

Legislative Assembly

Tuesday, the 19th September, 1972

The SPEAKER (Mr. Norton) took the Chair at 4.30 p.m., and read prayers.

AGE OF MAJORITY BILL

Assent

Message from the Governor received and read notifying assent to the Bill.

QUESTIONS (22): ON NOTICE

1. NORTHAM SCHOOL

Additions

Mr. McIVER, to the Minister for Education:

- (1) Has a decision been reached to add additional classrooms at the Northam primary school?
- (2) If so, what is the overall planning for the additions and will it be of the cluster-type concept?
- (3) What is the anticipated cost of the extensions and when will tenders be called?
- (4) Will the old school buildings be demolished to make more playing area available to the school?
- (5) If so, in view of the dangerous condition of the whole school, will he have the demolition expedited?
- (6) At what stage is the planning for the construction of a canteen at the school?

Mr. T. D. EVANS replied:

- (1) Yes.
- (2) Two classrooms of the cluster type are to be added during the current financial year.
- (3) \$46,400. Tenders were called on the 12th August, 1972.
- (4) and (5) Yes.
- (6) Working drawings have been submitted by the parents and citizens' association and the Public Works Department is now awaiting the specifications.

2. TRADES HALL BUILDING PROJECT

Feasibility Study: Report

Mr. R. L. YOUNG, to the Minister for Works:

Further to the promise he made to me during debate on 13th September, 1972 will he say whether he will let me see the report prepared for the Trades Hall Inc. by Jones Lang Wootton on the financial feasibility of constructing an office building on the Trades Hall site, and if so, when may I see it?

Mr. T. D. EVANS (for Mr. Jamleson) replied:

For the fixing of a mutually convenient time when the Jones Lang Wootton report may be seen by the Member, he should get in touch with the Minister for Works upon his return to the State.

3. EDUCATION

Anglican Church Property: Northam

Mr. McIVER, to the Minister for Education:

- (1) Has a decision been reached to purchase land owned by the Anglican Church for the purpose of extending school facilities at Northam?
- (2) If so, will he outline the planning the department has in mind?

Mr. T. D. EVANS replied:

- (1) Yes.
- (2) The land is to be acquired for extension of the school site.

4. TOWN PLANNING

Wanneroo Coastal Land: Rezoning

Mr. HARMAN, to the Minister for Town Planning:

- (1) Has any land zoned "rural" in the metropolitan region plan when adopted by Parliament and being in the area north of Perth between the coast and Wanneroo Road, been permitted to be developed for urban purposes?
- (2) If so, what is the total acreage involved in such approvals?

Mr. DAVIES replied:

- (1) Yes.
- (2) (a) About 2,000 acres forming part of the Whitfords development which was the subject of an agreement between the previous Government, the Metropolitan Region Planning Authority and the developers. This provided for a comprehensive plan, the rural portion of which is part of a proposed amendment to the Metropolitan Region Scheme and is now on public exhibition.
- (b) About 500 acres forming part of the Wanneroo townsite included within the approved Wanneroo Shire town planning scheme. The M.R.P.A. considered that this development, being part of the Town of Wanneroo, was not in conflict or inconsistent with the region scheme.
- (c) About 850 acres of holiday resort subdivision has been permitted at Burns Beach,

Quinn's Rocks, Yanchep Beach and Two Rocks. Most of these subdivisions have not been developed and several existed before the region scheme was approved in 1963. It is understood that the Shire of Wanneroo is examining these coastal subdivisions with a view to initiating an amendment to its town planning scheme which will recognise their developing urban character.

7.

BUNBURY HIGH SCHOOL

Additions

Mr. WILLIAMS, to the Minister for Education:

- (1) What additions, alterations or extensions are proposed for the Bunbury senior high school this financial year?
- (2) Is heating to be included in these works?
- (3) What is the estimated cost of the works?
- (4) Will the parents and citizens' association be required to assist with the cost of any of these works; if so, which items and for what approximate amount?
- (5) When will these go to tender and what is the expected completion date?

Mr. T. D. EVANS replied:

- (1) Additional offices and store-rooms have been listed, subject to the availability of finance.
- (2) No.
- (3) The cost of the additional accommodation has not been assessed. The estimate for improved heating is \$11,000.
- (4) It is not expected that parents and citizens' associations should undertake such works under the subsidy scheme.
- (5) As these are conditional approvals, actual dates cannot be indicated.

8.

MINERAL SANDS

Processing Industry: Bunbury Area

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

- (1) Have negotiations commenced or are they contemplated to establish an industry in the Bunbury area or elsewhere in the State for the upgrading or processing of mineral sands by—
 - (a) chemical process;
 - (b) other processes?
- (2) If so, which is the company or companies?
- (3) Where do they intend to establish?
- (4) What is the expected capital cost?
- (5) If a chemical process, what chemicals are to be used and—
 - (a) will they be manufactured locally and where;
 - (b) if they are to be imported, from what source?
- (6) If any other process, what is the process and what are the materials to be used?

5.

RAILWAYS

Railway Guest House Site: Albany

Mr. COOK, to the Minister representing the Minister for Railways:

What plans has the department for the future use of the land formerly occupied by the Railway Guest House, Lower Stirling Terrace, Albany?

Mr. MAY replied:

The possibility of leasing this land to the Town of Albany for development is being examined.

6.

UNEMPLOYMENT

Monthly Figures

Mr. BLAIKIE, to the Minister for Labour:

Would he advise the number of persons registered in Western Australia—

- (a) as unemployed;
 - (b) for employment,
- in each month since January, 1971?

Mr. TAYLOR replied:

Month 1971	Number unemployed at end of month	Weekly average number who registered for employment during month
January	6,961	2,203
February	6,704	2,132
March	5,929	2,029
April	5,769	1,812
May	5,999	2,068
June	6,683	1,963
July	6,557	1,995
August	6,434	1,830
September	6,032	1,812
October	6,488	1,907
November	7,560	2,139
December	9,951	2,304
1972		
January	11,848	2,718
February	12,108	2,596
March	10,851	2,328
April	10,151	2,207
May	11,321	2,511
June	12,076	2,371
July	12,846	2,476
August	12,544	2,180

Mr. MAY (for Mr. Graham) replied:

- (1) Several companies have expressed interest in the upgrading of ilmenite from mineral sands to a rutile type material. One company, Western Titanium NL, has had a semi-commercial upgrading plant in operation for some time. No firm decision to proceed with a large upgrading plant has been made.

Classification of the processes under investigation into "chemical" or "other" is difficult because upgrading of ilmenite usually entails a combination of metallurgical, hydrometallurgical and chemical processes.

- (2) It is not proposed to release the names of companies which have expressed interest in ilmenite upgrading because of the confidential nature of their approach to the Government.
- (3) Location of a plant would be determined by economic and environmental factors and would be negotiated if and when a decision is made to proceed with the project.
- (4) Not known.
- (5) Details of processes and chemicals that may be used are confidential, but one process for which patents are held by the Government uses coal.
- (6) See answer to (5).

9. NEWTON MOORE HIGH SCHOOL

Additions

Mr. WILLIAMS, to the Minister for Education:

- (1) What extension, additions and alterations are proposed for Newton Moore high school, Bunbury, this financial year?
- (2) When will tenders be—
 - (a) called;
 - (b) closed,
 for these works?
- (3) What is the expected completion date?
- (4) Is a bulk gas storage unit included in the works?
- (5) Will the parents and citizens' association be required to assist with any of the costs; if so, to what extent and on what items?

Mr. T. D. EVANS replied:

- (1) (a) Commonwealth grants—
Two science laboratories, staff and store rooms.

(b) Loan funds—

Two class rooms, commerce room, woodwork, prevocational centre, two offices, store-room, toilets and drinking facilities.

- (2) (a) 19th August, 1972.
(b) 12th September, 1972.
- (3) No date for completion has yet been advised.
- (4) No, but it is anticipated that the installation will be included in the schools' building improvement programme for 1972-73.
- (5) No.

10. LESCHENAULT ESTUARY

Development

Mr. WILLIAMS, to the Minister for Works:

- (1) What is to be the future of that section of Leschenault Estuary adjacent to the town of Bunbury, west of the harbour development to the "Plug"?
- (2) If it is intended to develop this area and the surrounding foreshores, particularly Anglesea Island and the northern foreshore—
 - (a) when is it likely that development would commence;
 - (b) how is the area to be developed;
 - (c) by whom is the area to be developed?

Mr. T. D. EVANS (for Mr. Jamieson) replied:

- (1) This area will be solely retained for recreational purposes.
- (2) (a) 1974, subject to availability of funds.
- (b) Plans for development of the area are not finalised but proposals are currently being discussed by the Public Works Department with the Bunbury Town Council and the Leschenault Inlet Conservation Committee.
- (c) Dredging and reclamation work will be carried out by the Public Works Department while development of reclaimed area will be undertaken by the Bunbury Town Council.

11. SCHOOL OR HIGH SCHOOL

Bunbury Area: Establishment

Mr. WILLIAMS, to the Minister for Education:

- (1) Is consideration being given to the building or planning of a new—
 - (a) secondary; or
 - (b) primary,
 school in the Bunbury area?

- (2) If so, when is construction planned to commence and upon what site?
- (3) Would this replace any existing school?

Mr. T. D. EVANS replied:

- (1) Accommodation needs in the Bunbury area have been reviewed but it is not proposed to build additional schools at the present time.
- (2) and (3) Not applicable.

12. DAYLIGHT SAVING

Environmental Protection Report

Mr. MENSAROS, to the Minister representing the Chief Secretary:

- (1) Has the Department of Environmental Protection reported on daylight saving?
- (2) If so, would he table the report?

Mr. TAYLOR replied:

- (1) and (2) Yes. This report was tabled amongst other papers on 1st August (see paper No. 241).

13. DAYLIGHT SAVING

Observatory or Investigating Committee Report

Mr. MENSAROS, to the Minister representing the Chief Secretary:

- (1) Has a report been received from the Perth Observatory by his office or by the committee investigating matters and submissions regarding daylight saving?
- (2) If so, will he table the report?

Mr. TAYLOR replied:

- (1) and (2) Yes. This report was tabled amongst other papers on 1st August (see paper No. 241).

14. EYRE HIGHWAY

Alteration of Route

Mr. RUSHTON, to the Premier:

- (1) Has the Government made representations to the South Australian Government regarding its intention of changing the route of the Eyre Highway?
- (2) If so, what was the form of the representations?
- (3) Does the changed route involve our State in any change to our present highway?

Mr. J. T. TONKIN replied:

- (1) No.
- (2) Answered by (1).
- (3) No.

15. SCHOOL AT FORRESTDALE

Establishment

Mr. RUSHTON, to the Minister for Education:

- (1) Has the land been selected and acquired for a primary school at Forrestdale?

- (2) If so, what is the acreage and site?
- (3) Will this school commence at the beginning of 1973?

- (4) If "No" to (3), when is it planned to open Forrestdale primary school?

- (5) How many students are estimated to be in the area to be served by this school—

(a) now;

(b) by 1973?

Mr. T. D. EVANS replied:

- (1) Sites have been investigated but an approach has not yet been made to the owners.

- (2) An area of ten acres is desired. It is not advisable to identify the sites until negotiations have been opened.

- (3) No.

- (4) The situation will be reviewed in 1973.

- (5) (a) 81.

(b) Approximately 80.

16.

HOUSING

War Service and Armed Services Funds

Mr. RUSHTON, to the Treasurer:

- (1) From the allocation of \$5,450,000 for war service/armed services homes, what portion is to be made to—

(a) war service homes;

(b) armed services?

- (2) Of the allocation to the armed services, how much is for the Army, Navy, Air Force?

- (3) Where are these homes to be built?

Mr. J. T. TONKIN replied:

- (1) to (3) The conduct of operations under the War Service Homes Act by the State Housing Commission as agent, is subject to the requirements of the Commonwealth, one of these being that questions by State Members of Parliament must be referred to the Director of War Service Homes for answering.

The housing of serving personnel of the armed forces is not undertaken under the War Service Homes Act. As a result of the expiry of the Commonwealth and States' Housing Agreements of 1956, 1961, 1966, on 30th June, 1971, the Commonwealth is now preparing a new agreement under which the Commonwealth will provide loan funds to the States for the building and upgrading of homes for and occupied by serving personnel. As the final Agreement has yet to be presented to

the States, firm programmes have not yet been arranged in accordance with the terms and conditions of the proposed agreement.

17. LOCAL AUTHORITIES

Number

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

How many local authorities are there in Western Australia?

Mr. TAYLOR replied:

There are 138 municipal districts.

18. STATE ELECTRICITY COMMISSION

Galvanising Work

Mr. WILLIAMS, to the Minister for Electricity:

- (1) Have there been occasions when work done in the Eastern States by E.P.T. has been rejected by S.E.C. inspectors and has been satisfactorily regalvanised by Western Australian firms?
- (2) If so, on how many occasions has this occurred and has the regalvanised work been satisfactory?
- (3) Generally has the galvanising work done by Galvanisers-Lyons Pty. Ltd. for the S.E.C. been satisfactory?

Mr. MAY replied:

- (1) No.
- (2) See (1).
- (3) Yes.

19. GOVERNMENT DEPARTMENTS: MOTOR VEHICLES

Tenders for Supply

Mr. RIDGE, to the Treasurer:

- (1) In relation to Government tenders for the supply and delivery of new vehicles, will he advise if in the instance of tenders V382, V551, V552, V554, V609 and V625, it was specified that prices should be based on delivery of the units to—
 - (a) East Perth;
 - (b) other areas;
 - (c) both?
- (2) Of the successful tenders, was delivery accepted at—
 - (a) East Perth;
 - (b) other areas?
- (3) In cases where the units were delivered to East Perth but required for use in another part of the State, will he advise—
 - (a) in what areas were the vehicles intended for use;

(b) how were they transported to their destination;

(c) what was the total cost of transport in each case?

(4) Of the accepted tenders which called for delivery to East Perth, what was the price difference in each case between the successful tenderer and the nearest tenderer who quoted for delivery of the vehicles in the region where they were to be used?

(5) Will he confirm that in instances of the nature referred to in the preceding questions, that tenders are accepted on the basis of final delivered cost to the area of intended use, and that local country dealers are in fact allowed a 10% price advantage over city dealers?

Mr. J. T. TONKIN replied:

- (1) V382 East Perth.
V551 East Perth.
V552 East Perth.
V554 East Perth.
V609 both.
V625 both.
- (2) V382 East Perth.
V551 East Perth.
V552 East Perth.
V554 East Perth.
V609 other areas.
V625 East Perth.
- (3) (a) V382 Northern division.
V551 Northern division.
V552 Port Hedland.
V554 Derby.
V609 Kimberleys.
V625 Kimberleys.
(b) V382 Two vehicles were driven to Port Hedland by officers travelling on official business. One vehicle was shipped to Port Hedland and one was shipped to Wyndham.
- V551 Vehicles were driven to Derby, Port Hedland, Carnarvon and Kalgoorlie by officers travelling on official business. One vehicle was shipped to Wyndham.
- V552 Two vehicles were driven to Port Hedland by officers travelling on official business.
- V554 This vehicle is still in departmental pool in Perth.
- V609 Not applicable.
- V625 Two vehicles will be driven to Carnarvon and Port Hedland by officers travelling on official business. One vehicle

will be shipped to Wyndham. One vehicle has not yet been supplied—will be shipped to Wyndham when supplied.

(c) V382 \$480.

V551 \$220.

V552 Nil.

V554 Not applicable.

V609 Not applicable.

V625 \$520 (estimated).

(4) V382 \$332 per vehicle lower than the lowest regional tenderer (Derby).

V551 \$328 per vehicle lower than the lowest regional tenderer (Port Hedland).

V552 No regional tenderer.

V554 \$257 below lowest regional tenderer (Derby).

V609 Not applicable.

V625 \$352 per vehicle lower than the lowest regional tenderer (Kununurra).

(5) Tenders are accepted on the basis of final delivered cost to the area of intended use.

The 10% country preference does not apply to motor vehicle dealers. It applies to country manufacturers and service industries (semi-manufacturing concerns, such as bakeries, laundries, re-treading, etc.).

20. EDUCATION

Youth Camp: Point Peron Reserve

Mr. RUSHTON, to the Minister for Education:

(1) Have the responsibilities for administration and provision of services to occupants of portions of Point Peron reserve been negotiated with the local authority?

(2) If so, what are the present arrangements?

(3) With the enactment of the Youth, Community Recreation and National Fitness Act, 1972, will this mean the Shire of Rockingham will have to negotiate fresh conditions?

(4) If "Yes" to (3), from which interest will the members of the new controlling body be drawn?

Mr. T. D. EVANS replied:

(1) The Greater Peron Development Committee has been reconvened to examine and advise on future administration of the reserve. The local authority is represented on this committee.

(2) The committee has made recommendations which are being examined.

(3) No. The Greater Peron Development Committee has been charged with the responsibility of negotiating conditions which will be formally approved under subsection (b) of section 5 of the proposed new Act.

(4) Not applicable.

21. KWINANA-BALGA POWER LINE

Pylon Construction

Sir CHARLES COURT, to the Premier:

(1) (a) What is the form of financial assistance being made available to E.P.T. to enable that company to undertake the S.E.C. pylon contract;

(b) for what purpose will the money be employed;

(c) did other tenderers seek and need financial assistance to undertake the contract?

(2) Was he advised, and if so by whom, that this State (excluding E.P.T.) lacks galvanising and/or other capacity to undertake the work required in respect of pylons for the project?

(3) Is he now aware that adequate galvanising capacity already exists in this State and/or expansion is being undertaken sufficient for the S.E.C. pylon contract?

(4) (a) Did he or his Government hold any discussions with Western Australian industry as to the capacity of local industry to undertake this pylon project;

(b) if so, with whom?

(5) (a) Has information been supplied to him by appropriate senior officers of the State Electricity Commission or Government Departments or other Government instrumentalities that E.P.T. is the only firm capable of doing the work and the reasons for preference over local firms who are also experienced in similar work;

(b) is any alleged deficiency in local capacity said to be in design or in construction?

(6) (a) Was the decision to extend E.P.T.'s contract to include the S.E.C. Kwinana-Balga power line project made by Cabinet;

(b) if not, who conducted the negotiations with E.P.T. and made the decision?

(7) In view of the current unemployment situation, has any assurance been given by E.P.T. that—

(a) local unemployed tradesmen will be recruited by the company;

- (b) the absolute maximum utilisation of local resources will be undertaken?
- (8) Why is it stated that "at least 70% of the tower and steelwork will be fabricated in W.A." when local contractors would be able to undertake almost 100%?
- (9) What was the nature of the tender notice appearing in *The West Australian* on 15th July, 1972, and when were tenders advertised to close?
- (10) (a) When did the original E.P.T. contract that is now extended, expire;
- (b) what value was it;
- (c) when was it first let and what completion date was in the original contract?

Mr. J. T. TONKIN replied:

- (1) (a) The Government has indicated its willingness to guarantee a loan of \$250,000 for the purpose of upgrading and extending the Kwinana works of E.P.T., so that it can economically fabricate towers for the State Electricity Commission and possibly export markets.
- (b) Building extensions, additional fabrication machines and galvanising plant.
- (c) Tenders for this project have not been called.
- (2) E.P.T. have advised that, from their experience, they do not consider existing galvanising facilities and methods adequate nor economical for highly repetitive production of tower components.
- (3) Adequacy from a capacity point of view is not necessarily in question. Fabrication of steel in one works and galvanising in another would not lead to the necessary low overall cost of production which is essential for this State to compete in this specialised field with established Eastern States firms.
- (4) (a) and (b) Discussions were held with E.P.T. which has a local works at Kwinana. The State Electricity Commission has advised that, from investigation and their own experience with previous tenders, the production side of this highly specialised contract does not respond economically to normal jobbing practices.
- (5) (a) and (b) Yes. The commission has advised that E.P.T. is the most competent firm with the necessary design and testing and economic production facilities in Australia. It is not believed that other local firms have the necessary experience or facilities for economic production in this field of work. Local firms with conventional productive capacity for structural steelwork would lack the specialised design experience necessary for economic design, and they would also lack experience in the field construction techniques associated with E.H.V. transmission line erection where the handling and stringing of heavy conductors is a highly important feature. Towers can easily be subjected to crippling overloads by inexperienced stringing crews.
- (6) (a) and (b) The decision was recommended by the State Electricity Commission and approved by the Premier.
- (7) (a) and (b) Yes—these were both important factors which influenced the decision which will lead to a significant early measure of relief to unemployment in the metal trades and construction sectors.
- (8) It is agreed that normal fabrication methods could be applied to almost, if not entirely 100% of the steel work required for the transmission line towers. However, conventional production methods would price this work out of Western Australia. E.P.T.'s Kwinana plant will be equipped with high production machines to the extent that it will be able to fabricate economically all but the largest sections needed for the towers. This economic Western Australian production will amount to 70% of the steelwork. The remaining 30% of the steelwork beyond the economic capacity of the Kwinana plant, will be fabricated in New South Wales employing highly specialised production machines.
- (9) It was a preliminary notice to the effect that tenders would be called for certain works towards the end of 1972. Preliminary information was available as to the extent of the work but not the details, and interested contractors were invited to record their desire to tender at a later date to a specification then in course of preparation. Tenders were not advertised at this stage.
- (10) (a) The contract is current and will be completed 19th May, 1973.
- (b) The formal tender value is \$755,074.

- (c) The letter of intent was issued on 17th February, 1971.

The confirming order was placed on 6th April, 1971.

The specification stipulated 15th March, 1972 for completion of construction. The specified 12 months maintenance period would therefore place the completion date of the contract at tender stage at 15th March, 1973. Agreed extensions of time to meet conditions outside the contractor's control have extended the original contract to 19th May, 1973, as stated above.

22. DEPARTMENT OF AGRICULTURE

Staff and Extension Services

Mr. McPHARLIN, to the Minister for Agriculture:

- (1) What is the total number of staff employed by the Department of Agriculture, excluding the Agriculture Protection Board?
- (2) In which country towns in Western Australia is there an office of the Department of Agriculture?
- (3) What number of staff are employed on—
 - (a) office work;
 - (b) field work,
 at each office?
- (4) How many cadets have been employed in each of the years from 1st July, 1969 to 30th June, 1972?
- (5) Are extension services still being offered to farmers and carried out by the departmental officers from each of the above offices?

Mr. H. D. EVANS replied:

- (1) The total salaried and wages staff in the Department of Agriculture as at 30-6-72 was 1,277 including 35 cadets in training.
- (2) and (3) There are district offices at—

	(a) Office Staff	(b) Field Staff*
Albany	2	22
Bridgetown	2	6
Bunbury	4	22
Busselton	1	5
Carnarvon	1	5
Denmark	—	4
Derby	1	6
Esperance	3	13
Geraldton	2	13
Harvey	1	16
Jerramungup	1	4
Kalgoorlie	1	4
Katanning	2	10
Kununurra	2	18
Lake Grace	1	5
Manjimup	1	12

Margaret River	—	2
Merredin	2	11
Moora	2	14
Narrogin	2	13
Northam	1	10
Port Hedland	—	1
Three Springs	1	4
Wiluna	1	7

*Note: Field staff include graduate extension, technical and inspectorial officers.

- (4) The numbers of cadets graduating in agricultural science, veterinary science and medical laboratory technology being employed in the Department of Agriculture in the last three years were:—

1969-70	13
1970-71	16
1971-72	18

- (5) Extension services are being offered to farmers and carried out by departmental officers from each of the above offices.

QUESTIONS (10): WITHOUT NOTICE

1. SECONDARY STUDENTS UNION

Rally

Mr. MENSAROS, to the Minister for Education:

- (1) Is he aware that an undated, unsigned typewritten sheet was circulated amongst State high school students last week, headed—

"Sept. 20th.

Students Rally for Students' Rights"?

- (2) Is he aware that this publication, beginning with the words, "As preparation for the Sept. 20th Australia-wide national high school strike continues, the Western Australian Secondary Students Union calls for your support . . ." was interpreted by many high school students as calling for a strike for nonattendance at classes tomorrow, the 20th. September?
- (3) Would such participation in a strike be contrary to the Education Act and regulations under the Act?
- (4) Would he make a public statement that he and/or the Government condemns and disagrees with such strike and urges all students to ignore such calls and attend school tomorrow as on any other day?

