I was really astonished to hear the Minister say quite honestly that until he tabled the report he did not know of its existence.

I cannot understand why we were not told that a committee had been charged with the responsibility of producing the document. It could not have been produced in two, three, or four weeks, so obviously the committee had been working on it for some time and surely the Government would have been responsible for authorising the establishment of the committee. So any criticism of the Government involves the fact that we ought to have been informed, as we were with the 1970 Nielsen report, that a report would eventually be presented to members to study. However, until the report hit the table we did not even know it was being compiled. This is a questionable and deplorable state of affairs.

The Hon. A. F. Griffith: Would it not be competent to get the Minister to tell us the date on which the Government appointed the steering committee which produced the PERTS report No. 2?

The Hon. CLIVE GRIFFITHS: Yes. During the second reading I stated I had not had time to ascertain whether the report referred to the Bill. However, Mr. MacKinnon has read it since—and so have I—and it certainly contains nothing in it about the Bill. That very fact is all the more reason the Minister had no real necessity to suggest we should read it in relation to the Bill. If the Government established the committee to produce the document why did it do so if it intended to produce the Bill prior to receiving the report?

The Hon. J. DOLAN: I do not believe I should answer some members—

The Hon. A. F. Griffith: We do not mind. You can make part of your explanation tonight.

The Hon. J. DOLAN: I think it would be more desirable if I moved to report progress. I could then have all aspects carefully examined and all questions answered.

The Hon. A. F. Griffith: You will ascertain for us the date on which the steering committee was appointed, the reason it was appointed, and to whom it was to report? You will give us an outline of the document?

The Hon. J. DOLAN: I will make every attempt to have all queries carefully examined and give all the answers I can.

The Hon. A. F. Griffith: You might endeavour to ascertain why they did not give you a copy.

The Hon. J. DOLAN: That is fair enough too. What I said was completely correct. The report may have been in existence for a month or more, but I did not know of it until the day before I tabled it. I said that it might be of some value to members and therefore it was right and proper that I should table it. I was not aware whether or not it contained anything of value. I accept no responsibility for the fact that members found nothing of value in it. I think I did the correct thing in tabling it.

Progress

Progress reported and leave given to sit again, on motion by The Hon. J. Dolan (Minister for Railways).

House adjourned at 10.06 p.m.

Legislative Assembly

Tuesday, the 12th September, 1972

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

QUESTIONS (17): ON NOTICE

1. EDUCATION

Free Books Scheme

Mr. HUTCHINSON, to the Minister for Education:

(1) Will he list the range of books produced by the Education Department together with information regarding the author and where printed?

(2) Will he table the range of books on social studies that are produced by the department, or, alternatively arrange for their presentation in the Parliamentary Library?

Mr. T. D. EVANS replied:

(1) The range of books produced by the Education Department is very extensive and includes publications for the achievement certificate at secondary level, free text books for primary schools, workbooks, supplementary materials, professional journals, teacher guides and handbooks, administrative handbooks, correspondence booklets, etc.

The number of titles is so great that it would be nearly impossible to compile a complete list. If the Member would be more specific the department will endeavour to supply the information requested.

Apart from a small number of professional papers, all publications are the result of collaboration between staff members and are not attributed to a single author.

It is policy for all printing to be arranged by the Government Printer.

The answer to (2), which reflects a question asked by the honourable member last week as to whether the books will be tabled, is—

(2) Over 50 titles relating to social studies have been produced and a further 11 are in the course of preparation. These publications can be tabled or will be made available to the member on request to the Education Department. To elaborate on this reply, the Government has nothing to fear from the presentation of these books, but as the honourable member will realise the tabling of these publications will involve some difficulty.

Mr. Hutchinson: Put them in the Parliamentary Library.

2. STATE GOVERNMENT INSURANCE OFFICE

Loans to Terminating Building Societies

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

(1) Has the State Government Insurance Office ever advanced loan funds to any terminating building societies?

(2) Have any terminating building societies ever applied for loan funds from the S.G.I.O.?

(3) If "Yes" to (2)—

(a) how many applications were received prior to 20th February, 1971;

(b) how many applications were received after 20th February, 1971?

