I am unable to give him the explanation, but I will inform the House of a letter I received from Professor R. F. Whelan, Vice-Chancellor of the University of Western Australia, dated the 24th May. I was advised that the instructions to the draftsman would be to cede the land in question and then to provide that, notwithstanding the transfer proposed in paragraph (a), the interest of the University of Western Australia in the trees planted on the land, as set out in a deed of agreement between the university and the Forests Department, shall be preserved, and any proceeds from the sale of trees due to the university under the terms of the agreement shall be paid to the University of Western Australia. It could well be that the revenue is to go to the University of Western Australia because of the nature of that agreement.

It may well be that an amendment of the agreement would be necessary to divert the money to the Murdoch University. In any event, it seems to me that the agreement would cease to operate in so far as it affects the softwood grown on the land. Obviously the land will have to be cleared to enable the building operations to commence.

Mr. Lewis: Does the Minister know what proportion of the whole area is covered with pines?

MR. T. D. EVANS: No, I do not. The member for Moore was good enough to read the preamble to the initiating legislation enacted in 1911 which gave rise to the University of Western Australia. I would like to indicate that draft legislation is now being prepared to launch the Murdoch University legislatively with a senate as a governing body.

I would like to take this opportunity to pay tribute to the excellent work accomplished by the Murdoch University Planning Board, and indicate that it was found necessary by the Government to appoint two additional members to the board. This was brought about by the fact that two members sought leave for considerable periods, and obviously new appointments were necessary. It was felt desirable that these men should be permanent members of the board having regard for the nature and the volume of work still to be undertaken by it.

I believe that I am right in assuming the Bill will receive a second reading. I will then move for the adjournment of

the Committee stage until a later sitting of the House. I have already referred to the letter dated the 24th May from the Vice-Chancellor of the University of Western Australia. No doubt the information supplied in this letter was collated from the records by the solicitors for the University of Western Australia. The Bill was drafted using the description of the land appearing in the schedule to the Bill, but it was subsequently discovered that the description used does not entirely tally with the description recorded at the Land Titles Office. This is the result of some roadwork carried out in the area subsequent to the description appearing on the title held by the solicitors for the university.

As soon as I became aware of the discrepancy in the description of the land appearing in the Bill and at the Land Titles Office, I drew this to the attention of the solicitors for the university. I indicated that the obvious solution would be to ask the Committee to delete the schedule shown in the Bill and replace it with a schedule containing the description recorded at the Land Titles Office. I am presently awaiting the advice of the solicitors for the university.

I also indicate that at the Committee stage I shall table the map showing the land concerned, as requested by the Deputy Leader of the Opposition. At that time members will be able to marry the pictorial plan with the written description in the Bill, and I hope there will be a happy union.

However, if I were to table the map at this stage—it is on the table in my office—members would find that although it corresponds with the description recorded at the Titles Office, it does not tally in all respects with the description contained in the Bill. I thank members for their support of the measure. I commend it to the House and trust that it will receive a second reading.

Question put and passed.

Bill read a second time.

ACTS AMENDMENT (ABOLITION OF THE PUNISHMENT OF DEATH AND WHIPPING) BILL

Second Reading

Debate resumed from the 21st September.

MR. LEWIS (Moore) [12.21 p.m.]: I did not intend to speak at this stage, but it appeared that the question would be put. I have listened very carefully to the debate on the measure, and I believe the members who have spoken have been most sincere in their expressions either in support of or against the Bill. For my part, I would say that I had a great deal of difficulty in making up my mind regarding the matter.

I know this is a subject about which one could become very emotional. In my assessment of it I have tried to deal with the matter objectively. I have tried to assess whether or not the imposition of the death penalty acts as a deterrent.

Mr. T. D. Evans: Would the member for Moore excuse me if I left the Chamber for five minutes? I do not wish to be discourteous to him.

Mr. LEWIS: Yes. I know that a good deal of argument may be advanced to say that hanging is a deterrent to wilful murder, and a good deal of argument may be produced to say that it is not a deterrent. Many statistics have been quoted which may be construed one way or the other, and in my view do not prove anything.

It is very difficult to ascertain whether a person who contemplates wilful murder is deterred by the fact that he will suffer the death penalty if he is found guilty of the crime. I agree with those members who said that most murders are committed on the spur of the moment and, even if they are premeditated, they are carried out regardless of the fact that the death penalty may apply if the person is convicted.

I have tried to picture the victim of the murder. No penalty on earth can restore that victim to his or her previous state. Therefore, it may be argued that hanging a murderer does nothing to help his victim.

I have also tried to picture the position of close relatives of the convicted person. I have not a great deal of sympathy for any person who is found guilty of wilful murder, but I have tried to understand the feelings of the close relatives of such a person when the time approaches for the penalty to be applied. I am also mindful of the feelings of the close relatives of the victim of such a tragedy. We have heard much about early forms of punishment when people were hanged, drawn, and quartered; but that is in the past and we do not practise such penalties now. Therefore, such arguments are quite irrelevant.

Mr. Hartrey: Hanging is also in the past, but we have not put it there.

Mr. LEWIS: Hanging is also in the present.

Mr. Jamieson: If you think the death penalty should be retained, don't you think there should be a more humane method?

Mr. LEWIS: I agree with the thought that if a person is to be condemned to death we should try to devise the most merciful method of applying the penalty. I believe we have good argument for the establishment of an expert inquiry. If we are to retain the death penalty, we should conduct an investigation into ways and means of improving the application of the penalty. If we intend to say to a person,

"You are no longer to be regarded as a member of society; we will extinguish you altogether," then I think we should carry out that action as humanely as possible.

We must bear in mind that nowadays the matter is argued fully in the court, and when the death sentence is passed the matter is referred to Executive Council to decide whether the penalty should be carried out or the sentence commuted. In view of the fact that there is now a more humane attitude and that it is said a convicted murderer is often mentally affected in some way, I believe we have sufficient safeguards in our present system.

Nowadays we find that a person is never sentenced to be hanged where there is any doubt at all that he is guilty of wilful murder. We must bear in mind that this prerogative is available to the courts, and it has been exercised most responsibly. The task of deciding whether or not a person should be hanged is one which the Executive Council has never shunned, but never welcomed. I think it is a very grave responsibility and one which people in high places must face up to, just as they must face up to many other responsibilities.

Having regard for all those factors I believe that the present system should not be changed. However, I make this exception: Although the principle of committing a person to die should not be changed, we must be assured that the system used is the most humane one it is possible to find. Therefore, I oppose the Bill.

MR. RUSHTON (Dale) [12.28 p.m.]: I rise to oppose the Bill, and in doing so I would like to make a few points. Firstly, I think the issue before the House is one in regard to which the House should come to a conclusion regarding what is best in this day and age. It is regrettable that not all members are able to vote according to their conscience. We on this side are able to do so, but those on the other side cannot.

Mr. Jamieson: You worry about your own conscience. Members on this side are perfectly capable of looking after their own consciences.

Mr. A. R. Tonkin: We were elected to carry out our policy. This is part of our policy. We cannot run away from it.

Mr. RUSHTON: Perhaps I could comment on that last interjection. We are elected to Parliament by the constituents of our electorates.

Mr. A. R. Tonkin: That is correct. We are elected to carry out our policy—the policy we have stated.

Mr. RUSHTON: As elected members we have a duty to examine our consciences, and we should be free to express our views.

Mr. A. R. Tonkin: We are not here to represent our consciences; we are here to represent the people.

Mr. T. D. Evans: I heard your leader say that the Liberal Party has been allowed—note the word "allowed"—a free vote on this matter; in other words, an exception is made. He made that very clear.

The SPEAKER: Order!

Mr. RUSHTON: The members who are interjecting have clearly indicated where they stand.

Mr. T. D. Evans: I am deploring your approach to this subject. Other members have adopted a sincere approach, but you have adopted a cavalier, political, gimmicky approach.

The SPEAKER: Order!

Mr. RUSHTON: Well, I have not yet been able to elaborate my point of view.

Mr. Jamieson: You haven't got one; your mind was taken away years ago.

The SPEAKER: Order!

Mr. R. L. Young: Just listen to who is talking!

The SPEAKER: Order! The member for Dale will proceed.

Mr. RUSHTON: In the few remarks I have been able to make so far I have endeavoured to put forward the view that we should look at this very difficult subject objectively and make every endeavour to bring about a result that is best for the State and the public as a whole.

Mr. T. D. Evans: Up till now every member has endeavoured to look at it objectively.

Mr. May: It is a fairly final result.

Mr. RUSHTON: If the Minister handling the Bill wishes to make two or three speeches during the course of the debate I have no objection, but I want to say a few words myself to which I hope the Minister will have no objection, because they are objective in their character. I am merely attempting, in my own way, to put forward a point of view in which I believe. I applaud the judges and magistrates who administer the law with all the tolerance they can. I am aware of how some of these judicial officers carry out their tasks. This is not a question of compassion; it is a question of how the law is to be administered or how it will not be administered.

What is abhorrent to me is that if a Government of one political colour is in office the law of the land is not carried out to the full, but if a Government of another political colour is in office the law is carried out to the full. If the Labor Party is in office and a person is sentenced to death, that sentence is automatically commuted.

Mr. A. R. Tonkin: That is the law of the land; that is the Royal prerogative.

Mr. RUSHTON: The Government should first examine all the circumstances of the case and then make its decision. It should not preannounce its decision as the present Government does.

Mr. Jamieson: That is where you are wrong; it does not.

Mr. RUSHTON: It just decides it will not carry out the death sentence.

Mr. T. D. Evans: The Labor Party says it will seek the abolition of the death penalty by legislative action.

Mr. RUSHTON: With the law as it stands, the Labor Party is on record as saying it will apply the Royal prerogative in all cases.

Mr. T. D. Evans: Quote your authority.

Mr. RUSHTON: Therefore the Government announces its decision prior to considering all the circumstances of the case in accordance with the law.

Mr. T. D. Evans: Quote your authority for making that assertion.

Mr. RUSHTON: It is already well known. No group of people care to have such a task imposed upon them. As it stands, the law does have a deterrent effect. It is not a question of seeking retribution. I do not agree with the assertion that has been made that any person who believes in capital punishment is a sadist. Surely the desire is only to retain the present law until a better alternative can be found?

As the member for Moore said, if the death penalty is to be imposed it should be carried out in the most humane way possible. It is certainly deplorable when the Government of the day carries out the law according to its determination, and we know that a previous Government of a different political complexion has carried out the law in a different way.

Mr. Jamieson: Is hanging the most humane method of execution possible?

Mr. RUSHTON: I did not say that. I am saying it is deplorable that the law should be administered along certain lines by a Government of one political philosophy, and differently when another Government of an alternative political colour, when in office, administers the same law.

Mr. Jamieson: The law will always be thus until it is altered.

Mr. RUSHTON: According to what the Minister is saying the point of view held by the Labor Party must be right. We must have the law that it supports or we cannot have any law at all. This highlights the very issue I am bringing forward and I do not want to elaborate on that point of view any further.

Members on the other side of the House have endeavoured to point out that those who oppose the Bill are adopting an inhuman attitude and are lacking in compassion, but this, of course, is completely wrong. I consider that a submission contained in a letter which was addressed to me has tremendous weight. This letter was forwarded by the General Secretary of the Western Australian Police Union of Workers. This is a union of men who are required to have much to do with those who are sentenced for committing offences.

Mr. T. D. Evans: Did the general secretary of that union advocate the defeat of the Bill or the intent of the Bill?

Mr. RUSHTON: The quotation I wish to make is only a short one and I will read it to the House if members care to hear it.

Mr. Jamieson: You would not have done so. This is your usual form.

Mr. RUSHTON: The Minister would have a copy of this letter; I should think that we would all have a copy.

Mr. Jamieson: But we are asking you to read from your copy.

Mr. RUSHTON: This letter is dated the 19th September, 1972, and is addressed to all members of Parliament. It reads as follows:—

Proposal to Abolish Capital Punishment

As the result of concern expressed through our Branches I have been instructed to firmly request the retention of capital punishment, for the murder of a police officer or prison officer acting in the execution of their duty, or any person coming to their assistance.

In these days of rising rates of violent crime we believe that a professional criminal is strongly deterred by the fear of capital punishment.

Therefore, it can be seen that the people who are the most closely associated with this issue believe that capital punishment has a deterrent effect.

Mr. Bertram: It is not based on evidence.

Mr. Williams: Is the member for Mt. Hawthorn in his proper seat?

Mr. Jamieson: Are you in your proper mind?

Mr. RUSHTON: The letter continues—

Should this fear be removed and bearing in mind the continuing moves at prison reforms and reductions in terms of imprisonment a criminal may well be prepared to take the risk of killing an officer of the law who is in the process of apprehending him.

For the most part Police and Prison Officers carry out their duties unarmed and alone.

We believe that the possibility of the death penalty serves as effective protection for our members and to disprove this means taking risks with their lives.

Therefore we earnestly request that when considering any change in the current legislation that you consider the views forwarded to you by the Union on behalf of the members of the W.A. Police Union, their wives and families.

All members should give this letter due recognition. I think the police officers' views are restricted to their occupation. These men play a big part in the enforcement of our laws and in the apprehension of offenders. Surely they need encouragement and all the protection and support we can give them. The plea they have made to all members of Parliament is surely a responsible and very just one. They have wives and families who are apprehensive in regard to the duties they have to perform, and through their union they are saying to us—

Mr. T. D. Evans: In many cases the persons who are condemned to death also have wives and families.

Mr. RUSHTON: If I may, I will digress a little in answering that interjection.

Mr. T. D. Evans: And so the whole family has to be punished because of the one who commits the offence.

Mr. RUSHTON: This happens constantly in life. I thought the Government's legislation would have been overwhelmingly popular. I regard this Bill as being a vote catching move; not a responsible move. However, I was amazed at the reaction of a group of people who had studied it and to whom I was speaking. They were asking me many questions on this issue and on others. They asked me about the abolition of the Upper House, and when I put this question to them, only three out of a group of 51 people were in favour of what the Government seeks to do.

Mr. A. R. Tonkin: How is this Bill a vote catching move?

Mr. RUSHTON: Most people to whom I have spoken are very worried about the abolition of the death penalty. People are not sadists, and they are not without compassion. Obviously, the people are apprehensive about the carrying out of the death penalty, and that is the normal reaction. I am sure every member in this House would have the same reaction. The difference is that some of us believe that the retention of capital punishment is a deterrent.

Mr. A. R. Tonkin: We do not believe in murder, including judicial murder.

Mr. RUSHTON: The honourable member does not believe in many of the things in which we believe. In respect of many matters we think this Government is not facing up to its responsibilities. On a question like this we understand that the decision has to be made not by any single person, but by the Labor Party as a whole. Certainly the issue is too grave to be faced up to by any single person. I realise this is distasteful to those who have to carry out the punishment, but this is the law in our society.

Mr. A. R. Tonkin: I do not think you should ask anyone to take part in murder; but some people do.

Mr. Williams: Why don't you grow up!

Mr. RUSHTON: The member for Mirrabooka has said it is quite unrealistic, because every day there is killing on the roads. What has he done about that?

Mr. A. R. Tonkin: You do not encourage it or legalise it.

Mr. RUSHTON: The argument of the honourable member is without foundation. It is interesting to see him moving out of the Chamber. He is running away from this issue.

Mr. Bertram: You are not suggesting he will run away from your argument!

Mr. RUSHTON: I go back to the point I was making.

Mr. Moiler: It is not your issue that the member for Mirrabooka is evading!

Mr. RUSHTON: Has the honourable member anything further to say before I proceed? The proposal submitted to us by the Police Union certainly has much merit, and it deserves consideration by every member.

Mr. T. D. Evans: So you support the second reading of the Bill and will seek to amend it in the Committee stage, because you say it has merit?

Mr. RUSHTON: The Minister has invited me to say what I believe should be done in this case. My view is that the present law should be retained. The only crimes in respect of which capital punishment should be imposed are the heinous crimes which, fortunately, do not occur very often. However, I am sure none of us want to see an increase in the number of such crimes.

I believe the exercise of the Royal prerogative functions adequately. It saddens me greatly that the Royal prerogative is not applied equally by Governments of different political philosophies. That is the weakness. We should not run away from our responsibilities in regard to this matter. If we did we would be reduced to agreeing to what is proposed by Labor on all occasions, and that is not acceptable to the public.

Mr. Bertram: How long do you require the present law to be retained?

Mr. RUSHTON: I would say it should continue to operate until such time as it is proved to us that something else is better. As long as we continue to receive submissions from responsible bodies like the Police Union, which finds it necessary to have the law retained to enable its members to carry out their duties, we should pay heed to them.

Mr. Bertram: The Police Union is not opposed to the whole Bill.

Mr. RUSHTON: The Police Union wants the law to be retained. It is in this climate that I suggest the retention of this law is of benefit to our society; but we should always be mindful that capital punishment should only be imposed for the most heinous crimes. I believe the Royal prerogative should be exercised whenever possible, irrespective of the political philosophy of the Government of the day. Cabinet of the day should face up to its responsibilities in making decisions in such cases.

Sitting suspended from 12.45 to 2.15 p.m.

Mr. RUSHTON: Before the suspension for lunch I was reaching the end of my submission. I intend now only to add a couple more facts which have come to my attention during the break and then summarise.

Basically my first opinion was that this House should be looking at the question with an open mind, but we are not able to do that because half of us are bound by another system of collective responsibility under which the Trades Hall and the elected personnel make a collective decision. This arrangement does not make for very fair decisions. This subject is an emotional one.

I indicated that I believed at first that the Government had introduced this Bill because what it seeks to achieve was popular, but that my own review of the situation had revealed that this was not so. However, on examination and reflection I realise that the present statistics concerning public opinion indicate that the contents of this Bill are popular and, of course, this would be an inducement for the Government to introduce the measure.