Mr. T. D. EVANS replied:

I thank the Member for Floreat for notice of this question the answer to which is as follows:—

- (1) Yes.

(2) Having read the typewritten sheet, I agree that the statement could be interpreted as a call for nonattendance at classes on Wednesday, the 20th September. The action of the student union in making such an appeal is deplored. This is particularly so in view of the policy which has been established by both the Education Department and the principals of secondary schools to encourage a free exchange of opinions and to foster student interest in school administration. Discussions based on mutual understanding and expressed through such committees as a student council have been successful and offer desirable models for future understanding.

(3) Students within the compulsory age limits and who are absent from school without reasonable excuse will be acting contrary to the provisions of the Education Act.

Under the regulations students between the leaving age and 17 years of age must attend school regularly and conform to the school rules.

(4) A public statement regretting the action of the student union and indicating that school administrations are willing to discuss matters which have been raised by student organisations within the school is now made.

I emphasise that I am now making that statement. To continue—

The greatest benefits will accrue from the students within a school discussing problems with which they are concerned and seeking the fullest understanding with the principal and staff.

I hope, if need be, with the Minister for Education. To continue with the answer—

Intervention of organisations from outside the school for the purposes suggested by the statement "Sept. 20th Student Rally for Students' Rights" will not contribute towards the desired objectives. The co-operation of students and parents should be directed towards a mutual understanding of the many aspects of school administration and this goal is best served through the

legitimate channels of negotiation. Students should not become the media through which outside organisations unrelated to particular schools seek such publicity.

2. TRADES HALL BUILDING PROJECT

Contractor

Sir CHARLES COURT, to the Premier:

With reference to the financial guarantee to be given by the Government for the Trades Hall (Inc.) building project, will he please advise whether competitive tenders are to be called for the building contract or whether the building is to be undertaken by a negotiated contract with Civil and Civic or another selected contractor?

Mr. J. T. TONKIN replied:

The question is based on an assumption which may or may not materialise, and in connection with which possibilities are not yet seen to be probabilities. In these circumstances the question cannot be regarded as other than hypothetical, and as such a positive answer cannot be given to it.

3. GOVERNMENT PROJECTS

Withdrawal: Compensation to Tenderers

Mr. RUSHTON, to the Minister for Works:

(1) Since March 1971—

(a) which Government projects have been withdrawn after tenders have been called;

(b) which projects have been withdrawn after preliminary tenders were called?

(2) Which of these projects have now proceeded—

(a) after calling tenders again;

(b) without calling tenders?

(3) Are the organisations who have incurred expenses in preparing a tender for the Kwinana-Balga transmission line to be compensated now that the contract has been awarded contrary to published intentions?

(4) If "No" to (3), why has the Government reached this decision?

Mr. T. D. EVANS (for Mr. Jamieson) replied:

Because this question was received at 4.10 p.m. today, one would expect that the answer to it would indicate some great sense of urgency.

Mr. Rushton: It was put in on Friday last.

Mr. T. D. EVANS: During the short time that I have had an opportunity to peruse the answer there does not seem to be any great sense of urgency. I seem to have made a slight error and for this I apologise to the honourable member, because I note the question is dated the 15th September. In this regard I am answering on behalf of the Minister for Works. The answer is—

- (1) (a) (i) Main Roads Department:
A deviation of Duncan Highway between the Victoria Highway and the Behn River—because the tenders received were not acceptable.
- (ii) Public Works Department:
Police Headquarters Building — erection and its associated nominated subcontracts.
Public Health Department—prefabricated laboratories.
Kondinin Police Station—erection.
Bentley Primary School—additions.
Bandyup Women's Rehabilitation Centre.
Carlisle Technical College—repairs and renovations.
Esperance Native Welfare—office accommodation.
Royal Perth Hospital—swimming pool and amenities building.
Moora High School—erection.
North Parmelia Primary School—additions.
Churchlands Primary School—reticulation.
Winterfold Primary School—reticulation.
Camballin Primary School—additions.
Mt. Lawley Primary Teachers' College—TV hoisting gear.
Tincurrin Primary School—additions.
North Morley Primary School—well and pump.
Royal Perth Hospital—distilled water plant.

R. & I. Bank, East Victoria Park—alterations.

South Kensington Training Centre — additions.

Balcatta High School—additions and associated nominated subcontracts.

(b) Nil.

(2) (a) (i) Main Roads Department:
Nil.

(ii) Public Works Department:

Police Headquarters Building — erection and its associated nominated subcontracts.

Kondinin Police Station—erection.

Bentley Primary School—additions.

Bandyup Women's Rehabilitation Centre.

Winterfold Primary School—reticulation.

Mt. Lawley Primary Teachers' College—TV hoisting gear.

Tincurrin Primary School—additions.

North Morley Primary School—well and pump.

Royal Perth Hospital—distilled water plant.

(b) (i) Main Roads Department:
The construction of the deviation referred to in (1) (a) (i) was carried out by a departmental work force which included some hired dozers, scrapers, and graders.

(ii) Public Works Department:

Churchlands Primary School—reticulation.

Balcatta High School—additions and associated nominated subcontracts.

(3) No.

(4) Tenders were not called. In any event it has not been the practice to compensate unsuccessful tenderers and no evidence has been submitted of any substantial expenditure which has been incurred by prospective tenderers in the preparation of tenders for the Kwinana-Balga transmission line.

4. SITTINGS OF THE HOUSE

Royal Show Week

Mr. BRYCE, to the Premier:

Would he indicate the intention of the Government in respect of the sittings of the House during Royal Show week?

Mr. J. T. TONKIN replied:

Next week being Royal Show week it is the intention of the Government to adjourn the House during that week.

5. FRENCH NUCLEAR TESTS

Legal Opinion

Sir CHARLES COURT, to the Attorney-General:

(1) Why did he and his colleagues from South Australia and Tasmania single out France as their target for attack in respect of nuclear tests when—

(a) other countries including Communist countries like mainland China are reported to be undertaking or planning to undertake nuclear tests;

(b) the last French tests are reported to have had no measurable adverse effects on Australia?

(2) Does he plan to table the legal opinion sent to the Prime Minister?

(3) What is Western Australia's share of the cost of obtaining the legal opinion?

(4) Who is the leading international lawyer who gave the opinion?

(5) Does he and his South Australian and Tasmanian colleagues plan further representations about other countries and nuclear tests?

Mr. T. D. EVANS replied:

(1) Because it is believed that the recent tests conducted by France provided the opportunity to secure a declaration of the international law applicable thereto.

(2) Not while the matter is receiving consideration by the Commonwealth Government.

(3) Not known.

(4) Professor D. P. O'Connell, Chichele Professor of International Law at Oxford University.

(5) The matter will continue to receive attention.

6. STATE ELECTRICITY COMMISSION

Galvanising Work

Mr. WILLIAMS, to the Minister for Electricity:

Has he in the last few days received a letter from Galvanisers-Lyons Pty. Ltd.; and, if so, has he replied to that letter regarding galvanising of steel works for the State Electricity Commission?

Mr. MAY replied:

Yes, a letter has been received. This has been forwarded to the S.E.C. for its comments.

7. KWINANA-BALGA POWER LINE

Pylon Construction

Sir CHARLES COURT, to the Minister for Electricity:

(1) (a) Did he, the S.E.C., or any other Government department or instrumentality ask the Japanese and/or other countries to interest themselves in the tender for the S.E.C. pylons, the contract for which has now been awarded to E.P.T.?

(b) If so, did any and how many of these overseas companies indicate an interest in tendering?

(2) Did any of them pay the \$200 fee for the documents?

Mr. MAY replied:

(1) (a) No such request was made by the S.E.C. or myself. The only notice given was per medium of normal Press advertisements.

(b) Interest in tendering has been shown by three overseas companies.

(2) No.

8. TRADES HALL BUILDING PROJECT

Feasibility Study: Report

Mr. R. L. YOUNG, to the Premier:

I apologise to the Premier for not giving him notice of this question but it arises out of the reply to question 2 on today's notice paper. In view of the fact that the matter referred to is of a topical nature, and as the Minister for Works will be away for some weeks, could the Premier undertake to make arrangements whereby I could look at the report to which reference was made?

Mr. J. T. TONKIN replied:

In reply I would point out that the undertaking referred to was given by the Minister himself. I consider it proper that he should be the one to make the file available to the member for Wembley under the conditions which he believes necessary to impose.

I have no knowledge of what the Minister had in his mind and I think it is reasonable—it is not an urgent matter by any means—for the member for Wembley to wait until he can contact the Minister and make arrangements which will be mutually satisfactory.

9. APPLE INDUSTRY COMMITTEE

Members and Report

Mr. RUSHTON, to the Minister for Agriculture:

- (1) Who are the members of the committee reviewing the apple industry?
- (2) What are the recommendations of the committee?
- (3) When was the report submitted?

Mr. H. D. EVANS replied:

- (1) Members of the Fruit Handling and Transportation Committee reviewing methods of fruit handling include—

Mr. J. E. Knox, Chairman,
Director-General of Transport;

Mr. D. D. Reid, M.L.A.;

Mr. L. R. Gorman, W.A. Fruit Growers' Association;

Mr. J. C. BurrIDGE, W.A. Fruit Shippers' Committee;

Mr. C. W. Bayley, Westralian Farmers Co-op. Ltd.;

Mr. D. Mercer, Chamber of Fruit and Vegetable Industries of W.A.;

Mr. F. Melville, Department of Agriculture;

Mr. N. J. Halse, Department of Agriculture;

Mr. S. Hardisty, Department of Agriculture.

Co-opted members:

Mr. P. E. Phillips, fruit shippers' delegate to the Australian Apple and Pear Board;

Mr. H. Gubler, fruitgrowers' delegate to the Australian Apple and Pear Board.

- (2) The report of the committee is not completed.
- (3) Answered by (2).

10. TRADES HALL BUILDING PROJECT

Government Guarantee

Sir CHARLES COURT, to the Premier: When the Premier replied regarding the Trades Hall (Inc.) guarantee he said my question posed an assumption which may or may not materialise in connection with which possibilities are not yet seen to be probabilities.

I would like the Premier to clarify whether the assumptions of the possibilities and probabilities, to which he refers, are related to the letting of a contract or the giving of a guarantee, or both?

Mr. J. T. TONKIN replied:

I am delighted at having an opportunity to clarify what I said for the benefit of the Leader of the Opposition.

I would point out, first of all, that no guarantee has yet been given. All that has been given is a letter of intent.

Sir Charles Court: That has committed the Government to it.

Mr. J. T. TONKIN: That is something!

Sir Charles Court: That is what was said the other night.

Mr. J. T. TONKIN: Further, the files which were tabled in another place today show that the letter of intent imposes certain conditions. I have no knowledge as to whether or not those conditions will be met, or can be met, and until then I can make no decision at all as to whether there is likely to be a guarantee or not.

Sir Charles Court: I think the Premier would have a rough idea.

Mr. J. T. TONKIN: I am not here to give rough ideas; I am here to give positive answers.

LEGISLATURE OF WESTERN AUSTRALIA BILL

Introduction and First Reading

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

LIQUOR ACT AMENDMENT BILL

Further Report

Further report of Committee adopted.

STOCK (BRANDS AND MOVEMENT) ACT AMENDMENT BILL

Second Reading

MR. H. D. EVANS (Warren—Minister for Agriculture) [5.07 p.m.]: I move—

That the Bill be now read a second time.

The original legislation was brought before Parliament in 1970 to achieve both the updating of the Brands Act and control of stock movement in view of the incidence of and difficulty in controlling stock thefts. The legislation presented to Parliament had been discussed at length with farmers' organisations and the police by officers of the Department of Agriculture.

Before the Bill was proclaimed it was obvious that the requirement for all stock to be covered by some of the provisions of the Bill was not satisfactory, and a Bill to amend the Act was introduced in the last session but was discharged from the notice paper when Parliament rose at the end of the session.

Since the Bill was proclaimed on the 1st July, certain other difficulties have arisen and the Bill which is now presented aims to overcome these difficulties and the provisions will be dealt with seriatim.

Section 17 prescribes the nature and size of brands for horses and cattle, and there has been some concern at the size of the brand required under the Act. It is therefore proposed to delete the precise provision from the Act and replace this with one requiring the minimum size to be prescribed by regulations.

There have also been some problems in relation to branding and earmarking of imported stock. It is now proposed that section 31 (3) of the Act will be repealed and replaced with a new section dealing with this matter.

Again it is proposed that the specific provisions of the Act, in relation to branding and earmarking of imported stock with the owner's registered earmark, be removed and replaced by a section requiring the proprietor of imported stock to brand the stock within the time and in the manner prescribed by regulations. It is considered that flexibility is desirable in this matter.

There is also a problem in the original Act in that under section 40 stock which is earmarked but not branded could be impounded by an authorised person. It is desirable that this section be amended so that stock which can be identified is not impounded, and it is proposed to repeal the existing section 40 and re-enact it to deal with this problem.

However, the major problem has occurred with section 46 of the Act. In the existing Act any stock removed from a property must be covered by a waybill. This has created problems with horses and goats and it is now proposed to provide flexibility through permitting prescribed stock to be excluded from the provisions of this section, and section 46 of the Act is to be amended in this way.

There have also been problems with the provision of waybills and these problems have been discussed with the industry and the Police Department. There is no waybill problem in the transport of stock from farmers' properties either for sale or slaughter, where the farmer retains ownership of the animals up to the point of loading onto the transport. However, there have been some problems where sheep are purchased in the yards or the farmer's paddock and become the property of an individual or firm before leaving the property, in that the Act requires that every waybill shall be signed by the proprietor of the stock being removed from the run, or a person authorised by him.

Similarly, there have been problems in the transport of sheep from saleyards where the sheep from a number of pens are transported together, and have to be identified under the provisions of the existing Act by recording on the waybill their brands or earmarks. Again the proprietor of the stock may not be present after the sale to sign the waybill and may not have authorised anyone to carry out this function for him. It is therefore proposed that this section be amended to provide for the drover or carrier of the stock to be furnished with a waybill or such other documents as may be prescribed for the purpose of this section.

This part of the Act was designed to ensure that a carrier or drover carried appropriate authorisation to have stock under his control as a method of discouraging and tracing stock thefts. The proposal is to provide for the present waybill provisions to continue for the transport of stock from farmers' properties to saleyards and slaughter where the farmer maintains control, and for other documents to be prepared which will overcome the particular problems which have been encountered.

It is considered important, however, that this provision be retained as, although stock thefts have fallen off with the falling value of sheep in recent times, the increased value associated with rising wool prices and the rising demand for sheep meats could easily lead to a reappearance of this problem which was quite significant in recent years and led to the enactment of the original legislation.

It is considered that these amendments will provide the necessary flexibility in the administration of the Act while retaining the power vested in the legislation when it was originally enacted. I commend the Bill to the House.

Debate adjourned, on motion by Mr. W. G. Young.

APPROPRIATION BILL (GENERAL LOAN FUND)

Second Reading

Debate resumed from the 7th September.

SIR CHARLES COURT (Nedlands—Leader of the Opposition) [5.13 p.m.]: This Bill deals with the General Loan Fund. It is, of course, an important measure because it also deals with the capital works programme, as well as the straightout question of General Loan Funds as they are known in their more restricted sense.

The Estimates that are of most interest to the House are, of course, the General Estimates. The Premier has given notice that he hopes to introduce these Estimates during the first week in October. He has not given a firm commitment in that regard, but his intimation means that he would have to introduce them on the 3rd October if it is to be that week because he and I will be absent on the 4th and 5th October. I would like to know that the Premier will not introduce the General Estimates any later than that because the session is getting to an advanced stage. It is only when we see the General Estimates, really, that we can get an indication of the Government's financial and economic policies.

At best, the General Loan Estimates and the capital works programme associated with them are really a recital of how the Government proposes to carve up the cake so far as capital works moneys are concerned. They do not normally indicate much of the Government's thinking in respect of financial and economic matters.

In view of the downturn in the economy which has been experienced since the present Government took office, the flat spot we are going through, and the high unemployment at the present time the Opposition is anxious to see just how the Government plans to face up to these issues.

In the presentation of the capital works programme in the Appropriation Bill (General Loan Fund) it has become customary to give a recital of the capital works programme as distinct from the General Loan Estimates on their own. I do not disagree with this policy at all because nowadays so much is interwoven. Funds are generated by semi-Government authorities, funds are generated interstate and internationally, within the Government and within semi-Government authorities, funds are generated from outside sources, and from local authorities. For these reasons it is rather important that we endeavour to look at the total works programme. It is a pity in some ways that the Parliament cannot have access to more comprehensive information concerning the total works which are being undertaken in this State; in fact, concerning the total economic development that is taking place.

I can foreshadow the day when the State Government will be expected—and will want to do it—to present to the Par-

liament a much more comprehensive document dealing with the total economic and financial situation in Western Australia. We are becoming much more sophisticated in our development. Nowadays, money is being pumped into the economy through many more channels than previously. Quite apart from the State and Commonwealth spending and fund raising, the private sector makes an ever-increasing contribution both to its own productive capacity and also to the infrastructure. On top of this there are masses of developments where the private developer has to make contributions far in excess of anything in former days.

For this reason, I can see the significance of the Government having to expand its statistical information, not only for the benefit of Parliament but also for its own guidance in trying to read the complex picture that is developing within and without the State.

We are becoming more and more involved, internationally as well as interstate. I think this applies to Western Australia probably to a greater degree than to most other States, because the very nature of our export income is international. The whole of Australia is such a small market for the products which Western Australia produces—and produces best.

It is, of course, necessary that members themselves clearly understand the distinction between the capital works programme which has been propounded in the Premier's speech and the General Loan Estimates, as such. The difference in programme is tremendous and if members do not acquaint themselves with the details they have only themselves to blame.

I repeat that I support the present method of presenting the capital works programme provided members are reminded it is their responsibility to distinguish clearly between items listed in the General Loan Fund Estimates and the total capital works programme.

To give some idea of the difference, one has only to look at the capital works programme referred to by the Premier as being \$225,298,000 whereas the General Loan Fund Estimates for this year total only the sum of \$98,410,000. Of course this is a large amount, but it is only a fraction of the total capital works programme. It is proper that the Parliament should consider the total capital works programme. Large as it may seem, this is only a fraction of the total Government expenditure, Commonwealth and State, which is being pumped into Western Australia's economy.

To keep things in perspective, if we look at the figures expended last year on the declared capital works programme, we see that it ran at \$183,620,000. This year we see an increase of 22 per cent., or the best part of \$42,000,000.

One's immediate reaction on reading the Premier's speech is that it refers mainly to increased amounts made available to the State from the Commonwealth Government. It is largely from this source that we have such a large increase in our overall capital works programme. I have mentioned this because we have heard a great deal of criticism, not only from the Premier but also from the Federal Leader of the Opposition (Mr. Whitlam) about the so-called scarcity of funds that have been made available from the Commonwealth Government. Even allowing for the increased amount from non-Government sources whereby a contribution of some \$15,000,000 has come into the scheme of things this year, when we look at the programme we see that the increase is still very large. It is a 22 per cent. increase in the overall programme amounting to nearly \$42,000,000. This is a large increase by anybody's standards. In fact, it must be a record one.

This makes a sham of the continual statements made by members of the Government and their Federal counterparts about representations to the Commonwealth Government for extra moneys to relieve unemployment.

I can never understand why the Premier and his colleagues seem to treat with such indifference and downgrade to such an extent the amount of money the Commonwealth Government makes available for relief of unemployment in rural areas. The present Government has made great play about decentralisation programmes and procedures. I would have thought that rather than criticise the amount of money allocated by the Commonwealth for the relief of unemployment in rural areas, the Government would have found this action laudatory. The simple fact is that the more one overcomes an acute problem of unemployment in rural areas, the more one stops a drift to the city. Quite obviously the tendency of people in places like Bunbury, Northam, Geraldton, and Albany, if they are unemployed, is to drift to the city. There is always a temptation that employment opportunities will be greater in the city. We read of unemployment figures of 400 in quite a few of these country towns and certainly this is a sizeable number in these communities.

Therefore, I believe it is a desirable and far-sighted move on the part of the Commonwealth Government to concentrate unemployment relief funds in rural areas rather than in the city. The Premier will retort at the appropriate time, as he has done in the Press, that two-thirds of the unemployment problem is in the city. No-one doubts this, because the statistics reveal it. I come back to my point: If we do not make money available through Commonwealth channels to try to overcome unemployment in provincial areas

obviously there will be a drift to the city which will further aggravate the problem which exists and, goodness only knows, it is bad enough at the moment.

On this question of unemployment relief and including the amount allocated from these loan funds, I would like to know more as to what tests the Government imposes to ensure we receive value for money from this work. In looking at the type of work allocated and the Government departments which are participating one would be excused for questioning whether, in fact, we are receiving value for money or whether the money is being used to undertake work which would otherwise be undertaken from normal Government funds.

In the final analysis, this money, be it Commonwealth or State, does not really solve the unemployment problem. At the best it is a palliative and one does not normally assume that it will create productive projects which will go on earning something for the economy of this State. There is a tendency to insist that the work must be labour intensive. It is usually the type of work which is not productive, with a continuing earning capacity, in rural areas. It is usually the "hole in the road" type of work and, therefore, not the sort of work to relieve the unemployment problem except for the very limited period that the money lasts and the men are on the job.

I would also like to refer to the fact that on top of the State Government's capital works programme which has been itemised by the Premier, we should not overlook the fact that the Commonwealth itself undertakes an ever-increasing programme of works in Western Australia. These works cover such departments as the P.M.G., the Navy, the Army, and the Air Force. This is in addition to the Commonwealth's normally very heavy expenditure on social services and its other activities in Western Australia. All of this pumps money into our economy.

I understand the Commonwealth expenditure on the P.M.G. Department for Western Australia alone this year will be something like \$43,000,000. This will cover a wide range of works. Admittedly a fair amount of the money will be spent on equipment which is not made in Western Australia but, on the other hand, the programme will provide a substantial and steadily increasing volume of work for highly skilled men. These are men who have specialised ability in the installation of some of the highly sophisticated modern electronic systems, quite apart from the ordinary extensions of house-to-house and factory-to-factory types of communications of a less skilled nature. The fact is they are tradesmen and many are highly

skilled in the electronics field. These men are a permanent part of Western Australia's work force and, therefore, a very important part of our economy. I think we are inclined to overlook this.

On top of this we have had the Navy expenditure on Garden Island in addition to the normal expenditure for the Navy. Army expenditure, too, has increased as has Air Force expenditure, and I mention, in particular, the extensions at Exmouth.

I have mentioned these matters to indicate the strong programme of Commonwealth and State works which are financed substantially from Commonwealth funds. I place extra emphasis on this for the reason that, at a time like this, one would think that the heavy expenditure of Commonwealth and State money which is occurring at a record level in Western Australia would be ample to complement the normal economy of this State and give us a period of prosperity.

The rural industries are looking up from the problems which they experienced a few years ago. The Government's problems so far as rural industries are concerned are only a fraction of what they were two or three years ago. In most facets of rural industries improvements have occurred whether they be in meat, wheat, or wool production. Of course these improvements bring a twofold advantage. They not only take the pressure off the Government so far as the farmers themselves are concerned, but the industries of this State—as I have mentioned on a previous occasion—respond very quickly whether it is in the matter of trucks, tractors, chemicals, fencing wire or steel posts and other products. It matters not what it is; these bring their own benefits to the economy.

We have two legs running strongly at the present time and it means that the real weakness which confronts us now is in the private sector where the Government does not seem to be able to generate the buoyancy which is necessary to give the ring of confidence that is so necessary if we are to have a lower level of unemployment.

We all saw the Western Australian unemployment figures announced yesterday afternoon and this morning. I am sure all members looked at them with some concern. In fact, that concern could amount to alarm because the drop of only 2.4 per cent. in the level is less than a third of what we expect to happen automatically at this time of the year because of seasonal conditions. This poor recovery has happened in spite of the large amount of Government money which has been deliberately pumped into the economy in this State to overcome the situation.