(4) Will the S.G.I.O. make similar loans to other terminating building societies as have been made to the Trades and Labor Council building societies if the applicants direct insurance business to the S.G.I.O.?

Mr. TAYLOR replied:

(1) No, the State Government Insurance Office has made no loans or commitment to terminating building societies from funds generated from "insurance business" authorised by the State Government Insurance Office Act.

However, the Member may be referring to the fact that the State Government Insurance Office has recently negotiated to lend money from the Government fire, marine and general insurance fund, which is a treasury fund managed by the State Government Insurance Office, to a terminating society.

(2) Yes, two.

(3) (a) None, but retained records of unsuccessful applications only go back to June, 1969.

(b) Two, as indicated in question (2).

(4) Any such application would be considered on its merits, the availability of funds and the alternative fields of investment offering.

3. RURAL AND INDUSTRIES BANK

Loans to Terminating Building Societies

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

(1) What are the total number and values of advances of loan funds made by the Rural & Industries Bank to terminating building societies—

(a) before 20th February, 1971;

(b) since 20th February, 1971?

(2) Has the R. & I. Bank committed itself to advance loan funds to the Trades and Labor Council building societies?

(3) If "Yes" how much will be advanced during—

(a) the year ending 30th June, 1973;

(b) subsequent years?

Mr. J. T. TONKIN replied:

(1) to (3) The bank does not divulge information such as is requested about its business or its customers. I might add this is no departure from the policy followed by the previous Government.

4. TOWN PLANNING

Wanneroo Coastal Land: Rezoning

Mr. HARMAN, to the Minister for Town Planning:

Approximately how many acres of land zoned "rural" in the metropolitan region plan when adopted by Parliament, have since been rezoned for other purposes in the area north of Perth between the coast and Wanneroo Road?

Mr. DAVIES replied:

In the area delineated by the question, about 350 acres (142 ha) of rural zoned land has been formally rezoned for urban purposes. The Wanneroo town planning scheme has also zoned about 700 acres (283 ha) covering the Wanneroo townsite and providing for its limited extension east of Wanneroo Road. In addition, a proposed amendment to the region scheme at present on public exhibition will rezone about 5,200 acres (2100 ha) of rural zoned land to urban, urban-deferred, and industrial zoning.

5. FOREIGN VISITORS

Prevention of Demonstrations

Mr. MENSAROS, to the Premier:

Is his Government going to take any steps—even if only in the way of consultation with University authorities—to prevent the recurrence of violent demonstrations and/or insult (like the latest demonstration against the South African Ambassador) against citizens or representatives of overseas countries with whom Australia has diplomatic relationship?

Mr. J. T. TONKIN replied:

The Government deprecates occurrences such as that referred to but the Western Australian University has fewer demonstrations than universities elsewhere in Australia. However, close attention will be given to the maintenance of our University's good reputation.

6. GOVERNMENT STORES

Small Orders: Procedure

Sir CHARLES COURT, to the Treasurer:

What is the procedure adopted for the purchase of Government requirements for small quantities of goods, books, equipment etc., where the cost of calling tenders and generally processing the purchases could be as great or greater than the actual value of the goods concerned?

(One such case appears to be quotations invited to reach the Comptroller of Stores, Midland, by 10 a.m. on 29th August, 1972 for items set out in Q. Number 3928.)

Mr. J. T. TONKIN replied:

Small items are ordered following the submission of quotes from selected firms or, alternatively, purchased direct by the Controller of Stores. The practice followed complies with Treasury regulations under the Audit Act and gives opportunity to competing firms for sales of small items.

7. INDUSTRIAL WASTE

Prevention of Dumping

Mr. MENSAROS, to the Premier:

(1) Were there any formal meetings and/or discussions between the responsible Commonwealth and State Ministers on the question of dumping industrial waste along the coast?

(2) If so, what were the recommendations of such meetings or discussions?

(3) Will the Government act on such recommendations?

Mr. J. T. TONKIN replied:

(1) The Australian Environment Council discussed the question of ocean dumping at its second meeting in Canberra on 27th July, 1972, primarily in the context of considering the implications of the United Nations conference on the human environment for Australia.