It is passing strange that a Bill such as this one, which is surely one which should be examined according to one's own conscience, is what we might call a direction Bill while the Mining Bill has been classified as a conscience Bill. Because of the attitude of the Government to this legislation there is no hope of all members studying it impartially to ensure that the best possible decision is made.

I am very thankful that the Liberal Party does move with the times and will keep its mind open on this issue and all other issues in the future.

Mr. T. D. Evans: It is time now.

Mr. RUSHTON: I am mindful of the differences between our parties. Our party says that on this matter a member should express his opinion according to his conscience, but members on the other side are under direction.

Mr. Moiler: Surely it is not a direction when it is in our policy?

Mr. RUSHTON: As I mentioned a moment ago, it is passing strange that members opposite are to be permitted a conscience vote on the Mining Bill and yet they must vote along party lines on this legislation.

Mr. T. D. Evans: Because this is part of our policy and mining is not.

Mr. RUSHTON: The Minister would have to be joking to assess that situation.

Mr. T. D. Evans: This is what we promised the public.

Mr. RUSHTON: The Government promised the public many other things which it has not carried out and has no hope of carrying out.

Mr. May: You had 12 years. We have had only 18 months.

Mr. RUSHTON: That is too long.

Mr. May: That is your opinion.

Mr. RUSHTON: It is obvious that a Government of one political colour will apply the law in one way for one person and in another way for the next. This is certainly not acceptable to the general public which believes that the laws should be applied equally to all men. Some Statutes in this State are not enforced properly when the Labor Government is in power because it predetermines what the decision will be before the sentence is even passed.

Mr. Bertram: We learnt that from the Liberals.

Mr. RUSHTON: When such strong representations are made by the Police Union asking that this be retained—

Mr. May: What should be retained?

Mr. RUSHTON: The present Statute.

Mr. May: For what?

Mr. T. D. Evans: For what? Now be honest.

Mr. RUSHTON: Do the Ministers want me to read the letter again?

Mr. May: No. You did not understand it the first time.

Mr. RUSHTON: The letter will be found in *Hansard*. With your indulgence, Sir, I have already read it once.

Mr. May: And you still do not understand it.

Mr. Bertram: You either retain the death penalty or you abolish it.

Mr. RUSHTON: This is interesting. Members opposite have had the opportunity to speak and express their opinions, but they have not done so as yet.

It is the police who have a great deal to do with this issue and so they should have an influence on the decision we make. I reiterate at this point that I believe the Statute should remain until we can find something more adequate, if I might put it that way.

Mr. Bertram: What do you imagine would be more adequate?

Mr. RUSHTON: The honourable member can sort that out for himself. As the member for South Perth has already indicated, the existing legislation should be retained and used in cases of heinous crimes. Compassion should be shown at all times but until we are able to determine, one way or the other, which is of most benefit to the community we should retain the existing Statute.

MR. W. A. MANNING (Narrogin) [2.23 p.m.]: It would be very difficult to decide whether a person should suffer the death penalty or not.

Mr. T. D. Evans: I know which decision you have made.

Mr. W. A. MANNING: Well, perhaps the Attorney-General will tell me.

Mr. T. D. Evans: You will vote against the Bill; there is nothing surer.

Mr. W. A. MANNING: I admire the wisdom of the Attorney-General.

Mr. T. D. Evans: There is nothing surer.

The SPEAKER: Order!

Mr. May: What about the other decision as to who will hang the convicted person?

Dr. Dadour: Me.

Mr. W. A. MANNING: I think this matter should be debated in a calmer atmosphere than that which exists on the other side of the House. The decision on this legislation is vital, and two main issues are involved. Firstly, there is the possibility of the death penalty acting as a deterrent and, secondly, if it is a deterrent will it prevent additional crimes? Those are the two vital issues in my opinion.

I believe the death penalty must be a deterrent. I know the member for Mt. Hawthorn will probably interject, as he has done on a number of occasions, and ask what proof is available.

Mr. Bertram: That is right.

Mr. W. A. MANNING: What proof is there that it is not a deterrent?

Mr. T. D. Evans: Why make the assertion if you have no proof?

Mr. W. A. MANNING: Why make the assertion that it is not a deterrent?

Mr. T. D. Evans: I have not made the assertion.

Mr. Bertram: The overwhelming opinion is that the death penalty is not necessary.

The SPEAKER: Order!

Mr. W. A. MANNING: If I intended to commit a murder which, of course, I do not, I know what my feelings would be.

Mr. Jamieson: Well, of course, if you agree to retaining the death penalty you will commit murder.

Mr. T. D. Evans: We would not hang you.

Mr. W. A. MANNING: I would be inclined to think of what would happen to me afterwards. I think most people who contemplated murder would think twice about it if there were a possibility of a penalty of hanging. That is a practical explanation.

Mr. H. D. Evans: Many years ago pickpockets watched the hanging of other pickpockets but that did not deter them from picking more pockets.

Mr. W. A. MANNING: What has that to do with the death penalty as it applies today?

Mr. A. R. Tonkin: It did not deter the pickpockets in those days.

Mr. W. A. MANNING: It is impossible for anyone to state that people are not deterred by the possibility of a penalty, whatever the penalty might be. I would say there is a possibility that the penalty is a deterrent.

We recently dealt with the regulation concerning seat belts, and the Minister told us that the imposition of a fine of \$20 would be a much greater deterrent than a fine of \$5. Surely that is only a small matter but the same principle applies.

Mr. Bickerton: I think you are a swinging voter.

Mr. W. A. MANNING: I am not particularly stuck on hanging as far as that goes. I am not advocating any type of penalty. In fact, I am not advocating that the death penalty should apply at all, but it must be a deterrent.

Mr. T. D. Evans: As you have made the assertion the responsibility rests on you to prove your point.

Mr. W. A. MANNING: There have been many instances of people committing more than one wilful murder. The Attorney-General gave us an example concerning a man named Christie. Why he was brought into the argument I do not know, but he murdered a number of women and buried them under the floor of his house. Apparently he was not disturbed by the fact that the bodies were buried under his house. I do not think that a man who has committed a number of murders should be allowed to go free after a period of 10 or 15 years so that he can pursue the same course.

Mr. Burke: A man called Evans was hanged for one of those murders.

Mr. W. A. MANNING: I have quoted the case of Christie and he was the murderer of the women concerned. It is not fair to the general public to allow those who

have committed wilful murder—especially when it involves multiple cases—to be allowed to go free at any time.

Mr. T. D. Evans: At any time?

Mr. W. A. MANNING: Yes, because even if a person is imprisoned for life he is usually allowed out of gaol after serving a number of years.

Mr. T. D. Evans: Your Government exercised the Royal prerogative from 1964 until it went out of office. Under the provisions of the Offenders Probation and Parole Act those people can come out of prison. Is the honourable member saying that his Government was wrong?

Mr. W. A. MANNING: I am attempting to make my speech. I am not speaking for any Government or for the A.L.P.

Mr. T. D. Evans: Heaven forbid that you should speak for the A.L.P.

The SPEAKER: Order!

Mr. W. A. MANNING: I say it is not right that a person who commits wilful murder should be allowed to go free and commit more murders. It is time we thought of the victims rather than the people who commit the crimes. I disagree entirely with the idea of killing anybody. If I had the choice of serving solitary confinement for the rest of my life, or the death penalty, I am not sure which I would take.

Mr. May: In that case both penalties would have to be imposed.

Mr. Bickerton: You had better vote for the abolition of capital punishment.

Mr. W. A. MANNING: I think we have to be careful of the attitude of the general public, and some cannot help but commit murder.

Mr. T. D. Evans: The member for Narrogin is tempting me to change my view.

Mr. W. A. MANNING: We have hijackers, for instance, who jeopardise the lives of hundreds of people. Should we set them free to do the same thing again?

Mr. T. D. Evans: This has nothing to do with hijackers.

Mr. W. A. MANNING: Of course it has. I think we must have second thoughts on this matter.

Mr. T. D. Evans: You had better have first thoughts first.

Mr. W. A. MANNING: I believe a judge should make the decision whether or not a convicted person should be hanged. At the present time the matter comes to the Government, which considers the circumstances of the case and makes the decision. For many years, only those who have committed deliberate, wilful murder have been hanged. Perhaps that is as it should be. I do not think any one of us is in favour of hanging, but surely we must consider what could happen if this penalty is abolished. I think I have said sufficient to indicate what I think about the matter.

I am not thinking only of the person who is likely to be hanged but also of the many people who might suffer if he is released.

I would like to say a few words about whipping.

Mr. Bickerton: Do you think the murder rate increases when a Labor Government is in office?

Mr. W. A. MANNING: I did not say that. I imagine there would need to be more justification than that for committing murder.

Mr. Bickerton: Do you not think that would be a reasonable assumption?

Mr. W. A. MANNING: I do not assume anything.

Mr. May: What deterrent was there for Cooke when he was committing murder? There was no deterrent at all; he kept on killing.

Mr. W. A. MANNING: In that case we know it did not deter him.

Mr. Bateman: He knew he would be hanged.

Mr. W. A. MANNING: We do not know about people who are deterred from committing murder. I am not speaking of those about whom we know but of those who did not commit a crime because they were deterred from it. Where do we find those statistics? No-one is likely to tell the statistician he was deterred. It is nonsense to look for figures concerning those who were deterred. Nobody can tell.

Mr. May: That proves our point.

Mr. W. A. MANNING: It does not.

Mr. McPharlin: There was no outcry against the hanging of Cooke.

Mr. Brown: Bring the whip out.

The SPEAKER: Order!

Mr. W. A. MANNING: To resume my speech, I understand whipping means the cat-o'-nine tails. I do not hold with that but I believe in certain cases there should be some corporal punishment.

Mr. T. D. Evans: Have you read the Criminal Code?

Mr. W. A. MANNING: I was recently involved in a case where two boys were before the court on 17 different charges. One of them was 15 and the other 16, and they had long records. They were already in the care of the Child Welfare Department. Those boys just did not know how to behave themselves and they needed some convincing. I am quite sure some impression would have been made on them had they been given a caning or something of that nature.

Mr. Moller: Are you fully aware of their history? Can you speak on that?

Mr. W. A. MANNING: I am not in a position to do that.

Mr. Jamieson: Were they black or white?

The SPEAKER: Order!

Mr. W. A. MANNING: Those boys have the whole of their lives before them, and the way they are going they will be useless individuals. They will not have a happy existence and they will be in and out of gaol for most of their lives.

Mr. A. R. Tonkin: How can you be sure of that?

Mr. T. D. Evans: Do you believe in applying correction methods?

Mr. W. A. MANNING: Yes, I believe in correction methods.

Mr. A. R. Tonkin: Even Christ did not wipe people off. He gave them a chance to be rehabilitated.

Mr. W. A. MANNING: That is the very thing I am saying. If these boys were given a bit of a caning—

Mr. A. R. Tonkin: That is brutality.

Mr. W. A. MANNING: —they would begin to understand there is something better in life.

Mr. Graham: Stripped, tied to a cross, and belted.

Mr. W. A. MANNING: I did not say anything like that.

Mr. Graham: That is what happens here. The last one was undertaken a few years ago in Fremantle.

Mr. Moiler: You said "a bit of a caning."

The SPEAKER: Order!

Mr. W. A. MANNING: I said in my opinion these two boys would have benefited from a bit of a caning. I did not say I or anybody else would benefit from it. These boys needed something to bring them back to earth because they did not care and they were insolent. These cases were as bad as any I have seen, and obviously what had been done for them had not been effective. They had escaped from Longmore. An effort was made to get them into Riverbank but there was no room there. They received penalties amounting to three months' gaol, in which case they cannot be sent to Riverbank and they must go to Fremantle.

Mr. A. R. Tonkin: Do you think their parents should be charged?

Mr. W. A. MANNING: I am not prepared to say. It is time a method of correction was found for such people. The Child Welfare Department had done everything in its power but had not succeeded. Surely it should be open to us to try something else. As I said, these boys, at 15 and 16, have the whole of their lives ahead of them.

Mr. T. D. Evans: You could hang them. You would probably like to do so.

Mr. W. A. MANNING: Can the Attorney-General think only along those lines? It is time he came down to earth and tried to do something for such people. Unless someone comes up with an idea, they will

go through life as complete failures. Something must be done and I have offered my suggestion. I have given it a great deal of thought and I stick to it.

MR. JAMIESON (Belmont—Minister for Works) [2.38 p.m.]: I suppose it is unusual for a fellow Minister to be involved in a debate such as this. However, I have very strong feelings on the matter and I would like to add a small contribution to the debate.

Many of the members who have spoken today have said we should not become excited about such matters as this and that we should deal with them without emotion, and so on. They have shown by their utterances that they are not acting accordingly.

The problem of what to do with people who kill others has faced mankind from the very beginning. Biblical sayings are thrown at us, such as, "Thou shalt not kill," "A life for a life, an eye for an eye," and so on. They do not help us. They lead only to confusion. As times change and civilisation, as we term it, improves and becomes more sophisticated, we must be the judges of what we should do to solve our own problems.

I sympathise with the opinions of some members of the Opposition. The member for Moore and the member for Narrogin said they were not keen on the idea of hanging.

I would have more sympathy for their argument had they made a move over the years to induce the previous Government—which was in office for 12 years—to introduce a more humane method. Surely, as the member for Subiaco would know, a number of more humane methods could be adopted—methods more humane than hanging, which in many cases results in death by strangulation and does not achieve its initial purpose. So whether or not we are barbaric in our attitude is a matter of judgment.

I do not like to see members adopt a holier-than-thou attitude, and I would hate to put myself on a pedestal. Therefore, I think we should give more thought to the matter and we should not charge it with emotionalism.

Whilst dealing with emotionalism, I would put the comment of the Police Union—with all due respect to the union—in that category. I would also place in the same category the comments of those people who recently were interviewed on television. Most of those who appeared in front of the camera in St. George's Terrace, or wherever it was, said they thought the death penalty should be retained for rape. Of course, the death penalty has not applied for rape in this country for a considerable time. Obviously those people dealt with the issue in an emotional fashion. They were not interested in the more mundane killings, or even the more dreadful killings; but they

thought the penalty should be retained for rape. That view was expressed by both men and women because they do not appreciate the law as it stands.

Of course, whether or not the death penalty is appropriate for the offence of rape is also a debatable issue which could produce much emotionalism. Arguments could vary depending on whether or not members of our families have been involved in such a terrible thing.

Naturally, the police have a vested interest in the matter. Members of the Police Force may be likened to those people who join military forces. Inevitably, every now and again the unusual or the unexpected occurs and a member of the force is killed. We deplore that; it is terrible. I cannot agree with any killing, whether it be mass killing or any other form.

The point was made earlier that a rapist is a bad fellow, but a pack rapist is worse. The same argument could be applied to murder. It could be said that murder is bad, but pack murder is worse; and surely when murder is committed in the name of the State it is pack murder because it is carried out with due knowledge of the public of what is being done.

I have had a lot of time in which to consider this subject. As a matter of fact, I studied the files dealing with the hangings associated with the previous Government. I might say that I was not over-impressed with the procedure which takes place for the acquisition of the hangman, the way he is induced to come here from another State, and the surreptitious manner in which he is paid. All the arrangements appear to be made in an underhand fashion. If we condone the action of the hangman we should condone it openly. I readily agree that if we were to call for volunteers we would always get some psychopath to volunteer to pull the lever. This is quite evident from reading the files and seeing the lists of people who applied to be witnesses at the various hangings. It is debatable whether those people are interested in justice or whether they are actuated by some form of emotionalism.

I suggest the main issue we must consider is whether in this age of sophistication we should continue to use such an inhumane method to destroy people. It is true that many murderers use inhumane methods to destroy their fellow human beings, but that does not give us the right to follow suit. In the time I have been in Parliament I have not heard advocated any other method for carrying out the death penalty. Surely liberal thought should have been developing along that line.

Members may say that the United States of America has tried the use of electricity, gas, and a dozen other methods; but we do know that there are nerve gases and

other devices available which can terminate life absolutely and in a very short time, thus allowing due regard to be had for the person or persons involved.

Because so many people witness the various hangings that occur—it is amazing to see the list of those who sign the document; I do not know how they all crowd into the small room, or how it is that they do not fall into the pit with the victim—sooner or later on each and every occasion stories always emerge of the goriness of the execution. Evidently some people die reasonably quickly, and others not so quickly. If a person does not die quickly not only does he suffer extreme discomfort, but also those who are forced to witness the execution suffer extreme discomfort.

I am not one of those who race around in public preaching about the holiness of the things in which they believe. I believe in the fundamental Christian principle of life and, therefore, I believe we must face up to the situation before us. Nobody can convince me that a person who kills repeatedly is sane. Again, from studying the files, I am not sure that the medical fraternity has ever been convinced that such people are sane.

Mr. W. A. Manning: If they are insane they should be locked up.

Mr. JAMIESON: That is quite right, but who is the judge of insanity? The body of a person who is hanged has never been allowed to be the subject of an autopsy. If it were, brain lesions and other disorders could manifest themselves and could prove the process of the law to be wrong. Of course, that would be dangerous.

I understand that the bodies of several of the people who have been hanged in this State were subjected to certain medical examination within days of being hanged. The examinations were of the brain. I do not know the results, but it would be interesting to hear them. Bear in mind that if the results proved anything, we could be in a dangerous legal position because at this stage it is too late to redeem the situation.

Therefore, the only way out of the situation is to incarcerate such people. I agree with the member for Narrogin that if I were faced with an indeterminate sentence of imprisonment, with the alternative of being hanged, for a crime of which I was guilty, then I would probably opt for getting away from it all. That in itself is a coward's way out. We do not condone suicide; we say that one must live with one's actions and suffer the consequences.

Once again, there is argument about which is the more severe punishment. I think it was Robert Jeremiah Thomas—one of the four who were hanged in this State in recent years—who made the claim that he set out to get himself hanged. He achieved his aim, and to him that was wonderful. All his worries were over.