I believe we cannot ignore this position. I know the Government is very sensitive on this point and members opposite react rather sharply every time I mention it. The simple fact is that the other State in the Commonwealth which has an economy identical with ours—Queensland—is running along at an unemployment level of 1.15 per cent. The unemployment level in Victoria and New South Wales is around 1.6 per cent. However, in the three Labor States, the unemployment figure is well over 2 per cent.

It is also interesting to note—and I am surprised at this—that employers in New South Wales have questioned the accuracy of the statistics. The New South Wales figure is something like 1.61 per cent., and yet the employers claim they have difficulty obtaining labour. The member for Northam has raised the question in this House: Where are the unemployed? In Western Australia, where the unemployment figure is close to 3 per cent., the member for Northam complained about the fact that although a large number of tradesmen are registered as unemployed in Kwinana and similar districts, there is a shortage of labour in places such as Cunderdin and Northam.

This situation will be with us forever. I hope we never get to the stage in Australia of having directed labour, except perhaps in times of war. However, I realise that it is irritating for the employers in the districts where labour is required to know that there is a surplus of labour in other parts of the State but these people do not want to migrate to employment.

This is not the problem in New South Wales. I believe the situation in New South Wales highlights the backwash of a short-sighted decision in respect of immigration. The decision to reduce immigration resulted in an imbalance in the type of tradesmen available in New South Wales. It is my firm belief that tradesmen create work for others. If the tradesmen of the State are employed and fully occupied, it is amazing how many semi-skilled and unskilled men will be absorbed.

We can see how this operates in the building trade. Presently we have a lack of skilled bricklayers, and it is not a question of just being short of bricklayers—the industry is short of bricklayers who would create employment for many unskilled and semi-skilled workers.

I believe that after a proper analysis the Commonwealth Government will find that this is the reason for the complaint of the New South Wales employers that they cannot obtain the labour they want, in spite of the incessant talk about unemployment in their State. However, with the exception of one or two trades, such as bricklaying, this is not the situation in Western Australia.

The next point I wish to raise in dealing with the Loan Estimates is the apparent leisurely way in which the Government seems to approach its programme. Had I been in the Premier's position—

Mr. Hartrey: Everything would be all right.

Sir CHARLES COURT: —with the tremendous public concern about unemployment, although I would hope I would not be in his position—

Mr. H. D. Evans: According to you there would not have been any unemployment.

Sir CHARLES COURT: If I were in the Premier's position, I would have been trying to do something to get my loan works moving quickly.

On the 14th June, 1972, the Government came out with the statement that it had allocated almost \$14,000,000 for a crash programme to relieve unemployment. The Press article sounded quite dramatic until we read it fully, and we realised why the Trades and Labor Council had a gripe about the Government's lack of action. We must bear in mind that this was just a fortnight before the end of the financial year and the Government said that it had allocated nearly \$14,000,000 to a crash programme to relieve unemployment. It goes on to say—

Most of the money will be spent on public works to be financed from loan money that will become available in the 1972-73 financial year.

The Government wants to start the work as soon as possible. Some projects are expected to begin within a month.

When we look at the statement in more detail, we find that the Public Works Department was arranging for an early start on the school-building proposal. The article continues—

Private architects had been commissioned to design school works costing \$4 million. They had been asked to have plans and specifications ready by June 30, when tenders would be called.

If the situation was as critical as we know it was, and the Government was sitting on a works programme of this magnitude—bearing in mind it knew how much it had at that point—surely it would have had tender documents prepared long before this and tenders called. There was nothing to stop the Government calling for tenders so that the workmen could move in as soon as the finance became available.

I know one of the difficulties in Government budgeting is that there always seems to be a time lag before the departments are given even indicated figures. At least, it was my experience many years ago—and I am going back 15 to 20 years—that there seemed to be a hiatus every year

before the departments could really get down to the job of starting the works. In the last quarter of the financial year there was always an almighty rush to spend the money because of the ever-present fear that it would be confiscated.

Even when I became Minister for Railways I found in the first year that certain bad practices had been followed resulting in an imbalance of spending over the year because of this hiatus and the resulting rush to get rid of the money at the end of the financial year. Certain action was taken at that time to put a stop to the practice and this resulted in greater control over the spending and a better anticipation of the amount of money which could be spent in the first part of the year. This resulted in a more orderly system of budgeting.

A different system of supervision of loan funds was instituted in the Railways Department whereby a three-way test was applied. By this means it was possible to divert even approved loan funds to some more desirable works by carefully scrutinising the real purpose proposed for the use of funds.

The first test was: Would the expenditure increase the revenue? If it would not do that, the second test was applied: Would it reduce the cost and thus improve the operating position? The third test was: Is the expenditure necessary in the interests of safety? If the expenditure would not qualify under any of those headings it was rejected and the money diverted to something which would qualify.

I believe that many millions of dollars were saved and the money available to the Railways Department was used more economically as a result of the imposition of these tests. Perhaps a similar system is already used in other departments, but I strongly suggest that some such system is necessary. The amount of money being spent by way of revenue expenditure as well as loan fund expenditure in some of the departments is frightening, and this is particularly so in the Medical Department and the Public Health Department.

One starts to question whether there is in fact sufficient expert supervision and control over expenditure in these departments. I realise that it is very hard to question the professional people in these highly technical spheres. They rather resent the questioning and one needs to have more than a layman's knowledge to be able to challenge some of the expenditure. However, I believe that the same type of test will have to be imposed in those departments sooner or later. I know it was imposed with good effect in the Railways Department.

Just to round off that point, it seems rather strange to me that a Government in a desperate situation as far as unemployment was concerned, should not make

this announcement of the dramatic expenditure regarding money which was to come out of the 1972-73 programme until the 14th June. The Government then admitted it was taking action to have plans drawn up by the 30th June so that it could call tenders. Even allowing the minimum of time, it would still take some weeks for this work to commence.

I therefore wish to make this point, and I hope the Premier will deal with it when he is replying: What machinery does the Government have to ensure that the works programme is kept right up to the collar? One of the dangers with a programme as large and as complex as this is that we can finish up at the end of the financial year—heaven forbid that we do—without all the funds being spent. To avoid this, we must maintain a steady pressure right from the start of the year so that these projects are moving.

To come back to the dramatic announcement of the 14th June, when the smoke had died away and the song and dance had finished, we found we were getting a modest \$14,000,000 out of a works programme amounting to \$225,000,000, and the Government was only preparing plans on which to call tenders. It behoves the Government, its advisers, and departments, to endeavour to have a programme which will ensure that the money is spent in an orderly way.

I realise it may be a little difficult for the Premier to reply to my question at an early date, but I would like him to indicate what procedures are followed to break this programme up for Cabinet review on a quarterly basis. It needs to ensure that when the last quarter arrives we will not have one of these helter-skelter rushes which are typical of Government departments unless they are closely supervised by their Ministers.

From my own experience, for what it is worth, I found that if the second half of the year's programme was not well organised before the Christmas holidays, there was certain to be chaos trying to clean the programme up in the last few months. As well as the Christmas and Easter break, Ministers must bear in mind that strikes occur from time to time and there may be breakdowns in the supply of materials. Unless planning is well ahead, one cannot anticipate a smooth programme.

Mr. Harman: You must have missed the point the Premier made.

Sir CHARLES COURT: I have read his speech twice.

Mr. Harman: They overspent.

Sir CHARLES COURT: Who overspent?

Mr. Harman: The Government.

Sir CHARLES COURT: Do not come at that one. Is the honourable member talking about this Government?

Mr. Harman: Our Government. It is in the Premier's speech notes.

Sir CHARLES COURT: I think the honourable member misread the notes, unless he has a copy different from the one I have. I refer the honourable member to the Premier's reference to the carry-over of funds last year.

I also believe that if we keep the pressure on now with expenditure, we will pump something into the economy. I do not mean this is the answer to the present downturn, but we will get some good work done at the present time because tendering is very keen, particularly for orthodox-type work. We will obtain much better value for money.

I now raise another point on which I would like the Premier to comment. I do not have personal experience in this field, so I would like to know the extent to which the Treasury and the other departments keep in touch with local authorities to see how they plan their capital works programmes. These programmes are becoming a large part of the overall State capital works programmes today. I go along with the idea of increasing the limit of the loan from \$300,000 to \$400,000. Indeed, I would have supported a submission for a higher figure. However, this is a considerable advance on the amount of the approved loan. The smaller local authorities each have their approved programmes, and the total of the smaller local authorities represents a great deal of money throughout the State. Also, if the larger local authorities are not keeping their expenditure programmes up to the collar, we could finish up losing something for the State by the end of the financial year. This is quite unnecessary.

I have never been quite sure of the extent to which the Treasury or other departments supervise this expenditure once the loans are approved. However, I imagine that under the drawing arrangements made, the Treasury has some supervisory interest. I believe it is part of good government and part of the overall supervision of the economy to do this, without interfering unnecessarily with other people's affairs.

A specific point to which I would like to refer is the Premier's reference in his speech to the central laundry and linen service. This project will involve \$4,500,000, and the funds are to be raised over three years from five metropolitan hospitals. Frankly, I cannot understand this, nor can people who have raised the matter with me.

This is a time of very great shortage of loan funds, and statements are issued of almost crisis situations in the various hospitals and institutions, as evidenced by a visit made by the Premier and his Cabinet

to the Sir Charles Gairdner medical complex the other day. Therefore I cannot understand why the Government wants to draw funds away from these hospitals for a laundry and linen service. These funds could be used for the urgent needs of these hospitals and the medical services generally.

I know the previous Government had a good long look at a central laundry and linen service. I know our advisers were strongly in favour of it, but I also know the then Government decided against it, because we could not see the necessity or desirability of committing hard-to-get loan funds to this type of project which could be financed without any commitment of loan funds. It may be that the service might theoretically—I emphasise “theoretically”—cost a little more by not using hard-to-get loan funds for a central laundry and linen service. In the final analysis, I have never accepted it would cost any more, because I was never satisfied with the necessity for it. Research revealed that we could never get an accurate accounting from the departments on the real cost of running a central laundry and linen service.

The departments used to ignore such factors as the space in which the laundry was to be built or where the linen service was to be used. If it is outside money that is involved, this space costs money. If it were in a private place the laundry would be paying rates and paying interest on the money invested, but for some extraordinary reason, because it was a Government project, the departments used to regard that as no cost. Also, in the administration of these services, I found that the departments were reluctant to make any charge for the overhead involved. No business of this kind can be conducted without some overhead. Therefore, on a proper accounting basis, I question whether the real cost to the Government would not be more if it were done by a Government-owned central laundry and linen service.

The annoying feature about this central laundry, of course, is that Parliament rejected the proposal, but almost before Parliament went into recess or was prorogued—I am not sure which—the Government announced that it was going on with the central laundry in defiance of Parliament's decision, without even waiting for Parliament to meet so the Government could explain why it was going ahead against the decision of Parliament.

This use of \$4,500,000 of hard-to-get loan money for a central laundry and linen service is a further extension of government into Government-owned instrumentalities and other trading activities. I remind members that already during the life of this Government it has brought down legislation to expand Wundowie to a considerable extent to the detriment of

some well-established private industries, some of which are in danger of going out of business once the Wundowie extension is completed and in operation. The Government has also brought down legislation for the modernisation and extension of the State Engineering Works. This central laundry and linen service is the third intrusion of the Government into services that can be undertaken by the private sector.

The Premier explained to us that out of the \$39,650,000 capital works programme for the State Electricity Commission, some \$20,550,000 was to be provided from the internal funds of the commission. From the Premier's speech notes and from the accounts that have been tabled to date—the Auditor-General's report is not yet available to us—it is impossible to see the breakup of the \$20,550,000 coming from the internal funds of the commission. However, one is entitled to assume that a good proportion of this would come from the profits of the commission.

For the information of members who are not acquainted with the accounting procedures, when we talk about internally generated funds we are talking about allowances that are set aside for depreciation and similar items within an organisation which do not have to be paid in cash in that particular year, and therefore an organisation can generate a liquidity that can be used for capital works. It is a sound form of finance. I do not object to it normally, otherwise depreciation and other allowances would be left idle in Government funds and would not be put to work. One does not quarrel with that, but where the rub is, of course, is that the Government preys on the profits of the commission to finance its capital works.

This was done in various departments by the previous Government, but in a modest way, and I would like the Premier, when he replies to the debate, to give us the breakup of the \$20,550,000 coming from the internal funds of the commission, as distinct from the other amounts generated internally from depreciation and other provisions that are made in the ordinary course of accounting. We do not accept that the 21 per cent. increase in power charges was either desirable or necessary. We believe that more so now because this increase was made at a time when many more increases were being made by the Government.

This Government and its Commonwealth Labor colleagues were very critical of the Commonwealth Budget because it contained increases in taxes and charges, but in its own administration this State Government has imposed increases in power charges on domestic and private consumers to the extent of 21 per cent. We are receiving complaints day in and day

out that the increases are actually more than that. I realise that we can never get to the bottom of these things, because some people install an air-conditioner in their home and then they wonder why their bill is much greater for the following quarter. Nevertheless, as a result of the research that we on this side of the House are conducting, the evidence seems to point to the fact that the increase is more than 21 per cent. Therefore, I think the public is entitled to know how much of the profit of the State Electricity Commission is in fact being diverted into capital works, because this is something that imposes an immediate burden on the people.

Mr. T. D. Evans: It is something your Government did, did it not? Is that not so? It provided revenue receipts for capital works.

Sir CHARLES COURT: I explained that, to some modest extent, we did do that, and we were roundly criticised for so doing. However, we did not increase the charges by 21 per cent. to generate revenue for capital purposes.

Mr. T. D. Evans: It should have been generating electricity.

Sir CHARLES COURT: Of course it should have been. It would do the Minister good to read some of his leader's remarks that were levelled against us at the time. His favourite expression at that time was, "You are using this as a taxing authority." I can almost hear his words now ringing through the Chamber, because we were getting a modest amount in addition to meeting the ordinary operating expenses of the commission and other authorities like the Metropolitan Water Board.

Mr. T. D. Evans: And you do not agree with that?

Sir CHARLES COURT: We were very careful not to put up the charges to an excessive degree so that they would become the equivalent of a taxing measure. In practice charges can never be increased to a point where the result is neither a net profit nor a net loss, but if the Minister cares to look at the operating accounts of the metropolitan water and sewerage authorities that were planned at that time he will find that we did not go far from doing just that. The objective was not to seek an excessive profit, but to ensure that an excessive burden through loss was not placed on the taxpayers. This did not apply to water rates, and sewerage and drainage rates in the rural areas. We deliberately budgeted for heavy losses as this was part of our policy on decentralisation and assistance for the country.

Mr. May: Are you suggesting that your Government gave adequate loan funds to the S.E.C.?

Sir CHARLES COURT: We kept up with its need.

Mr. May: We are still paying them off.

Sir CHARLES COURT: Of course the Minister is; people in 100 years' time will still be paying off the previous Government's debts. If the Brand Government had not ordered plant five and more years ahead the present Government would have been in terrible straits.

Mr. May: We are in terrible straits now.

Sir CHARLES COURT: The present Government would not have had the generating capacity if we had not ordered the plant in advance. If I had had my way the Brand Government would have ordered more plant and we would have gone into another dimension of power generation quite outside the normal loan funds as part of the negotiated expansion of metal processing plant in this State. I think another issue the Minister will have to face up to one day—that is, if the Minister is still there for much longer—is the question of how he will get a new dimension of generation instead of just expanding at the rate of 12 or 15 per cent. per annum.

Mr. T. D. Evans: Are you expecting a change in the Ministry in the near future?

Sir CHARLES COURT: There are many individual departments and items in the General Loan Estimates and in the capital works programme. When we get onto the individual items members can deal only with the items in the General Loan Estimates and cannot deal with some of the other items in the capital works programme that are even greater in cost than the items in the General Loan Estimates. I think my colleagues understand this, but there are items, such as housing, which deserve more specialised treatment, and some of my colleagues will be dealing with these in due course, because the Government has now announced a change of policy so far as qualifications for State Housing Commission homes are concerned. It has also announced that the Housing Commission will be looking after Aboriginal housing.

For the life of me I cannot see how the Government is going to make an impact on the housing programme if we have an upturn in the economy, with an inevitable greater demand for housing. However, this is a matter that will be discussed in greater detail both in the general debate and during the more specialised debate that will take place on the Estimates.

I do not want to labour this speech any more than is customary during the general debate on the Loan Estimates. I could go into much more detail. However, I felt it my responsibility to make some observations on the Government's capital works programme.

I return to my earlier points that the Government has received a record allocation from the Commonwealth. It has an increase of 22 per cent. in its work programme—nearly \$42,000,000 over the amount received last year, and if we read through the Premier's speech we find that the Commonwealth figures very largely in that increase. We see the increased amount for local authorities. We see the extra sums that have been made available for schools, and also the amount that is available for Aboriginal welfare.

Mr. T. D. Evans: And you are critical of that, are you?

Sir CHARLES COURT: No, I am not. I am pleased to see that the money is made available, but it is not a bad thing to mention the Commonwealth occasionally. For instance, when we refer to that part of the Premier's speech dealing with native welfare, we find that funds available from "other sources"—this is rather quaint—for native welfare projects amount to \$3,830,000, including Commonwealth grants for Aboriginal advancement of \$2,950,000, and the balance of \$880,000 is a carryover of Commonwealth funds from last year. In other words, the whole amount came from Commonwealth sources.

Therefore, it is not a bad thing for somebody, occasionally, to point to these facts, because we get the impression, quite often, that the Commonwealth Government does not do anything for Aborigines or for the State. I used to press the Commonwealth Government for every dollar I could get out of it, and I still would, but it is not a bad thing to acknowledge any contribution that is made by the Commonwealth. Quoting another instance, concerning the State Shipping Service, it is found that the Government will be getting two ships but will have to pay for only one. The Commonwealth pays for the other.

Mr. T. D. Evans: Now that you are in Opposition your tune is different from the one you played when you were in Government.

Sir CHARLES COURT: I was always pressing the Commonwealth for as much as I could get and, if I could, I would press it for more. Also, I always obtained as much as I could from the private companies. I return to the point I was making; namely, that the Government keeps whining, whining, and crying that it does not have enough money, but it has received record sums from the Commonwealth and yet the State still has the highest unemployment figure in Australia as at today. These are the cold, hard facts, and yet the Government cannot activate the one section of our economy that can solve the employment problem; namely, the private sector.

Debate adjourned, on motion by Mr. Harman.

DOOR TO DOOR (SALES) ACT AMENDMENT BILL

Second Reading

MR. TAYLOR (Cockburn—Minister for Consumer Protection) [6.00 p.m.]: I move—

That the Bill be now read a second time.

This Bill for an Act to amend the Door to Door (Sales) Act of 1964 provides for changes which have, in practice, been found desirable since the Act came into force in 1965; namely, a revised definition of "vendor" and a new definition of "dealer" which will effectively close a loophole in the Act which made its provisions very difficult to enforce if the vendor did not reside in Western Australia.

In addition, as a result of complaints from individuals and organisations, in both metropolitan and country areas, provision has been made for the limiting of the times during which salesmen may make an unsolicited call to a person's place of residence to between the hours of 9.00 a.m. and 5.00 p.m. on any day other than a Sunday or a public holiday, and 9.00 a.m. and 12 noon on a Saturday.

Briefly, clause 2 adds a definition of "dealer," and revises the definition of "vendor." These amendments will make the dealer—including his agent or servant—as well as the vendor—including his agent or servant—liable for breaches of this Act and will enable the local agent, salesman, or dealer to be prosecuted when the vendor lives outside the State. In the past, in matters looked at by the Police Department, it was found that, in the main, the vendor lived in another State. It is possible under the existing Act to enforce convictions against interstate vendors by resorting to the use of the Commonwealth Service and Execution of Process Act. However, the amendment will simplify enforcement problems, particularly as the dealer can now be proceeded against, and should act as a stronger deterrent, particularly as prosecution in the past has been restricted to "vendor" in the Act.

In clause 2 a new definition of "permitted hours" is also inserted. This will be explained in conjunction with clause 8.

Clause 3 replaces the word "owner" with the word "vendor." This latter person is in effect the owner and the person by whom, or on whose behalf, the goods are sold.

Clause 4 adds a new section 3A which makes credit purchase agreements entered into at a place of residence unenforceable by the vendor unless made in the permitted hours or under the permitted circumstances explained in clause 8.

Clause 6 re-enacts section 5 of the Act to make it an offence—with a penalty up to \$200—for a vendor or dealer, when a credit purchase agreement is terminated by the purchaser, to fail to repay moneys received back to the purchaser. The purchaser also retains the right, in this event, to recover such moneys through a court of competent jurisdiction.

Clause 7 amends section 7 of the Act so that a vendor, dealer and every person who acts on behalf of a vendor in the making of a sale by credit purchase agreement, commits an offence against the Act—penalty up to \$200—if an agreement or document, to which the purchaser is a party, contains any of the provisions set down in clause 7 which would make it void.

Clause 8 adds a new section 7A which makes it an offence—penalty up to \$200—to call, enter, or attempt to enter, the place of residence of another person for door-to-door selling in the prohibited hours. The permitted hours are restricted to—

*9.00 a.m. to 5.00 p.m. Monday to Friday,

*9.00 a.m. to 12 noon Saturday.

*Excepting public holidays.

Outside these hours, entry to a home must only be at the unsolicited request of a resident. This therefore does not preclude appointments being made outside the permitted hours.

It is considered that these hours and conditions provide salesmen with sufficient scope to conduct business in a "sales at the door" method for goods prescribed by the Act. I think it can be said that any extension of these weekday hours could unduly interfere with domestic responsibilities of housewives, and others.

In conclusion, it is explained—and this point is important—that the goods subject to the Act at present are books, engravings, lithographs, pictures or other like matter, whether illustrated or not. Provision is made in the Act to prescribe other goods at any time for the purposes of the Act.

Close attention is being given to the nature of complaints now arising from door-to-door selling methods, and if circumstances warrant an extension of the range of goods to be prescribed so as to protect the interests of consumers, the matter will naturally receive the attention of the Government.

Mr. Williams: Have you any goods in mind at present that you might include?

Mr. TAYLOR: No; none whatever. I commend the Bill to the House.

Debate adjourned, on motion by Mr. Williams.

LONG SERVICE LEAVE ACT AMENDMENT BILL

Second Reading

MR. TAYLOR (Cockburn—Minister for Labour) [6.06 p.m.]: I move—

That the Bill be now read a second time.

The amendments to the Long Service Leave Act are in accordance with the election policy of the Government which postulated a desire to remove the differences between long service leave granted to wages workers in private enterprise compared with wages workers in Government, the latter being entitled to 13 weeks' long service leave after the first 10 years' continuous service in a full-time capacity with the Government.

The Long Service Leave Act covering employees in private industry was originally passed and proclaimed on the 24th December, 1958, and at that time entitled a worker to 13 weeks' long service leave after 20 years of continuous service. It was amended in 1964 and reduced the initial qualifying period to 15 years' continuous service from the 1st October, 1964. The amendment now proposed repeals and re-enacts section 8 so that the initial qualifying period from the 1st October, 1972, will be 10 years' continuous service for 13 weeks' long service leave with consecutive entitlements being nine weeks for each seven years thereafter. The exact proportion when reducing 13 weeks for 10 years to a seven-year basis is 9.1/10 weeks, but the figure of nine weeks is adopted in the amendment.

The alterations to subsections 8 (4) and 8 (5) also ratify any long service leave to which a worker was entitled before the 1st October, 1964, or the 1st October, 1972, at the entitlements which applied in those years, provided the worker has fulfilled the length of continuous service under the amendments now being made.

The elimination of the differences which have caused dissatisfaction to workers generally in private enterprise for some time should tend to lessen the grievances associated with expressed dissatisfaction over working conditions in industry which has been in evidence in recent years. I commend the Bill to the House.

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

INDECENT PUBLICATIONS ACT AMENDMENT BILL

Second Reading

MR. TAYLOR (Cockburn—Minister for Labour) [6.09 p.m.]: I move—

That the Bill be now read a second time.