(2) The recommendation of the Australian Environment Council as contained in council Resolution No. 24 (b) was as follows—

"Council, having considered the recommendations of immediate concern to Australia arising from the United Nations conference on the human environment, notes that an international convention on ocean dumping is expected to be concluded by November of this year. Council attaches particular importance to this topic and consequently recommends actions and procedures be adopted whereby all dumping in the oceans off Australia is brought under complete surveillance and also recommends the implementation of adequate controls to prevent any demonstrable environmental damage. Council also directs standing committee to examine urgently the draft Convention and to refer to it any other implications or shortcomings from the environmental control viewpoint."

(3) This State will review, in co-operation with appropriate authorities, specific recommendations as they arise.

8. EDUCATION

Guidance Service: Extension

Mr. MENSAROS, to the Minister for Education:

Referring to his reply to question 22 on 9th August, 1972—

(a) how many applications have been received for the 13 positions advertised for guidance officers in the country areas;

(b) how many of these applicants had sufficient qualifications to fill the positions;

(c) how many were appointed?

Mr. T. D. EVANS replied:

(a) four;

(b) three;

(c) three.

9. OFFSHORE MINING AND TERRITORIAL WATERS

Government Policy

Mr. MENSAROS, to the Attorney-General:

(1) Has he made any studies and/or recommendations to the Government as yet concerning the matters raised at the meeting of Commonwealth and State ministers on law of the sea in Canberra on or about 10th August, 1972?

(2) If so, what is his or the Government's policy in relation to—

(a) a solution of the problem of off-shore minerals by means of complementary State and Commonwealth legislation;

(b) a resolution of legal questions surrounding control of the territorial sea and the continental shelf by means of Commonwealth-State co-operation;

(c) defining the internal waters of the States and the base lines from which the territorial sea is measured by means of consultation between the Commonwealth and the States;

(d) possible alterations to the petroleum scheme and the question of ministerial responsibility in view of the points raised in the report of the Senate Select Committee on off-shore Petroleum Resources?

Mr. T. D. EVANS replied:

(1) In accordance with the decision of the meeting held on 10th August, 1972 the question has been referred to State and Commonwealth legal officers and is still under examination by them.

(2) Answered by (1).

10. RAILWAYS

Hoardings

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

(1) Who is at present responsible for the hoardings on railway land?

(2) Has the previous policy to limit the number of hoardings been changed?

(3) What is the future programme for improvements to railway hoardings?

(4) Will he indicate the extent of the increase of hoardings on railway land between Kenwick and Armadale in the past two years?

(5) What future policy is to apply for installation of hoardings on the land mentioned in (4)?

Mr. MAY replied:

(1) Australian Posters Pty. Ltd of 46 Frobisher Street, Osborne Park.

(2) No.

(3) The agreement between the Railways Commission and Australian Posters Pty. Ltd provides for an expenditure of one hundred and fifty thousand dollars for initial improvements and upgrading to be completed by December, 1973.

(4) No increase but some signs have been resited and upgraded.

(5) No alteration.

11. EDUCATION

Social Issues Course

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

(1) How many secondary students have taken part in the social issues course (which is offered on an extra-curricula basis) in each of the years 1968, 1969, 1970 and 1971?

(2) Is it intended to expand this course so that more students may benefit from it?

Mr. T. D. EVANS replied:

(1) Schools are not required to submit official statistics on these courses. Estimated numbers are:—

1968	....	Nil
1969	....	60
1970	....	490
1971	....	2010

(2) The Education Department approves of the social issues programme but its introduction into schools is a matter for individual arrangement between the school, the parents and citizens' association and the Health Education Council.

12. ROYAL PERTH HOSPITAL

Mt. Lawley Annexe

Dr. DADOUR, to the Minister for Health:

(1) What is the total amount spent on the Mt. Lawley annexe of the Royal Perth Hospital other than on salaries and wages and ordinary running costs since it was purchased?

(2) Would he itemise the various amounts in (1)?

Mr. DAVIES replied:

(1) $12,383.58.