Mr. W. A. Manning: He will be able to look back with a pleasant recollection!

Mr. JAMIESON: Yes, from either the high or the low place where he is. That did not solve the problems he left behind—the problems arising from the people he killed. It certainly solved his own problems in the way he wanted them solved. Looking at his record one cannot find a worse one. If there were a worse record we would have to supply the department with much more paper to enable the details to be set down. It was an appalling record right from the start of his life.

I have studied the background of similar people, such as that of Edgar Cooke. According to all the reports on the file he had a particularly bad background. He was disowned by his father because he was physically imperfect; he had a cleft palate and a hair lip, and he was not wanted in the world. Ultimately he took vengeance against the world, probably for some grievance which he had borne for a long time. I do not condone his actions; I think he indulged in a series of shocking crimes; but he had respect and affection for children, including his own. He did not react violently to children, but he certainly had a quirk against society. I would be hard pressed to be convinced that he was completely sane; yet the people who judged his sanity concluded he was sane.

Mr. O'Connor: You would not like to see him free again.

Mr. JAMIESON: I would not, but if he had been found not guilty on the ground of insanity he would have had no chance whatever of being released. He would be incarcerated for the term of his natural life.

Mr. Hutchinson: Where?

Mr. JAMIESON: In a security mental hospital.

Mr. Hutchinson: Such as Claremont.

Mr. JAMIESON: Not necessarily. I am not referring to any particular institution. There are some patients at Claremont who will remain there always.

Mr. Hutchinson: It is not a fully secure institution.

Mr. JAMIESON: The point is that it has to be secure.

Mr. O'Connor: Have any persons convicted of murder been released from Claremont?

Mr. JAMIESON: Possibly there have been, but they were deemed to be cured. The possibility of a repetition of murder by such released offenders is as remote as the possibility of citizens sitting on a jury convicting an innocent person. However, it appears this occurs on occasions.

Whilst some people may carp and say that the abolition of capital punishment is a policy of the Labor Party, I would point out that for as long as I can recall

that has been a part of its platform. This matter has been argued in the Labor Party for a long while. It is not a sudden decision made by the State Executive of the A.L.P., by Mr. Chamberlain, or by whoever is supposed to instruct us. This policy was part of the platform of the Labor Party long before I was interested in the party. I cannot recall any conference which I have attended where the delegates brought forward a proposition that this plank of the platform should be removed. The abolition of capital punishment is the aim of the party.

If it is not on the platform of the Liberal Party, then it is a matter for that party to be concerned with. If it chooses to compel people to make decisions in accordance with their consciences, then that is its own affair; but in my conscience I subscribe to the abolition of capital punishment. I do not object to such abolition, and if I did I would have done something about the matter within my own party. I would be entitled to do that.

We have to tackle this matter. We cannot simply say, "Until something better comes up we will have to exist under the present law." As *The West Australian* pointed out, it is fundamentally wrong that when Labor is in office the convicted persons are not hanged, but when a Liberal Government is in office they are hanged.

Mr. Rushton: Not automatically.

Mr. JAMIESON: That may be so. I stand corrected. I concede the point the honourable member has made, and I admit I used the wrong word. The convicted persons may or may not be hanged under a Liberal Government.

Those who have argued as to whether or not capital punishment is a deterrent have said that people cannot pass judgment on this question because they cannot ask those who have been hanged, and they cannot take notice of those who have been reprieved. So, the only thing to do is to look at the world statistics relating to these crimes, especially in countries where capital punishment has been abolished. In those countries, after the abolition of capital punishment there was no dramatic increase in the crime of murder. As a matter of fact, the number of such crimes has not varied very much.

On a population basis the percentage of murders in Western Australia does not vary from that in Queensland where the death penalty has been abolished for a long time. We should make up our minds only after taking those facts into account. If it is suggested that there will be an outbreak of violence associated with the abolition of capital punishment, then I say this has not happened in the sophisticated society in which we live.

I might agree with the member for Narrogin that some children are not handled correctly at an early stage of their lives, and that as a consequence they

react violently against society when they grow up. However, if society in turn reacts against them violently and submits them to whippings, there is no guarantee—and this is borne out by the views of psychologists—that the reaction of these people will not be such as to make them turn the other way and become even more violent.

If a person is subjected to a whipping, then whoever holds the whip is holding it with our hands, because we impose this penalty. This is the same as when a hangman carries out his task and pulls the lever with his hand. It is not his own hand, but in fact our hands which pull the lever. Very often the hangman is a citizen from another State. We cannot find anyone in Western Australia who is prepared to undertake such a gory task. We have to import these people from other States.

If some Italian group were to import a Mafia criminal into Western Australia to commit murder we would be aghast at the idea; but somehow we seem to satisfy ourselves that it is a fair and proper thing to import a hangman from another State.

Mr. Hartrey: It is a fact in law that a person who directs another person to act on his behalf is committing the act himself.

Mr. JAMIESON: That is the point I am making, as to whether in our consciences we, in the ultimate, will be prepared to undertake this job. If we deem it necessary to continue with capital punishment, then surely the legislation needs tidying up. As it is necessary to select persons to serve on a jury, so we should be able to select one for pulling the lever. However, if we put such a proposition to the public I know what the reaction would be. People would say, "What ridiculous nonsense! We will not have it. Somebody else will have to do that deed." So, we pay a person from outside the State to come here, to bring his own equipment, to perform the task, and then to fly again. He is a good socialist apparently, because he usually flies by T.A.A.; but that is where his socialism starts and finishes I hope.

Mr. Hartrey: He gets 30 pieces of silver, does he?

Mr. JAMIESON: Probably more than that. He would no doubt receive folding currency. However, it is never known just how much because an intermediary is involved and he might be taking his commission.

Mr. T. D. Evans: You are aware that the files indicate that the last person who came over to do the job broke the law in Western Australia. He assumed a false name and that was condoned by the previous Government.

Mr. O'Connor: What a terrible crime!

Several members interjected.

The SPEAKER: Order!

Mr. JAMIESON: Without the Attorney-General getting emotional about this, this is part and parcel of the situation in which we find ourselves. It is obnoxious that the Chief Secretary should have to arrange to import from somewhere else someone who knows something about tying the knot the right way and putting the rope in the right place. We do not have a sufficient number of hangings to employ a professional. If we were in the same situation as Pretoria where something like 500 hangings a year are performed we could probably employ our own gory hangman to do the task as often as necessary.

Thank goodness we have got away from the violence of such a punishment and I hope we will take further action in this regard.

I say again that I am sympathetic to the point of view of the police and their emotionalism. However, they must remember that they have been appointed to guard not only themselves, but also the public. They enter the force on that understanding. The same applies to a fireman. If a roof collapses on a fireman when he is acting during the course of his duties, and he is killed, this is unfortunate. We deplore it; but it is part of his occupation.

The same applies to a gaoler. A gaoler could be killed by a prisoner who may not have been committed for a violent crime, but because of some personality clash a flare-up could occur in the prison and the gaoler could be bashed and that could be the end of him.

Mr. McPharlin: I suppose you could say it is an occupational hazard.

Mr. JAMIESON: It could be. The occupation requires the person to be ever alert. Most of the incidents involving gaolers have probably occurred because the gaolers have not been as alert as they should be, and advantage has been taken of that situation.

This matter could be debated for many hours. The only point I wish to make is that, from the tone of the debate, it seems that we all agree that hanging is a very bad way of punishing a person. Unless someone is prepared to suggest an alternative I believe we should go ahead with this Bill and abolish capital punishment. Let us see the result; and, if it is the wish of a future Government, then some more sophisticated and pleasant way of achieving the same objective could be adopted if it is felt necessary to retain the extreme penalty.

I do not believe it will be. If a person is locked away, no matter how gory the crime involved, people immediately forget him. No agitation occurs for further action to be taken against the person once the case is concluded in court. As a matter of fact, as gory as some of the incidents have been, no protests have been made because a person has not been hanged. I read in the Press only yesterday

of a demonstration in Pretoria pressing for the release of a person involved in a heinous crime. However, if that person had been only locked up without any threat of being hanged, no demonstration would have been held pressing for that person to be hanged.

This has been the situation in Australia. No matter how bad the crime has been in those States where the death penalty has been abolished, no demonstration has been held because a person is not to be hanged.

Consequently I believe this legislation is worth a trial. We would lose nothing by it, but would show the humanity which should be evident in our modern-day system. This is the opinion of the United States federal judiciary which recently indicated very clearly that capital punishment had become obnoxious to the people.

Mr. McPharlin: It is contrary to their constitution.

Mr. JAMIESON: Yes; but it was also said that in this day and age it had become obnoxious to people to be associated with such a gory law. I believe we would be justified in passing this Bill and giving it a try. We can always continue to seek some other solution.

Mr. McPharlin: What about the close relatives of a murdered person?

Mr. JAMIESON: They are in the same position as the close relatives of a rape victim. What has been done cannot be undone. It is the same with those involved in a motorcar accident. If a loved one is lost, nothing can bring that person back again.

Mr. McPharlin: But the relatives can never forget, as you suggested.

Mr. Bertram: But they can forgive.

Mr. JAMIESON: Time is a great healer and in many cases people forget about such things. I should imagine that when Mr. Calwell was attacked by that young fellow, he would not have been very friendly disposed towards him because he was within an ace of being dismembered by the shot gun. However, I have just read that when he visits Sydney shortly Mr. Calwell hopes to have a talk to the fellow.

Violence is the immediate reaction to violence. If a man's daughter is raped and then killed by someone, he wants to take vengeance immediately. He wants to cut to pieces the person responsible. This is a human trait. We are not very different from animals, and at times like that we revert to their way of life. This reaction occurs because of the animal in us. If anyone associated with us is harmed we want to harm the person responsible. However, we must resist this temptation. If we do not we will find ourselves believing that violence is justified.

Mr. Hartrey: It is just as bad as the murderer in the first place.

Mr. JAMIESON: That is quite right. The principle contained in the Bill is part of our party policy, but, as I understand the position, it is not part of the policy of either the Country Party or the Liberal Party. Members of those parties are to vote according to their consciences. Therefore they must ask themselves whether the retention of this law is justified and whether such an inhuman way of killing people should be continued. The person who has committed the murder may have done so in a most humane way, if that is possible. For instance, the victim may have been administered some poison which would merely put him to sleep permanently, involving no pain or suffering of any kind.

The State, in turn, in punishing that offender, strings him up by the neck. If his neck does not break then the idea is that he will choke to death and then he can be buried and forgotten. Such an offender should be made to pay a penalty by repenting over many years.

Mr. Bertram: Hear, hear!

MR. STEPHENS (Stirling) [3.09 p.m.]: As the Attorney-General has engaged in some crystal-ball gazing concerning the member for Narrogin, I wonder whether he can anticipate my reaction.

Mr. T. D. Evans: Yes. It will be the same. I will get the double.

Mr. STEPHENS: The Minister may get two out of two.

Mr. W. G. Young: That's for trying.

Mr. STEPHENS: I approached this subject with a fairly open mind. Although I tended to favour retention in certain circumstances I was also prepared to be convinced that I was wrong.

To that end, I took the trouble to obtain a couple of books relative to capital punishment. These books are *The Penalty is Death*, which is edited by Barry Jones, and *The History of Capital Punishment*, by George Scott. Both these works possibly could be regarded as fairly authoritative, inasmuch as they are kept in the law library of the university. I must confess that, after having read both the books, I found nothing in them to induce me to change my mind. Therefore, I still favour the retention of capital punishment in certain circumstances.

Mr. May: You said you had an open mind.

Mr. STEPHENS: I read the books with an open mind. Although I slightly favoured the retention of capital punishment in certain circumstances, I was prepared to be convinced to the contrary.

Mr. May: After reading them?

Mr. STEPHENS: Yes, but I found nothing in them to cause me to change my mind.

Mr. Hartrey: Would you say that your mind was made up at both ends?

Mr. STEPHENS: I also believe that any person who favoured abolition of capital punishment would not change his mind, either, after reading these books—such were the arguments put forward.

It is a question of personal opinion as to whether or not a man should hang. Having arrived at an opinion, people then try to find arguments to justify their convictions. It is quite apparent the *Bible* cannot be used as an authority on this matter, because the *Bible* is quoted equally by those who favour abolition as by those who favour retention.

Mr. Hartrey: So is Shakespeare.

Mr. STEPHENS: I do not think the *Bible* can be used to support an argument for retention or abolition.

The same observation can be made regarding statistics. These are often used to quote the experience of other countries with regard to capital punishment. On this question, I am inclined to agree with a statement made by Mr. Scott in his book. After examining all the statistics he said—

It is possible to continue presenting evidence on one side and the other interminably, wearisomely, and with little definite results. The one thing that stands out clearly from a study of the statistics relating to homicide in the various countries, and a careful comparison of those relating to those countries retaining capital punishment with those which have abolished it, is that no decisive facts emerge.

It is quite obvious we cannot use statistics in our arguments.

Mr. O'Connor: That is reasonable.

Mr. STEPHENS: One factor cannot be gauged by statistics; namely, how many potential murderers have been deterred as a result of capital punishment being retained in any country. In this respect, I am inclined to agree with what a learned judge once said. His words were—

The death penalty is a warning just like a lighthouse throwing its beams out to sea. We hear about shipwrecks but we do not hear about the ships the lighthouse guides safely on their way. We do not have proof of the number of ships it saves but we do not tear the lighthouse down.

I believe in the sanctity of human life and I also believe it is the responsibility of Parliament to protect the innocent. For these reasons I consider we must retain capital punishment and, therefore, I oppose the Bill. The business of government is justice, not pity, however self-consoling it may be.

I also wish to point out that although I have expressed my own personal beliefs, I am sincerely of the opinion that I am also expressing the view of the majority of the people in the electorate I represent. I expressed my views to the local radio station and stated that I intended to oppose the Bill. This statement went out on

at least three news services. I have not received one letter, one telephone call, or one protest from any person in my electorate objecting to the stand which I intend to take.

Mr. T. D. Evans: Has anyone contacted you saying that he supports the Bill?

Mr. STEPHENS: No. The people knew my stand and, consequently, there was no need. Surely members opposite are not suggesting that nobody listens to a wireless in a country electorate? I have already said that my statement was made over three news broadcasts.

Mr. May: Perhaps not all the people in your electorate heard it.

Mr. STEPHENS: There must have been a wide coverage.

Mr. W. G. Young: I heard it.

Mr. STEPHENS: Not one person protested. I concede that no-one complimented me, either, but as the people knew the stand I intended to take they must have felt that I would be acting in their interests and there was no need for them to tell me in person.

Mr. Jamieson: People usually write to a member to pat him on the back in the same way as they write to criticise him.

Mr. STEPHENS: It is held—and I am inclined to agree with the suggestion—that the penalty of capital punishment, which is regularly commuted to life imprisonment, ceases to be a deterrent. I would like to quote the opinion of a learned gentleman who is mentioned in the book, *The Penalty is Death*, edited by Barry Jones. Mr. Justice Humphreys, in speaking to the Royal Commission in England, said—

The mere retention on the Statute Book of the death sentence as the only one to be passed upon a conviction for murder, has in my opinion no deterrent effect at all. On the other hand, the practical certainty that if caught and convicted of murder, he will lose his life, would I think deter many criminals from carrying and using lethal weapons or from resorting to violence upon apprehension.

I believe there should be a review of the types of murder for which capital punishment should be retained. I also believe the Royal prerogative should be exercised only in exceptional circumstances. I do not set myself up as competent to decide all the circumstances in which capital punishment should be retained. However, I would definitely include the murder of law enforcement officers and warders in the execution of their duties. I cannot see why the life of a law officer should be expendable and, yet, we waste time and sympathy on the vicious criminal who murders him.

I think we all agree that, without an effective Police Force, our society would soon degenerate into a criminal jungle. We must do everything possible to protect law enforcement officers.

I would also include those responsible for terrorist activities such as the Munich bomb outrage, and the type of crime where people are prepared to plant bombs which can kill innocent women and children, in particular, as well as men. For these types of crimes I think the sentence should be the death penalty and that it should be carried out.

I agree with the member for Subiaco who suggested that drug pushers who are not addicts themselves should be given such a sentence.

Mr. Burke: Including alcoholics?

Mr. STEPHENS: In other words, the man who pushes hard drugs for financial reward. I consider this should be made a capital offence. It is not at the moment, but I would like to see it made so.

Mr. T. D. Evans: You have the opportunity to introduce a private member's Bill.

Mr. STEPHENS: Those are three circumstances in which I feel the death penalty should definitely be retained. Doubtless there could be others. I feel the whole situation should be reviewed by a competent authority.

However, I also feel that when it is clearly established that a murder has been committed in a fit of passion or emotion, it should not be considered as a capital offence and should not be punishable as such. I will concede that in those circumstances some other penalty must be devised. These are situations in which the person concerned is, doubtless, temporarily insane and acts on the spur of the moment. Under those circumstances the death penalty would not act as a deterrent.

I also believe that if capital punishment were to be reviewed along the lines I have suggested, it may also be necessary to review the jury system and the method of appointing jurors. I consider it would be wrong to appoint anybody to a jury who, in conscience, does not hold with capital punishment.

Mr. Jamieson: To do what you are proposing would be to load the jury.

Mr. STEPHENS: That would be up to them. If they wished to opt out because of their consciences, that would be all right.

Mr. T. D. Evans: Do you wish to load the jury against the accused?

Mr. STEPHENS: It would not be loading the jury at all. I have known of a circumstance where a man would not convict—

Mr. T. D. Evans: The system you are advocating would be utterly offensive to the whole jury system.

Mr. STEPHENS: Let me finish. I understand that jurymen are not supposed to discuss what happens in the jury room. However, I believe that in one instance, during deliberations in a rape case, a juror said, "I think the man is guilty, but I would refuse to concur in a guilty verdict because on one occasion during the war my friend was incarcerated as a result of a woman giving false evidence. Therefore, in no circumstances will I find a man guilty of rape."