At the outset, I feel I should make it clear that the amendments to the Indecent Publications Act sought in this Bill are

not being submitted with a view to increasing the scope of censorship, but rather to making legislative provisions in order to give restrictive control over certain publications coming into the hands of children.

The proposed legislation is, in the main, aimed at Australian publications which are not subject to import controls. In other words, the steps are being taken to ensure that certain types of literature considered suitable only for adults need not be banned or unnecessarily censored, but that they have certain types of restrictions placed on them that will stop persons under the age of 18 years from readily obtaining them.

The need for such legislation was pinpointed following discussion between State Ministers and the Commonwealth, and the Bill which I now introduce is similar to New South Wales legislation, in that it allows for the setting up of a State advisory committee on publications.

The purpose of the advisory committee will be to report to the Minister on any one or more of the following matters; namely, whether or not in the opinion of the committee the publications or class of publication referred to them by the Minister—

- (a) by reason of the nature or extent of reference therein to sex, drug addiction, crime, violence, gross cruelty, or horror, or for any other reason, is undesirable reading for children under the age of 18 years and should be classified as a restricted publication or class of publication; or
- (b) should be the subject of proceedings under section 2 of this Act; that is, whether its publishers or vendors should be prosecuted for general offences of printing, publishing, etc. indecent or obscene literature.

It should also be mentioned that under the terms of a draft revised agreement between the State and Commonwealth on literary censorship, the agreement contemplates procedures whereby individual State Ministers can refer books of apparent literary or artistic merit to the National Literature Board of Review constituted under the Customs (National Literature Board of Review) Regulations for a report by the board as to whether the distribution of the publication or class of publication should be restricted to persons who are 18 or more years of age. It will, however, not be possible to submit other types of literature, magazines, and certain types of newspapers to the National Literature Board of Review.

At this stage, I feel I should acquaint members with the suggested composition of the committee which is planned to con-

sist of not fewer than three nor more than seven persons appointed by the Governor. Of the persons appointed—

- (a) one shall be a woman;
- (b) one shall be a recognised expert in literature, art or science, and
- (c) one shall be a practitioner as defined by section 3 of the Legal Practitioners Act, 1893.

The members of the committee will be appointed for a period of five years and the committee shall include in its report to the Minister, the reasons for and matters taken into consideration in formulating its decision and each member of the committee may make an individual report on the publication or class of publication or matter referred.

Other clauses of the Bill include—

- (a) A clause allowing the Minister, upon recommendation of the committee, to determine that any book proposed to be published, sold or distributed shall not be the subject of proceedings under the Act.
- (b) A clause which lists offences in relation to restricted publications and the penalties for such breaches.

The Bill is commended to members because it is felt that it is imperative that provisions be made that will protect the young, but at the same time will not prove over-restrictive to adults. I commend the Bill to the House.

Debate adjourned, on motion by Dr. Dadour.

BILLS (2): MESSAGES

Appropriations

Messages from the Governor received and read recommending appropriations for the purposes of the following Bills:—

1. Long Service Leave Act Amendment Bill.
2. Indecent Publications Act Amendment Bill.

Sitting suspended from 6.15 to 7.30 p.m.

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

Second Reading

Debate resumed from the 12th September.

DR. DADOUR (Subiaco) [7.30 p.m.]: I rise to oppose the Bill for the abolition of the death penalty. It has always been my firm belief, as it is today, that the death penalty constitutes a deterrent. Unlike members on the other side of the House we on this side of the Chamber have a conscience vote in relation to this Bill.

For my own part it has taken a great deal of thought—probably much more than most people have given to the matter—for

me to arrive at this decision; but in arriving at the decision it must be remembered that I have been geared, like other members in this House, to the preservation of life, whenever that is possible. In my case this has been particularly so over the past 25 years when in the course of my practice and the study of medicine this fact has been brought home to me more forcibly than ever.

As I say, I can only think in terms of the preservation of life. I do believe, however, that there are times and occasions—few though they may be—when a person will commit a vile crime; a crime so vile as to entail the forfeit of his or her life. It is my belief that such a person should be hanged.

When considering the aspect of hanging, I ask myself whether or not the death penalty constitutes a deterrent. Given the circumstances and the necessary provocation I dare say that I, too, might go out and kill somebody in cold blood. I know I could do this on provocation; but given time to think and meditate about it, I know I could not kill, because if I did I know I would be hanged for the crime in question. Accordingly to me the death penalty must constitute a deterrent.

A further yardstick which I am inclined to use relates to the multi-killings that were committed by Cooke a few years ago. I ask myself whether I felt any remorse when Cooke was hanged. The unequivocal answer is that I felt no remorse whatever when he was hanged. Here was a man who killed because he wanted to kill. He killed for no rhyme or reason. He terrorised thousands upon thousands of people in the neighbourhood and, when he was hanged, I am sure the right thing was done. To carry the matter a little further, as members know, the death penalty is provided for murder, for piracy, and for high treason. This provision is on the Statute book at the moment.

Mr. T. D. Evans: Do you know the distinction between "murder" and "wilful murder", as defined in the Criminal Code?

Dr. DADOUR: Yes, I do know the difference, and I appreciate it. For my own part I consider that the death penalty should be imposed on a man who is a drug pusher or a drug peddler—whether it be a man or a woman—provided he or she is not an addict and has a full knowledge of what is being done. This has always been my opinion. I feel very strongly about people who go to the extent of putting drugs into the drink of some innocent person with a view to getting such person addicted. When LSD is used the victim's brain is often affected.

Mr. T. D. Evans: Why do not you introduce a private member's Bill which provides for this?

Dr. DADOUR: I ask the Attorney-General first to give us a chance to defeat the Bill with which we are dealing at the moment. It is possible for these vile drug pushers to whom I have referred to place in the drink of a young and innocent person a drug which could destroy the brain of such a person thus bringing about a life of suffering and misery. To my mind these people are guilty of something akin to wilful murder—if the Attorney-General wants it that way.

I often wonder why people are placed in gaol or in houses of correction, if the Attorney-General feels that is the better expression. People are generally committed to houses of correction for a number of reasons, some of which are as follows:—

- (1) To protect them from society.
- (2) To protect society from them.
- (3) To deny them some of the privileges they would normally enjoy if they were outside.
- (4) Wherever possible to bring about an overall correction.

Mr. Graham: You missed the most important one.

Dr. DADOUR: I believe these are the reasons people are sentenced to prison. It is true, of course, that we endeavour to achieve a degree of correction, but if a person has been found guilty of a wilful and vile murder there is little doubt that the act must have been premeditated.

Mr. T. D. Evans: It is obvious you have not heard the definition or, if you have, you do not understand it.

Sir Charles Court: Of course he does; it is common sense.

Dr. DADOUR: I am aware of the definition. If the Attorney-General persists with this line of argument then all I can say is that his introductory speech is one of the most airy-fairy speeches it has ever been my lot to read.

Mr. Graham: You have not done much reading.

Dr. DADOUR: Now that the Deputy Premier has interjected in that vein I would point out I have not read too much fiction. I have found that a great number of the people who want abortion on demand also want the abolition of the death penalty.

Mr. T. D. Evans: I do not.

Mr. Graham: How do you know that?

Dr. DADOUR: By talking to people and by asking for their views on the matter.

Mr. Graham: How would you assess the number?

Sir Charles Court: He would have a better chance of making such an assessment than you would.

Mr. Graham: Why?

Sir Charles Court: Because of his practice.

Mr. Graham: What has that to do with it?

Sir Charles Court: Because he would have the opportunity to discuss the matter with his patients.

The SPEAKER: Order!

Dr. DADOUR: It is those with the capacity for shallow thinking who would want abortion on request while also seeking the abolition of the death penalty. To my mind this is most diabolical. As we all know there are those who advocate euthanasia, which is also killing.

Mr. Hartrey: Euthanasia is a lot better than hanging.

Sir Charles Court: You want to be careful.

Dr. DADOUR: It looks as though members are determined to destroy my train of thought.

Sir Charles Court: You keep going, you are doing well.

Dr. DADOUR: The shallow thinkers to whom I have referred are quite inconsistent in their thinking and in their thought processes.

All of us, from time to time, are subjected to some kind of pressure. As members of Parliament we have been subjected to pressure in connection with law reform, homosexuality, abortion, and the abolition of the death penalty. It is possible that I am rather conservative.

Mr. Graham: Hear, hear.

Dr. DADOUR: But I do not think I am.

Mr. Graham: Not conservative, just reactionary.

Dr. DADOUR: I can see all the aspects involved and I have analysed the matter as best I know how. I have spoken to innumerable people in connection with the abolition of the death penalty and they have all come up with the same answer—that the death penalty must be retained. I do not, for one moment, believe that we should use it willy-nilly or indiscriminately.

Mr. Graham: Use it Tommy-wommy!

Dr. DADOUR: Every case should, of course, be judged on its merits. This is a rather difficult subject to talk on at any time and it becomes more difficult when the Deputy Premier tries to destroy my train of thought and upset me.

Mr. J. T. Tonkin: You are talking about judging murder on its merits.

Dr. DADOUR: It is quite apparent that members on the other side of the House have not given this matter as much thought as we on this side of the Chamber

have done. That is my earnest belief. Members opposite have hard and fast rules which they must follow at all times; they must do as they are told.

Mr. Graham: How would you know?

Dr. DADOUR: As a matter of fact, there seems to be little doubt that members on the other side of the House all have exactly the same haircut as the Premier; they even visit his barber.

I have spoken to a great number of people in my electorate and over 90 per cent. of them desire the death penalty to be retained on the Statute book. When the Attorney-General introduced the Bill he said that the general consensus of opinion was that the death penalty should be abolished. I can say quite definitely that the people in most of the electorates believe that the death penalty should be retained.

Mr. Graham: How can you say that?

Dr. DADOUR: I can say it because I have talked to innumerable people who have expressed this desire.

Mr. Graham: How many have you spoken to in my electorate; or in your own electorate? How can you talk about the great majority of the electorates?

Dr. DADOUR: Has anybody ever thought of the victim's family or of the murderer's family? In the course of my practice I have been aware of two families who have been involved with murder. I have seen this at first hand—how a little girl was raped and murdered. She was aged 11.

Mr. Graham: At first hand?

Dr. DADOUR: I do not think that is funny.

Mr. Graham: That is what you said.

Sir Charles Court: Just ignore him.

Dr. DADOUR: The family of the child concerned did not settle down until the man responsible was hanged. At the time there was no controversy about the man in question being sent to the gallows. There was unanimity of opinion that that should be his punishment. The Attorney-General said that this is an opportune time to introduce the Bill because at the moment nobody is under sentence of death. It should not matter one bit whether or not anybody is under sentence of death.

Mr. T. D. Evans: I asked that everyone should take an objective view of the Bill.

Dr. DADOUR: If the Attorney-General will give me an opportunity I will try to do so. As I said, the family of the child concerned did not settle down until the man responsible for the murder was hanged.

Only a couple of weeks ago I spoke to the child's father and asked him whether he had any misgivings or remorse about

the hanging; and he replied, "No, the best thing that could have been done was done." He still believes that what was done was correct.

What about the murderer's family? If the person in question is committed to life imprisonment and his name happens to be slightly different from those of other people his wife and children would have an opportunity to change their name by deed poll. The woman, feeling that she was still married to the man would, of course, visit him in gaol once a week. As the children grew up they would want to know where Mum went once a week. We may then find that some bright young fellow has seen the mother visiting the gaol once a week and the next thing we know the matter is published in all the newspapers. It is brought up to be relived. Had that man been put to death as he should have been, I believe this unfortunate set of circumstances could not have arisen. I believe a man can forfeit his right to live in this world by committing a heinous crime.

There is another point, which I am afraid is not a very good one. We read that when a civilisation reaches a certain stage and the death penalty is abolished, that is the beginning of the end of that civilisation. I do not know how significant that point is but it is one that should be considered.

When a man who has committed a heinous crime is imprisoned for the term of his natural life, he could be caused to suffer much more than he would suffer if he were hanged.

Mr. Graham: How would you know?

Dr. DADOUR: The Deputy Leader does not know that a few of us have consciences.

Mr. Graham: To how many people who have been hanged have you spoken in order to know how they feel?

Dr. DADOUR: I will let the Deputy Premier know. I do not think I will see any of the caucus there, anyhow.

On occasions we read that the wrong person has been hanged. This is an unfortunate circumstance. How many people who have been convicted of wilful murder and released from prison after 10 years or a little longer have committed the same crime again?

Mr. T. D. Evans: Can you name one in Western Australia?

Dr. DADOUR: There have been none in Western Australia. There was one in Victoria or New South Wales, and it has happened in other countries. How many innocent people have been hanged in Western Australia? Can the Attorney-General tell me?

Mr. T. D. Evans: That is not known.

Dr. DADOUR: The Attorney-General's argument is as valid as mine is.

Mr. T. D. Evans: No-one has repeated the same crime, be it manslaughter, murder, or wilful murder. The answer to the other question is unknown.

Dr. DADOUR: How many people have come forward and owned up to a crime committed by someone else?

Mr. T. D. Evans: That is unknown.

Dr. DADOUR: That is another matter in the realm of the unknown. However, I believe we owe it to society to impose the death penalty on a person who has committed a crime that is so heinous that he should never again be allowed to live amongst people. What about the man who takes a contract to kill somebody in cold blood for payment?

Mr. Graham: You are talking about the hangman, aren't you? He does that very thing, and is paid for doing it.

Dr. DADOUR: If I had to hang a man who had committed a heinous crime, I would hate to do it but I believe I would be capable of doing it. I sincerely hope I never have to do it, but in this world we have to face up to many things. We cannot all be idealists or airy-fairy and hide from the problems we come up against. We must face our problems, ask ourselves these questions, and answer them truthfully.

We must give more thought to the relatives of the victims and the relatives of the murderers. I know of the case of a woman who killed her husband and buried him under the rose bushes. She was released after serving eight or nine years in prison. She calls on her son from time to time, and he lives in fear and trepidation that his children will find out that grandma planted granddad under the rose bushes. I believe that one day someone will tell those children the truth.

According to the *Year Book Australia*, in 1967, 15 people were convicted of murder in New South Wales, nine in Victoria, seven in Queensland, two in South Australia, one in Western Australia, none in Tasmania, one in the Northern Territory, and none in the Australian Capital Territory. A total of 35 people were convicted of murder in 1967. Queensland and New South Wales have abolished the death penalty for murder. The number of people in New South Wales and Queensland amounts to approximately half the population of the Commonwealth, give or take 100,000. In the nonhanging States there were 22 convictions for murder, and in the hanging States only 13. Those figures could have some significance.

The figures relating to people convicted of attempted murder in the same year are seven in New South Wales, one in Victoria, two in Queensland, none in South Australia, one in Western Australia, and none in

Tasmania, the Northern Territory, and the A.C.T. A total of 11 people were convicted of attempted murder in Australia in 1967, and nine of these occurred in the nonhanging States.

The figures for 1968 show very much the same picture. A total of 37 people were convicted for murder in Australia in 1968—23 in the nonhanging States and 14 in the hanging States. The figures for conviction for attempted murder in 1968 were eight in the nonhanging States and five in the hanging States. Overall, the number of convictions for murder in the nonhanging States is almost double the number in the hanging States.

Mr. T. D. Evans: Now that I am back in my own seat I can interject and tell you that Tasmania has abolished the death penalty.

Dr. DADOUR: That has occurred since 1968.

Mr. T. D. Evans: Tasmania is also now a nonhanging State.

Dr. DADOUR: But it was not a nonhanging State in 1967 and 1968.

Mr. T. D. Evans: You are speaking about 1968 now?

Mr. I. W. Manning: Don't spoil a good speech!

Mr. Graham: It is tripe—nothing else.

Dr. DADOUR: Four murders were committed in Tasmania, so the figure for the nonhanging States is 27 as against 10.

Mr. T. D. Evans: And there had not been a hanging in Tasmania for many years before 1968.

Mr. Bryce: Does the member for Subiaco realise the Leader of the Opposition has debunked this whole argument by referring to the stupidity of trying to play with numbers in such a small area? It is arithmetical gymnastics.

Sir Charles Court: I said I was not interested in trying to resolve the matter by arithmetic; I was dealing with the principle.

The SPEAKER: Order!

Dr. DADOUR: The figures show that more people were convicted of murder in the nonhanging States than in the hanging States. It could be argued against me that people are more likely to be convicted of murder in a nonhanging State than in a hanging State because juries would not convict if they knew the accused persons would be hanged.

Mr. T. D. Evans: It is a good observation.

Dr. DADOUR: But it does not account for the figures being double those in the hanging States. I believe that capital punishment is a deterrent. One iota of deterrence is sufficient.

Mr. T. D. Evans: It did not deter the last person who was hanged in 1964.

Dr. DADOUR: I say there must be an iota of deterrence for premeditated murder. If there were a deterrent, I think the figures would not read the way they do. I believe capital punishment is a deterrent; therefore, in all sincerity and conscience I must vote against the abolition of the death penalty. In spite of the fact that I believe in the preservation of life, I am of the opinion that some crimes demand or deserve the death penalty. As far as I am concerned, the people who commit such crimes should be given the death penalty. I do not think hanging is any more heinous than the gas chamber or the guillotine. Hanging is just as quick and effective and no more barbarous than any other method.

Mr. T. D. Evans: Would you comment on the death penalty for piracy and treason?

Dr. DADOUR: I think high treason speaks for itself, although the Attorney-General probably believes it should not be on the Statute book. Hijacking comes under piracy.

Mr. T. D. Evans: There are special provisions in the Criminal Code dealing with hijacking. They were introduced by the Brand Government.

Dr. DADOUR: In any case, it is a remote possibility.

I believe the death penalty should be imposed upon the person who wilfully pushes or peddles drugs for monetary return. Such a person is responsible for youngsters becoming hooked on drugs. No more vile person ever lived, and he should not be allowed to live. With those words, I oppose the Bill.

MR. HARTREY (Boulder-Dundas) [7.57 p.m.]: In the realms of physics, light and heat are correlatives. They are far from being so in the realm of politics. Therefore, I propose, if possible, to avoid shedding upon this grave and weighty problem of capital punishment the heat that emanates from polemics and would rather seek to shed the light that flows from religion, philosophy, and common humanity.

The final fate and the ultimate problem of mankind is death. For that reason it is the universal enigma of the human race which has been answered differently in different ages, different cultures, and different circumstances. A rather shallow Roman philosopher—the poet Lucretius—dismissed it in a single hexameter: *nil igitur mors est ad nos neque pertinet hilum*, "Death therefore is nothing at all and touches us not in the least." To my way of thinking, that is a form of whistling in the dark to keep up one's courage in the face of the unknown.

In the full fervour of his magnificent Christian faith St. Francis of Assisi cried out to his Master, "Blessed be God for our

Sister, the death of the body, by which are all men set free." I think not many of us—even professed Christian—can express that degree of faith today.

Midway between those two conflicting points of view stands the philosophy of a man who was himself a victim of capital punishment imposed upon him by his fellow countrymen *en masse*. I refer to the philosopher Socrates who, having been sentenced to death, thus addressed his judges: "Therefore men of Athens, be of good cheer about death and this know of a certainty, that to a good man comes no evil."

If Cicero's third Catilinarian oration is to be believed, another famous Roman philosopher, great astronomer, soldier, and statesman—Julius Caesar—expressed in the Roman Senate in a debate on capital punishment an opinion similar to that expressed by St. Francis of Assisi. On a dark December day, 63 years B.C., the Roman Senate met in the Temple of Jupiter on the Capitol Hill, surrounded by soldiers and in fear of a conspiracy, and debated and determined the fate of three of its own number who had been caught red-handed conspiring with the enemy. In the debate Caesar said, "It is not fitting that death, which the Gods have given to man as a merciful end to his miseries, should be abused by men as an instrument of punishment."

About 100 years later there was brought before a Hebrew prophet in old Jerusalem, a delinquent woman who also had been caught red-handed in what was in her day and for her sex undoubtedly a crime of gravity. She was a woman taken in adultery; and what did our divine Lord, Jesus, say to the hungry, vengeful, lecherous mob that dragged the woman to him and called upon him to sanction her being stoned to death? He said, "Let him who is without sin among you cast the first stone." Did they cast stones? They did not because the vengeful lechers knew each other's sins as well as their own, and they slunk away like curs.

That same Christ, only a few months later, was himself the victim of capital punishment, and a particularly atrocious form of capital punishment. His first words—not his last—from the cross were, "Father, forgive them for they know not what they do." I tell members who support the opinions expressed in all sincerity by the member for Subiaco that they know not what they are doing.

Dr. Dadour: What about "Thou shalt not kill"?

Mr. HARTREY: Yes, "Thou shalt not kill"—that is exactly what I am saying. I do not want any part of a killing; and when the State of Western Australia hangs a man I have a part in the killing. I as much as anybody else in this Chamber am

made a hangman, and I do not like to be made a hangman. I do not want to kill. I raise my voice here—not as the only member to do so; not by a long way—against this atrocious, archaic, horrible form of punishment.

No man can create life, avert death, or prolong life; by what authority from heaven or hell does he have the right to destroy life? Therefore, with confidence, I support the bill so aptly introduced by the Attorney-General and so ably supported by his immediate predecessor in that office, the member for Mt. Hawthorn.

On one point only would I differ from the member for Mt. Hawthorn. He, I think, believes—and certainly he gave the House to believe—that the Labor Party was the party which originally and ever since proposed the abolition of the death penalty.

Historically, that is not so. It was not originally proposed in this House, and it was not proposed by a Labor man. On Tuesday, the 10th September, 1901, a resolution to this effect was moved in the Legislative Council by The Hon. Richard Septimus Haynes, M.L.C., and later of His Majesty's Counsel; one of the most able practitioners at the bar in the year I was born. In so moving the motion that honourable member pointed out to his colleagues that there were at that time no fewer than seven capital crimes in Western Australia. I am sure that some of the real old shellbacks will say, "What a pity there are not that many now." Members may not have heard of those capital crimes; frankly I had not heard of them until I read *Hansard*, Vol. 19, page 789, where I found the following:—

Hon. members are perhaps unaware that in this country the death penalty is provided for treason, murder, three or four kinds of attempted murder, which I will classify as "attempted murder," rape, burglary, and wounding, and arson where the premises are occupied.

That was the state of the law when The Hon. Richard Septimus Haynes proposed his motion. He could not get a second to the motion until he consented to exempt murder and rape. It was then seconded. A few members voted for it, but it was defeated on the voices.

However, in 1902 this State adopted, by the Criminal Code Act, the Criminal Code of Queensland—the brainchild of the first Chief Justice of Australia (Sir Samuel Griffith) at the time when he was the Premier of Queensland. That Code provided the death penalty for treason, wilful murder, murder, and piracy.

Now, Mr. Speaker, do you know what piracy is? I suppose it suggests to you, as it does to most other people, black-bearded Morgan leaping from the quarter deck, brandishing a cutlass in one hand

and a pistol in the other, and capturing fair maidens and large, wealthy cargoes. In section 76 of the Criminal Code—and this is the law we are discussing and proposing to amend—piracy means only—

any act with respect to a ship, or any goods or merchandise belonging to a ship or laden upon it, which, if the act were committed on land, would constitute robbery as hereinafter defined.

"Robbery," as hereinafter defined, means the seizure of people's property by threats of violence, not necessarily by actual assault, but by fear imposed upon the person who is deprived of his property. Piracy itself is not a capital offence; but if in committing an act of piracy anybody is wounded, then it is a capital offence. "Wounded" does not mean wounded to death or grievous bodily harm; in the law it means merely that the true skin—and I am sorry the member for Subiaco is not present at the moment, because he could explain what that is; certainly I cannot—is broken. If a man is pricked with a pin and bleeds, that is a wound at law.

So, if in the course of stealing goods from a ship, a person wounds to that trivial extent another person who is guarding the goods, he is guilty of a capital crime. Do not members think it is about time we changed that sort of Code?

It is no good saying this has anything to do with hijacking; that is not done on the high seas, and it does not relate at all to section 76 of the Criminal Code. All I wish to remind members of in regard to section 78 of the Code is that—

If a crime is committed with respect to a ship, and if at or immediately before or immediately after the time of committing the crime the offender—

- (a) Assaults any person on board of or belonging to the ship, with intent to kill him or to kill any other person; or
- (b) Wounds any such person; or
- (c) Unlawfully does any act by which the life of any such person is endangered;

the offender is liable to the punishment of death.