(2) Equipment:

	$
Hydrocollator	600.00
Micro-wave oven ..	952.25
S/S exhaust dust ..	2,364.00
New oven and accessories	4,071.00
Water coolers	614.00
Calorifier	1,944.00
	10,545.25
Furniture and fittings:	
Bed screen tracks	974.74
Building materials	863.59
	12,383.58

13. ABATTOIRS

Stock Inspections, and Licensed Establishments

Mr. NALDER, to the Minister for Health:

(1) What numbers of—

(a) cattle;

(b) calves;

(c) sheep;

(d) lambs;

(e) pigs;

(f) goats,

were inspected during the years 1970-71 and 1971-72 by—

(i) State health inspectors;

(ii) Department of Primary Industry inspectors

at—

(a) metropolitan export works;

(b) export works in country areas;

(c) north-west abattoirs?

(2) How many and what are the names of abattoirs licensed—

(a) in the metropolitan area;

(b) in country areas?

Mr. DAVIES replied:

I ask that the reply to this question be tabled.

The reply was tabled (see paper No. 339).

14. NAVAL BASE HOUSING PROJECT

Environmental Protection Report

Mr. RUSHTON, to the Minister for Environmental Protection:

(1) Will he now table the report by the Air Pollution Control Council upon the Government's projected establishment of a residential community of approximately 15,000 persons at Naval Base?

(2) What procedure is followed by the Director of Environmental Protection and the Environmental Protection Authority under legislation enacted to report upon a project as mentioned in (1)—

(a) on own initiative;

(b) on request by a Member of Parliament or member of the public;

(c) on request by a Minister;

(d) when requested by Parliament?

(3) Will he now table the report by the M.R.P.A. recommending the rezoning of the 1,300 acres of industrial land at Naval Base for residential purposes?

Mr. DAVIES replied:

(1) No. The Government is still considering the matter.

(2) The Director of Environmental Protection is chairman of the authority and ensures that the department gathers necessary information and provides such other services as may be needed by the Environmental Protection Authority.

(a) On its own initiative the Environmental Protection Authority can proceed to report upon a project, such as in (1) above, under section 56 of the Environmental Protection Act.

(b) Under section 57 (2) the Environmental Protection Authority can have referred to it "any matter which gives rise to concern as possible cause of pollution".

(c) Under section 57 (1) "where it comes to the notice of a Minister of the Crown that a proposed development, project, industry, or other thing may have a detrimental effect on the environment he shall so advise the authority". The procedure thereafter is indicated in the Act.

(d) When requested by Parliament the Environmental Protection Authority will investigate and report upon a project.

(3) See answer to (1).

15. GOVERNMENT AND SEMI-GOVERNMENT DEPARTMENTS

Office Space

Mr. FLETCHER, to the Premier:

(1) What—

(a) Government;

(b) semi-Government,

departmental tenants at present occupy office space in accommodation owned by private landlords in the metropolitan area?

(2) In what buildings and at what addresses does this occur?

(3) (a) Who are the landlords; and

(b) what rent is paid,

in each instance?

(4) What is the total rent paid?

Mr. J. T. TONKIN replied:

(1) to (3)—

(a) Government departments—see schedule A.

(b) Semi-Government bodies—see schedule B.

(4)—

	$
(a) Government departments	1,455,971
(b) Semi-Government bodies	21,673
TOTAL	1,477,644

I seek permission to table the schedules referred to.

The schedules were tabled (see paper No. 340).

16. HOUSING AT PORT HEDLAND

Criticism

Sir CHARLES COURT, to the Premier:

(1) With reference to the criticism by the Trades and Labor Council of housing at Port Hedland for Goldsworthy Mining Company employees, will he please advise the extent and nature of the housing deficiencies complained of by the Trades and Labor Council?

(2) (a) Is he correctly reported as having referred to the location involved as "a company town";

(b) how is it that Port Hedland can be classed as "a company town" when in fact Port Hedland houses employees of many companies and is administered as a community in the normal way by the local authority with Government departments and instrumentalities carrying out the functions they normally carry out in communities of this kind?

(3) Is his reference to Port Hedland confined to any particular part of Port Hedland?

(4) Are not the houses provided by the company up to the standards insisted on by local authority and Government departments?

(5) If the Goldsworthy Mining Company has not provided sufficient houses for its employees, how has this situation developed, particularly as there has been a re-negotiation of the Goldsworthy project in recent months under which the company has accepted additional responsibilities and has made a lump sum contribution towards improving facilities in the area?