Mr. T. D. Evans: He was one out of 12.

Mr. STEPHENS: That is right.

Mr. T. D. Evans: The Great Redeemer suffered the results of one out of 12 falling out of line.

Mr. STEPHENS: I am making the point that such a person is not properly qualified to be on a jury. He should be allowed to exercise his right to say, "Under no circumstances will I bring in a verdict of guilty."

Mr. T. D. Evans: You did not say that. You said that no person who abhors the death penalty should be able to serve on a jury.

Mr. STEPHENS: I did not intend to say that. The point I make is that a person who does not believe in hanging should have the right to opt out.

Mr. May: Would not that place the judges in an invidious position? A judge also has a conscience.

Mr. STEPHENS: I am speaking about the jurors.

Mr. T. D. Evans: The judge has to pronounce the sentence.

Mr. May: It is the same principle.

Mr. STEPHENS: I am speaking of the jury; Government members may speak about the judge.

Mr. May: It is the same principle.

Mr. STEPHENS: To come to the other part of the legislation, I have no objection to the repeal of whipping as a punishment, as whipping is brutal. However, I would like to see the birch used more frequently for certain crimes. People who commit robbery with violence, or young louts who brutally attack inoffensive individuals, are usually cowards, and would therefore fear the infliction of physical pain more than a prison sentence. Many prison sentences are for short periods and certain of our prisons are virtually rest homes.

Mr. H. D. Evans: Do you advocate corporal punishment in schools?

Several members interjected.

Mr. STEPHENS: When the noise has abated, I will continue. I recently had the opportunity to make a very close inspection of the Albany Regional Prison.

Mr. Jamieson: That is the only new one we have.

Mr. STEPHENS: Many people convicted of crimes of violence spend their prison term at Albany. In these circumstances I feel a better deterrent would be a few red marks left by the birch.

Mr. H. D. Evans: Do you advocate corporal punishment in schools?

Mr. STEPHENS: I believe it should be retained in certain circumstances, yes.

Mr. Jamieson: He wants to judge the circumstances.

Mr. STEPHENS: I am alarmed about the number of escapes from our gaols. It is commonly believed in the Albany district—I do not know whether this is true—that many people escape shortly before they are ready for discharge. In this way they spend a longer period in prison.

Mr. Burke: Are you referring to Aborigines? I understand it is in 90 per cent. of cases.

Mr. STEPHENS: I would not attempt to attribute this to a particular race.

If prisoners were aware that they would receive a taste of the birch for escaping, I feel we would have fewer escapes. Certainly longer prison sentences are not a deterrent.

Before resuming my seat, I would like to comment on points made by earlier speakers. The member for Fremantle mentioned DNA, and said this substance controls the growth of the person and he therefore has no say in his personality or his actions. If we accept this view, we may as well do away with all punishment because it would be ridiculous to punish a man for something over which he has no control. I am sure members will realise this argument is utterly ridiculous.

The member for Mt. Hawthorn, on page 3203 of *Hansard*, quoted article 3 of the declaration of human rights in the United Nations Charter. This reads—

Everyone has the right to life, liberty, and the security of the person.

I am sure all members will agree with this. If capital punishment is retained in certain circumstances, the security of a person will be enhanced.

To illustrate this I would like to mention the case of Dr. Cream, who was convicted of the murder of four people in America. He was released after 10 years and made his way to England.

Mr. Brown: What is his name?

Mr. STEPHENS: Dr. Cream.

Mr. T. D. Evans: He should have been whipped cream.

Mr. May: That is a bit curdled.

Mr. Brown: When was this?

Mr. STEPHENS: I will look this up. He made his way to England and subsequently committed four more murders.

Mr. Brown: Under the medical health scheme?

Mr. STEPHENS: The lives of four people would have been saved had the doctor been executed.

Mr. Bertram: I think you will admit that that is an extreme exception.

Mr. STEPHENS: The honourable member made the point of the security of the person.

Mr. Bertram: I certainly did.

Mr. STEPHENS: Under certain circumstances, capital punishment enhances the security of the person. I have already stated my views on hanging—I do not advocate hanging on every occasion.

The member for Mt. Hawthorn also quoted article 5 of the United Nations Charter as follows:—

No-one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

I also agree with this principle.

As I said earlier, I believe drug pushers should be hanged. In this context I would like to read the remarks of Dr. William McBride in *The West Australian* of Saturday, the 26th August. Dr. McBride also advocated that drug pushers should be hanged and he had this to say—

Those who consider that it would be a return to the barbaric past should reserve judgment till they have seen the degradation, the pain and the grief that these people peddle.

Surely degradation and pain are forms of torture.

Recently we saw a report in the paper of a young man who murdered his mother whilst under the influence of drugs. I feel that capital punishment is perfectly justifiable for drug peddlers. In this regard we would be acting within article 5 of the United Nations Charter.

Mr. Bryce: Article 5 does not say, "with the exception of drug peddlers."

Mr. STEPHENS: At page 3204 the member for Mt. Hawthorn said—

We will find, therefore, that decisions of juries, instead of being based upon the evidence put before them in respect of the case, will be influenced by conscience, which is a perfectly natural thing to expect, but thoroughly unsatisfactory.

I do not think that is an argument against capital punishment. It may be an argument against the jury system because it points out that where there is the likelihood of a hanging, a jury, when deliberating on a verdict, may be inclined to stretch to the very limit the phrase, "beyond all reasonable doubt." In this instance the accused would be more likely to be found not guilty than guilty.

Further on he said—

It is better to ensure that a guilty person is convicted than to hazard the risk of that not happening by perpetuating capital punishment.

I would like to quote some figures that are set out on page 262 of the book entitled, *The penalty is death*. These figures deal with verdicts in murder trials held in the Victorian Supreme Court. Under a Labor Government, of the number charged with murder, 28.6 per cent. were convicted of murder and 25 per cent. were either acquitted of the charge of murder or found guilty of manslaughter. However, under a Conservative Government, in a given period, only 18.2 per cent. of those charged with murder were actually convicted of murder and 43.6 per cent. were either acquitted of the charge of murder or found guilty of manslaughter.

Mr. Bertram: That supports my case.

Mr. STEPHENS: I do not think so. The point it brings home to me is that in cases where the death penalty is applied there is more chance of a person being convicted of manslaughter when, in effect, he may be innocent, because in the State of Victoria when a Labor Government was in office only 25 per cent. were either acquitted of the charge of murder or found guilty of manslaughter. Therefore, I think the point is made that there is a prospect, under a Labor Administration, of people being acquitted of the charge of murder. When a Conservative Government was in office 43.6 per cent. of people charged with murder were either acquitted or convicted of manslaughter, whereas, in other circumstances, they may have been acquitted of the charge.

Although opposed to capital punishment, the member for Wembley said he felt that those convicted of murder should be locked up for life. I consider that both the member for Narrogin and the Minister for Works would agree that to lock up a man for life is possibly worse than to hang him. It has been known for a person to go mad when he is aware that he will be locked away in a prison for life without hope of reprieve or eventually seeing the outside world again. In those circumstances, I believe that hanging would be less cruel.

When the subject of life imprisonment was raised, mention was made of the number of countries that have abolished capital punishment. I think the figure quoted was 35. However, what was not brought to light was the fate of those people who are convicted of murder. Some are committed and never released. Others are kept in solitary confinement for long periods. Some are kept in gaols for periods of 25 or 30 years, which surely is equally degrading as hanging a man.

It is interesting to note that in the United States of America in cases where the sentence of death is commuted to life imprisonment, the approximate period an offender spends in gaol is seven years, and that country has the highest homicide rate in the world.

Finally, the member for Boulder-Dundas was concerned about the pain of hanging. We have been led to believe that hanging is a quick and sudden death, but I have some doubts about this and I feel they could be overcome if, before the fateful day arrived, the condemned man was given heavy sedation so that if there were any hitch or mistake the victim would not feel any pain. Whilst on this aspect the Minister for Works mentioned that perhaps, in those circumstances where it was found necessary to carry out capital punishment, we should have a more humane way to dispose of the guilty person. I was inclined to agree with him, but on reading this book on *The History of Capital Punishment* that I have before me and what the British Medical Association had to say I am inclined to change my mind. This quotation reads as follows:—

The Council of the British Medical Association, in expressing to the Royal Commission on Capital Punishment its views relative to methods of execution, said: "Perhaps the most effective and humane method that could be adopted in place of hanging was gassing. It was possible to introduce suddenly into a suitable chamber a concentration of pure and odourless carbon monoxide which would cause loss of consciousness instantaneously and painlessly, followed rapidly by death. Nevertheless, the method was one which had highly unpleasant associations. Apart from this consideration, it might be the best alternative".

The Council of the B.M.A. admits there may be an alternative, but is inclined to believe that possibly hanging is one of the most rapid and best methods of carrying out capital punishment, and I too, think that hanging, in association with heavy sedation of the victim, would be the most humane way of carrying out the death penalty.

Mr. Jamieson: I doubt whether the B.M.A. said exactly what you have said. It did not give your interpretation; that is, that hanging is one of the most humane methods of capital punishment.

Mr. STEPHENS: It said there was only one alternative to hanging, and that was gassing. I will stand by that quotation, and with those few remarks, I oppose the Bill.

Debate adjourned until a later stage of the sitting, on motion by Mr. Harman.

(Continued on page 3847)

QUESTIONS (38): ON NOTICE

1. NON-GOVERNMENT SCHOOLS

Commonwealth Assistance: Policy Statement

Mr. HUTCHINSON, to the Treasurer:

- (1) Further to my questions on 22nd August as to whether the State Government would move to join the Commonwealth Government regarding the level of financial assistance to non-Government schools for running costs of schools, have the details yet been reached where he can announce the implementation of the scheme?
- (2) Can he yet announce the amount of money involved insofar as the State is concerned?

Mr. May (for Mr. J. T. TONKIN) replied:

- (1) No.
- (2) No, but the amount would not be substantial.

2. SOFTWOOD PLANTATIONS

Land Acquisition

Mr. REID, to the Minister for Forests:

- (1) As only 36% of the 33,855 acres purchased from private landholders since 1950 have been planted with *pinus radiata* why is the Forests Department still actively buying land for plantation purposes?
- (2) Is he aware that the sale of this private land to the department with the resultant loss of rates is causing serious repercussions to the respective Shires?
- (3) As the department already has a 7,000 acre land surplus over the five year planting programme, will it be departmental policy to continue buying private property, and, if so, for what purpose?
- (4) Would he consider making special financial provision to shires in which private property is purchased by the department and then leased back to the owners for periods of up to four years?

Mr. H. D. EVANS replied:

- (1) The use of the 36% figure is misleading because the "area purchased" is a gross acreage figure and will contain some acres not suitable for planting but which had to be bought as part of a total property area.
The "area planted" is a nett acreage figure and does not contain the above unsuitable areas of those taken up by firebreaks, roads, etc. Some of the purchased properties

are still under lease to the vendors as a condition of the purchase agreement.

Ground preparation and other operations, prior to planting, can take up to four years after complete acquisition.

- (2) This subject has been discussed directly with the Shires concerned on several occasions.
- (3) Yes. To provide for adequate long term forward planning and management under the restraints mentioned in (1).
- (4) Answered by (2).

3. HOUSING

Painting Dispute: Girrawheen

Mr. A. R. TONKIN, to the Minister for Housing:

- (1) How long did it take Miss Marie Jegust and her sister to paint the State Housing Commission house at Girrawheen?
- (2) What time would be regarded as normal or average for the painting of such a home?
- (3) Was the house in question passed by the commission supervisors after it had been painted by the sisters?
- (4) If (3) is "No" how long did it take to have the house rectified so as to allow it to pass a final inspection?

Mr. BICKERTON replied:

- (1) Four weeks comprising broken time.
- (2) One week for two men.
- (3) No. Finishing details to be made good.
- (4) To date house not finally passed. Details which would involve approximately two days for one man are still to be completed.

4. NAVAL BASE HOUSING PROJECT

Environmental Protection Report

Mr. RUSHTON, to the Minister for Town Planning:

- (1) Has he received the Environmental Protection Authority report upon the proposed Naval Base residential development?
- (2) If "Yes" to (1), will he table it?
- (3) If "No" to (1), what is causing the delay?

Mr. Bickerton (for Mr. DAVIES) replied:

- (1) to (3) This report has been considered by Cabinet and I understand that the Premier will be making a statement in due course.

5 to 7. *These questions were postponed.*

8. APPLES AND PEARS

Statutory Marketing Authority

Mr. RUNCIMAN, to the Minister for Agriculture:

- (1) Is it his intention to introduce a statutory authority to control the apple and pear industry?
- (2) If so, when would the necessary legislation be introduced?
- (3) Is he aware of the mounting opposition within the fruit industry to such a proposal?
- (4) Will he give consideration to having a referendum of all eligible growers on the matter of a statutory marketing authority?
- (5) What would be the approximate cost of setting up such an authority?
- (6) What would be the cost of setting up the necessary packing and cool storage facilities to replace those in use by shippers at the present time?
- (7) What advantages would such an authority give to producers over the present private enterprise system?

Mr. H. D. EVANS replied:

- (1) to (7) The question of legislation for the fruit growing industry is being considered by the Fruit Handling and Transport Committee which has not yet finalised its report. No announcement is contemplated at present. The fruit growing industry is represented on this committee and is closely in touch with me regarding its views on orderly marketing. The annual fruit growers' conference motion recently passed in relation to this subject has been received from the association.

9. *This question was postponed.*

10. ALCOHOLISM

Funds for Treatment and Rehabilitation

Mr. W. A. MANNING, to the Treasurer:

- (1) What amount has been paid under section 168 of the Liquor Act—
 - (a) to the Minister for Education for educational programmes to discourage intemperance;
 - (b) to the Minister for Health for the provision of clinics and centres for the medical and other treatment and the care and rehabilitation of alcoholics?
- (2) What provision has been made or will he make in this financial year under the same section of the Liquor Act?

Mr. Graham (for Mr. J. T. TONKIN) replied:

- (1) and (2) No specific funds have been allocated under this section of the Act since its inception in 1970 by either the former Government or the present Government, as moneys for these purposes are provided for in the votes of the respective departments.

11. EDUCATION

Speech Defect Remedial Centres

Mr. LEWIS, to the Minister for Education:

- (1) What remedial centres are available in—
 - (a) metropolitan area;
 - (b) country areas,
 for the treatment of children with a speech defect?
- (2) What is the approximate number of such children?
- (3) Are boarding facilities available or planned for them other than private accommodation?

Mr. T. D. EVANS replied:

- (1) The Education Department caters for children with language handicaps at the Cottesloe junior primary school for the deaf. It has no centres for children with other forms of speech defects.
- (2) No figures are available.
- (3) Boarding facilities for children attending the Cottesloe school exist at the Mosman Park school for the deaf. The Education Department has no boarding facilities for other children.

12.

LAND

Navy Gunnery Range

Mr. LEWIS, to the Minister for Lands:

- (1) Will he lay on the Table of the House a plan showing the area and location of the land sought by the Royal Australian Navy as a gunnery range near Lancelin?
- (2) What stage have the negotiations reached?
- (3) Will the proposal in any way restrict access to Wedge Island by road or sea?
- (4) Will the crayfishing industry from Wedge Island or Lancelin be adversely affected?

Mr. H. D. EVANS replied:

- (1) The plan is submitted for tabling.
- (2) Cabinet has the proposal under consideration.
- (3) The range would be used intermittently. It has been suggested that a typical year's use could be two days per month for ten months

of the year, plus one or two annual periods of three to four days. In one day firing would occupy two to four hours generally between 0800 and 1600. Some firing may be conducted at night.

(4) No.

The plan was tabled (see paper 392).

13. TOTALISATOR AGENCY BOARD

Turnover and Payments to Treasury

Mr. WILLIAMS, to the Minister representing the Minister for Police:

- (1) What was the total turnover of the Totalisator Agency Board for the years 1968-69 to 1971-72 inclusive?
- (2) What amount of the turnover for the years mentioned was received from—
 - (a) Eastern States racing;
 - (b) metropolitan racing;
 - (c) country racing;
 - (d) metropolitan trotting;
 - (e) country trotting?
- (3) What payments were made to the Treasury from the T.A.B. during each of these years?

Mr. BICKERTON replied:

(1) \$219,334,990.

\$

- (2) (a) 92,004,510;
- (b) 47,180,100;
- (c) 17,944,569;
- (d) 41,390,783;
- (e) 20,815,028.
- (3) \$14,896,790.

14 and 15. *These questions were postponed.*

16. TOURISM

Ministerial Conference

Mr. MENSAROS, to the Minister for Tourism:

- (1) When was the last meeting of the State Ministers for Tourism?
- (2) What legislative and administrative actions were accepted to be taken by the States?
- (3) In particular, has agreement been reached to license and/or bond travel agents by the States?

Mr. TAYLOR replied:

- (1) The last annual meeting of the Tourist Ministers Council was held in Kalgoorlie on Monday, 10th July and Tuesday, 11th July, 1972.

Tourist Ministers met subsequently as a body, not as a council, in Sydney on Friday, 18th August, 1972.

(2) No legislative and administrative actions were accepted to be taken by the States, although discussions were to continue for the time being on some matters which it was hoped would lead to the States making independent decisions with regard to their own States.

(3) In the matter of licensing and/or bonding of travel agents, I refer the Member to my reply to question 15 of Wednesday, 2nd August, 1972.

Four States have now indicated that they will legislate and this State is considering the various types of legislation that they propose.

The Parliamentary Counsel and the Director of Tourism will be going to the Eastern States next week to look at legislation there with a view to perhaps framing legislation for this State. But this will only be as a review.