God save the Queen!

Having read the definition of "piracy," let us consider the definition of "treason," to which I alluded in an interjection the other night. This is a lovely inheritance from the days of Henry VIII and George IV. Henry VIII decapitated two of his wives because they had committed adultery. God help us! George IV accused his wife—unjustly as it happened—of the same heinous offence. The men involved

in each case committed treason, and should have been hanged, because section 37 (9) of the Criminal Code states—

Any person who—

- (9) Violates, whether with her consent or not, a Queen Consort, or the wife of the eldest son and heir-apparent for the time being of the Sovereign;

is guilty of a crime which is called treason, and is liable to the punishment of death.

Again, God save the Queen!

Not only is that the law of this State, but the criminal practice rules embody the procedure to be followed in administering that law. This bears out strongly what the member for Mt. Hawthorn said the other night and he was rebuked by some unthinking people for saying it; that because the public conscience is becoming more and more outraged by capital punishment, there is an increasingly great danger that juries will refuse to return verdicts of wilful murder—and they do.

In 1967 I frightened a jury away from doing that in Port Hedland in one of the most straightforward cases of murder one could imagine. A man pointed his gun at his wife's head and said, "This will teach you" and pulled the trigger. I reminded that jury—as I remind the House now—of the words of the General Epistle St. James, chapter 2, verses 13 and 14, wherein the following is found:—

- 13 For he shall have judgment without mercy, that hath shewed no mercy; and mercy rejoiceth against judgment.
- 14 What doth it profit, my brethren, though a man say he hath faith, and have not works? can faith save him?

St. James also says it is not enough that one has not committed adultery; one also must do no murder.

The member for Subiaco, before retiring, asked me did I not understand what is meant by "Thou shalt not kill." The words, "Thou shalt do no murder" are not addressed only to individuals; they are addressed to the masses as well. Collective homicide is no more honourable or justifiable in the heart of an honest man than is any other murder. I hate and revolt against being made an unwilling participant in collective homicide every time a poor wretch is strangled to death in Fremantle.

Of course, some will say because they believe it and because they do not know any better—nor do I, for that matter, but I have very strong suspicions on the subject—that the poor wretch does not die by strangulation; that, most mercifully, he dies of a broken neck. The hangman ties the knot around his neck, the trapdoor opens, the poor wretch falls through it,

his neck is broken and all is well. But who is to say so? Has anybody to whom that vile thing has been done ever been able to return and tell us how it worked?

Any doctor will tell us that if we suffer a burn on a finger it is not the finger which feels the pain; but the brain. One does not feel any pain whatever that the body suffers from the part that is affected; the pain comes from the brain. If a man's neck is broken, the rest of his body is detached from his brain, so far as the nervous system is concerned; but his brain is not destroyed. We do not know for how long he suffers, but one can guess by looking at his face when the mask is taken off, as was referred to by The Hon. Richard Haynes—the shocking sight of a man who has been hanged. Just think of the humiliation that is prescribed by the Criminal Code, which compels leading citizens by virtue of their office to stand by and watch a man being hanged! There may be some people who enjoy doing this; perhaps they are potential murderers themselves; but what honest and decent citizen would choose to witness an execution, or would show any other reaction than revulsion at the sight?

By the nature of their employment or office some men—such as Press reporters, the comptroller of the prison, and similar persons—are compelled to witness these ghastly shows. They are compelled to see a man being dragged from a cell, sometimes screaming and struggling, his feet lashed together, his hands tied behind his back, and with a mask pulled over his head and shoulders—not to prevent this man from seeing what is going on, but to prevent other people from seeing the expression on his face after he has been hanged! That is what is being done in the name of the law, and it is a ghastly, horrible thing.

I say, therefore, if people approach this subject from the point of view of religion, as I hope to do, then hanging cannot be justified in that name; if they approach the subject from the point of view of philosophy it cannot be justified in that name; and if they approach it as human beings it cannot be justified in the name of humanity. I have quoted before and have applied to myself, the words of Terentius Afer *Homo sum; humanum nihil a me alienum puto*, which means “I am a human being; and nothing that is of concern to the human race is a matter of indifference to me.” Approaching this subject from that point of view, nothing which is of concern to mankind should be a matter of indifference to us. Is anything of more concern to mankind than death itself, and the result of the infliction of this act as a community homicide? No!

What effect has this even on the judges themselves? Let me refer to an experience I had in 1969. An accused man was being charged with wilful murder, though in the

end he was not convicted of anything. He was addressed by the judge's associate in these words, “These good men and women now to be called are the jury who are to decide between yourself and the Queen upon the evidence as to your guilt.”

The formal prescription for capital punishment is, “Who are to determine upon your life and death.” But the phrase was omitted to prevent the jury from knowing it was a capital charge. I drew the attention of the judge to this fact. The Crown Prosecutor promptly told the judge that the rule had been amended and that it was no longer the rule. In fact it was the rule, and it still is. The judge very properly caused inquiries to be made, and the trial was adjourned for an hour, after which back came the finding that that was the appropriate way to address the accused. By that time the jury knew what it was all about.

How much the acquittal of the accused was due to that episode I do not know, but it shows that even in judicial circles there is hatred of the thought of capital punishment, and there is a fear that increasing prevalence of that hatred may actually interfere with the evenhandedness of judgments in the Criminal Court. This was what the member for Mt. Hawthorn said the other night, and I agree wholeheartedly with him.

Mr. Lewis: Have you ever addressed the jury as a prosecutor in a murder case?

Mr. HARTREY: I have never in my life, and I hope I never shall. My instincts and everything with which I am connected lie on the other side. I am no believer in criminal processes at all, because I have seen too much of them. Let me confine myself to the one aspect of penal law which is the subject before the Chair.

Sir Charles Court: You cannot have a system of justice without prosecution.

Mr. HARTREY: I am certainly not suggesting that. I am certain the honourable member does not imagine I have ever favoured that.

Sir Charles Court: You seem to be indicating that.

Mr. HARTREY: If the honourable member does not mind I will not have a discussion with him on this point. The subject of deterrents has been mentioned, and it is very relevant to penal law. The member for Subiaco has told us that capital punishment is a deterrent. Is it, indeed? Historically, when has the savagery of punishment ever been a deterrent?

Runaway slaves in the Roman Empire were crucified along the roadside, and they died in agony hour after hour. Yet others still tried to run away. Counterfeiters in medieval times in Europe were boiled slowly in oil. They were lowered into barrels of oil bit by bit, but still there were counterfeiters. In the days of terror following

the French revolution Robespierre signed 30,000 death warrants. He was once a judge in the town of Arras in France, but he resigned his commission because he could not pass a sentence of death; yet subsequently he signed 30,000 death warrants, and those people were executed by means of the guillotine.

In his day this man had merely to promulgate orders. He did not have to appoint a Royal Commission into such things as prices or hire purchase. He merely promulgated orders to say, "this shall be the price of bread, and death is the penalty for disobedience." Still that did not do much to lower the price of bread. It certainly did not create any bread, and it did not deter people from disobeying the law even under the dire threat of the death penalty.

So, what about death as a deterrent? In those days the sentence was carried out quick and lively. A person might be arrested at 11.00 a.m., and brought before a tribunal at 2.30 p.m. If sentenced he would be executed by 3.30 p.m. Let no one tell me that the savagery of penalties is a deterrent.

A child of eight years of age was hanged in England about 170 years ago for putting his hand to a window, opening it, and taking some bread. This was breaking, entering and stealing, and it was a capital crime. The judge tried to save the child. This is a classic example of the savagery of the penalties, and it is recorded in the law. The judge tried to save him by saying, "But the window was partially open before you put your hand through." The boy replied, "It was not open at all; I pushed it open." A capital sentence was imposed, and this was carried out.

That sort of penalty did not stop people from stealing or committing forgery. If we look at the adopted Statutes of Western Australia we will find that in the days of William IV stealing letters in the mail was a capital offence, but this was abolished in 1837. Up till that time any man, woman, or child over the age of seven years could be put to death—and would be put to death—for stealing a letter in the mail, or for a number of other offences including stealing anything of a value greater than 5s. A letter in the mail might not contain anything of value at all. However, capital punishment did not deter such people at all. So, I would ask members to dismiss from their minds the old, preconceived ideas.

They should ask themselves whether it is really true that hanging a man is not slow strangulation. I have no reason to disbelieve it. When a person's neck is broken it stops the sensations from the parts of the body below the neck being registered, but it does not stop the sensations in his brain. When men were guillotined in the days of the French Revolution it was seen that frequently their

facial expressions changed; they opened their eyes, and they attempted to speak—but, of course, they could not speak. The brain is what makes a person feel. Let no-one tell me that hanging is a merciful death. I say it is damnable and disgusting.

The member for Subiaco has said that we live in a State with a conscience. I do not care what is the conscience of any other person. I do not suggest that a person who votes in favour of capital punishment is not doing so conscientiously; I think this subject is too grave and too serious for any member not to vote conscientiously.

I can assure members opposite that not one member on this side of the House will be voting under compulsion on this issue. There is no member of the Labor Party on this side who will give his voice in support of this Bill other than out of a strong conviction that he is right; that it is in keeping with the law of God and of man.

Mr. T. D. Evans: Hear, hear!

Mr. HARTREY: There is no need for me to labour this point. I hope I have said enough on this ghastly subject to arouse conviction in the minds of some who have come here unprejudiced and undetermined as to how they will vote. In saying this I am referring to members of the Opposition, because I know members on this side of the House will do precisely what I and they have said. We are united on this issue. However, the members of the Opposition are not, and very properly they are to be given a conscience vote. Some of them might not yet have examined their consciences and their minds. I hope that my remarks may be of assistance to them in arriving at their determination. May God help them.

Sir Charles Court: Your remarks would be more convincing if they were less emotional.

MR. McPHARLIN (Mt. Marshall) [8.27 p.m.]: We have listened to an eloquent discourse from the honourable member who has just resumed his seat. I think we all enjoy the manner in which he handles our language. His memory is remarkable, and I enjoy listening to his comments when he speaks on any subject—whether he be for or against any measure that is before the House.

I suggest that in speaking to the Bill the honourable member not only impressed us with his eloquence, but also introduced a degree of emotion. For that matter I do not suppose that any of us in speaking to the Bill can avoid introducing some degree of emotion either. He spoke about the death penalty being part of the law for adultery in the time of King George IV. Of course, we have come a long way since

those days, and now juries and judges are most reluctant to pass a sentence of death on a criminal.

One point the member for Boulder-Dundas did not mention was the Royal prerogative that still applies. It is on this note that I wish to say something, so that there be no illusion in the minds of members as to my attitude. I intend to oppose the Bill, and as I proceed I hope to make some relevant points in support of my opposition to it.

I do not think that in his second reading speech the Minister was very convincing in indicating that there is a need to change the present system. Under the present system the death penalty can be changed by the Royal prerogative by commuting it to a sentence of life imprisonment. This procedure has been used most successfully over a period of years by Governments of the day. At this point of time I see no good reason to change the present system.

The Bill is for the purpose of the abolition of the death penalty, but another aspect is that it brings in the abolition of whipping. Whipping has not been mentioned, but it is a secondary consideration. However, I am not prepared to support the abolition of whipping, either. I might be accused of being a little bit, shall I say, aggressive—

Mr. T. D. Evans: Hardly!

Mr. McPHARLIN: —but I am led to believe that prison life is becoming a little too soft. An occasional taste of the birch would do some of our criminals no harm at all.

Mr. Graham: You are about 300 years behind the times.

Mr. McPHARLIN: In this so-called permissive society my comments might appear to be sacrilege. Those are my views, and I could not, with any conscience, allow this opportunity to pass without making my views on this particular legislation clear.

Mr. Bertram: Would you apply whipping to females as well?

Mr. McPHARLIN: The application of the death penalty in Western Australia has been mentioned several times, and I fear there will be some degree of repetition as we continue to debate this matter.

The death penalty exists in Western Australia as punishment only for the crimes of wilful murder, treason, and piracy. During his second reading speech the Minister said that the death penalty does not exist in Queensland or New South Wales, but it is equally true that it exists for a much wider range of crimes in other parts of the world.

The Minister mentioned the sacredness of human life and the horrors of war, and he claimed that public opinion was now overwhelmingly against the death penalty

and whipping. I do not think there is any doubt—nor do I think there ever was any doubt—that the opinion on this controversial subject is divided. I do not think the Minister has produced any evidence to back up—or overwhelmingly support—the points of view he put forward.

Mr. T. D. Evans: Are you able to produce evidence to the contrary?

Mr. McPHARLIN: An article appeared in the *Daily News* of the 13th September, 1972, under the headline, "Views split on death penalty."

Mr. T. D. Evans: An editorial also appeared in *The West Australian*.

Mr. McPHARLIN: The article to which I am referring reads as follows:—

Views on retention of the death penalty were varied in a *Daily News* survey today.

Some of those questioned favoured capital punishment as a deterrent against serious premeditated crime.

I have no figures to indicate just how widespread the survey was, but I have quoted the result. The opinions were divided.

Mr. Graham: Probably only half a dozen people were involved.

Mr. McPHARLIN: I said, I do not know how many were involved.

Mr. Graham: Therefore, the survey is not worth a straw.

Mr. O'Connor: If the survey had given the other view it would have been very relevant.

Mr. Graham: It would depend on the number of people interviewed.

Mr. McPHARLIN: I do not want to take up too much time of the House, but at a later stage the article continues as follows:—

"We think the ultimate punishment should be retained because there has been a certain prevalence of violence against police in other States, specially in N.S.W. and Victoria, though so far we have been fairly fortunate here."

Mr. T. D. Evans: Read some of the other opinions which have been expressed.

Mr. McPHARLIN: Another opinion was expressed by a university lecturer on law, and was as follows:—

"The onus is on those who advocate capital punishment to demonstrate its special utility.

"If they seek to do so on the basis of its deterrent effect upon other potential murderers, the statistical evidence offers them no support.

"Perhaps the best of many examples of this can be seen in the New Zealand experience between 1924 and 1962; during that time capital punishment for

murder was abolished three times and reinstated three times; with no clear effect one way or the other upon the murder rate."

Up to this point I have not mentioned deterrence, but the newspaper article goes on in that vein. Whilst capital punishment no longer exists in some parts of the world, it is still in force in other parts for a much wider range of crimes. If one encompasses some of the American States, and the South African States—

Mr. Hartrey: They are not civilised yet.

Mr. McPHARLIN:—then the range of crimes which are punishable by death include the sale of narcotics, kidnapping, armed robbery, train wrecking, aggravated assault, rape, burglary, and arson—apart from those I have already mentioned.

The member for Subiaco commented that he would be in favour of advocating the death penalty for the peddling of drugs. I think this is one of the fastest growing evils we have in our society.

Mr. Hartrey: Hear, hear!

Mr. T. D. Evans: And it has nothing to do with this Bill.

Mr. McPHARLIN: If we are talking about the death penalty perhaps the peddling of drugs might have something to do with this Bill, inasmuch as that particular crime is callous and antisocial. Most of the drugs are sold to young people and in many cases the taking of drugs is the beginning of the end of their lives. For that reason I think the peddling of drugs is at least on a par with cold-blooded murder for which the punishment under our laws is the death penalty.

Mr. T. D. Evans: Would you regard it as worse than piracy?

Mr. McPHARLIN: I do not know about its being worse than piracy. The definition of piracy was given to us by the member for Boulder-Dundas when he referred to piracy which took place long ago.

Mr. T. D. Evans: That is the piracy for which we are trying to remove the death penalty.

Mr. O'Connor: The penalty applies only in cases of wilful murder, anyway.

Mr. McPHARLIN: Many people are opposed to the death penalty because they believe it to be cruel. Other people favour the death penalty because they believe it prevents crime.

Mr. Graham: Of course, there is no evidence to substantiate that.

Mr. McPHARLIN: I am not denying that. The situation is that criminologists have never established a direct relationship between the death penalty and the murder rate.

Mr. Graham: Is that not sufficient?

Mr. McPHARLIN: The abolition of the death penalty—as I shall illustrate later in my speech—has resulted in an increase in violent crime. That would suggest that if the death penalty had been retained—even in the form that we know—it could have been a deterrent to violent crime.

When he introduced the Bill the Minister said that we should debate the issue devoid of undue emotion.

Mr. T. D. Evans: I hoped we could.

Mr. McPHARLIN: However, this is rather difficult to do without showing some emotion.

Mr. Hartrey: It is not easy.

Mr. McPHARLIN: The Minister divided punishment into the elements of retribution, rehabilitation, and deterrent. If I might deal with the last point first, I have already mentioned the absence of any relationship between the death penalty and the murder rate. For that reason I do not claim, at this point, that the death penalty acts as a deterrent to the degree which I believed to be the case prior to my research on the matter.

Mr. T. D. Evans: At least I admire the candour or honesty of the Deputy Leader of the Country Party, in this regard.

Mr. McPHARLIN: The penalties which apply for crimes are set out in our Statute book and any criminal who embarks on a cold-blooded killing is well aware of the consequences. That opinion is upheld by a letter which appeared in *The West Australian* on the 2nd September. I will not read the whole of the letter, but an extract from it reads as follows:—

Provided that the law is clear and well published and that it is applied with consistency, impartiality and care, then it is the murderer who opts into the penalties; who, in fact, condemns himself.

Mr. T. D. Evans: Has the honourable member got a copy of the letter from Archbishop Sambell of Perth who also wrote to *The West Australian*?

Mr. McPHARLIN: No.

Mr. T. D. Evans: You didn't bother to get that one?

Mr. McPHARLIN: The Minister claimed that at the moment of killing the offender is devoid of reason or logic. I have already mentioned that this is not a strong argument, and I recall the case of Cooke which occurred a few years ago, which has already been mentioned once or twice during this debate. We are aware that the murders committed on that occasion were premeditated and cold-blooded. It is worthy of note, I think, that the desire to carry out the maximum penalty on that occasion did not raise any objections. To my knowledge no-one objected.

Mr. Graham: What year was that?

Mr. McPHARLIN: I think it was 1964.

Mr. Graham: No, you would be wrong. I do not mean in your estimation of the year, but in respect of objections.

Mr. McPHARLIN: If there were any objections they were of a minor nature. There was no outcry about the penalty, I believe.

Mr. T. D. Evans: The honourable member would be surprised if he had a look at the file which I have with me.

Mr. McPHARLIN: To my mind Cooke paid the only possible price for the crimes he committed. Perhaps it would be better to say that he received fair retribution for his crimes. That can be attributed directly to the good sense of the Government of the day which, exercising its powers, commuted other death sentences.

Mr. T. D. Evans: You are speaking about the 1964 upset?

Mr. McPHARLIN: I am speaking about Cooke.

Mr. T. D. Evans: Well, the Government did not exercise any power at all; the law took its course as pronounced by the judge.

Mr. McPHARLIN: The Government could have commuted the sentence.

Mr. T. D. Evans: The Government did not act at all.

Mr. McPHARLIN: It reached the decision that it would not act.

Sir Charles Court: You get over the procedure; you make a decision that the law will take its course. It is a positive decision.

Mr. McPHARLIN: Of course it is.

Mr. Graham: The law takes its course, which does not require a decision.

Mr. McPHARLIN: A great deal of emphasis was placed on rehabilitation. It seems that too many people are worried about the welfare of the prisoners, and I think too few people are giving attention to the tragedies which are left behind. This matter has been mentioned by the Leader of the Opposition and the member for Subiaco. A family could find itself struggling to survive because the breadwinner had been murdered. The offender could be sentenced to gaol but gaols, these days, are becoming more and more like glorified clubs. They have many amenities now.

Mr. T. D. Evans: How long is it since you had a look at Fremantle Prison?

Mr. McPHARLIN: The gaols provide many more comforts now than was the case previously. I am not suggesting for one moment that prisoners should simply be locked up and ignored. However I am inclined to believe that many are "getting it too easy" these days.

Mr. Bickerton: Do you think you can reduce the numbers by hanging?

Mr. McPHARLIN: This so-called rehabilitation serves only to breed contempt for the entire prison system. A number of the harder criminals do not worry too much about the prospect of going to gaol. In fact I have heard it reported from various sources that some even look forward to going to gaol, because gaol provides them with regular meals and a regular place to sleep.

Mr. Davies: That is an indictment on our society.

Mr. Fletcher: Exactly.

Mr. Bertram: How many go in for 20 years?

Mr. McPHARLIN: The Minister dwelt at some length on the dreadful mistakes that can be made by the irreversible nature of the death penalty. He used this to bolster his argument that it should be abolished. Wherever human beings are concerned there is always the risk of error. It exists no less in, say, the release of a murderer after 10 years, only to find that he has not learnt, that he has not been rehabilitated, and that he has killed again.

Mr. T. D. Evans: There has not been one case in Western Australia where a person who has been convicted of wilful murder, where the sentence has been commuted to life imprisonment, who on release has committed wilful murder, murder, or manslaughter.

Sir Charles Court: There are plenty of places other than Western Australia.

Mr. Bickerton: How does the fellow who is wrongfully hanged get on?

Mr. McPHARLIN: Just as anyone would have to live with the suspicion or knowledge that he had had some part in the execution of an innocent man, so would others have to live with the knowledge that they let loose on the community a man who had already killed.

I am not denying what the Minister has said about it not happening in Western Australia, but it has happened in other countries that such a person has repeated the horror.

The Minister went on to say—

To take a life under any circumstances weakens the principle of its sacredness.

I would suggest that the Minister is not on very strong ground, even among members and supporters of his own party. In another place a Bill has been introduced to provide for abortion on demand and it could be successfully argued, I believe, that there is growing support for that measure to become law. I think that illustrates the shortcomings in the Minister's statement. Both issues fall into the category of being one for a member's individual conscience.

Mr. T. D. Evans: You are referring to a Bill which has been introduced in another place by a private member.

Mr. McPHARLIN: My conscience tells me that there is no need to change a system which has worked satisfactorily.

In 1965 Britain abolished hanging for a trial period of five years and has since confirmed the abolition completely. However, it is worth pointing out that since that time there have been several moves to have it reinstated, especially by the police themselves, for the specific protection of policemen and prison guards. I refer once again to the article in the *Daily News* which states that the Police Union in Western Australia wants it retained for the protection of its members.

It is also worth recording that the incidence of armed violent crime has risen sharply in Britain since the death penalty was removed. Perhaps this could be a coincidence, but the trend is so readily discernible that one is led towards the conclusion that it is yet another symptom of this relaxed, enlightened approach to the treatment of criminals—an enlightened approach that may very well be reacting against the society trying so hard to find the right answers.

In September of last year a British legal journal pointed out that the 140 murderers released from British gaols in the previous five years had served an average of 8.7 years. Surely, Mr. Speaker, 8.7 years is a very small price to pay for taking someone else's life.

Mr. Bertram: Were they reformed?

Mr. McPHARLIN: The member for Mt. Hawthorn said in his contribution that people convicted of wilful murder are imprisoned for life. The question was asked, "How long are they locked up for when they are given life imprisonment?" The member for Boulder-Dundas interjected with the words, "For as long as ye shall live." The member for Mt. Hawthorn said, "I understand that life imprisonment means for life."

Mr. O'Connor: That is not so.

Mr. McPHARLIN: I interjected and said, "They do not usually serve it, though." The Leader of the Opposition interjected and said, "It is very seldom that they serve full life imprisonment." The member for Mt. Hawthorn said, "That is so, but usually the person concerned serves 15 years or thereabouts." I cannot argue whether the sentence in Western Australia is 15 years or thereabouts.

Mr. Hartrey: That is about right.

Mr. McPHARLIN: The figures I have are for Britain.

Mr. Bickerton: Surely the issue is whether or not one hangs a man. What does it have to do with the number of years a person spends in gaol?

Mr. McPHARLIN: I am talking about the Royal prerogative being used to commute the sentence to one of life imprisonment.

Mr. Bickerton: Surely the issue before the Chair is whether or not we have hanging. Why are you going to this trouble to avoid the issue?

Mr. McPHARLIN: I am surprised at the Minister for Housing.