Mr. J. T. TONKIN replied:

(1) The Trades and Labor Council has passed on to the Government complaints received from workers in Port Hedland. These are not specific with respect to extent but generally refer to a lack of accommodation for married workers on Finucane Island.

(2) (a) The area referred to is Finucane Island which is a company housing area in Port Hedland.

(b) Port Hedland is not classed as a "company town".

(3) Yes. Goldsworthy Mining Ltd.'s housing area on Finucane Island.

(4) Permanent housing provided under approved development proposals comply with Government requirements.

(5) Goldsworthy Mining Ltd. has contributed towards schools, hospital and police station in Port Hedland under the terms of the re-negotiated agreement.

As part of its expansion to an 8-million tons a year capacity the company has undertaken to establish any further permanent accommodation necessitated by this expansion at South Hedland.

The company has agreed to submit detailed proposals at the appropriate time.

17. PORT OF BUSSELTON

Closure: Rural Unemployment Relief

Mr. BLAIKIE, to the Minister for Works:

Is the jetty maintenance gang at Busselton to be employed by funds from the Commonwealth rural unemployment scheme?

Mr. JAMIESON replied:

Yes.

QUESTIONS (10): WITHOUT NOTICE

1. KWINANA-BALGA POWER LINE

Pylon Construction

Sir CHARLES COURT, to the Minister for Electricity:

(1) Is it correct that the pylon construction work for the Kwinana-Balga power line has been offered to E.P.T.?

(2) If so, on what conditions—

(a) for design;

(b) for construction, including the proportion which is to be undertaken in Western Australia?

(3) Is it correct that E.P.T. is seeking financial assistance from the Government for the extension of its plant for the purpose of constructing these pylons?

(4) What other firms were invited to tender for this work and on what basis, including any Government assistance for plant extension?

Mr. MAY replied:

(1) Arrangements are being made to extend a recent contract for 330kV transmission line construction with E.P.T.

(2) (a) Tower and foundation design will be part of the contract.

(b) At least 70 per cent. of the tower and foundation steelwork will be fabricated in Western Australia.

(3) By Government guarantee.

(4) See (1) above. The contract will be an extension of a previously successful tender.

I would like to add that a news release was given out at 10 o'clock this morning in connection with this matter. With your permission, Mr. Speaker, and in view of the significance of this particular project in regard to unemployment, I would seek leave to read the Press statement. It is as follows:—

> The Minister for Electricity, Mr. Don May, said today that work would begin next month on extensions to the State Electricity Commission's 330KV transmission line from Kwinana power station to the northern terminal.
>
> The work would be undertaken by Electric Power Transmission Pty. Ltd., of Kwinana. About 100 miles of line would be constructed at a cost of about $7,700,000.
>
> Mr. May said that by extending the Company's existing contract the work could begin almost immediately, it would be undertaken by a specialist contractor who had already performed to the Commission's highest expectations, and employment opportunities would be created for about 200 men some six or nine months earlier than would otherwise have been the case.
>
> The extensions which were needed to supply power to Perth's expanding northern suburbs provide for the construction of a line from the southern terminal to the northern terminal near Balga, and another line from the Kwinana power station direct to northern terminal. A section of this line has already been constructed between Kwinana power station and southern terminal, near Jandakot Airport.
>
> The basic tender price of $7,689,896 for the extension had been accepted, subject to normal variations in type and number of towers and foundations in accordance with an agreed schedule of rates.
>
> Mr. May also announced that the Government had agreed to guarantee a $250,000 loan which E.P.T. would raise to finance major extensions to its workshops and other facilities at Kwinana.
>
> "These extensions will mean that 70% of the fabrication and galvanising of tower and foundation steel work to be used in the power line extensions can be undertaken in this State", Mr. May said.
>
> "Extensions on the scale envisaged by E.P.T. to its Kwinana workshops would also enable the company to compete for overseas contracts, and ultimately to employ more metal tradesmen.
>
> "The immediate benefit to be derived from extending the power lines and the company's decision to expand its workshops would be employment for about 200 men—employment which would be equally distributed between metal tradesmen and construction workers," Mr. May said.