17. DIRECTOR-GENERAL OF EDUCATION

Advertising of Position

Mr. MENSAROS, to the Minister for Education:

- (1) Was the position for Director-General of Education advertised interstate and overseas?
- (2) If so, at what days, places and newspapers?
- (3) Was the advertisement in *The West Australian* on Saturday 30th September, with a closing day for 13th October, the first and only advertisement, or were there any before it?

Mr. T. D. EVANS replied:

- (1) The position of Director-General of Education was advertised throughout Australia but not overseas.
- (2) The position was advertised throughout Australia on 30th September in *The Australian* newspaper.
- (3) The position was also advertised in the *Government Gazette* on 29th September and in *The West Australian* on 30th September. It will be repeated in the *Government Gazette* on 6th October, in *The West Australian* on 7th October and in *The Australian* on 7th October. Applications close on 13th October, 1972.

18. WEMBLEY SCHOOL

Sports Ground

Mr. MENSAROS, to the Minister for Works:

- (1) Will the proposed construction work of a dual carriageway in Selby Street render the Selby

Street reserve wholly or partly unavailable for organised sport and playground for the Wembley school?

- (2) If so, for what period and approximately when?
- (3) If (1) is "Yes" would he—co-operating with the Perth City Council as is required—redevelop Rutter Park for alternative sports ground for use by the Wembley school?
- (4) If (3) is "No" what other alternative can be offered to the Wembley school for conducting organised sport?

Mr. JAMIESON replied:

- (1) The proposals for improvement to Selby Street north of Underwood Avenue have been initiated by the Perth City Council, within whose jurisdiction this route lies.

The Main Roads Department has agreed to assist financially with improvements to the intersections with Underwood Avenue, The Boulevard, Cambridge Street and Salvado Road in order to improve the traffic safety aspects.

The effect of road proposals on the Selby Street Reserve is a matter for the consideration of the Perth City Council.

- (2) to (4) Answered by (1).

19. TEACHERS' TRAINING COLLEGES

Commonwealth Financial Assistance

Mr. MENSAROS, to the Minister for Education:

What are the exact conditions for the Commonwealth financial aid of \$1 for every \$1.85 for teachers' colleges developed as autonomous tertiary institutions regarding organisation of teachers' colleges in this State?

Mr. T. D. EVANS replied:

In a letter dated 6th September, 1972, the Minister for Education and Science set out the conditions for Commonwealth aid for teachers' colleges in the following terms:—

"The Commonwealth's offer to support the costs of State colleges therefore is made in respect of those institutions which are self-governing or which are being developed as self-governing institutions. By self-governing is meant that the colleges have their own governing councils with the right of direct employment of staff free from the control of the Education Department and not as members of

the Public Service proper. It is expected that the development programmes of self-governing colleges would be co-ordinated by a statutory body, such as a State board of advanced education, or of teacher education through which their proposed triennial programmes would be submitted to the Australian Commission on Advanced Education."

20.

HOUSING

Pensioners' Rent Increase

Mr. MENSAROS, to the Minister for Housing:

Referring to his reply to question 18 on 22nd August, 1972, can he say whether a decision has yet been made to raise or leave intact pensioners' rent for State Housing Commission flats and homes?

Mr. BICKERTON replied:

No decision has been made at this stage.

21. INLAND SUPERPHOSPHATE WORKS

Feasibility Study

Mr. BROWN, to the Minister for Development and Decentralisation:

- (1) Has the second stage of the feasibility study by Davy Ashmore consultants for the establishment of inland superphosphate works been completed?

- (2) When is the report expected to be tabled in Parliament?

Mr. GRAHAM replied:

- (1) Yes.
- (2) The report will be tabled next week.

22. COMPREHENSIVE WATER SCHEME

Extension

Mr. BROWN, to the Minister for Water Supplies:

- (1) Has any decision been received from the Commonwealth Government for further extensions of the Comprehensive Water Scheme outside the existing arrangements?
- (2) If "Yes" will he outline the proposals?

Mr. JAMIESON replied:

- (1) Yes.
- (2) The Commonwealth Government has advised that finance will not be provided for the extensions proposed for the York-Greenhills and Corrigin-Bullaring areas.

23.

TRANSPORT

Licenses and Permits: Refusal

Mr. THOMPSON, to the Premier:

- (1) Has Cabinet instructed the transport commission to refuse to grant a license or permit to road hauliers who have, by way of a means test, indicated their inability to pay road maintenance tax?
- (2) If this is so, how many hauliers have been refused a license or permit to date which will have the effect of depriving them of their livelihood and rendering them incapable of meeting any financial obligations?
- (3) Does the Government consider that this course of action will be acceptable to those transport operators who believed that the present Government would abolish road maintenance tax without replacing it with another charge?

Mr. Graham (for Mr. J. T. TONKIN) replied:

- (1) Yes, it is a provision of the Transport Commission Act that the financial stability of an applicant must be taken into consideration before a license or permit is granted.
- (2) There have been no refusals to date.
- (3) The Government has no knowledge of the possible reaction of transport operators.

24.

PRISONS

Lionel Brockman: Escape

Mr. McPHARLIN, to the Minister representing the Minister for Police:

- (1) As it was reported in *The West Australian* of 4th October, 1972 that Lionel Brockman's escape was assisted by an Eastern States organisation, has this allegation been confirmed by the Police Department?
- (2) If not, are others involved who are known to the police?
- (3) Is it known in which direction he and his family are travelling?

Mr. BICKERTON replied:

- (1) to (3) No.

25.

KALAMUNDA HIGH SCHOOL

Additions

Mr. THOMPSON, to the Minister for Education:

- (1) Has a contract been let for major additions to Kalamunda high school which are scheduled for completion before the start of the 1973 school year?
- (2) If "No" to (1), when will the contract be let?
- (3) If "Yes" to (1), to whom has the contract been let and what is the tender price?

- (4) Will the additions be completed before the start of school next year?

Mr. T. D. EVANS replied:

- (1) No.
- (2) The acceptance of a contract is under consideration by the Minister for Works.
- (3) Not applicable.
- (4) Period of contract for total work will be 26 weeks from the signing of the contract. It may be possible to complete the classroom block of four rooms, however, for the start of the next school year.

26.

CATTLE

Sales: Boycott

Mr. BLAIKIE, to the Minister for Agriculture:

- (1) Would he advise which officers of his department and what other organisations are represented in discussions to investigate the ban by livestock buyers to the purchase of female cattle over 12 months of age by liveweight?
- (2) Prior to the ban, had the Minister of his department received any complaint or otherwise of the sale of stock by liveweight from either producer or buying sources?
- (3) Which company initiated auction sales of cattle by liveweight in Western Australia and where?
- (4) Were Western Livestock Ltd. invited to offer a submission to the committee investigating (1) and, if not, why not?

Mr. H. D. EVANS replied:

- (1) Preliminary discussions have been solely between producers and livestock buyers to which no departmental representation was invited. The investigating committee will comprise of representatives from the Farmers' Union, Pastoralists and Graziers' Association, United Beef Cattle Breeders Association and Livestock and Wholesale Meat Vendors Association.
- (2) No.
- (3) Western Livestock Ltd. at Boyanup.
- (4) The first meeting of the investigating committee has not yet been held.

27.

KELMSCOTT SCHOOL

Additions

Mr. RUSHTON, to the Minister for Education:

- (1) What additions and maintenance are approved for Kelmscott primary school this year?
- (2) When will the new entrance from Orlando Street be constructed?

Mr. T. D. EVANS replied:

- (1) There are no major additions listed for Kelmscott primary school this year. A new entrance, access road and fencing are listed at high priority and an investigation is being made of the need to re-surface the bitumen area.
- (2) No firm date can be given at this time.

28. ARMADALE SCHOOL

Additions

Mr. RUSHTON, to the Minister for Education:

- (1) What work (additions, removal and maintenance) has been approved for Armadale primary school this year?
- (2) Has the parents and citizens' association proposal for development of the resource centre been approved?
- (3) Is the department to subsidise or cover the cost of the proposed alterations for the resource centre?
- (4) If (2) is "No" when can the association expect approval?

Mr. T. D. EVANS replied:

- (1) No major works are listed for Armadale primary school this year. Minor staffroom improvements and drainage are listed at a low priority.
- (2) Yes.
- (3) A subsidy will be paid subject to the availability of funds.
- (4) Not applicable.

29. NEERIGEN BROOK SCHOOL

Canteen

Mr. RUSHTON, to the Minister for Education:

- (1) Is he aware the Neerigen Brook parents and citizens' association has its plan and finance ready for construction of the school canteen?
- (2) As the contractor building the school extensions is now on site, and will build the canteen, will the departmental approval be given immediately?
- (3) Does the Government intend to increase its subsidy for school canteens this year?
- (4) If "Yes" to (3), will this association qualify?

Mr. T. D. EVANS replied:

- (1) No.
- (2) Provided plans and specifications are submitted and approved at an early date and the builder's quote is satisfactory, approval for the subsidy will be given.
- (3) No.
- (4) Not applicable.

30. DINGOES IN CAPTIVITY

Control

Mr. THOMPSON, to the Minister for Agriculture:

- (1) Further to question 30 of 4th October, 1972, will he state how many dingoes are kept by the private person in the Claremont area?
- (2) For what purpose are these animals being kept?

Mr. H. D. EVANS replied:

- (1) A permit was issued in advance, for the temporary keeping of one dingo puppy.
- (2) The permit was issued to Mr. J. Howson in his capacity as Director of the Royal Agricultural Society for that society to exhibit a dingo puppy in the nursery section at the Royal Show. However, the society was unable to obtain a puppy for display and hence the permit proved to be unnecessary.

Supplementary to my answer to question 30 of 4th October, I regret to say that due to an oversight, I omitted to report that another permit to keep a dingo has been issued to the Willesley Road wildlife park, Benger.

In all cases where long term permits are issued, the premises are inspected to see that the animals are housed and caged under conditions similar to those prevailing in "A" class zoos, before the permit is issued.

31. THOMAS STREET

Median Strip

Mr. HUTCHINSON, to the Minister for Works:

Further to my question dated Tuesday, 28th March, 1972 regarding the aesthetics of Thomas Street, will he now advise whether the plan that was to have been prepared will allow for median strip trees or shrubs to be planted before summer begins?

Mr. JAMIESON replied:

As the Member is aware, the planning for the beautification of the median strip in Thomas Street is being undertaken by the Perth City Council. The Main Roads Department has not yet received the plan of the proposed beautification from the council.

Inquiries are being made at the council regarding progress in this matter and the Main Roads Department will advise the Member direct of the results of the inquiries.

32. INDUSTRIAL DEVELOPMENT*Albany Industrial Site*

Mr. COOK, to the Minister for Development and Decentralisation:

- (1) Referring to answers to question 18 on 4th October, 1972 has consideration been given to servicing the area with an effluent discharge pipe to the open sea?
- (2) If consideration has been given under what circumstances could such a pipe be provided and would it be built by the Government, by private enterprise, perhaps with assistance by the Government, or would it be the sole responsibility of private enterprise?
- (3) Would such a pipe be available for use by the industries as a common effluent pipe?
- (4) Would provision of this pipe allow the area to be used for all industries including obnoxious?
- (5) If this area would still be unsuitable for obnoxious industries, what action is proposed to obtain land suitable for these industries?
- (6) Are there any concrete proposals to fully service this industrial area and, if so, would he outline them?
- (7) If not, would he give consideration to having planning implemented with a view to having the area serviced as soon as possible?

Mr. GRAHAM replied:

- (1) The land was selected for future industry and considered to be suitably located with regard to port and town and with regard to the possible need for effluent discharge to the ocean.
- (2) We examined the likely route and cost of such an effluent discharge line but have made no specific arrangements pending demand of industry.
- (3) It was the intention that the facility would be shared as a common user effluent line.
- (4) Yes, subject to effluents being acceptable.
- (5) Answered by (4).
- (6) There is no proposal to fully service this area at present.
- (7) The type of development plan would depend on the nature of the industries requiring accommodation in the area, and their demands on services.

34. STATE HOUSING COMMISSION*Building Blocks and Land Acquisition*

Mr. RUSHTON, to the Minister for Housing:

- (1) During the past 18 months how many residential blocks has the commission commenced to develop from its own land?
- (2) From the total building blocks mentioned in (1)—
 - (a) how many have been completely serviced;
 - (b) how many partially serviced?
- (3) In the same period how many broad acres of land has the commission purchased (showing the acreage and area in which the purchases have been made)?
- (4) In the past 18 months, how many building blocks has the commission purchased—
 - (a) completely serviced;
 - (b) approved for subdivision and partially serviced?
- (5) What is the total acreage of land held by the commission—
 - (a) serviced;
 - (b) partially serviced;
 - (c) in broad acres?

Mr. BICKERTON replied:

- (1) During the period, development commenced to provide 4,555 residential sites, having a potential to build approximately 7,675 units of accommodation and made up as follows:—

Metropolitan region:
3,750 sites—potential of 6,190 units.

North west region:
420 sites—potential of 685 units.

Country areas:
385 sites—potential of 800 units.

- (2) (a) A total of 2,510 sites have been completely serviced as follows:—

Metropolitan region:
2,200 sites—potential of 2,935 units.

North west region:
130 sites—potential of 200 units.

Country areas:
180 sites—potential of 280 units.

- (b) Partially serviced sites total 495 as follows:—

Metropolitan region:
Nil.

North west region:
290 sites—potential of 485 units.

Country areas:

205 sites—potential of 520 units.

Planning approval has been obtained for development of the remaining 1,550 sites and survey and clearing operations are in hand.

- (3) The commission has purchased 390 broad acres in the metropolitan region and 145 broad acres in country areas. The location of these broad acres is confidential to the commission.

- (4) A total of 1,365 residential sites have been purchased as follows:—

(a) Serviced sites:—

| | Sites |
|------------------------|-------|
| Metropolitan region | 525 |
| North west region | 80 |
| Country areas | 190 |
| Sub total | 795 |

(b) Partially serviced sites:—

| | |
|------------------------|-----|
| Metropolitan region | 250 |
| North west region | 300 |
| Country areas | 20 |
| Sub total | 570 |

- (5) The total acreage held by the commission is 15,800 acres, made up as follows:—

(a) Serviced land—

| | Acres |
|------------------------|-------|
| Metropolitan region | 530 |
| North west region | 40 |
| Country areas | 105 |
| Total | 675 |

(b) Partially serviced land—

| | |
|------------------------|-----|
| Metropolitan region | 70 |
| North west region | 90 |
| Country areas | 25 |
| Total | 185 |

(c) Broad acres—

| | |
|---------------------|---------|
| Metropolitan region | 10,500* |
| North west region | Nil |
| Country areas | 4,440* |
| Total | 14,940* |

*Includes approximately 5,000 acres in the metropolitan region and 3,000 acres in country areas which are currently zoned for non-residential purposes.

In addition the commission has a contractual arrangement to acquire a further 920 acres of residential land in the metropolitan and country areas.

35.

TOWN PLANNING**Rural Land: Rezoning**

Mr. HARMAN, to the Minister for Town Planning:

- (1) Approximately how many acres of land zoned "rural" in the metropolitan region plan when adopted by Parliament have since been—
 (a) rezoned for other purposes;
 (b) agreed to for development for other purposes?
- (2) What areas of (a) and (b) above relate to urban usage?

Mr. Bickerton (for Mr. DAVIES) replied:

- (1) (a) 4,700 ha.
 (b) 1,110 ha.
 (2) 4,800 ha.

36.

LOCAL GOVERNMENT**G.R.5 and G.R.6 Zones: Notional Valuations**

Mr. HARMAN, to the Minister representing the Minister for Local Government:

Is it a fact that some eligible residents residing in G.R.5 and G.R.6 zones in Maylands and Inglewood have not applied for notional valuations as provided under the Local Government Act?

Mr. TAYLOR replied:

Yes.

37.

DAIRYING**Butterfat and Quota Milk: Production**

Mr. BLAIKIE, to the Minister for Agriculture:

- (1) What is the number of producers engaged in the production of—
 (a) butterfat;
 (b) quota milk,
 in Western Australia in each year since 1960?
- (2) What is the average herd production rate, from herd recording statistics, in each year since 1960 in—
 (a) butterfat;
 (b) quota milk areas?
- (3) What is the total amount of production from—
 (a) butterfat;
 (b) quota milk sources,
 and the yearly value in each year since 1960?
- (4) Will he give details of the amount, value and category of dairy produce, that was—
 (a) imported into;
 (b) exported from,
 this State in each year since 1960?

Mr. H. D. EVANS replied:

As the answer to this question involves three pages of statistical tables, I request permission for it to be tabled.

The answer was tabled (see paper No. 393).

38. MEAT MEAL

Midland and Robb Jetty Abattoirs:
Production

Mr. McPHARLIN, to the Minister for Agriculture:

- (1) What is the price of meat meal per ton ex Midland for—
 - (a) local market;
 - (b) export market?
- (2) (a) What tonnage has been sold locally for the years 1969-70, 1970-71 and 1971-72;
- (b) what tonnage has been sold on overseas markets for the same years;
- (c) to what countries have the export sales, if any, been made?
- (3) What is the price of meat meal per ton ex Robb Jetty for—
 - (a) local market;
 - (b) export market?
- (4) (a) What tonnage has been sold locally for the years 1969-70, 1970-71 and 1971-72;
- (b) what tonnage has been sold on overseas markets for the same years;
- (c) to what countries have the export sales, if any, been made?

Mr. H. D. EVANS replied:

- (1) (a) \$100 per ton.
- (b) \$113.35 per ton on ex works.
- (2) (a)

| | 1969-70 | 1970-71 | 1971-72 |
|-----|---------|---------|---------|
| (a) | 2,480 | 2,781 | 5,110 |
| (b) | 3,760 | 850 | 2,900 |
- (c) Mainly Japan.
- (3) (a) \$100 per ton.
- (b) Price varies depending on market.
- (4) (a)

| | 1969-70 | 1970-71 | 1971-72 |
|-----|---------|---------|---------|
| (a) | 639 | 839 | 889 |
| (b) | 1,321 | Nil | 200 |
- (c) Mainly Japan.