Mr. Bickerton: It would not surprise me if you were surprised at any time.

Mr. McPHARLIN: The Minister for Housing is usually right up with the debate, as it goes along, but this time he is not.

Mr. Bickerton: What does it have to do with the abolition of capital punishment?

Mr. McPHARLIN: If the Minister listens he will gather the force of the argument.

Mr. Bickerton: I normally absorb an argument.

Mr. McPHARLIN: It is quite obvious the Government does not enjoy the wholehearted support of the Police Union in bringing forward this legislation. The union wants the death penalty retained, as I said before. I do not see any reason to single out the views of the Police Union or any other category of people.

Mr. Hartrey: We do not take instructions from the Police Union.

Mr. McPHARLIN: The crime of murder punishable by death can be just as heinous for the community at large as it can be for policemen or prison guards. I do not believe there should be any distinction in this regard.

Mr. T. D. Evans: Nor do we.

Mr. McPHARLIN: The Minister has said that there is a trend towards the abolition of the death penalty, but I mention that it still exists, for varying offences, in countries throughout the world including South Africa, France, Japan, India, and the Soviet Union to mention a few.

Mr. Brown: And Rhodesia.

Mr. McPHARLIN: The other side of the Bill is concerned with whipping. As I have said, I intend to oppose this section of the legislation as well. I believe there are occasions—

Mr. Bickerton: The Turf Club will be proud of you.

Mr. McPHARLIN: —when a whipping would do more good than a long term in prison.

In 1967, the Country Women's Association, at a conference with more than 600 delegates, approved a motion demanding the birch for rape and bashings. A Sydney magistrate stirred a hornet's nest the following year when he suggested that

periodic applications of the birch might serve a more useful purpose than lengthy gaol terms. He was speaking as he sentenced 14 youths to gaol for the rape of two teenage girls. This was a pack rape which was described as one of the most horrifying in the history of New South Wales. What did the long-term prison sentence accomplish apart from bringing the youths into sustained contact with hardened criminals and virtually encouraging them to commit crime for the rest of their lives? Perhaps the judge's words should have been heeded, not hooted. Children are taught that the acceptance of the privileges of society also carries the acceptance of its responsibilities. Perhaps a few others should be taught in much the same way. A London prison officer, in talking of Dartmoor Prison, has gone on record as saying—

I remember the days when a man convicted of robbery with violence received a short sentence, got flogged, broke stones, and sewed mail bags. When he was released he seldom came back.

Mr. Davies: That sickens me.

Mr. McPHARLIN: In summary, Mr. Speaker, the decision in Western Australia now rests with the Executive as to whether or not it will exercise the Royal prerogative. I think history has shown that the Executive has acted wisely when called on for its judgment.

It is important to remember that the law derives no pleasure from carrying out an execution, by whatever means. The question to be asked—and I know the Minister for Housing will be all ears—is: Are there any crimes so dreadful as to deserve the ultimate penalty of capital punishment? I believe there are.

Mr. Bickerton: I thought the honourable member had enough experience to make a speech of his own without reading from notes.

Mr. McPHARLIN: I might mention that this is a speech of my own.

I wonder how much this "enlightened" philosophy towards the rehabilitation of prisoners is being misconstrued as a soft-line approach and contributing towards the increase in crime. I believe there is altogether too much molly-coddling of prisoners these days and it is time to think about where we are heading. We need to be tougher in some directions, I believe. Rehabilitate by all means, but not at the expense of the entire system and not to the point where going to prison means nothing but a glorified holiday with all sorts of amenities laid on at no cost.

None of us would want to see Perth become a city of fear, a city where people are too afraid to walk the streets in case they are mobbed and mugged, a city where home owners or flat dwellers dare not open

their doors, or a city where crime—and especially violent crime—is increasing at an alarming rate every year. None of us would like to see in Perth the bombings which have occurred in the last few days in Sydney. We must preserve law and order. There are already enough elements in the community trying to break down law and order.

Mr. Bickerton: What does that have to do with capital punishment?

Mr. McPHARLIN: I am afraid that this legislation would, however unwittingly, simply end up being just another pawn for these elements. We cannot allow that to happen.

I am opposed to the legislation before the House for the reasons I have submitted.

MR. FLETCHER (Fremantle) [8.58 p.m.]: I support the Acts Amendment (Abolition of the Punishment of Death and Whipping) Bill which is before the House. I am opposed to killing, legally or otherwise, and I am equally opposed to whippings. I address my remarks to the member for Mt. Marshall.

In respect of whipping I believe it is an act of brutality to the person who is being whipped and the whipper alike. I cannot imagine any member on this side of the House who could take a birch in his hand and whip his own kind. In view of the remarks that have been made by members on the other side of the House, perhaps there are a few who could do such a deed. I ask members to think with their emotions, and not with their prejudices.

I commend the Deputy Premier who, when in Opposition, introduced a similar measure at least four times, to my knowledge, since I was elected to Parliament in 1959. I spoke on the subject in 1960, in 1962, and in 1964.

Mr. Gayfer: Wednesday, the 28th October, 1964.

Mr. FLETCHER: I thank the honourable member. I may make reference to it later. He has helped me in my speeches before.

Mr. Bertram: Which way is he going to vote?

Mr. FLETCHER: I have supported this principle, and our party has been consistent in its attitude over the years. I believe it degrades people to kill, whether legally or otherwise.

Dr. Dadour: What about abortion?

Mr. FLETCHER: I will deal with the member for Subiaco later, as kindly as I can.

If a person has had an unfortunate start in life and grows to manhood with a twisted and distorted mind, what right have members opposite, or we on this side

for that matter, to sit in judgment on him? It is not his fault that he has grown up with a warped personality. The only answer from the other side of the House—I do not include everybody, but the members who have spoken—is to kill this unfortunate victim. It frequently happens that men who have been in prison and fraternised with people similarly afflicted for many years have been released from prison in a condition worse than when they entered.

Mr. Grayden: What about the ones who torture and then murder children.

Mr. FLETCHER: The member for South Perth will no doubt make a contribution later, and I hope he does. However, he should not try to make my speech for me.

During tonight's debate the Minister for Health said that a person growing up in privation and bitterness can act in an antisocial way. What is the good of killing such a person who is a victim of circumstances?

The other night the Leader of the Opposition grasped with enthusiasm the Munich tragedy and used this far-away incident to justify his case for the retention of capital punishment in this State.

Sir Charles Court: It is part of the world scene.

Mr. FLETCHER: Even while he and the Premier were speaking the other night, it occurred to me that the people who were responsible for that ghastly deed—which I do not condone in any way at all—were the victims of a quarter of a century of brutalisation. These people had grown up under canvas in such destitute conditions that their minds were twisted to the extent that they could indulge in such a frightful act.

The member who just resumed his seat referred to the dreadful bomb attacks in Sydney. I deplore these actions too, but I remind the honourable member that it was his Federal counterparts who invited these people to migrate here in preference to those who espouse the political leanings practised on this side of the House. People who hold our political views are rigidly screened, but people with right-wing tendencies are allowed to come in unrestrictedly and we are now suffering the consequences.

Mr. McPharlin: There is no substance at all in your argument.

Mr. FLETCHER: So the Opposition should not use that argument in an attempt to justify capital punishment. In my opinion murder is murder, whether legal or otherwise. When I speak of legal murder, I refer to murder carried out with the full panoply of the law. Another murder is created—the murderer is murdered.

Sir Charles Court: That is not so.

Mr. FLETCHER: Instead of one corpse there are two.

Sir Charles Court: That is not a murder.

Mr. T. D. Evans: A life for a life.

Mr. FLETCHER: The crime has increased 100 per cent., but this time with the law in the destruction of the murderer.

I do not wish to go very deeply into matters of mental health, but I do know we have schizophrenics in our community and that it is very difficult to measure the degree of the disease. Even highly qualified people—more highly qualified than any medico in this House—have difficulty in the diagnosis of the degree of this complaint. Are schizophrenics responsible for being born this way? If a person who is afflicted in this manner commits a capital crime, do we have the right to sit and adjudicate on such a case? We would be doing a gross injustice to society to kill such a person, and we would be doing an injustice to the particular individual. We do not have the ability to see into another person's mind. And yet, the law sanctions such an action.

The Opposition seeks to hide behind the Royal prerogative and says, "It is not our problem to judge people with twisted minds." As I have said, children cannot choose their parents. A neglected child can grow up into a twisted adult. Are we not condoning legalised killing per medium of the hangman? Are we not joining the feudalistic element existing overseas, which legalises the chopping off of hands, arms, ears, and so on? What a fraternity the members opposite would have us join. I thought we were more civilised.

Sir Charles Court: Where does that sort of thing happen?

Mr. FLETCHER: I ask what the school children will think? I know that as a hanging draws near they watch the clock.

Mr. Williams: They are not the only ones to watch the clock.

Mr. FLETCHER: They know that a person is to be hanged at a certain time. Who knows what impact such a thing would have on my children, my grandchildren, and every sensitive person?

Mr. T. D. Evans: Your grandchildren will be very proud in years to come to read your remarks in *Hansard*.

Mr. FLETCHER: I am not being emotional. I am being as cool and calm as I can be on this subject—as long as I am left alone I will remain that way. What will children think of the modern adult society?

Mr. Grayden: And yet you believe in abortion on demand. You will kill children one after another and yet you will not kill a murderer.

Mr. FLETCHER: Mr. Speaker, having a limited period in which to speak, I do wish this was like a football match and I could ask for time off!

I was speaking about school children. I do not think we should shame ourselves in the eyes of children.

Mr. Grayden: You would send a soldier out to die but you would not hang the murderer and torturer of a child. That is your mentality.

Mr. FLETCHER: I will not ask the honourable member to withdraw his remark because I think he made it on the spur of the moment. People can very easily get emotional on a subject like this.

To return to my theme: I am ashamed of what the children will think of our adult society which would—

Mr. Grayden: What would happen if your child had been murdered?

Mr. FLETCHER: Here we go again.

Sir Charles Court: What would have happened if Cooke had been reprieved and got out later.

Mr. FLETCHER: Mr. Speaker, do I have the floor or not?

The SPEAKER: Order!

Mr. FLETCHER: Thank you. The member for Boulder-Dundas pointed out that hanging is legalised, premeditated, well-planned murder. It is planned down to the last detail. The weight of the person, the length of the rope required, and the length of the drop are all taken into account. I do not wish to irritate the member for South Perth again, but let me put it this way—

Mr. Gayfer: You will.

Mr. FLETCHER: —the opponents of abortion law reform declare abortion to be murder of a minute foetus. I ask the member for South Perth to let me finish.

The SPEAKER: I suggest the member for Fremantle should address the Chair.

Mr. FLETCHER: I am having difficulty because I want the *Hansard* reporter to hear what I am saying and not what the member for South Perth is saying.

The opponents of abortion law reform declare abortion to be murder of a minute foetus. I have seen these galleries packed when this subject has been debated. However, for some reason or another, that section of the public can accept with equanimity the murder of a living, viable, breathing, human entity. I do not agree with the termination of pregnancy under all conditions—at least the member for South Perth and I agree on that score, and perhaps this will keep him quiet. However, I do not see why people can make such a disproportionate fuss about the alleged murder of a minute foetus and then stand by and see a man go to the gallows.

Dr. Dadour: You cannot be serious.

Mr. FLETCHER: I would like to return to the subject of mental health. I have already mentioned that on three earlier

occasions I spoke about the twisted mind of people who kill. I also mentioned an operation which has been performed successfully overseas to change the personality of these people. The member for Subiaco will know that I am referring to the procedure of leucotomy.

Dr. Dadour: Elaborate and tell us how long the effects last. Come on.

Mr. FLETCHER: Surgery on the frontal lobe of the brain can change a person's personality.

Dr. Dadour: For how long?

Mr. FLETCHER: I am not trying to be clever. As I gave him such a patient hearing, I ask the member for Subiaco to reciprocate.

Dr. Dadour: This operation gives only temporary relief.

Mr. FLETCHER: I am wasting my time, I know.

Dr. Dadour: I know, too.

Mr. FLETCHER: I want my attitude to go on record, as does the Minister responsible for this Bill. I ask members to help me put it on record.

Mr. Hartrey: Hear, hear!

Mr. FLETCHER: Such an operation could create a personality change.

Dr. Dadour: Temporarily.

Mr. FLETCHER: Other techniques are being perfected all the time. People who were previously antisocial are now performing worth-while work in society. The member for Avon can tell us that that was in my previous speech.

Whilst on the subject of health, I think every member of the medical profession will agree with me that whilst a man is alive it is every doctor's duty to keep him alive.

Mr. Hartrey: No, it is not. Let him die peacefully if he is dying.

Mr. FLETCHER: I will accept that interjection. In 400 B.C. Hippocrates thought that life was precious, and so do I. Christ did too, although I do not pretend to compare myself with the deity.

Dr. Dadour: One minute you talk about destroying a foetus being a little murder, and the next thing you are talking about murder. You cannot be serious.

Mr. FLETCHER: I would like to remind the House of the Hippocratic oath. It was an oath said to be imposed by Hippocrates on his disciples, and it is the oath that is taken by students who are about to receive the M.D. degree. It is regarded as a basis of ethics among members of the medical profession. I return to my first remark; namely, that whilst any man is alive it is the duty of every doctor to try to

keep that man alive, and it is the duty of every member on this side of the House to try to keep a man alive. This is why I indulged in that little piece about Hippocrates.

I have found also that capital punishment in California is held to be unconstitutional. For the information of members I wish to read some brief extracts from a paper which I have before me. They are in connection with a case held in the Supreme Court of the State of California; namely, the *People versus Robert Page Anderson*, which was decided on the 18th February, 1972. The first extract reads as follows:—

The California Supreme Court has declared capital punishment to be unconstitutional in the most populous state in the USA. The Court based its decision upon the prohibition of "cruel or unusual punishment" in the State Constitution rather than upon the "cruel and unusual punishment" clause of the United States Constitution.

Further down the following appears:—

The Court's opinion noted that there are four possible justifications for punishing criminal offenders; rehabilitation, retribution, the protection of society and deterrents. Rehabilitation has no relevance to the death penalty. As to retribution, the Court said it was "incompatible with the dignity of an enlightened society to attempt to justify the taking of life for purposes of vengeance". The third justification was rejected on the ground that "society can be protected from convicted criminals by far less onerous means than an execution".

A little further on there is the following:—

In addition, the Court noted that forty nations have abolished capital punishment . . .

I also have a Press cutting from *The West Australian* dated the 28th August, 1972, portion of which reads—

The trend of thought throughout the world is to abolition. West Australian members of Parliament have the British example before them and also the decision of the U.S. Supreme Court in June to abolish the death penalty for most capital crimes. At the last count, 38 countries had abolished the death penalty or had retained it only for wartime crimes.

That article refers to 38 countries, but in this other publication which I have just read 40 countries are mentioned and many are nations which are less civilised than our own. Therefore, why cannot we set an example on this subject to the less civilised countries throughout the world?

I do not know whether the comment is justified but the same cutting also contains the following:—

Moreover the weight of community feeling appears to have shifted markedly towards the side of abolition. Therefore, even if it is only because of political expediency, members opposite could and should support this Bill. Another paragraph of this newspaper article contains the following:—

But the most compelling argument against the death penalty is that it is itself a brutal form of vengeance.

I agree entirely with that comment. Somebody made reference to the name of a person who was destroyed by the previous Government. I have a reluctance to read names in the House, but to demonstrate my point I wish to read excerpts, which have some purpose, from a speech I made on Wednesday, the 28th October, 1964, as mentioned by the member for Avon.

Mr. Gayfer: Yes, and at 9.29 p.m. You are a little earlier this time.

Mr. FLETCHER: At that particular time I referred to legalised murder. My speech appeared on page 2000 of Vol. 168 of the *Parliamentary Debates*. I said—

I referred to legalised murder, and I repeat, legalised murder. I say further it is premeditated and planned murder on the gallows, carried out by a hireling in consideration of payment for hanging a person.

We arrive at the situation where an allegedly sane Government hires a sadistic—

I ask for a little order, please.

Mr. O'Connor: Yes, Mr. Speaker!

Mr. FLETCHER: I am aware of the attitude of the member for Mt. Lawley on this subject. Whilst he may be a very nice person, I have no illusions about his attitude in regard to this matter, so I ask him please not to demonstrate that attitude whilst I am speaking. Continuing—

—brute to murder a murderer for having murdered somebody else.

There is nothing wrong with the logic of that.

Mr. Lewis: Who said that?

Mr. FLETCHER: I said it, and I am proud of it. I continue to quote—

I ask honourable members to analyse those words, to see whether or not they are true. That person, in doing so, legally commits a murder—a crime of which the murderer has been found guilty.

I went on to say—and this is relevant to what was said by the member for Mt. Marshall—

This, to me, poses a question: Was it a responsible Government which took the life recently of a subnormal

person, on the 20th January, 1964—a person born of an incestuous union within his own family; a person with a record of mental instability arising out of the environment from which he came? I ask whether that person was sane at the time he committed the crimes? Was that person sane at the time when, in blind rage, he shot a policeman and a person in a car? I am sure the answer is "No."

On the other hand let us apply the same questions regarding sanity and rage to the Government, or to the Ministers—

I notice that the previous Ministers find it convenient to look elsewhere. Continuing—

—when they recommended to Executive Council that this subnormal person's life be taken. If we take a charitable view and accept that members of the Executive Council were sane and were not enraged, then the decision to kill was arrived at in a cool-headed and calculated way, as distinct from the actions of the subnormal person who in blind rage committed the murders. I ask honourable members to apportion the responsibility or irresponsibility in this case.

Mr. Gayfer: You were very good at that stage, but I think you were better at page 2003 when you began to speak on the French revolution. Let us hear about that one.

Mr. FLETCHER: I thank the honourable member. I will quote that portion of my speech if I have time. On page 2001 of Vol. 168 of the *Parliamentary Debates* from which I am quoting, I was referring to the fact that Professor E. G. Saint, Professor H. Waring, Professor A. Cox—

Mr. Gayfer: In the *Hansard* I have here it is "Fox," not "Cox."

Mr. FLETCHER: —A. Richardson, Richard B. Lefroy, Professor F. R. Beasley, Professor E. J. Underwood, Professor Ronald M. Berndt, Eric J. Edwards, and P. E. Parsons all held a similar opinion to that held by myself. I will now go even further to say that a more highly qualified person than any member in this House, whether he be a medical practitioner or otherwise, gave a further opinion. I was quoting from *The Sunday Times* of the 19th January, 1964, and that article contained the following:—

Dr. John McGeorge—

Mr. Lewis: Are you going to read all of that?

Mr. FLETCHER: Yes I am, because the honourable member will learn something from it. Continuing—

—the N.S.W. State Government psychiatrist for 30 years, has resigned.

One of the most controversial figures in the State's medical history, he has examined more than 7,000 criminals and 500 murderers.

"I resigned because I want to write about my life in forensic psychiatry," he said last night.

Leaves the Government service with a strong plea for the abolition of the death penalty.

I ask members to note his qualifications.

Mr. Lewis: What about the French revolution?

Mr. FLETCHER: I ask members to please refrain from interjecting in view of the fact that my time is running out. Dr. McGeorge went on to say—

"I am convinced that the death penalty for murderers is pointless, wasteful and vindictive," he said today.

I point out that this distinguished gentleman had been, for 30 years, the State Government psychiatrist in New South Wales, and in that period, he had examined 7,000 criminals and 500 murderers. Yet members in this House have the temerity to sit in judgment, in their unqualified state, on a person who has been convicted of a crime. In this speech I made on the 28th October, 1964, I went on to say—

It is possible that murders are committed by people when they are under the influence of alcohol.

That is another aspect. Because a person is driven to pull the trigger of a gun when actually he is incapable of knowing he has pulled the trigger, can it be said that he should be held responsible for that crime? I went on to say—

Dr. McGeorge, 65, has degrees in medicine and law and is lecturer in post-graduate forensic psychiatry at Sydney University.

I dealt with another aspect. Could you give me some idea of how much time I have left, Mr. Speaker?

Mr. O'Connor: Too long.

The SPEAKER: A little over a quarter of an hour.

Mr. FLETCHER: I would remind members that this speech was made in 1964.

Sir Charles Court: That is the year before we got our record majority.

Mr. FLETCHER: This speech has more pertinence today than it did at that time, because what I am about to outline was said when thought on the subject was new. I was making reference to a chemical known as DNA and I said—

It is the DNA within the first cell which carries the blueprint of the whole man, yet the DNA is contained in threads so small that scientists need a special electron microscope even to see them.

Further down the article I was quoting at that time it went on to point out how DNA controls our growth and determines the type of person we turn out to be. I now quote my own words used during that speech as follows:—

As it controls the better attributes of our character so it also controls the worst, for which the person himself is not responsible.

I then went on to point out that DNA stands for "de - oxy - ribo - nucleic - acid," which is usually referred to as nucleic acid. Yet, as I see it, this chemical determines the type of person we may turn into. Despite this, members opposite would act as God in determining what should happen to a person who is convicted of murder.

I do not know whether the member for Avon was referring to this, but further on in my speech, on page 2004 of Vol. 168 of the *Parliamentary Debates*, I went on to quote an article, under the heading of "Abolished," as follows:—

N.S.W. and Queensland had abolished the death penalty, Victoria's last hanging was in 1951 and South Australia in 1958. There had been no executions in Federal territory since 1952.

I read these facts to make known the generally enlightened attitude on the issue of capital punishment. The item continues—

Despite its small population—
This is worth mentioning—

—only six per cent. of the national total—W.A. has hanged more murderers since 1901 than any other State.

The SPEAKER: I think the honourable member should refer other members to the *Hansard* and they could read it themselves.

Sir Charles Court: That will cramp his style.

Mr. FLETCHER: I refer them to that speech. I do not think there is anything to laugh about and I could take issue with you, Sir, as to whether what I am reading has relevance; but I do not wish to do so. Others have quoted before me, and they will continue to do so. My words I hope will be read again in the future. It is something like eight years since I made those comments.

Let me finish on this theme. I said that we do not determine the type of person we are. That is predetermined for us. I would remind those on the other side of the House that one of Anatole de France's characters said, when the tumbrel went past with the condemned persons therein, "There, but for the grace of God go I."

Sir Charles Court: That was said by a different person.

Mr. Reid: You are trying to be dramatic.

Mr. FLETCHER: I am not. I am saying that those words are relevant. They mean that we ourselves could be in the condemned chair. As I have said, we do not determine our own destiny. Do not let us determine that of anyone else by hanging him. I am in support of the Bill.

MR. R. L. YOUNG (Wembley) [9.32 p.m.]: The Bill we are discussing concerns capital punishment which could well be described in better terms as capital penalty because there is not much punishment in being hanged by the neck; right up to the moment the person drops, he is not being punished, and from that moment forward he is not experiencing very much at all.

Mr. Taylor: There is no punishment in waiting for the death penalty?

Mr. R. L. YOUNG: I am sorry I refer to punishment as a continuing thing. I will go a little further concerning the types of punishment referred to in this debate. I do not expect for one moment I will convince anyone by anything I say tonight. One of the greatest mistakes made by all speakers up to date is that they have the temerity to assume that by advancing what they think is a logical argument they will convince others to change their minds. This will not happen at all. As a result of this type of thinking we unfortunately tend in this place to become emotional. It is a great tragedy that anyone should spend his time in a debate on a Bill of this nature interjecting and trying to convince a member who is on his feet that he is wrong.

Mr. Bickerton: Are you frightened already?

Mr. R. L. YOUNG: No. I have no fear from the Government side because I intend to support the Bill.

Mr. Bickerton: I expected that from you.

Mr. Fletcher: So did I.

The SPEAKER: Order!

Mr. R. L. YOUNG: Unfortunately, when he introduced the Bill the Attorney-General did not go into enough detail as to the legality of the definitions of "wilful murder" and "murder." This has caused some confusion in the debate up to date. I do not condemn the Attorney-General for his speech. In the main I am in agreement with it, but in his legal capacity he could have gone into the subject in a slightly more academic manner.

Mr. T. D. Evans: I will repair the damage when I reply.