2. EDUCATION

Free Books Scheme

Mr. RUSHTON, to the Minister for Education:

(1) Referring to his letter to the Editor of *The West Australian* dated the 9th September headed "Free books for parents' benefit," will he give itemised costs of the 18.53c quoted for printing and compilation of the maths textbook through the Government Printer against a similar book printed commercially for between $1.20 and $1.50?

(2) What is the cost incurred by the Government for this maths book on:—

(a) general overheads;
(b) research;
(c) compilation;
(d) printing;
(e) storage;
(f) transport;
(g) distribution;
(h) wastage?

(3) If he is unable to present factual itemised costing for this item, will he ask the Western Australian Institute of Technology to conduct a survey of the actual cost of providing books and supplies through the Government scheme?

(4) Because of the previous importance to our State's economy and employment of the local production and export of school books, will he report to the House the expected decline in export earnings and employment as a result of the Government policy of socialising this industry?

The SPEAKER: That is the type of question that could have gone on the notice paper. It is not urgent.

Mr. T. D. EVANS replied:

(1) The cost of 18.53c was determined by dividing the printing costs of $4,651 by the number of copies to be produced.

(2) The mathematics text is only one aspect of the work of the curriculum branch and no assessment is made of the overhead costs for each of the many types of publications produced.

Similarly, at the education stores, separate charges are not determined for each of the school stocks issued.

(3) No, the expense of such a survey would not be warranted.

(4) The Government is conscious of the importance of export earnings but the free books scheme was introduced for the educational benefit of students in Western Australian schools—and to relieve parents of the heavy cost.

3. KWINANA-BALGA POWER LINE

Pylon Construction

Sir CHARLES COURT, to the Minister for Electricity:

Arising from the answer given to my previous question without notice, I suggest, with respect, the Minister has not answered part (4) of my question. I now seek information from him as to what other firms were invited to tender for the work and the time they were given in which to tender. By way of explanation, I understand negotiations and discussions have been going on in connection with this matter for a long time, and it seems to me rather odd that the tender is let as an extension of a previous contract when a number of other people have gone to the expense of tendering or preparing tenders.

Mr. MAY replied:

It was decided that because this work was an extension of the contract let by the previous Government, there was no necessity to call tenders in view of the manner in which the company concerned had performed its previous contract.

4. KWINANA-BALGA POWER LINE

Pylon Construction

Sir CHARLES COURT, to the Minister for Electricity:

Would he be good enough to have the papers in connection with this matter studied? My understanding is that firms felt they were still within the current tendering period and were rather stunned at the announcement made in this morning's paper.

Mr. MAY replied:

As far as I know, no announcement was made in this morning's paper; but I will certainly have the matter looked into.

5. EDUCATION

Free Books Scheme

Mr. HUTCHINSON, to the Minister for Education:

Arising out of the answers given to question 1 on today's notice paper, although the Minister has advised that the task of compiling a list of the range of books produced by the Education Department is too formidable to contemplate, will he, as advised in the answer to part (2) of the question, either table the range of social studies books or have them placed in the Parliamentary Library, with your permission, Mr. Speaker?

Mr. T. D. EVANS replied:

To show the Government's *bona fides*, and to show that we have nothing to hide, with some inconvenience I will have great pleasure in having a list of the titles referred to in the answer

to part (2) of the question placed on the Table of the House, with your permission, Mr. Speaker.

6. STATE GOVERNMENT INSURANCE OFFICE

Loans to Terminating Building Societies

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

Following on question 2 on today's notice paper, in which he replied that two applications for loan funds had been received by the State Government Insurance Office from terminating building societies, could he say whether both applications came from Trades and Labor Council building societies? In answer to a question the other day the Minister for Housing informed me that the Trades and Labor Council had two building societies.

Mr. TAYLOR replied:

One of the organisations concerned was the Trades and Labor Council, and the other was a separate private organisation.

7. CLOSE OF SESSION

Date

Mr. NALDER, to the Premier:

Has he given any consideration to the approximate date of the conclusion of this present session?

Mr. J. T. TONKIN replied:

I have not given it any consideration at all. I am hoping it will finish as early as possible but we have a good deal of legislation to get through. With the cooperation of the Country Party and the Liberal Party, I hope we might finish earlier than has normally been the case in the 39 years I have been here.