Sitting suspended from 3.50 to 4.08 p.m.

QUESTIONS (6): WITHOUT NOTICE BOATS

1.

Launching Ramp: East Fremantle

Mr. HUTCHINSON, to the Minister for Works:

Although I will have detailed questions placed on the notice paper for the next sitting day re-

garding the imminent closure of the boat launching ramp on the Swan River at Putney Road, East Fremantle, I would like to ask a brief question without notice.

- (1) Is the Minister aware that this boat launching ramp is to be closed shortly?
- (2) What does he intend to do about it?

Mr. JAMIESON replied:

- (1) and (2) I have had no notice of this question. I am not aware that the ramp is to be closed. However, I will make inquiries to find out what is to take place. I understand another ramp nearby will provide additional facilities.

2. DESERT FARMS PROJECT

Abandonment

Mr. COYNE, to the Minister for Agriculture:

- (1) Has the Minister read in today's issue of *The West Australian* a report relating to the imminent closure of the Desert Farms melon and citrus fruit project at Wiluna?
- (2) Would he agree that the abandonment of this venture would be a grievous loss to the Wiluna district, particularly in relation to the employment opportunities that it provides for the 120-odd natives who reside in the area and, especially, in the interests of decentralisation, of which it is a perfect example?
- (3) As this operation is regarded as a pilot scheme, would it not be an exceptional opportunity, research-wise at least, to provide the necessary finance to enable the first crop of citrus fruit from the 7,000 trees already established to be harvested and marketed to see if these oranges are publicly accepted, particularly as citrus fruit from this area matures earlier and would supplant to some extent imported varieties which at present hold the greater proportion of the market in this State?
- (4) Does the Minister realise that the Desert Farms venture employs an average of 55 natives between November and the end of January and lesser numbers during the rest of the year, with the aggregate wages amounting to \$41,256 up to the present time?

Mr. H. D. EVANS replied:

- (1) to (4) The amount of notice given by the honourable member was insufficient for the collation of the material he requires. He would be seeking a more detailed answer

than the one I would be prepared to give him at this moment. As a consequence, I ask him to place the question on the notice paper.

3. NAVAL BASE HOUSING PROJECT

Environmental Protection Report

Mr. RUSHTON, to the Minister for Town Planning:

I would like clarification of a minor point in question 4 on today's notice paper. I asked whether the Minister would table the report of the Environmental Protection Authority upon the proposed Naval Base residential development. The acting Minister replied that Cabinet had considered the report and the Premier would be making a statement in due course. Will he give me an assurance that he will table the report after the Premier has made his statement?

Mr. Bickerton (for Mr. DAVIES) replied:

I am only the acting Minister for Town Planning and I cannot give the member the assurance he requires. As the Minister for Town Planning will be back next week, no doubt he will give the required assurance as soon as the Premier has made his statement.

4. RESEARCH STATION

Wiluna

Mr. COYNE, to the Minister for Agriculture:

I apologise for the shortness of notice of these questions but they concern a matter of urgency to the people in the district.

- (1) Is it intended to phase out the Agricultural Research Station at Wiluna?
- (2) If so, what are the reasons for this action and would the Department of Agriculture offices and living quarters in the old Lakeway Hotel also be abandoned?
- (3) Is it a fact that the department has inquired about the purchase of building blocks in Meekatharra, and if so, is it envisaged that the Department of Agriculture will be re-established in that town?

Mr. H. D. EVANS replied:

- (1) to (3) I recognise that the questions are of great importance to the honourable member and the district he represents. I undertake to endeavour to supply written answers to the questions before the House resumes next Wednesday. If he will put the questions on the notice paper, I will forward interim answers to him.

5. DARLINGTON PRIMARY SCHOOL

Classrooms, Staff, and Enrolments

Mr. THOMPSON, to the Minister for Education:

In order that you will not suggest this is a question that should not have been asked, Mr. Speaker, I point out that the information I seek is to be provided to the Darlington Primary School on Tuesday next, and I would not otherwise have the opportunity to obtain answers before the meeting.

- (1) Has an additional teacher been placed on the staff at Darlington Primary School since the 14th September?
- (2) If "No" to (1), when will an additional teacher be provided?
- (3) When will additional classroom accommodation be provided at the school?
- (4) What type of building is to be provided?
- (5) If temporary rooms are to be used will he ensure that they are equipped with electrical and other services?
- (6) Will he confirm a statement he made to a deputation from the parents and citizens' association that the building now used as a library will not be used as a classroom?
- (7) Is it not a fact that the enrolment predictions made by the department at the time of the deputation were wrong?
- (8) In view of the changed circumstances with respect to the growth in the school population since a request from the parents and citizens' association for additional permanent classrooms for the next school year was refused, will he revise the building programme and provide permanent buildings before next February?
- (9) If permanent rooms are not to be available for the start of next year, will he say when such work will be done?

Mr. T. D. EVANS replied:

- (1) No. However, the part-time teacher at present allocated to the school is now teaching three days per week instead of two days per week.
- (2) The increase in staffing is considered to be adequate at this stage.

- (3) It is not possible to indicate when additional permanent accommodation will be provided but temporary accommodation will be erected when available.
- (4) When permanent accommodation is provided, two classrooms in the space at present used as an undercroft will be built.
- (5) It is not policy to connect demountable classrooms to electricity for short periods. However, if demountables have to be provided at Darlington for more than 12 months or over a winter period, they will be connected and temporary heating provided.
- (6) Yes, subject to any special emergencies which might arise.
- (7) The department's estimate for this school for February, 1973, is 327. The present enrolment of 309 is in conformity with this prediction.
- (8) As the 1972-73 loan funds for school buildings have been fully allocated it is not possible to erect additional permanent classrooms for the commencement of the 1973 school year.
- (9) Permanent additions will be made to Darlington Primary School in the 1973-74 financial year if increased enrolments justify such additions.

6. ABORIGINES

Wiluna District: Housing and Employment

Mr. COYNE, to the Minister for Housing:

- (1) Have investigations been conducted recently by officers of the State Housing Commission into the establishment of homes in the Wiluna district to house Aboriginal families?
- (2) If so, would the Minister give an estimate of the number of homes to be built and say whether the homes will be located in the township or outside the town boundaries?
- (3) If they are to be located in the township, what prospects will there be for employment in the light of today's report of the closure of the Desert Farms venture?

Mr. BICKERTON replied:

- (1) Yes.
- (2) and (3) The officers have not yet returned to Perth and their report has not yet been received. I might add that I realise this is of considerable importance to the honourable member and to the

people of the town. Telephone discussions have taken place between the officers investigating the matter and the head office. However, until such time as a comprehensive report is received I think it would be unwise to say anything further. If the honourable member keeps in touch with me I will inform him of the report as soon as possible.

ACTS AMENDMENT (ABOLITION OF THE PUNISHMENT OF DEATH AND WHIPPING) BILL

Second Reading

Debate resumed from an earlier stage of the sitting.

MR. I. W. MANNING (Wellington) [4.32 p.m.]: During the years I have been a member of this House I have heard the subject before us debated on a number of occasions. I adhere to the view I have expressed previously: I am opposed to the Bill. I am not persuaded that it is desirable to remove the provision of the death penalty from the Statute book.

In recent years the death penalty has been carried out only in extreme cases. I believe that is how it should be. In a society which depends for protection upon a system of penalties to fit the crimes, it must follow that in cases of extreme and dreadful crimes the only fit penalty is to require the offender to forfeit his life.

Mr. T. D. Evans: Do you mean an eye for an eye and a tooth for a tooth?

Mr. I. W. MANNING: It is all very well for the Attorney-General to say that.

Mr. T. D. Evans: That is what you implied.

Mr. I. W. MANNING: However, it is a fact that the system under which we operate in our society—and it is the system, to all intents and purposes, under which we will always operate—is that the penalty is prescribed to fit the crime. I would remind the Attorney-General that in many other instances severe penalties are imposed for minor crimes. I am thinking at the moment of a potato grower in my electorate who grew potatoes without a license. He was fined \$1,000.

Mr. T. D. Evans: You probably voted for the legislation which imposed the penalty.

Mr. I. W. MANNING: He produced food without a permit to do so, and it cost him \$1,000. Is the Attorney-General suggesting that a person may wilfully and brutally murder another person—which is an extreme crime—and not be subject to an extreme penalty?

Of course that follows; it is the system upon which our society is built. Therefore, in my opinion only one penalty can be applied in extreme crimes and that is the extreme penalty.

I believe the death penalty is a deterrent. If a man threatens the life of another, the man who is threatened is in a position to say, "Well, if you carry out that threat you will hang for it." I have heard that said many times, perhaps by people who had no intention of killing one another; but the person who has been threatened has been quick to reply, "If you kill me you will hang for it." I think we should always be in a position to say just that and to expect that if a person murders another the murderer will forfeit his life in return.

The Attorney-General said that this may be an opportune time to abolish the death penalty. I say it is an opportune time to reaffirm our support for its retention. The incidents which have occurred in other parts of the world in recent times—and I will not enumerate them because previous speakers have already mentioned them—

The SPEAKER: Order! There is too much audible conversation.

Mr. I. W. MANNING:—lead one to suggest that the time may come when we in this country may be faced with dreadful crimes such as hijacking, bomb-planting, rioting, kidnapping, and other forms of violence. Therefore, this could be a most opportune time for the Parliament to reaffirm its support for the retention of the death penalty. Then all and sundry will know that if any person engages in extreme activities he must expect the maximum penalty; that is, he must expect to forfeit his life.

Although the following question has already been asked during the debate, I ask it again: What would be the situation if a criminal who is in prison for a life term murders a warder or some other prison official within the confines of the prison?

The SPEAKER: Order! There is too much audible conversation.

Mr. I. W. MANNING: What penalty can be applied under those circumstances? The murderer is already serving a life sentence. Therefore only one penalty can be applied—the death penalty.

I was rather interested in the comments of the Minister for Works when he contributed to the debate. He said that is one of the hazards of the occupation of warder, and that if one undertakes a job which entails dealing with criminals and other vicious people, then one must expect to be killed.

Mr. Jamieson: Now, now, I did not say that exactly. You know that I deplored the fact that anybody is killed under any circumstances. If you are going to quote me make sure that you quote me properly.

Mr. I. W. MANNING: I am not endeavouring to quote the Minister; and I concede he did say that.

Mr. Jamieson: You see, I am not as holy as thou; I am not a church man like those on the other side of the House who regularly attend church.

The SPEAKER: Order!

Mr. I. W. MANNING: I do not know what the Minister hopes to imply by those comments.

Mr. Jamieson: You think about it.

Mr. Williams: He has just got back from Brazil where all the nuts are.

Mr. I. W. MANNING: I will return to the point I was making earlier. The Minister clearly indicated that if a person accepts a position as a warder or prison official, and he deals with criminals—

Mr. Jamieson: Or if he joins the Army or a fire brigade.

Mr. I. W. MANNING: Yes, or if he joins the Army or a fire brigade; but if one is in the Army and somebody shoots at one, one shoots back.

Mr. Bickerton: No, it is the other way around. You shoot first.

Mr. I. W. MANNING: The Minister for Works denies a prison official the privilege of shooting back, because he implied in his comments that a prison official must accept the fact that he has undertaken a hazardous job and he cannot expect that a person who kills him will be hanged for doing so. If that is not the inference to be drawn from the comments of the Minister for Works, he will have to make his speech again. Certainly that is how I understood his comments.

Mr. Jamieson: That is the Uduc gutter version.

Mr. I. W. MANNING: We do not have gutters there.

Mr. Jamieson: Don't you? Then they are big gullies.

Mr. I. W. MANNING: I return to the point I made earlier. The whole basis of the laws of this land is to protect the innocent. What will be the situation if during the evening a person answers his door bell and is shot by someone standing in the darkness, as happened some time ago to a friend of mine?

Mr. Bickerton: He would not be the first to answer the doorbell and be shot.

Mr. I. W. MANNING: No, probably he would not be. If we read the newspapers we find that unfortunately it happens almost every day in other places. The point I am endeavouring to make is that innocent people are entitled to expect that when they answer the door bell they will find on their doorstep someone on legitimate business or friends making a social call. They are not entitled to expect someone standing in the darkness and waiting to shoot them between the eyes.

The only deterrent for that type of murderer, and the only way we can provide the population with any sense of security, is to demand that the law prosecute the

offender and apply a penalty to fit the crime. Therefore, I say again: it is my belief that the only fit penalty for the crime of murder in the first degree is death. I think if we remove the death penalty we will also remove the sense of security of the population.

With so many unfortunate incidents occurring in the world today, and so many acts of violence, such as shooting and sniping, the only reason the community has any sense of security is that the people who do such things can be brought to justice and required to pay the penalty.

Mr. Bickerton: That does not give them any sense of security.

Mr. I. W. MANNING: The Minister for Housing shakes his head and says that does not provide a sense of security. However, I do not feel insecure when someone comes to my door because the laws of the land are designed to protect me. We sit here making laws to protect people.

Mr. Bickerton: That is right, but this Bill will not alter that.

Mr. I. W. MANNING: Yes it will; that is the point I am making.

Mr. Bickerton: No, you are kidding yourself.

Mr. Jamieson: Don't talk to the idiot; he wouldn't know.

Mr. I. W. MANNING: The Minister for Works is making snide interjections.

Mr. Jamieson: They are not snide, they are practical.

Mr. I. W. MANNING: He makes snide interjections because my view does not coincide with the view he expressed.

Mr. Jamieson: You are not expressing a view.

Mr. I. W. MANNING: Mr. Speaker, what does one do when the Minister mumbles away in that fashion?

Mr. Jamieson: I know what you would like to do; you would like to string me up.

Mr. Rushton: He needs a muzzle.

Mr. Bickerton: Upside down, too.

Mr. I. W. MANNING: If we are to protect the community—and it is our obligation to do just that—we must ensure that we require the courts to impose a penalty to fit the crime. Our judicial system is founded upon that; and all our laws require justice to be carried out.

Mr. Bickerton: How do you protect a person against wilful murder, but not against murder?

Mr. I. W. MANNING: Taking this to its logical conclusion, we must retain the death penalty on our Statute book. It is my earnest desire to oppose the Bill. In view of the many crimes of violence throughout the world I suggest that in this day and age we should take the opportunity to reaffirm our view that the death penalty should be retained on the Statute book of Western Australia.

Mr. Jamieson: After all that you will go to church again next Sunday!

MR. BURKE (Perth) [4.46 p.m.]: My sentiments and the theme of what I intend to say in support of the Bill are put most succinctly in the volume *The Law as Literature*, at page 369. I quote—

The mood and temper of the public in regard to the treatment of crime and criminals is one of the most unfailing tests of the civilization of any country. A calm dispassionate recognition of the rights of the accused and even of the convicted criminal against the state; a constant heart-searching of all charged with the deed of punishment; tireless efforts towards the discovery of regenerative processes; unfailing faith that there is a treasure, if you can find it, in the heart of every man. These are the symbols which in the treatment of crime and criminals make and measure the stored-up strength of a nation and are sign and proof of the living virtue in it.

That was a quotation from Sir Winston Churchill as Home Secretary in 1912.

I should like to think that no members opposite would support the retention of the death penalty for itself, but because those in opposition to the measure feel that the death penalty is a deterrent. From research I have undertaken it is my intention to show that there is no proof that the death penalty is a deterrent to killers and that, in fact, it can be shown there is no justification for its retention.

It is a deterrent to normal people because they consider the death penalty to be unconscionable. It is an act of revenge and torture. However, the fact is normal people do not commit murders; only the subnormal people commit crimes of this nature.

If we can demonstrate that the death penalty is not a deterrent, then it can be shown to members opposite who have spoken in opposition to abolition that they should reconsider their decision.

There is another aspect which all of us should consider, and I am mentioning this issue after reading an article which appeared in the *Time* magazine of the 24th January, 1972. This revealed to me that in the enlightened society of William the Conqueror in 1066 capital punishment was abolished. In the 20th century one would think that with all the advantages we have we would be an even more enlightened society.

I am aware that during the centuries of civilisation there have been highs and troughs. I refer particularly to the reign of King Henry VIII during which the death

penalty was carried out no fewer than 77,000 times. One would hardly consider the society in the reign of King Henry VIII as being an ideal one. It was hardly the ideal which Sir Winston Churchill was referring to.

I think that respect for life must be the ideal of us all, as is the promotion of a society for the best interests of the whole community. I believe that in this day and age, where there is evidence of a more enlightened society, and where other countries and States—no fewer than 38 in total—have removed the death penalty from their Statute books, Western Australia is being a little tardy in putting into effect this reform of the law.

I would like to point out that in Western Australia in particular there has been growing support for the abolition of the death penalty. I refer firstly to an article which appeared in the *Daily News* of the 18th February, 1967. It deals with a Gallup poll which was conducted. The article states—

The latest Gallup Poll shows a steady trend of public opinion in favour of life imprisonment for murders, but Australia-wide opinion remains almost evenly divided between "death" and "life." In Queensland and N.S.W. small majorities favour life imprisonment, in Tasmania, S.A. and W.A., however, opinion leans towards the death penalty and in Victoria opinion is almost evenly divided.

The article went on to point out that Gallup poll figures for the preceding 24 years indicated there was a steady move in opinion towards support of the abolition of capital punishment in Western Australia.

Further evidence is contained in more recent reports in local newspapers. In *The West Australian* of the 22nd April, 1971, appeared an article which read as follows:—

Putting aside the arguments for and against its abolition, the death penalty as it stands in this State is unconscionable.

In the leading article of *The West Australian* of the 23rd December, 1971, the following appeared—

End to hanging

In seeking to abolish capital punishment in W.A., the Tonkin Government is acting in the spirit of a long Labour tradition of opposition to the hangman. If it succeeds it will have corrected a highly unsatisfactory quirk of judicial administration.