Mr. R. L. YOUNG: I thank the Attorney-General very much. I said that I intend to support the Bill. I will do so wholeheartedly because it contains provision for the abolition of the death penalty. I intend to support it also with great pride in

the fact that I am a member of a party which will allow its members a free vote on an issue like this. With all due respect to the member for Fremantle, I say it is all very well for him to state that there are people on this side of the House and not one on his side of the House who would be prepared to drop a man through the gallows and hang him; but I venture to suggest that quite a number of members on his side of the House would dearly love to have a conscience vote on this issue and vote against it.

Mr. A. R. Tonkin: Name one.

Mr. R. L. YOUNG: I do not intend to breach—

Mr. A. R. Tonkin: Name one.

The SPEAKER: Order!

Mr. R. L. YOUNG: The member for Mirrabooka is trying to tempt me to breach corridor confidences, but I will not be silly enough to do that. There are members on the Government side who would like to vote against the Bill, but I do not intend to breach their confidence by naming them. It is good to be a member of a party which allows a free vote and gives me the opportunity to say what I am going to say. This, after all, is a matter of principle.

The member for Boulder-Dundas spent a great deal of time in explaining the history of capital punishment, and he did so, I might say, very adequately. I do not intend to go into its history and talk about the heinous crimes perpetrated from time to time in the name of justice; nor do I intend to go into the details of child hangings and brutality which existed in the dark ages of Britain, and even as recently as the last century; nor do I intend to talk about modern-day public hangings in some of the African States.

One point I do wish to mention is the fact that there are too many do-gooders when talking about capital punishment. Too many people can see only one side or the other. I admit that I do not like the attitude of those who say, "Hang them all at any cost." However, I do not like the attitude of those who advance the other side of the question and simply say that one should pour out one's heart to the offender being hanged; nor do I agree with those who say one should pour out one's heart to the family of a victim of a terrible crime. This issue does not concern the family; nor is it an issue which involves any great sympathy for the murderer.

Let us consider the person who was hanged in 1964; he is the subject of the double speech of the member for Fremantle. I refer to Cooke. Not one single person in the community could possibly have had any sympathy for that man. Some say we must look back into his history to see if there was something wrong.

Fair enough. It may have been society's fault that he acted as he did; but the fact remains that he became a psychopathic killer. We then cannot pour out so much sympathy to him that we allow him to go to gaol and then be released after a short term. It is perfectly ridiculous to suggest that we imprison such a person for a short time and then release him, because if we did he could well commit a similar crime.

It is equally ludicrous to say that the only way to punish that person is to take his life, because that action seems to me just a matter of revenge and retribution rather than an attempt at any form of rehabilitation or punishment in the true sense.

I also detest the attitude of those who turn to what is commonly called the Good Book and starting quoting "an eye for an eye." They search the Bible for justification for what can be described only as an act of revenge.

I know the Old Testament is full of acts of revenge, but there came a Man whom society in the main professes to follow and His philosophy was not one of revenge. It seems a terrible indictment of a so-called Christian society that members should go back beyond the New Testament and start searching the old one for some of the horrific revenges. If people are prepared to do that in justification of what can be described only as revenge then that is their problem, but it should not be the problem of members of this House. Our problem should be to try to look back and be pragmatic about what occurred and then look to the future to see what can be done.

The world situation at the moment is terrible. It is probably not a great deal worse than in times gone by, but it is certainly worse than it has been in the immediate past. We read of bombings and bomb threats; of hijacking and hijacking threats. We had the terrible massacre at Lydda Airport some months ago when three Japanese assassins sprayed people with bullets and threw hand grenades and killed at will for the sake of killing. The only remaining assassin would rather have been killed by execution than be imprisoned. In fact, the only time he volunteered to make any sort of statement about what occurred was when one of the interrogating officers offered him a pistol if he gave full details of the plan. This was because the assassin wanted to die.

Some of the remarks I will make later will probably draw a little criticism from members of the Government because they might think I am asking for too much punishment in the true sense of the word.

Recently the happenings at Munich frightened the world because suddenly this type of terrible slaughter was brought into

world focus at an event at which people normally looked for some sort of atmosphere of the brotherhood of man. As recently as last weekend bombs were exploded in Sydney.

The first reaction of people to this type of incident is that they consider we must get tougher and start hanging people if we catch them. I have no sympathy for anyone who would plant a bomb in a place where someone might get killed—some perfectly innocent person. Whoever was responsible for placing the bomb in the Labour and National Service Office, if proved to be guilty beyond a shadow of doubt, should be sentenced to the maximum term of imprisonment allowable under the relevant section of the Criminal Code.

No matter how horrible a crime might be and no matter what the result might be, my opinion is that no life should be taken in retribution. Eichman was executed by the State of Israel for the terrible crimes he committed, but in my opinion Israel made a great mistake because Eichman was not punished to the great extent that he should have been. Hess, on the other hand, spent the remainder of his life in prison and as a result suffered a far greater punishment.

We have always looked at the taking away of another person's freedom as being a terrible form of punishment, provided of course we do not make the conditions under which the person is living just as good as if he were living outside the gaol; but I do not really think that occurs in our society. I would not like Fremantle gaol to become a place where people wanted to go. Despite what some people say, I can assure members that that is not the case at Fremantle or in any other prisons in this State.

The most important thing about gaol is that it is a form of punishment. We must have some deterrent for criminals, and I will deal with some of the shocking crimes referred to in this debate and the way I feel about those who committed the crimes; but before I do so I wish to get back to the actual taking of life in the form of capital punishment. I have read reams and reams of reports on capital punishment and its value as a deterrent. Unfortunately, to quote them in any detail would mean quoting masses of information. I have criticised others for doing that and I do not intend to do it myself.

There is a very succinct comment by two well-known criminologists in a book called, *The Honest Politician's Guide to Crime Control*. I certainly hope I am qualified to read it. As a matter of fact I have a copy on my shelf but I obtained this one from the Parliamentary Library. The authors are Norval Morris, who is now Professor of Law and Criminology and Director of the Center for Studies in Criminal

Justice at The University of Chicago, and Gordon Hawkins, who is Senior Lecturer in Criminology at the University of Sydney. I quote from page 75 which states—

One of us has spent too much of his life on this topic—including a period as chairman of a commission of inquiry appointed by the government of Ceylon to study the consequences of its abolition of capital punishment shortly after independence, and a recent period, on behalf of the Dept. of Economic and Social Affairs of the United Nations, studying the worldwide developments in capital punishment from 1961 through 1965. The conclusion which emerges from such studies and from all the literature and research reports on the death penalty is, to the point of monotony: the existence or nonexistence of capital punishment is irrelevant to the murder, or attempted murder, rate. This is as well established as any other proposition in social science.

I have never heard anybody produce evidence to refute this statement. I have heard people refer to statistics—to unqualified statistical information—but I have never heard qualified and reputable criminologists who know their job, whether they be people who have carried out independent studies or people commissioned by the United Nations or the United Kingdom Government to look into the matter, say anything contrary to this.

It is only the amateur who tries to justify that the death penalty is a deterrent on the basis of statistical information which, invariably, does not bear any relationship to the murder crime rate whatsoever. It seems to me there is no real deterrent for the crime of murder. I am talking in terms of punishments which include death and gaoling people for their natural lives. I will go into this in more detail later on. I do not think it is a deterrent. If we were to return to the barbarous practices of hanging, drawing and quartering, and some of the other subtle forms of torture, which we inherited as part of the British Commonwealth a long time ago, none of these would be a deterrent to murder.

My reason for saying this is that I believe at the terrible time when a man makes up his mind to take another's life and actually goes ahead and does it, he is not really sane—although he may not be insane according to the law. Does he stop to think that a Labor Government or a Liberal Government is in office or whether capital punishment has been abolished at the time when he is about to commit murder? I really do not think so. At the time a person commits murder he is certainly not sane.

Mr. Davies: I agree.

Mr. R. L. YOUNG: Unfortunately invariably it cannot be proved that he is insane. Consequently people who may not have been sane could have been hanged in this country, simply because it could not be proved that they were insane. Psychopathic killers, such as Cooke in this State, and Hindley in Britain, to whom I shall refer later, cannot possibly be said to be responsible for their actions at the time, no matter how terrible those actions are.

Psychiatrists deal in a very inexact science. In medical terms and in terms of all sciences psychiatry is a new and inexact science. Invariably the psychopathic person is the type of person who can put it over a psychiatrist; this has been proved time and time again. The tragedy is that a psychopathic killer who is put away could be released at a later time after convincing a board that there is nothing wrong with him, and commit a similar crime. I know it has not been done in this country or in this State.

Mr. Davies: If the person is a psychopathic killer would not the board be aware of that feature?

Mr. R. L. YOUNG: Psychiatry is an inexact science and psychiatrists cannot say what I am presuming to say. I am presuming to say that killers like those to whom I have referred could not be described as sane. However, they may not go to an institution for the insane. We have a process of criminal punishment and the question is whether killers are hanged or put away. I am saying I do not want them hanged, because that is against my conscience. However I do not want them released either because they could possibly commit a similar crime. I am saying that the psychiatrists who examine them before their parole may not necessarily know enough about the human mind to realise whether they are being fooled.

The risk is too grave for us to take in saying that certain killers should be allowed to be released at some stage. I am not saying that this should apply to all murderers. In the case of some acts of wilful murder, a perfectly normal person could have become subnormal at the time he committed the crime. This type of person is not necessarily one who would commit murder again. However there have been murderers who would, and have committed crimes again, after being given the opportunity.

I am arguing from the premise that we should not release from prison the type of wilful murderer referred to by certain members on this side of the House and by members opposite. I refer again to Cooke in this State and to Myra Hindley, a woman who committed murders in Britain. I think the member for South Perth was right when he said how horrible was the crime that this woman committed. It was terrible to torture to death children and not only to do that but to make recordings

of their screams as they died. Nobody in his right mind would say that kind of person is deserving of sympathy. If a person like that is absolutely insane she has to be put into a place from which she is not released and where she can be dealt with in accordance with what must be done for people who are insane.

Mr. Fletcher: She is sick.

Mr. Graham: What do you think of the mental state of a person who freely volunteers to become a hangman and carries out the execution? Do you think he is a proper person to be let loose in the community?

Mr. R. L. YOUNG: It will give me pleasure to touch on that subject later on. Let us accept the fact that we cannot possibly, under any circumstances, feel sympathy for the sort of people whom, for want of grammatical expertise, I have described in my language as psychopathic killers.

Whose fault is it that the system in this country is such that this type of person, if he is not hanged, becomes an inmate in a gaol with a person whose only crime was the stupidity of drinking too much and who, quite rightly, is paying the penalty for getting into his car in this intoxicated state and accidentally killing somebody? Of course this type of person is paying the penalty, and he must. Nevertheless, it is stupid for us, as members of society, to perpetuate a system whereby a psychopathic killer can remain in close contact with the type of person to whom I have referred or with another who, perhaps, is in gaol for two or three months for stealing. All these people become part of the same gaol community and the hardened criminal can teach a young offender how to become a hardened criminal. Whose fault is it that we have only two alternatives to protect the public from a psychopathic killer? We must either put a man to death or into a situation where others must mix with him. Further, this person is not in a maximum security prison. The situation is that members of the public know that the individual is not in a maximum security prison and are afraid that he could escape. The other alternative is to say that we do not have a maximum security prison and we must hang the individual.

We should have maximum security gaols for the types of people who hijack planes, bomb innocent people to death without caring what happens, and those who threaten to do these things. I know some people will say, "What a shame we do not have a maximum security institution; that is one argument that is done away with." If we had a maximum security prison, we could specify in the legislation the type of murderer to be committed to it for the term of his natural life. This would deal with that kind of argument. The only

question to be answered is whether we make a choice between committing a murderer to a maximum security prison for the term of his natural life or hanging that person. Some people will say that I am even more brutal than those who want capital punishment, because I think certain classes of people should be locked away for the term of their natural lives in a maximum security prison from which they cannot escape. I know some will say there is always the possibility of escape under certain circumstances. However, I would rather take the slight risk of this happening than to have on my conscience the fact that a man has been murdered by me, as a member of this society.

It is our fault we do not have institutions like the one to which I have referred. To a lesser extent it is our fault, too, that we have institutions where hardened criminals can mix with and make lesser criminals more hardened. This is a question about which the Parliament and the State will have to do something. I am glad to see that the Government is doing something about a new gaol and has been planning to do so for some considerable time.

I shall now take up the point of the Deputy Premier who asked me a question by way of interjection. I have said that I do not want to be part of a community which plans the death of another man. I have told members of this House what I think of certain murderers; I have no sympathy for them. I do not want to be classed as a do-gooder. I want to be practical. I must say that in my conscience there will never be a time when I consider I have the right to send another man to his death. I do not think the community or any member of it has that right. It must be the most terrible thing in the world, not only for the man who is being executed, but also for the man who carries out the execution. It must be a terrible thing to plan the date and the exact minute of the death, and also to see that the man is moved into a separate cell at a time just before his execution. As has been aptly described by the member for Boulder-Dundas, the person is not always taken to the gallows with a look of resignation on his face and his head held high; quite often he is dragged kicking and screaming to the gallows. Having said I have no sympathy for such a murderer, I am glad to say that I have not reached that stage. I cannot go along with a community which can subject a fellow man to this, no matter how heinous his crime has been. Let us consider the people who must be present to watch the execution. I could not be present if my job depended on it.

Mr. Graham: What of a person who volunteers to carry out a hanging and then volunteers to carry out a second and a third?

Mr. R. L. YOUNG: The Deputy Premier is being helpful to me every time.

Mr. Graham: I am helpful to all.

Mr. R. L. YOUNG: The Deputy Premier is being helpful to a young member out of the goodness of his heart. I hope he will take the same kindly attitude when I oppose another of his Government's Bills shortly. We take part in that murder just as assuredly as does the hangman.

The hangman has no place in the human race, in the scheme of my philosophy. I cannot see how a man could undertake to do such a thing. The mind of a man who would volunteer to carry out this job must be just as sick as that of the fellow who commits the murder. Unfortunately, amongst people who say the law must be carried out and that capital punishment is a good thing, there seems to be compulsion to say, "I would be glad to do the hanging." Of the people who say that, 99.9 per cent. do not really mean it. At the last minute they would find they could not go through with it. However, there are in the community people who are paid to do the job. I would hate to say they enjoy doing it, and I will not go so far as that; nevertheless, they carry it out.

Mr. Graham: This chap came back time and time again, and all he was paid for it was £50 or \$100. He came back for more, and for his last one he jacked up his price.

Mr. Bickerton: He increased his price.

Mr. R. L. YOUNG: The Deputy Premier was dying to get that off his chest.

Mr. Graham: What sort of an animal was that person? Should he be released in the community?

Mr. R. L. YOUNG: I have already said what I think about the hangman. He is not by any means a humane person.

Mr. Graham: He is not a human person.

Mr. R. L. YOUNG: I am trying not to introduce the sort of emotion that can be evoked when talking about a subject like this. I am trying to talk about it logically and calmly, and I do not intend to be drawn into the type of argument the Deputy Premier raises.

Mr. Graham: It was a filthy exercise used by the then Government.

Mr. R. L. YOUNG: The Deputy Premier uses the word "filthy" every time anyone says anything. Even when I am agreeing to his Bill he will not let me speak in my own way. He must sit there interjecting with words like "filthy." If he wants to speak, I suggest he says all those things in his own speech.

Mr. Graham: I have introduced more Bills to abolish capital punishment than has anyone in this Parliament.

Mr. R. L. YOUNG: I know that, but I am making this speech.

Mr. Hartrey: Hear, hear!

Mr. Graham: I do a far better job than your leader does.

Mr. R. L. YOUNG: As far as I am concerned, capital punishment is only a form of revenge, and unfortunately we, as a society, have never considered or provided an alternative that was more humane. We all say it is more humane to kill a person, to hang him, and get rid of him, but at the final moment that people are faced with the alternative of living or dying, not many would opt to die. Some do, but not many. I say again that I do not want to be part of a community that makes that decision.

Capital punishment has been proved by all the experts in the field not to be a deterrent. The existence or nonexistence of capital punishment has not been proved as having any effect on the murderer or would-be murderer. It can be looked upon only as a means of getting rid of a potential threat or of taking revenge in a terrible way.

I disagree with some speakers on the other side, and I make no apology for saying it is not my opinion that the public is as yet in favour of the abolition of capital punishment. If one were to conduct an opinion poll and ask a cross-section of the community, it would be found the public still favours the retention of capital punishment.

Mr. Hartrey: I agree.

Mr. R. L. YOUNG: I do not think the argument should be based on that. I think it is more necessary for those who do not agree with capital punishment to have the courage to say so.

Mr. Hartrey: Hear, hear!

Mr. R. L. YOUNG: Regardless of what the public say about the subject, if we firmly and conscientiously believe in the abolition of capital punishment we should suggest an alternative to provide a true punishment for the act of wilful murder and also ensure the liberty and protection of the people we represent. I am not prepared to take the final step of capital punishment, regardless of public opinion. Because through the centuries people have had the courage to say what I am now saying, we are not now hanging nine-year-old boys who steal a box of paints. Having said I intend to support the Bill, I now reaffirm that decision.

MR. BICKERTON (Pilbara—Minister for Housing) [10.05 p.m.]: In view of the fact that I have spoken on Bills of this nature on many occasions, I feel I would be lacking in my duties if I did not have a few words to say on this occasion. I know it is not normal for a Minister to speak on a Bill which has been introduced by

another Minister, but I assure members I spoke to the Attorney-General beforehand.

Sir Charles Court: He needed some help.

Mr. BICKERTON: I have always been against capital punishment. When someone convinces me that an innocent man cannot be hanged, I may change my opinion. When I can be convinced that the people who support capital punishment are prepared to carry out the punishment themselves instead of putting it onto someone else, I may reconsider my decision in regard to capital punishment. But at no time have I been convinced on either of those two points.

When the present Deputy Premier brought in a Bill to abolish capital punishment some years ago, I remember issuing from the other side of this Chamber the challenge: Would any member of the then Government be prepared to carry out the punishment? No-one accepted that challenge. Why?

Sir Charles Court: Why should they?

Mr. BICKERTON: If one believes a thing is right, surely one should not have to find some other fellow to carry out the duties.

Mr. Lewis: You would not do many of the things you believe in.

Mr. BICKERTON: Does the member for Moore believe so? I give now the reasons I gave at that time. If those members were no longer in Parliament, would they then agree to carry out the punishment?

Mr. O'Connor: What would you say if they would?

Mr. BICKERTON: They are public figures. The reason is quite obvious. A stigma is attached to it, which would rest upon them, their children, and their grandchildren. For this very reason the snivelling little bloke who does the job surrounds himself with no identity whatsoever.

Mr. T. D. Evans: He even assumes another name.

Mr. Graham: "Mr. Jones."

Mr. BICKERTON: He could be "Mr. XYZ" or anything else. If capital punishment were the right course to take, one would think this fellow would not be the snivelling little bloke he is. He would be a hero. Men kill in wartime. Sometimes they are decorated for it and become heroes. Their country is at stake. They do not have to go around snivelling and trying to hide under a false name. If capital punishment is right, why does this fellow have to come in unknown, unheralded, unsung, and get off the plane as "Mr. XYZ"?

Mr. Graham: "Mr. Jones".

Mr. BICKERTON: "Jones" will do. It is as good as any other name. I did not use it in case it offended someone of that name.

Mr. Graham: It is always "Mr. Jones."

Mr. BICKERTON: He is met by a certain person. All security measures must be taken. The most diabolical part is the little provision which says he will bring his own gear with him. This is all on file. Members opposite, and those who wish to retain capital punishment, are keeping in Australia a diabolical—and were I to use another word beginning with "B" to rhyme with that, it would be unparliamentary—individual who brings his own gear with him. From what I have read on the file, I gather that things were looking well in Western Australia at one time, and we found that this individual was not prepared to do the job for the customary £50; he jacked up the price to £150.

Mr. Bertram: He would have a monopoly, I hope.

Mr. BICKERTON: If members read the speech I made during a previous debate on this subject they will find that I asked the same question; that is, what sort of bloke is this? What does he do with the money he receives for this job?

Mr. T. D. Evans: The 30 pieces of silver.

Mr. BICKERTON: Does he buy lollies or shoes for his children? Does it go towards their school education? I think he is the most sadistic type of person we have in our community. So we say, "O.K., find another fellow." We go to the people who agree with capital punishment; but who amongst them would be prepared publicly to say, "I will do the hanging"? We would not find any person prepared to do it because of the stigma which would be attached to him thereafter. Capital punishment would have been abolished years ago had it been possible or necessary to have it performed in public.

Dr. Dadour: I think this may be argued another way. You ask one of us to be the hangman. Let us look at it from the other point of view. If you are in favour of abortion on demand, would you ask me to do it? There is a great similarity.

Mr. BICKERTON: Abortion on demand is the subject of another debate.

Dr. Dadour: But it has a bearing on your argument.

Mr. BICKERTON: Is the honourable member in favour of abortion on demand, or not? I have listened to him on two or three occasions, but I have never been able to make up my mind.

Dr. Dadour: Come on. It is no good dealing with it in retrospect.

Mr. BICKERTON: If capital punishment were carried out in public in the middle of St. George's Terrace it would have disappeared years ago. But the very fact that it is carried out behind closed doors

and those who advocate it—and this is an important point—take no part in it whatsoever, makes it even more diabolical in my opinion.

Nobody ever considers the prison officer who is required to witness it. No-one ever considers the minister of religion and other officials who are required to be present. They say, "We agree with capital punishment." But when one says to them, "You go along and have a look" the answer is, "No, I am busy; I have another appointment." They are never present at the execution, but they agree with capital punishment.

I believe that if a person had someone close to him—perhaps a son or a daughter—murdered and someone were to say to him the next morning, "You can hang the bloke concerned," I am sure many people would be prepared to hang him. I am against capital punishment, but I think even I would be prepared to hang the culprit. But that is different; it is an emotional business. The point is that those who are in no way connected with the person who was murdered are required to carry out the job advocated by those who wish capital punishment to remain, but who have not the courage to carry it out. I repeat: they have not the courage.

Sir Charles Court: It is not a question of courage at all.

Mr. BICKERTON: They have not the courage to do it because they would be worried about the stigma which would be attached to them.

Sir Charles Court: That is a fallacious argument.

Mr. BICKERTON: Those people do not mind advocating capital punishment, but they do not realise the effect it can have on those who are required to be present when it is carried out. If we truthfully believe that something is right, surely we must be prepared to say at some time or other, "Yes, I am prepared to do it."

The other point I would like to mention is: How can we always be sure that the right man has been hanged? If capital punishment is abolished the convicted person would be detained, and rightly so if he has been found guilty. If he is detained there is always a possibility that if he were found to be innocent some form of retribution could be made to him, and he and his family could have the stigma removed from them. However, if the person has been hanged that is a most difficult thing to do.

Until we can be sure in our own minds that the legal processes of our country are such that mistakes cannot be made, I would say, "Leave the bloke alone." This is one of the fundamental arguments against capital punishment.

Mr. O'Neil: Doesn't that principle apply to any penalty?

Mr. BICKERTON: No, it does not apply to any penalty. I am sorry the Deputy Leader of the Opposition was not listening. If an innocent person has been found guilty of a crime by the court and has been detained, at least while he lives there is always the possibility that his relatives who believe in him will work to prove his innocence; and, his innocence being proved, the community may make some form of retribution. But it is very difficult to do that in the case of a dead man.

I am not concerned so much with the religious aspect of whether or not one should take another's life. This argument can be stretched a mile because it is said that if one's country is invaded one is permitted to shoot the invaders. However, that is not the point. I would ask those who are opposed to the abolition of capital punishment to bear in mind the two points I have made.

One is in connection with that snivelling little bloke; that sadist; that diabolical individual; that horrible little creature who will do something that no-one else is prepared to do. We have the case of our Mr. Jones who jacked up his price from £50 to £150. I am not saying he did not have a reason for doing that with the way things were going at the time. The second point is that no-one can convince me that the legal processes of our country are infallible. For those reasons I strongly support the Bill.