8. KWINANA-BALGA POWER LINE

Pylon Construction

Sir CHARLES COURT, to the Minister for Electricity:

In examining the papers in connection with the tenders for pylons as he has promised to do, will he also examine the financial situation of other people who were invited to tender and who still think they have until the end of this month in which to tender? Some of them have incurred considerable expense in obtaining the necessary information on which to quote.

Mr. MAY replied:

I will have the papers examined and see what is on the file. I would like to point out, in connection with this particular project, that the majority of the work will be done in Western Australia—not like the previous contract, under which the majority of the work was done outside Western Australia.

Sir Charles Court: What about getting the best quote, for a start?

9. LOAN FUNDS

Allocation to Avon Electorate

Mr. GAYFER, to the Treasurer:

As the electorate of Avon faired so poorly under the Appropriation Bill (General Loan Fund), will he amend that Bill?

10. EDUCATION

Free Books Scheme

Mr. RUSHTON, to the Minister for Education:

Apparently the Treasurer is not going to answer the last question. Relating to my earlier question without notice, would the Minister ensure when he is quoting the costs of books in the future that he makes it quite clear the Government does not cost its items and is therefore in no position to say how much an item costs?

Mr. T. D. EVANS replied:

I have made the position quite clear in previous answers, which have been reported in the Press, that the situation contemplated by the honourable member is known to the public, generally.

CITY OF PERTH ENDOWMENT LANDS BILL

Second Reading

MR. H. D. EVANS (Warren—Minister for Lands) [5.01 p.m.]: I move—

That the Bill be now read a second time.

The Bill before the House proposes to repeal the City of Perth Endowment Lands Act of 1920, and the two amending Acts of 1936 and 1970.

It is provided in the parent Act that the areas to which it applies are—

(1) Reserve No. 16921, being the beach foreshore.

(2) The endowment lands proper, comprising some 2,281 acres.

(3) The Lime Kilns Estate purchased by the Perth City Council in 1917 for £62,130 and comprising 1,290 acres.

The amending Act of 1970 validated the Perth City Council's expenditure of funds received from sales of land from the endowment lands proper, over the whole of the area covered by the parent Act; in other words, the three sections referred to.

This Bill is designed to repeal the City of Perth Endowment Lands Act 1920-1970, and to give the Perth City Council the power of expenditure of funds invested under the principal Act on certain works or for certain purposes as detailed in the Bill. These include the purchase or acquisition of land for public open space and generally, and the erection of public buildings, civic centres, and various other structures necessary for the development of social welfare in the community. Expenditure of funds will also be authorised for sporting centres, recreation grounds, and the construction of pedestrian underways and overways or any other undertaking of a capital nature approved by the Minister.

The council will also be enabled to change the rating of the endowment lands area from the existing capital unimproved value method, as the endowment Act lays down, to the annual value method which applies in the balance of the municipality.

This will correct an anomaly. By-laws and penalties thereof will be uniform and this will meet the wishes of the council.

The Perth City Council is in favour of the repeal of the Act and has advised me to that effect. The Bill seeks to give the council the right to spend the net proceeds from sales of land in the endowment area for the purposes which I have just stated, throughout the whole of the area under the control of the council. This would remove some of the disadvantages of residents in the older areas which at present are prevented from taking a share of the proceeds from sales of endowment land.

The Perth City Council is the premier local government body in this State and is recognised as a responsible body. As such it should have the opportunity to be fully autonomous in the management of its finances.

Most members, I am sure, will agree that over the years the council, in general, has done a great job for the City of Perth and has extended its activities in many directions. The Bill, which I commend to the House, will give the council a stronger hand in ensuring further progress within the community.

Debate adjourned, on motion by Mr. Mensaros.

INDUSTRIAL LANDS DEVELOPMENT AUTHORITY ACT AMENDMENT BILL

Second Reading

MR. GRAHAM (Balcatta—Minister for Development and Decentralisation) [5.06 p.m.]: I move—

That the Bill be now read a second time.

This Bill is designed mainly to reconstitute the Industrial Lands Development Authority, and to ensure that, in future, any change of title of a member of that authority, or any vacancy in the office of a member, will not result in the authority being unable to continue to operate.