But beyond the desirability of restoring the procedures for dealing with murderers to conformity with those common to all other cases arising in the jurisdiction of criminal law, the fundamental question is whether capital punishment is in the public interest.

The question is contentious, and always will be, but in the absence of any clear evidence that the death penalty is a more effective deterrent than imprisonment for life, the Government is entitled to argue that it is desirable to expunge from the statistics the idea of retribution through killing.

The leading article of *The West Australian* of the 28th August, 1972 states—

The Bill before the State Parliament is W.A. Labour's first attempt, while in office, to abolish the death penalty.

It pointed out that at that time no-one was under sentence of death. It refers to the fact that the weight of opinion appears to have shifted markedly towards support of abolition of capital punishment; and that the most compelling argument against the death penalty is that it is a brutal form of punishment. The article states that the death penalty cannot be shown to be a deterrent, and that the trend throughout the world is towards abolition.

The article refers further to the fact that we have the example of the Mother of Parliaments in Britain, that in June of last year capital punishment was abolished by the Supreme Court of the United States of America, and that 38 countries throughout the world have recently abolished capital punishment.

The West Australian is generally conservative in its attitude, particularly in its leading articles. Yet it is expressing what it believes from the results of Gallup polls and, I guess, from its own editorial research, to be the attitude of the people of Western Australia. There is no denying the fact that *The West Australian* has expressed opinion in support of the abolition of capital punishment. To abolish capital punishment in Western Australia would be to act in the best interests of the people, and to meet the wishes of most of the community. I feel I can say that without fear of contradiction.

There is a mountain of research on the subject of capital punishment, and I would like to refer to several articles. Before I do so I would like to quote from a statement made by Sir Ernest Gowers. Prior to the abolition of capital punishment for a period of five years by the British Government in 1965 a Royal Commission to inquire into capital punishment was appointed, and Sir Ernest Gowers was its chairman. On page 8 of *Life for a Life* Sir Ernest had this to say—

Before serving on the Royal Commission I, like most other people, had given no great thought to this problem. If I had been asked for my opinion I should probably have said that I

was in favour of the death penalty and disposed to regard abolitionists as people whose hearts were bigger than their heads. Four years of close study of the subject gradually dispelled that feeling. In the end, I became convinced that the abolitionists were right in their conclusions—though I could not agree with all their arguments—and that so far from the sentimental approach leading into their camp and the rational one into that of supporters, it was the other way about.

The Royal Commission investigated thoroughly the question of capital punishment over a period of four years. It was not asked to bring down a direction or to make a decision. However, the Chairman of that Royal Commission said that, in fact, his opinion on the matter was reversed after four years of exhaustive study of the subject.

I would now like to refer to a brief from the United Nations to one Mr. Marc Ancel, a justice of the French Supreme Court and Director of the Criminal Science Section of the Institute of Comparative Law of Paris. He was asked by the Economic and Social Council of the U.N. to initiate a study of the question of capital punishment, of the laws and practices relating thereto, and of the effects of capital punishment and the abolition thereof on the rate of criminality. I quote from page 251 of his report which deals with capital punishment—

In the first place it will be noted that among the leading authorities in penal science the supporters of abolition appreciably outnumber those who favour the retention of capital punishment.

In fact, he was saying that the specialists in the social sciences, the criminologists, the sociologists, the penologists, the psychologists, the doctors, and writers on social science and criminology were in their great majority abolitionists. This was a study undertaken at the request of the United Nations.

I now wish to refer to the Royal Commission on Capital Punishment and to the questions which were addressed to, and the answers given by, Professor Sellin. These appear in the House of Commons *Sessional Papers* of 1952-53 at page 24 under the heading "Royal Commission on Capital Punishment." The extract reads—

We cannot conclude from your statistics . . . that capital punishment has no deterrent effect?—No, there is no such conclusion.

But can we not conclude that if it has a deterrent effect it must be rather small?—I can make no such conclusion, because I can find no answer one way or another in these data . . .

I think you have already agreed that capital punishment cannot, on the basis of your figures, be exercising an overwhelmingly deterrent effect?—That is correct.

But you would not like to go any further than that?—No.

The most exhaustive inquiry into capital punishment appointed by the Mother of Parliaments concluded that there is no proof whatever that capital punishment is a deterrent. On the same page paragraph 67 reads, in part—

All we can say is that the deterrent value of punishment in general is probably liable to be exaggerated, and the effect of capital punishment specially so because of its dramatic and sensational character.

The general conclusion reached was that *prima facie* the penalty of death is likely to have a strong deterrent effect on normal people, but it was admitted that of course normal people do not commit murder. It is only the abnormal or subnormal people who do so. It is very difficult to protect society from them, regardless of the penalty. It is absolutely impossible, in fact, unless we have an ideal society.

Professor Thorsten Sellin who appeared before the Royal Commission was considered by it to be one of the outstanding witnesses and students of the subject. In *A Report for the Model Penal Code Project of the American Law Institute—1959* at page 62, he said—

Students of the problem of homicide rarely ever discuss the death penalty. They do not think of it as a factor worth mentioning. They are usually interested in finding the relationship between homicide and social and economic conditions under which the offender lives or the personality characteristics which he possesses.

I reiterate that normal people do not commit murder. Those responsible are people who need rehabilitation—the poor, the underprivileged, the maladjusted, and the mentally ill. And to those people the punishment means nothing. Surely members do not suggest that society can be protected from these sick and maladjusted people merely by retaining capital punishment on our Statute book.

I do not believe that any member considers we should retain the death penalty for itself. Those who do believe it should be retained consider it necessary as a deterrent to those who might be tempted to take the life of another person. The records indicate that capital punishment has never been a deterrent. During this debate it has been said that while pickpockets were being hanged in public, other pickpockets were hard at work. That is a fact.

I commenced by referring to the gentleman who is revered by some and who would be agreed by all to be an arch conservative. I find it hard in the light of comments made to understand the attitude of conservatives of this day and age. I would think that if anything they would be a little less conservative than he was in 1912.

Reference has been made to the fact that Conservative Governments in other places have abolished the death penalty. It has been abolished in N.S.W. and Victoria which States both have a Conservative Government. The Conservative Government in New Zealand reintroduced the death penalty, but very shortly afterwards abolished it again. The British Parliament, on the basis of the report to which I have referred as the most comprehensive inquiry into all facets of capital punishment, in 1965 legislated for its abolition for a period of five years.

However, in 1969, before the five years had expired, it was decided to abolish capital punishment for good. This decision was made on a free vote with a majority of 187 on the floor of the House of Commons and by an absolute majority in the House of Lords.

I cannot for the life of me understand why in this year of 1972 people can believe in an eye for an eye or a life for a life. We should be trying to repair the fabric of our society to ensure that the circumstances which are somehow responsible for people turning to crime are improved. Instead of making some positive contribution to an improvement in the conditions responsible—that is, ill-health and mental health, and a lack of education—some people want to kill the offenders.

Mr. Stephens: Do you consider a well educated man would not commit murder? You say only the uneducated, the deprived, and the under-privileged are the offenders.

Mr. BURKE: And the mentally ill. The following appeared in *The West Australian* leading article on the 28th August, 1972:—

The issue is not a matter for party politics. Capital punishment is essentially a conscience issue and Parliament should treat it as such. In voting to end the death penalty in W.A. Parliament would meet the wishes of most of the community.

I repeat that I am convinced that the death penalty does not deter a murderer. Although I agree that the death penalty would discourage a normal person from committing murder, I reiterate that abnormal people are the ones responsible. They do not take into consideration any likely punishment for their dastardly crimes.

I do not believe we can issue the edict "Thou shall not kill" to individuals and then collectively as a society go through

the awful procedure of executing someone for a crime for which, if the case were examined and all things considered, it would be shown he was hardly responsible at the time of the crime.

I wish to emphasise that I am strongly opposed to the taking of life in any circumstances and especially, as a member of the Government or society, to the carrying out of the death penalty.

It is all very well to say that the Royal prerogative can be exercised. However, we expect judges to put on their black caps and deliver the shocking sentence. Then we sit back as an Executive Council and make good fellows of ourselves by commuting the sentence to life imprisonment. We should not place the judiciary in this invidious position.

We have no proof that capital punishment is a deterrent and we should have more respect for our judges than to retain the death penalty on the Statute book and then sit back as members of Parliament—

Sir David Brand: I think that could apply to cases other than hanging.

The SPEAKER: Is the honourable member in his seat?

Sir David Brand: Pardon me.

Mr. Hutchinson: He just forgot.

Mr. BURKE: The fact is that if members of our judiciary had the right to speak out on matters like this I am sure they would support this Bill, thus abolishing the death penalty.

In conclusion I would like to quote a statement made prior to the decision of the Supreme Court in the United States which effectively abolished capital punishment in that country. The quotation is of recent date and is to be found in the *National Council on Crime and Delinquency*, Vol. 15, of January, 1969. Mr. Gerald H. Gottlieb said—

In simplest terms, the thesis of this paper—

Incidentally, the paper is on crime and delinquency. To continue—

—is that the death penalty is torture, that it serves no other purpose than revenge, that revenge is an unconstitutional purpose, and that torture is an unconstitutional act.

He goes on to say—

Raw punishment, in whatever form, is no answer to crime. The appropriate question is how to prevent and cure criminality—in those already miscreant, in those so inclined and in those whose character is still unformed.

Later on he states—

Description of the large tasks involved in the prevention and cure of criminality is beyond the scope of this paper and of any single investigator.

In conclusion, he said—

It involves dialogue among all the pertinent disciplines and sciences. Its context is vast. The labours entail nothing less than the building of a just society. The death penalty is but one of the obstacles now to be cleared away in order to permit construction of that edifice.

I support the Bill.

MR. BRYCE (Ascot) [5.17 p.m.]: It gives me great pleasure to support the Bill. Like some other members in the House I also hold human life to be sacred. Unlike the member for Stirling, I make no exceptions. I do not subscribe to the enactment of capital punishment.

The Government is to be congratulated on taking the initiative—which is long overdue on the part of Governments in this State—to act on this question.

The question of the abolition of capital punishment has been before this House, in slightly different forms, on a number of occasions. It was first raised in 1927 at the instigation of the then member for Perth. It was raised again in 1941 by the then member for Subiaco. In the years 1952, 1960, 1962, and 1964 it was raised by the present member for Balcatta. Unfortunately, all these moves were made by private members of Parliament and they were not supported by Governments. I am sorry to say that on all the previous occasions the moves were unsuccessful.

The enactment of this measure will bring Western Australia into line with Queensland, New South Wales, Tasmania and the Capital Territory. We hopefully anticipate that we will be the fourth State of the six in Australia to abolish capital punishment. Unfortunately this will do nothing to eradicate the reputation which Western Australia has of being the hanging State.

For the purposes of the record I would like to refer to figures published in a volume already mentioned by the member for Stirling; namely, *The Penalty is Death*, edited by Barry Jones. In this book valuable statistical information is provided. The figures to which I wish to refer are not wide ranging and complicated. They constitute a very simple list of the total number of people who have been hanged in the individual States of this country since 1901. In New South Wales there have been 23; in Victoria, 21; in Queensland, 18; in South Australia, 19; in Tasmania, five; in the Northern Territory, two; and, unfortunately, in Western Australia there have been 26. This constitutes a slur on the reputation of our society which I, for one, will be pleased to see disappear.

Mr. Jamieson: It has not had a deterrent effect.

Mr. BRYCE: This means that 26 people out of a total of 114 people executed in Australia since 1901 were, in fact, executed in Western Australia.

Mr. Brady: We have a smaller population, too.

Mr. BRYCE: Western Australia has only 6 per cent. of the population of Australia.

Mr. Stephens: What does this prove?

Mr. BRYCE: It proves that Western Australia is the hanging State and this is a disgusting reputation for our State to bear.

Mr. Stephens: I heard an authority say that one can use statistics to prove anything.

Mr. BRYCE: It is not my intention to embark upon a travelogue tour of the countries in the world which have abolished capital punishment. It is sufficient to say at this stage that the abolition of capital punishment is a world-wide trend. In just the same way as the variety and number of crimes for which the penalty was death have been vastly reduced, the number of countries where the death penalty is applied is being rapidly reduced. I hope that in the near future Western Australia will join the long list of countries which have abolished capital punishment; in other words, that we will follow the enlightened world trend.

During the debate on this subject, to which I have listened with great care, a fundamental difference of opinion has been rather obvious, particularly in relation to what we might call the purpose of punishment. This is a fundamental question with which we ought to be concerned. Precisely what is our purpose in punishing individuals if the death penalty is to be the form of punishment to be employed? Slight variations in interpretation have been placed on this question. It is the one the Attorney-General raised in his second reading speech to which I would like to refer and use as the basis of some subsequent remarks.

In the first instance, one of the prime purposes of punishment is to deter someone from committing a crime. Others have suggested that the purpose is to protect society from criminals. Therefore, the essential purpose of deterring people from committing crimes constitutes a fundamental reason for punishment.

Another fundamental reason for having a system of punishment is to enable people who commit crimes to be rehabilitated or reformed. No member of this Chamber would suggest that any situation related to the death penalty could, in any way, be related to that specific purpose of punishment.

Another reason for a system of punishment, as indicated quite clearly by the Attorney-General, is the question of retribution. This is probably more readily understood by the use of the word "vengeance."

Unfortunately, I gained the impression from a number of members who opposed the Bill that they believe that anybody who commits wilful murder must, in paying the appropriate price, and must, in being adequately dealt with pay with his life. The suggestion was that the murderer has committed an extreme crime and must pay the extreme price. Regrettably, many of these sentiments are based on vengeance and retribution.

Recently Senator Carrick, who is a member of the Liberal Party, gave a particularly enlightening address on this question to the Senate. He made a very interesting observation in relation to people who may seek to frame a system of punishment on the basis of vengeance. He said—

Vengeance must never, under any circumstances, either conscious or subconscious, be part of a legislative frame of mind in framing an Act.

I wholeheartedly agree with that sentiment. One of the features of our society which is so noticeably different from medieval society and prehistoric society is that vengeance does not form the basis of our system of punishment. This has not been admitted readily by some members who have opposed the Bill. They have not said, in as many words, that they believe in the tenet of vengeance as a reason for punishment. However the word "retribution" has been used by a number of speakers. If, in fact, we are to improve the quality of life in our society and the refinement of our civilization, by definition, we must rid ourselves of barbaric habits. Of course, legal murder constitutes one of those barbaric habits.

I have listened carefully to the arguments put forward by members who have opposed the Bill and I believe a number of points need to be answered. A great deal has been said about the deterrent effect of capital punishment. The question of whether or not it is a deterrent has come up again and again. I believe the people who support the imposition of the death penalty as a form of punishment have the responsibility to prove it is a deterrent. It is such a dastardly form of punishment that it is not sufficient for them to say to those on this side of the House and others who are supporting the Bill, "You cannot prove that it is not a deterrent." The onus is upon the people who seek to employ this method of punishment to prove that it is a deterrent. There is no proof whatsoever.

Mr. Stephens: That can be said the other way round.

Mr. BRYCE: In his remarks the member for Mt. Marshall quoted the example of New Zealand for our benefit. In addition, the member for Subiaco, in his remarks, selected two single years, 1967 and 1968, and sought to draw important conclusions from the rates of murder and the number of people hanged in different States. The member for Mt. Marshall covered a much longer period in his remarks. He referred to an article in a newspaper, the essence of which was quite simply that New Zealand had abolished the death penalty between 1924 and 1960. During that period it reintroduced it on three different occasions and abolished it again, but there was no discernible effect on the murder rate in that country. It is not my intention to dwell on this point, but I point out that members opposite have failed to produce any evidence that capital punishment is a deterrent.

Mr. McPharlin: What about the quotation of the member for Stirling where the judge mentioned the matter of the light-house?

Mr. BRYCE: I said that I listened attentively to the arguments in this debate but, quite candidly, I do not remember the member for Stirling advancing that argument. Perhaps I was out of the Chamber at the time.

The argument has been advanced that most people in most electorates support the retention of capital punishment. This argument, in particular, was used by the member for Subiaco, and he was supported by the Leader of the Opposition. In fact the Leader of the Opposition said that the member for Subiaco, in his professional capacity as a doctor, would be in a good position to know what people think about this question. I do not place implicit trust in Gallup poll figures. Reference has already been made to these, but the Gallup polls which have been conducted on this subject in Australia clearly indicate that the members of our society—and, moreover, a slight majority of them—favour the abolition of this method of punishment.

The Gallup poll conducted in 1955 indicated that 67 per cent. of the population favoured the death penalty. In 1959 the Gallup poll revealed that 62 per cent. favoured the death penalty. In 1960 it was estimated at 60 per cent., in 1962 at 52 per cent., and in 1967 at 43 per cent. Ever so slowly the members of our society have changed their minds on this question, quite apart from what these figures may indicate.

I believe that members of Parliament not only have the responsibility to reflect the opinions of people in their electorates and to implement the promises they made

to their electorates, but they also have a responsibility to lead the society which they represent on issues involving important social, economic, and moral principles. In this instance, whether or not society is wholeheartedly in favour of or against the abolition of capital punishment, we should take this step, even if it means we are leading society on this issue.

The members for Stirling, Floreat, and Mt. Hawthorn, as well as other members, referred to two important articles associated with the declaration of human rights made by the United Nations. Slightly differing interpretations have been placed on this aspect. Article 3 states—

Everyone has the right to life, liberty, and the security of the person.

When this article was mentioned by the member for Stirling, I made the point that the article does not say, "with the exception of anybody who commits treason, murder of the first or second degree, manslaughter, or a person who peddles drugs." These exceptions are not written into the article.

Mr. Mensaros: "Everyone has the right to liberty" does not mean that a convicted person cannot be imprisoned at all, or does it?