MR. GRAYDEN (South Perth) [10.19 p.m.]: First of all, I make this point: If there is one thing that has emerged from this debate which has continued for some time tonight, and ensued for some time a few nights ago—and it is as salient as, say, the lighthouse at Cape Naturaliste—it is the fact that many members in this Parliament, and a huge number on the Government side, engage in some very woolly thinking. In all the issues I have heard debated in this State Parliament, I have never heard expressions which fall into that category used to the same extent as in this debate.

To the member for Boulder-Dundas and the member for Balcatta, and some others who have spoken or interjected during this debate, I would like to say that if we put this subject in its proper perspective the whole situation would be viewed in a completely different light. We do not have to go back through the ages, as some members have done, to refer to various crimes that have been committed. We need only take our minds back to a crime that was committed fairly recently. I draw the attention of members to an article that appeared in the *Daily News* of the 14th September, 1972. Extracts from the article read as follows:—

Now Myra Hindley and her former boyfriend, Ian Brady are in the news again because of the shock disclosure

on Tuesday that she had been let out of London's Holloway Prison for a walk in a nearby park.

Further down, the article contained the following:—

Myra Hindley (now 28) was sentenced in 1966 to life imprisonment after being found guilty of two murders and of being an accessory in a third.

Brady was convicted of all three murders—Lesley Ann Downey (10), John Kilbride (12) and Edward Evans (17).

Life sentences in Britain are usually about 21 years and prisoners are entitled to apply for parole after serving a third of their sentence. On this basis Myra Hindley could have become eligible for parole next May.

The article went on to state—

The publicity over the park outing has revived memories of the trial in 1965 and 1966. Miss Hindley and Brady were brought to trial only because they invited her young brother-in-law to watch their third and final killing.

This was the death of Edward Evans, who was battered to death with an axe in their home in Hattersley in Cheshire.

The brother-in-law staggered home, white and shaking, after the murder. He was sick, and later telephoned police who found the trussed up body in the house.

Then the bodies of the two children were found in graves on the Yorkshire moors.

The subsequent trial at Chester produced evidence which sickened hardened newsmen and policemen. The jury were given transcripts of tape recordings made before and after the murder of the little girl, Lesley Ann Downey.

They heard her cries and saw photos which the couple had taken of the child. Photos which showed her gagged and naked on Hindley's bed, forced into a variety of what counsel termed "pornographic poses."

The child was sexually assaulted by Brady as Miss Hindley looked on.

Miss Hindley was attacked by other women prisoners when first sent to Holloway and needed special protection. Brady is segregated from other prisoners in Albany Gaol on the Isle of Wight.

He lives in fear.

I read extracts from that newspaper article to emphasise one thing only; the need to put this subject into its proper perspective. A few moments ago

I heard the member for Pilbara talking in terms of the hangman being a "snivelling little creature."

Mr. Bickerton: What would you say he was?

Mr. GRAYDEN: The honourable member was saying that he was a snivelling little creature.

Mr. Bickerton: What would you call him?

Mr. GRAYDEN: I can assure the honourable member that there would not be any need for a public hanging if I happened to be the father of one of those children who had been murdered. There would be no need for a hanging at all! Unless the penalty fits the crime certain members of the public will take the law into their own hands.

Dr. Dadour: There is nothing surer than that.

Mr. GRAYDEN: Members on the other side of the House would happily send soldiers to die in the defence of this country. In their book that is not murder. Those men are going to die as surely as if they were sent to the hangman's gallows. That is the situation. If 20,000 men are sent into a certain situation during a war it is quite feasible that 10,000 of them will die, but according to members on the other side of the House that is permissible. However, to send a fiend, who has lost his right to be called a human being, to the gallows, is a heinous act as far as the members of the Government are concerned.

I do not go along with such stupidity; I do not go along with woolly thinking such as that.

Mr. Bickerton: Why don't you volunteer to do the job? There was £200 in it for you. You may have cheated Mr. Jones of his £200. You are not game to do it.

Mr. GRAYDEN: I can assure the honourable member that a murderer would not be tried and hanged if he had murdered one of my children. Even if I had to wait 20 years I would do something about it. I would not stand by and watch a woman take part in the murder of three children and record their cries while somebody else sexually assaulted them, and then happily turn the other cheek when I saw her walking in a London park three years later, knowing she would be completely released eight years later.

Are we to make criminals out of the parents of those children? What would their attitude be if some fiend—not a human being—were released from prison to enjoy life only eight years after their children had been murdered in such dreadful circumstances? In a crime such as this we are not talking about human beings; we are talking about fiends. It is as simple as that.

The member for Pilbara knows only too well that hanging for the crime of murder is a thing of the past. Every member on

this side of the House would agree with that. We also know that the Royal prerogative of mercy is exercised in regard to almost all persons who are convicted of wilful murder. It has to be a particularly heinous crime, of a type such as I have mentioned, before hanging is even considered.

Members on the other side of the House have distorted the situation in speech after speech. They have given the impression that the Leader of the Opposition is predisposed to hanging. They have given the impression that the members who sit beside and behind the Leader of the Opposition are predisposed to hanging. They have given the impression that members of the Country Party are predisposed to hanging, and yet they know that is completely untrue. They know that every member on this side of the House abhors the thought of hanging, and that we are opposing the abolition of capital punishment only because we believe that human life cannot be treated as it is treated by some of these fiends.

The members on this side of the House by their attitude, and by their belief in the retention of capital punishment for the most outlandish and fiendish crimes, have indicated that they are the ones who really believe in the sanctity of human life. It is as simple as that. Those who adopt an attitude similar to that adopted by members of the Government are simply saying that a human life is not of much consequence if it is taken in certain circumstances; that the murderer has only committed the crime because he was sick or something of that nature.

Mr. Bickerton: They do it on the roads.

Mr. GRAYDEN: The member for Mt. Hawthorn and others, I think, have made this an emotional issue by giving the impression—and going out of their way to do it—that members on this side of the House are predisposed to hanging, but they know only too well that our thoughts on this subject are virtually the same as their own. By that I mean we believe the death penalty should be imposed only for the most dastardly crimes. We know, and every member knows, that capital punishment is not resorted to except in the way-out cases.

There are arguments for and against hanging. The line of demarcation is a very fine and tenuous one. It moves virtually according to the situation that exists at the time in the community. At one stage we find a majority in favour of the abolition of hanging; but a month later, as a result of some particularly dastardly crimes, we find public opinion being in favour of the retention of capital punishment. That is how fine the line of demarcation is.

I respect the views of the members of the Government and their desire to abolish capital punishment. I think this is a wonderful idea. The member for Boulder-Dundas spoke in terms of Christianity coming into this question. Whether or not one is religious, it is accepted that Christianity is an ideal. This is an ideal we desire to see being put into practice everywhere in the world as soon as possible. However, when we have instances of bomb outrages and heinous crimes being perpetrated over and over again, members on this side of the House say that we have not reached the stage where we can afford the luxury of abolishing capital punishment. We cannot throw the way open to the hijackers and others who resort to violence. We have not reached that stage, but I for one hope that it will be reached very soon. In point of fact one cannot see that happy stage being reached in the near future.

Members on the opposite side have talked in terms of members of the Opposition being conservative on this issue, as though we are loath to accept what the Government has put forward in the Bill. If that is the case then this Labor Government, the members of this Government, and the members of all other Labor Governments in this country are well behind the times. Switzerland first abolished capital punishment in 1874. At the time the same arguments which the Government is now employing were used; 98 years ago those arguments were used. That is how far behind the times the members of this Government are.

Mr. T. D. Evans: Did the opponents of the move use the same arguments as you are using?

Mr. GRAYDEN: The arguments which the present Government is using in support of the abolition of capital punishment are the same as those used in Switzerland in 1874.

Mr. T. D. Evans: What about the counter arguments?

Mr. GRAYDEN: Let us see what was done in Switzerland shortly afterwards. In 1879, as a result of some particularly heinous crimes, capital punishment was restored in that country.

Mr. Hartrey: For how long?

Mr. GRAYDEN: So we have the situation that 98 years ago Switzerland abolished capital punishment but reintroduced it in 1879.

Mr. T. D. Evans: How long did that country retain capital punishment?

Mr. GRAYDEN: I will refer to that later. Speaking personally, I do not believe in capital punishment being imposed for murder, and I never have. I also believe the Royal prerogative of mercy should

be used in most cases of wilful murder. I imagine that every member on this side of the House shares that view. I say that capital punishment should be reserved for the very special cases, for the Cookes, and for the individuals I mentioned a few minutes ago. That is the present situation, and it is the reason that members on this side of the House are not prepared at this stage to accept a Bill of this kind.

We have already mentioned this: unless punishment fits the crime we will find the situation arising in Western Australia where law-abiding citizens will take the law into their own hands to ensure that the requisite punishment is meted out. It is not merely a question of punishing individuals; it goes far beyond that. It is a question of punishment being sufficient to deter others, and being accepted by public opinion as adequate vindication of the law. If the punishment does not fit the crime then the parents of children who have been murdered and tortured in the circumstances I have mentioned will, no doubt, take the law into their own hands; and by their actions they will become murderers themselves.

Mr. Bickerton: You know it is not a deterrent.

Mr. GRAYDEN: Why does the honourable member say that? Many countries have abolished capital punishment, but many of them restored it shortly afterwards. I am not interested in the contradictory attitude of members of the Government, and it is a contradictory attitude. Here we have the member for Pilbara talking in terms of a hangman, who performs a public duty, as being a snivelling individual; but then we find the Labor Party constantly advocating abortion on demand. Many people have said in this House that that has nothing to do with hanging, but I say it has a great deal to do with the taking of life. I am talking from a moral point of view, and it is not a religious one because I am a Presbyterian. I am saying that I abhor the thought of abortion.

There is in this country an organisation known as the Right to Life Association. Recently it sent a pamphlet to all members. It contains illustrations of children in the foetus stage with heads, limbs, and bodies almost fully developed. Members opposite say that any woman has the right to approach her doctor and demand to be aborted. That pamphlet points out that the limbs of the unborn child are hacked off and withdrawn from the uterus one by one; subsequently the head is removed; and then the body is removed. Is that not taking life? It seems that members opposite think that is reasonable; and that every woman should be given the right to approach her doctor and demand to be aborted—irrespective of his religion or other beliefs.

In the view of the members of the Government that is not murder; but if we hang a fiend who has murdered and tortured children, who has recorded their cries as they were being tortured, and who has taken photographs of them while they were being sexually assaulted in pornographic poses, the Government seems to be concerned. It seems to go out of its way to defend and to preserve the lives of individuals who are responsible for such crimes.

Mr. Graham: I think the full moon has had its effect!

Mr. GRAYDEN: The member for Fremantle said that we had an obligation to keep that man alive—that fiend who abdicated from the human race. He has no obligation to the well-developed foetuses. The member for Boulder-Dundas also apparently has no obligation to them. He does not see anything wrong in someone dismembering such foetuses, but he can see everything wrong in our sending to the gallows someone who is capable of the ultimate in murder.

Let us take another case. I do not like to mention these because they are obnoxious. However, in New South Wales some years ago—when the death penalty was abolished—an individual put a man's head in a vice, and applied the vice until the man died, after which he committed an act of sodomy on the body. He was imprisoned for murder. Under the New South Wales law he could not be hanged. He was to be maintained at the Governor's pleasure; supported by the taxpayers of New South Wales. No member of the Government can dispute this because it was a point raised by the member for Kalgoorlie (Mr. Collard) in the Federal Parliament. Shortly after the individual was imprisoned for that heinous crime, he seized an innocent prisoner, put his head into a vice, screwed it up and killed him, and then committed an act of sodomy on the body. How much longer are individuals in that category to be kept by taxpayers at great risk to the wardens and others in the institutions in which they are imprisoned?

The Royal prerogative of mercy is exercised in Western Australia in all but the most extreme cases. Why, then, does the Government desire to upset the present situation? Surely it does not have to be told, because it knows, that every member on this side of the House, whether he belongs to the Liberal Party or the Country Party, abhors the thought of hanging. The Government knows also that the great majority of members on the other side of the House believe that if the ultimate penalty is retained it will act as a deterrent. That is the situation.

I talked earlier about places where capital punishment was abolished, not recently, but a long time ago. In many of

those places it has been restored. In 1949 a Royal Commission was appointed in Great Britain to inquire into the subject and it met until 1953. Subsequently it printed a voluminous report in which the following appears concerning Switzerland:—

Capital punishment was abolished in Switzerland by Article 65 of the Constitution of 1874, but in 1879 individual cantons were given the power to re-introduce it after a referendum in which 200,485 votes were given in favour of this amendment to the Constitution and 181,588 against it. It seems clear that one of the main reasons for the amendment of the Constitution was the desire to preserve cantonal autonomy, although public opinion was probably influenced by some particularly heinous murders which took place shortly after abolition.

Now let us study the situation which applies in New Zealand where capital punishment was abolished in 1941. This emphasises that the Government is not being ultra-progressive in introducing legislation of this kind. The report of the Royal Commission reads—

Capital punishment was abolished in New Zealand in 1941 after being in abeyance since 1936. In August, 1950, a Bill was introduced into the New Zealand House of Representatives with the object of restoring capital punishment. The Bill was considered by a Select Committee of both Houses of Parliament, which took evidence in public, was subsequently debated in both Houses, and became law in December, 1950.

The Commissioner of Police in New Zealand told the Select Committee—

In my opinion, the abolition of capital punishment is a reduction of the penalty and thus the deterrent is reduced and the gravity of the crime also reduced. The majority of persons charged with murder are below average mentality, and these are the people who are so easily influenced by any reduction in the gravity of the crime and easily impressed by the many newspaper reports and headlines stating that the penalty for murder is less than death. The lower the mentality of the subject, the stronger the deterrent must be.

I have referred to New Zealand because the people there are similar to our own. Capital punishment was abolished there in 1941, but was subsequently restored. Further on the report states the following in favour of the restoration of capital punishment—

The evidence in favour of restoration given by a leading New Zealand pathologist and by the Director-General of Mental Hospitals, who considered that there were cases where the

murders would not have taken place if the death penalty had remained on the Statute Book.

A number of notorious sexual murders which took place during the period of abolition. These may have influenced the many women's organisations which favoured restoration.

Other arguments in favour of the restoration of capital punishment were—

An increase in the number of murders by professional criminals. One speaker in the House of Representatives said that in the 16 years prior to 1935 there had been only 2 murders associated with robbery, while in the 9 years of abolition there had been 5.

Newspaper reports about a considerable increase in the number of murders after capital punishment was abolished.

The situation is that capital punishment was abolished in New Zealand, but later restored, and I have read to the House some of the reasons for its restoration. Yet some people state emphatically that capital punishment is not a deterrent.

Several members in this House criticise the United States for one reason or another. One object of criticism is the electric chair; but let us see how enlightened Washington was some years ago. The same report indicates that capital punishment was abolished in Washington in 1913. As far back as 1913 individuals in Washington were saying precisely what the Labor Government is saying here today: that is, abolish capital punishment. But, of course, the Labor Government is behind the times. This kind of movement was in evidence in many parts of the world. Although capital punishment was abolished in 1913 in Washington, it was restored in 1919. Would it be reasonable for us to expect that if the Labor Government were successful now in abolishing capital punishment, in a few years' time if it were still in office, or a different Labor Government were in office, it would introduce a Bill to restore capital punishment because that has been the experience in the countries which I have mentioned? Referring to Washington, the report states—

The Governor of the State in 1930 thought that restoration was "the result of a series of murders", particularly the murder of an industrial insurance commissioner by a man who boasted that the State could do nothing to him but board him for the rest of his life.

After a number of crimes of this nature those people considered it was high time to restore capital punishment in Washington.

Mr. Bickerton: Why are you reading that information to the House?

Mr. GRAYDEN: Because it is interesting. We have heard a great deal of argument against capital punishment and we have heard it said that it is not a deterrent. Members opposite have said, "This is a great step forward," and, "What clever fellows we are." Members of the Government consider they are enlightened but I am indicating that they are not quite as enlightened as they would like to be.

I ask members opposite not to overlook the fact that members on this side of the House do not agree with hanging for the simple crime of murder. Most members on this side of the House believe in the retention of capital punishment for only the most extreme crimes. That is the situation. I will now refer to what has happened in Oregon, another place of some consequence in the United States of America. The reference is as follows:—

In 1920 the Governor called a special session of the Legislature and, in his address, he said:

"Since the adjournment of the regular session in 1919 a wave of crime has swept over the country. Oregon has suffered from this criminal blight, and during the past few months the commission of a number of cold-blooded and fiendish homicides has aroused our people to a demand for greater and more certain protection . . . Because of a series of dastardly homicidal offences a distinct public sentiment has developed that the people of the State should once more be given an opportunity to pass upon the question of the restoration of capital punishment and that there should be no unnecessary delay in bringing this question before the electorate."

A plebiscite was then held and the majority voted in favour of the restoration of capital punishment.

I will now refer to Tennessee, which is another well-known State in the United States of America. The reference is as follows:—

In 1922 the Attorney-General of Tennessee said:

"After the repeal of the Capital Punishment Act in 1915, we had a reign of crime of the most heinous nature in this State which brought about a complete reversal of public sentiment upon the subject and therefore resulted in the repeal of this Act in 1919."

Judge Kavanagh told the Select Committee that he was informed in 1930 that the reason for the re-introduction of capital punishment was "the great surge upwards of murders following the abolition of the death penalty".

Mr. Bickerton: That does not prove anything.

Mr. GRAYDEN: I will now move on to Missouri. The reference is as follows:—

In 1922 the Attorney-General of Missouri said:

"In the period immediately following abolition, capital crimes occurred with such frequency that the public sentiment of the State demanded the restoration of the death penalty . . . One of the reasons why the death penalty was believed to be necessary was because of the argument that professional robbers about to be caught had no hesitation in killing the police officers since conviction for murder would bring no greater penalty than conviction for robbery".

That is the situation in Missouri, and so I could go on.

Mr. Hartrey: What year is that?

Mr. GRAYDEN: The year 1922.

The SPEAKER: I hope the member for South Perth does not have too many more references to quote.

Mr. GRAYDEN: I will now refer to the State of Kansas. The reference is as follows:—

The Attorney-General of Kansas stated in 1950:

"One of the contributing factors leading to the re-enactment of the death penalty for first degree murder was the fact that shortly prior thereto numerous deliberate murders were committed in Kansas by persons who had previously committed murder in States surrounding Kansas, where their punishment, if captured, could have been the death penalty. Such murders in Kansas were admittedly made solely for the purpose of securing a sentence to life imprisonment in Kansas if captured. In so far as that class of murders is concerned, the present statute apparently has been a strong deterrent."

So the situation was that people who had committed murder in a State other than Kansas then went out of their way to commit murder in Kansas knowing that if they were caught the maximum penalty was life imprisonment. We all know what life imprisonment means! We know that a woman in England who took part in three murders, and who had tortured the children, was sentenced to life imprisonment, which amounted to eight years. However, after a period of three years, I think it was, she was let out and was allowed to walk in a public park.

I will not delay the House much longer. I repeat that the attitude of the Labor Party on this Bill is extremely contradictory, and I want to emphasise that members of the Government are not concerned about abortion—

Mr. T. D. Evans: The abortion Bill is a non-Government Bill.

Mr. GRAYDEN: —and they are not concerned about sending a man to war to die for their country. However, they go out of their way to protect the life of people who have no right to be classed as human beings.

Mr. Graham: I think the Speaker's gallery is making your speech for you!

Mr. GRAYDEN: I think it was the member for Pilbara who made a statement to which I took exception. I am not certain; it may have been another member. However, someone gave the impression that members on this side of the House would have no hesitation in taking the life of an individual. I want to say that when I first applied to join the Army, in 1939, I did so as a volunteer for overseas service in the A.I.F. However, I was determined to become a stretcher-bearer because at that stage I did not intend to be responsible for the death of any individual—enemy, alien, or anyone else. I went into the Army with the sole object of being a stretcher-bearer.

However, in war there is not much difference between fighting in the front line and being a stretcher-bearer. I very rapidly lost my sentiments, which were similar to those now being expressed by members opposite.

However, I think they are admirable sentiments. I abhor the thought that anyone would even contemplate taking the life of another individual. That was my experience in 1940. I served in the infantry throughout the war, and in many theatres, and I welcomed that opportunity to serve. During that period I got completely away from the fine ideal of not taking a life. Fortunately, I was an officer in an infantry company at that time and it was largely the job of an Australian officer to lead and not waste time by doing the shooting, or even defending himself.

The point is that what is being said is wonderful in theory, and it is an ideal to be admired. I would join with members opposite in hoping the day will come in this State when it will be possible to abolish the death penalty, knowing that heinous crimes will be so few and far between that the death penalty will not be necessary because its threat will not be necessary as a deterrent. However, when I observe what has happened in Munich and Israel, when I read of the retribution of the Israelis in killing a couple of hundred Arabs, when I see what has happened in the Eastern States recently in respect of bombings, and when I see what is

happening in Northern Ireland, I do believe that we in this world have not reached the stage where we can make concessions of this kind to the type of people about whom we have been speaking.

In those circumstances I support the Leader of the Opposition in opposing this Bill.

Debate adjourned, on motion by Mr. Mensaros.

House adjourned at 11.00 p.m.

Legislative Council

Wednesday, the 20th September, 1972

The PRESIDENT (The Hon. L. C. Diver) took the Chair at 4.30 p.m., and read prayers.

QUESTIONS (2): ON NOTICE

1. BINGO

The Hon. D. J. WORDSWORTH, to the Chief Secretary:

In view of the full page advertisement on page 37 in *The Sunday Times* of the 17th September, 1972, headed "Play Your Cards Right and Win Money", showing a card similar to a bingo card—

- (a) does the Minister see any resemblance of this competition to the game of bingo;
- (b) is this one of the illegal bingo games to which he referred in his speech on the Lotteries (Control) Act Amendment Bill;
- (c) is the Government taking any action to stop this game?

The Hon. R. H. C. STUBBS replied:

- (a) to (c) The matter is being investigated in order to ascertain whether the conduct of the competition advertised infringes any Laws of the State and I therefore do not wish to express any opinion as to its resemblance to the game of "bingo" or to its lawfulness in general.

2. MOTOR RACING

Establishment of Complex

The Hon. F. R. WHITE, to the Leader of the House:

- (1) Is a motor racing complex to be established within the Metropolitan Region by "Perth International Raceways"?
- (2) If the answer to (1) is "Yes"—
 - (a) where is the complex to be sited;
 - (b) what area of land will be involved;

- (c) which gazetted roads will provide access to the complex;
- (d) what type of motorized vehicles will be engaged in competitive racing;
- (e) at what distance from the complex is the nearest zoned urban land;
- (f) what daily volume of vehicular traffic is likely to converge upon the complex when racing becomes fully operational;
- (g) who are the principal proprietors of Perth International Raceways?

The Hon. W. F. WILLESEE replied:

- (1) Yes. The Swan Shire Council gave conditional approval on 1st August, 1972.
- (2) (a) At the north-east corner of Beechboro and Marshall Roads, Beechboro—opposite Beechline Drive-in Theatre.
- (b) Approximately 109 ha (270 acres) of which it is understood about 12 ha (30 acres) is intended for use in the racing circuit.
- (c) Beechboro and Marshall Roads.
- (d) It is understood that the complex proposes to provide for—
 - (i) an "A" Class drag racing strip;
 - (ii) a Grand Prix racing circuit; and
 - (iii) a road racing circuit.
- (e) The Urban-Deferred Zone is within $\frac{1}{2}$ mile and the Urban Zone is within $1\frac{1}{2}$ miles.
- (f) This depends upon how successful the venture proves.
- (g) Mr. Michael Edward Ray and Mr. Graeme Eric Platt.

FISHERIES ACT

Amendment of Regulations: Motion

THE HON. T. O. PERRY (Lower Central) [4.43 p.m.]: I move—

That the Regulations made pursuant to the Fisheries Act, 1905-1969, as published in the *Government Gazette* on the 21st September, 1971, and laid upon the Table of the House on the 5th October, 1971, be amended as follows—

To insert after paragraph (a) of subregulation (2B) of regulation 3AA, a new paragraph to stand as paragraph (aa) as follows:

- (aa) is in receipt of a pension under the provisions of the Coal Mine Workers (Pensions) Act, 1943-1971;