Mr. BRYCE: Everyone has the right to life.

Mr. Mensaros: A person in prison loses his liberty, to which, in your reasoning, he is entitled under all circumstances.

Mr. BRYCE: Precisely, as a system of punishment. Article 5 reads as follows:—

No-one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Once again the article does not include "with the exception of people who peddle drugs, commit treason, or," according to the member for Boulder-Dundas, "commit adultery with the Queen." There is no exception whatsoever.

Another question was raised by members who supported the Bill, and I was rather surprised that this particular argument was employed so frequently. The question posed was: What thought has been given to the members of the victim's family? This is a very humane aspect of major crime. The argument was used by the Leader of the Opposition, the member for Mt. Marshall, and a number of other speakers who opposed the Bill. I am particularly surprised that during the 12-year period of the Brand-Nalder Government, no attempt was made to implement a system of compensation to the victims of major crime. To my knowledge the only organisation in this country which has proposed a method of assistance to the family of the victim is the Anti-Hanging Council in Victoria. One of the three

major objectives of this council is the securing or compensation for the victims of a criminal attack, and/or their families. Unfortunately for the council, Sir Henry Bolte adopted a very hard and fast attitude towards retaining the death penalty, and compensation for the victims of serious crime was always completely disregarded. I am not unaware of the difficulties involved with the implementation of such a system, but I am amazed that the people who urge the retention of the death penalty should be the ones to ask, "What about the family of the victim?" These people are usually the last to attempt to implement such a system. I am sincerely hopeful that this aspect will not be disregarded by the present Government.

Mr. Mensaros: You should read Sir David Brand's policy speech.

Mr. BRYCE: After 12 years that is very good!

Mr. Williams: It does not matter how long—it was there.

Mr. BRYCE: Especially after four people were hanged.

Mr. Williams: What you are saying is not correct.

Mr. Rushton: Again.

Mr. Williams: Still.

Mr. BRYCE: A hanging is harmful to our whole society. The Minister for Works, and other members who supported the Bill, have clearly indicated this. One of the unfortunate features is that an undue amount of public attention is focused on the criminal. Capital punishment tends to brutalise society and a great deal of unnecessary publicity is given by the media to violence. The point was made by the Deputy Premier that the hue and cry eventually creates a situation of unwarranted sympathy for the individual whilst the death penalty is hanging over his head.

Mr. Williams: Just the same as school children going on strike.

Mr. BRYCE: I do not refer specifically to the hangman, but many of the people associated with a hanging are adversely affected. Unlike some members, I have taken the trouble to visit Fremantle Prison to look at the archaic system of capital punishment employed in this State. This system has been used four times in the last 12 to 15 years. During my visit I spoke to an unfortunate superintendent who had witnessed the last five hangings. He told me that after each hanging he felt he was in a jelly-like state for three or four months. Cases have been quoted of superintendents of prisons who have taken drugs and met with accidents under the effects of those drugs after witnessing a hanging. The volume referred to by the member for Stirling carries an

account of a prison superintendent in the United Kingdom who was found mashed to death under a train shortly after he had in his official capacity witnessed yet another hanging. This is one of the most important features of the whole issue.

Human beings seem to have a remarkable capacity to separate their individual reactions from reality. The last public hanging in Western Australia occurred about 1867. It was perhaps unfortunate that hangings were removed from the public eye because I firmly believe that capital punishment would have disappeared long ago had hangings been carried out in public, say in front of the G.P.O. in Forrest Place. The public outcry would have been so great that capital punishment would have been removed from the Statute book long before 1972.

It is unfortunate that behind the grey walls of Fremantle gaol, the act of hanging may be committed quietly with only 16 witnesses, all of whom are very shaken by the experience.

Reference has been made to the fact that mistakes can and have happened. The member for Subiaco described this as an unfortunate circumstance. I would say it is not just an unfortunate circumstance but an incredible crime when a man is sent to the gallows and his life prematurely terminated for a crime he did not commit. It is a basic feature of this form of punishment that such a serious risk occurs every time a hanging is carried out. I feel it is sufficient to warrant the repeal of the legislation. I see the member for Subiaco shaking his head, but I took the quote from *Hansard* and I will be pleased to provide him with the page number, if he so desires.

Mr. Hutchinson: The crime would be almost as bad if an innocent person was imprisoned for life.

Mr. BRYCE: We have to decide arbitrarily from time to time on a balance between inhuman punishment and torture.

Mr. Hutchinson: It is nearly as bad to gaol an innocent person for life.

Mr. May: There is a difference. A prisoner who is found to be innocent can be released.

Mr. Hutchinson: He may have been in prison for 10, 15, or 20 years. I do not say it is the same as being hanged, but it is still a punishment.

Mr. BRYCE: The fact is that he could be released and the rest of his life would still be valuable to him.

Mr. Hutchinson: His personality may have been twisted by incarceration.

Mr. BRYCE: There are numerous other positive reasons to support the abolition of capital punishment which have already been canvassed.

I wish to conclude by pointing out that a society which supports a system of punishment based on vengeance or retribution simply encourages repeated violence. The measure of any society's greatness is the compassion it is prepared to extend to its weakest link. None of us would argue that an individual who commits a crime such as wilful murder constitutes anything but one of the very weakest links in our society.

In my opinion this Bill is a very small attempt to improve the quality of our society. I commend the Bill to the House and I urge that members on both sides of the House support the measure.

MR. T. D. EVANS (Kalgoorlie—Attorney-General) [5.44 p.m.]: Eighteen members have contributed to the debate on this Bill. With the exception of one member who must remain nameless, but whose contribution will be well remembered, I am impressed with the sincerity of the speakers. Naturally I am disappointed at the reaction of the majority of members who have spoken. I cannot escape the feeling of contempt for the low level which this one particular member sought to introduce into this debate. This member usually adopts the attitude of suggesting that we, on this side of the House, are bound to vote in a certain way, whereas members on the other side are entitled to exercise a free vote.

It is significant that there is some evidence of this, because one member on the other side of the House did have the courage to adopt an enlightened approach to the Bill when he indicated his support of it.

The Bill has two principles. The most important seeks the abolition of the death penalty for the offence of wilful murder. I emphasise "wilful" murder, because many loose references were made to "murder," creating the impression that the death penalty is attached to that offence, but this is not so. The death penalty is imposed only for the offences of wilful murder, certain acts of treason, and piracy.

The other principle in the Bill seeks the abolition of all references to corporal punishment in the principal Act. It is significant that of the 18 speakers who spoke during the debate on the Bill, 10 were against it, but only four of those 10 saw fit to make any reference to corporal punishment; yet with only one exception, each of them was opposed to corporal punishment.

I could not follow the reasoning of the member for Stirling. He said he could not see any objection to corporal punishment, and then he went on to say he would like to see the use of the birch extended.

Mr. Hutchinson: I think he was indicating that he did not like the cat-o'-nine-tails.

Mr. T. D. EVANS: If I may, I will quickly dispose of the subject of corporal punishment. Perhaps I may be wrong, but I think I can assume that the majority of members—particularly the majority of those who spoke—do not have any objection to the removal from the Act of references to corporal punishment.

Mr. Williams: Do you mean corporal punishment or whipping?

Mr. T. D. EVANS: I mean corporal punishment within the meaning of the Criminal Code.

Mr. Hutchinson: There is a difference.

Mr. T. D. EVANS: I am speaking of the use of corporal punishment within the meaning of the Criminal Code. The use of corporal punishment as a penalty was abolished in the United Kingdom and Wales by the Criminal Justice Act of 1948 and has not been reintroduced. In the short time available to me I would like to make some comment on the question of capital punishment.

It has become obvious that this is an issue upon which most members have committed ideas. However, it could well be that of the 18 members who contributed to the debate on the Bill—with eight in favour and 10 against—some members still remain uncommitted. So, necessarily, I must endeavour, as the one who has the honour to be the author of this Bill on this occasion, to use whatever influence I can in speaking to those who still remain uncommitted, despite the fact that I do not know which members they may be.

The arguments that were heard against the Bill are not new. Likewise the arguments which were advanced in its favour are not new. One of the things that emerged from the debate, if this dreadful and final punishment is to be retained, is the difficulty of executing the inhuman death penalty with anything like acceptable consistency. Since 1940, there have been only five hangings in Western Australia. So if there is a need to retain this dreadful, archaic, and final punishment, it cannot be borne out by statistics—which cannot be challenged. As I have said, since 1940, there have been only five hangings in Western Australia. Since 1964—in which year there were two hangings—there have been seven wilful murder convictions and in each case the sentence was commuted to a term of life imprisonment by the respective Governments. Since this Government came into office the Royal prerogative has, in fact, been exercised on one occasion.

It may well be said that because of the actions of the previous Government—I have given an indication of the tendency of the previous Government since 1964 to

exercise the Royal prerogative, and it exercised this prerogative on no fewer than six occasions—the die has been cast by these events. Indeed, I pay tribute to the previous Government for the giant steps of progress it was able to make along the road to enlightenment in the field of correction and rehabilitation of people who had offended against the standards normally held dear by the community.

Eleven years ago, in 1961, the previous Government abolished the death penalty relating to the crime of murder. It went further than that; it enacted the Offenders Probation and Parole Act, No. 23 of 1963, to make provision for the rehabilitation of persons convicted of murder and sentenced to life imprisonment.

It must be said there have been several instances of woolly thinking and woolly speaking in the debate this afternoon, when we were told that the death penalty must be preserved for murder. In fact, the death penalty for murder has been abolished since 1961.

I come to the vital point, and that is the question of definition. What is murder for which the death penalty no longer exists; and what is wilful murder within the meaning of the Criminal Code to which the death penalty now applies—a penalty which we on this side of the House, together with at least one enlightened gentleman from the opposite side of the House, are fighting to have removed from the Statute Book?

Let me refer to the definitions. Section 278 of the Criminal Code provides—

Except as hereinafter set forth, a person who unlawfully kills another, intending to cause his death or that of some other person, is guilty of wilful murder.

The material words are “intending to cause his death or that of some other person.” In other words, there must be an intention to cause death. That is wilful murder.

Section 279 relates to murder, an offence for which the death penalty has been abolished, thanks to the efforts of the Brand Government for which I give it credit. I am only sorry it did not take the last natural step in its march towards enlightenment in this regard. This section states—

Except as hereinafter set forth, a person who unlawfully kills another under any of the following circumstances, that is to say:—

- (1) If the offender intends to do to the person killed or to some other person some grievous bodily harm;

When that person dies as a result of such action it is murder, but there is no death penalty for the crime. To continue with section 279—

- (2) If death is caused by means of an act done in the prosecution of an unlawful purpose, which act is of such a nature as to be likely to endanger human life;

This also is murder, for which the death penalty does not apply. To continue with the section—

- (3) If the offender intends to do grievous bodily harm to some person for the purpose of facilitating the commission of a crime which is such that the offender may be arrested without warrant, or for the purpose of facilitating the flight of an offender who has committed or attempted to commit any such crime;

That is also murder, if death results. To continue—

- (4) If death is caused by administering any stupefying or overpowering thing for either of the purposes last aforesaid;

Should death result, then it is murder. Continuing—

- (5) If death is caused by wilfully stopping the breath of any person for either of such purposes;

That too is murder.

I put it to you, Mr. Speaker, as many eminent barristers have put it to judges and juries in the past, there is a very thin line of distinction. Last week no doubt all members would have read the pitiful case of a Yugoslav woman who was charged with wilful murder, and the jury found her guilty of manslaughter. There we had the resources of the Crown and the Police Department with ample time to research her case; and in good faith the Crown came to the conclusion that all the facts would justify a jury in bringing in a verdict of guilty of wilful murder.

The Crown took the case to court, and no doubt was ably represented. The 12 good men and true of that jury were unable to see a distinction between wilful murder and murder, and they returned a verdict of manslaughter.

The Criminal Code goes on to provide that where the death which results does not fit into the categories I have mentioned—that is, wilful murder or murder—then it is manslaughter. I put it to members that already the death penalty does not exist for the crime of murder; and the line of distinction is so fine that it seems to be illogical that this final and archaic penalty should be preserved on the Statute book.

I think it blemishes the record of Western Australia as having a Legislature which claims to be enlightened.

I come to the point relating to wilful murder and the death penalty which is the final and ultimate form of punishment. If the death penalty is to be retained it must be defended on some ground other than emotion. It certainly cannot be defended on the ground of definition. If it is to be defended then it should not be seen to be enacted in what can be a highly unpredictable and irrational manner. No half-way house exists.

I have been able to indicate that since 1964 seven people have been convicted of wilful murder, but in each case the sentence was commuted to life imprisonment. The situation is provided for under the Offenders Probation and Parole Act. Since 1940 only five persons in Western Australia have been hanged.

Unless we can in fact give effect to the penalty and place it on a firm, logical basis, chance—I emphasise that word—must remain a significant factor in determining who ends up on the scaffold and who does not. Surely such a situation cannot be justified and must be classed as being undesirable in this civilised age of 1970.

I realise that the time is against me. I wish to make my final point. Much emphasis has been placed on whether or not capital punishment is a deterrent to would-be murderers. It is certainly a deterrent to the person on whom the capital punishment is inflicted. One point which has been disclosed during this debate is that no evidence either way exists concerning capital punishment as a deterrent. To those who claim it is I would say that the onus is on them to prove their assertion. I can see it is not possible to do so. I ask those who, at this late stage, remain still uncommitted—

Mr. Williams: Do you think you have convinced anyone?

Mr. T. D. EVANS:—that if there is an absence of evidence to reach a conclusion, then is not human life so precious that we should give the benefit of the doubt in order to preserve human life to enable the methods of correction and rehabilitation so ably provided for in the Offenders Probation and Parole Act to be given a fair trial? In this way the person concerned may live, and, we would hope, come to the conclusion that the wrong he has committed has indeed been abhorrent to the community and he may one day in some small way be able to repay his debt to the community.

Mr. Hutchinson: And we must protect the public.

Mr. Graham: Of course.

Sir David Brand: Whilst the law remains as it is, do you think it was in order to hang Cooke?

Mr. T. D. EVANS: Let me make a passing reference to the consensus of what appears to be the public feeling beyond this Chamber. Already reference has been made to the editorial appearing in *The West Australian* of the 28th August, 1972. I can refer to an editorial in *The Record*—the Catholic weekly paper, of the 31st August, 1972. Reference has been made to the letter from Archbishop Sambell, a most enlightened man. That appeared in *The West Australian* of the 29th August, 1972.

At least *The West Australian* has been consistent on this matter because on the 23rd December, 1971, it published a bold plea to the Legislature and, indeed, to the community, headed, "End to Hanging." I conclude by again appealing to the uncommitted—and I trust there are some—with a parallel, and I will content myself with doing only that. If A—meaning a person—burns B's house down, the State does not, in revenge, burn A's house down.

Mr. Williams: B should have some insurance.

Mr. T. D. EVANS: If we substitute a human life for a house, surely the situation should not be altered.

Mr. Hutchinson: That is so ridiculous.

Mr. T. D. EVANS: It is pure arithmetic. I commend the Bill to the House.

Several members interjected.

Mr. SPEAKER: Order!

Question put and passed.

Bill read a second time.

TRANSPORT COMMISSION ACT AMENDMENT BILL

Second Reading

MR. MAY (Clontarf—Minister for Mines) [6.07 p.m.]: I move—

That the Bill be now read a second time.

This Bill has reference to the existing scheme of licensing, permitting ships to engage in the coastal trade.

As members will know, the object of the Transport Commission Act was the establishment of a commission to control, license, and permit the transport of passengers and goods by road and by air, and by sea in shipping engaged in coastal trading. State ships operated under the Western Australian Coastal Shipping Commission Act of 1965 are exempted.

As regards license and permit fees payable, section 21 of the principal Act achieves flexibility to meet varying circumstances by fixing only the maximum limits in relation to road vehicles and aircraft. Also, the commission has discretionary power to fix lower fees for individual cases.

It is proposed that similar provisions should apply to coastal shipping licenses and permits. Coastal shipping licenses may be granted for any period up to three years—or longer with the approval of the Minister—while a permit relates to a single voyage only. The Act provides that fees shall be payable as prescribed by regulation.

It was not intended that fees should do more than cover administration costs, and the following were prescribed:—

For a license or renewal of a license—
\$50 per month of the term thereof.

For a permit—5c per ton of the relevant cargo—subsequently reduced to 1c per ton as an interim arrangement to ease anomalies pending amendment of the Act—with a minimum of \$10 per permit.

Experience has indicated that these fees are appropriate in some cases, but in others are higher than is necessary. As earlier mentioned, anomalies such as these are avoided in respect of road vehicles and aircraft by fixing only a maximum level of fees, with power for the Commissioner of Transport to determine fees up to that limit.

The amendment to section 47B, and contained in clause 3 of the Bill, has the effect of bringing shipping fees into line.

As regards the power of exemption proposed in clause 2, it was not intended that the provisions of the Act should apply to bulk tanker cargo such as crude oil from Barrow Island to Kwinana, iron ore from Koolan to Kwinana, or fresh water supplies to Koolan, as these are not operations which can be undertaken by the vessels operated by the Western Australian Coastal Shipping Commission. There could well be other circumstances which have not yet come to notice nor are presently envisaged.

It is therefore proposed to empower the Minister to exempt any ship or class of ships, or any cargo or class of cargo, from the provisions of the Act.

While a ship is being operated or a cargo carried under the authority of a notice published by the Minister in the *Government Gazette*, the usual license or permit will not be required.

Debate adjourned, on motion by Mr. Williams.

ADJOURNMENT OF THE HOUSE: SPECIAL

MR. GRAHAM (Balcatta—Deputy Premier) [6.10 p.m.]: I move—

That the House at its rising adjourn until 2.15 p.m. on Wednesday, the 11th October.

Question put and passed.

House adjourned at 6.11 p.m.