There has been a repetition of a previous occurrence which, during 1971, made it necessary to introduce a Bill to alter the title of one of the members of the authority following a departmental reorganisation, because the Crown Law Department advised that the authority could no longer exist if one of its constituents could not be provided.

The SPEAKER: Order! There is too much talking.

Mr. GRAHAM: Because of further reorganisation within the Department of Development and Decentralisation, the office of Deputy Co-ordinator (Industries) has been amended to Executive Officer Industries, and it becomes necessary again to amend the Industrial Lands Development Authority Act.

The Bill provides for this change of title, and thus will enable the Industrial Lands Development Authority to function again. It also makes provision so that should such circumstances arise again in the future, the authority will be able to continue to operate without an immediate approach to Parliament.

The Bill also makes provision—

- for the Secretary, who is the authority's executive officer, to be a member of the authority;
- for any one of the five members to be capable of being appointed chairman;
- for appointment of a deputy chairman; and
- for appointment of deputies by the Town Planning Commissioner, the Under-Secretary for Lands, and the Executive Officer Industries.

Experience in the operation of this Act has indicated the desirability of the secretary becoming a full member of the authority.

The authority is a small body, with four part-time members. The secretary is the only staff it employs. Because of the experience which the secretary—at present

Mr. Hodgson—gains in carrying out the detailed work of the authority, it is considered that he could contribute further to its operations by being admitted as a member, and thereby being entitled to express his opinions and vote on matters before the authority. The amendment will increase the membership of the Industrial Lands Development Authority from four to five members.

The Bill does not effect any changes in the functions, powers, or responsibilities of the authority. It proposes to correct an anomaly caused by a reorganisation, to increase the membership, and to define the procedure to be followed by the authority at its meetings.

That is the purpose of the Bill, and I commend it to the House.

Debate adjourned, on motion by Sir Charles Court (Leader of the Opposition).

PARLIAMENTARY COMMISSIONER ACT

Rules: Motion

MR. J. T. TONKIN (Melville—Premier) [5.10 p.m.]: I move—

> That pursuant to section 12 of the Parliamentary Commissioner Act, 1971, this House makes the following rules for the guidance of the Parliamentary Commissioner in the exercise of his functions—
>
> 1. These rules may be cited as the Parliamentary Commissioner's Rules, 1972.
>
> 2. In these rules, the term "the Act" means the Parliamentary Commissioner Act, 1971.
>
> 3. The Parliamentary Commissioner may from time to time, in the public interest or in the interests of any department, authority, organization, or person, publish reports relating generally to the exercise of his functions under the Act, or to any particular case or cases investigated by him, whether or not the matters to be dealt with in any such report have been the subject of a report laid before either House of Parliament.

The Parliamentary Commissioner Act, 1971, contains stringent provisions requiring the Parliamentary Commissioner and his staff not to divulge any information received by him or them under the Act. Section 8 (1) requires the commissioner to take an oath to that effect, and section 23 provides—

> (1) Information obtained by the Commissioner or his officers in the course of, and for the purpose of, an investigation under this Act, shall not be disclosed, except—
>
> (a) for the purposes of the investigation and of any report or recommendations to be made thereon under this Act.
>
> (2) Any person who discloses information contrary to the provisions of this section is guilty of an offence.

The reasons for these provisions are obvious, as without this safeguard the Parliamentary Commissioner would not be able to obtain the information necessary to conduct a full investigation.

However, it must be borne in mind these provisions bind the Parliamentary Commissioner and his officers, but they do not necessarily bind complainants who may divulge to the news media any information on the matter of a complaint—with the possible exception of information supplied to them by the commissioner. The situation could then arise that a complainant could give an unbalanced or inaccurate account of a matter to the news media, and the Parliamentary Commissioner would be powerless to protect either himself or the body the subject of the investigation from such inaccurate publicity.

To put the matter another way, the Parliamentary Commissioner would be precluded by the provisions of the Act from presenting to the news media an accurate account of what had occurred. The only power he would have would be to table a report in Parliament, but the delay in doing this, more particularly if the Parliament was not sitting, would make this course ineffective.

In New Zealand this situation was recognised and Rules of Parliament were gazetted in terms similar to those at present before the House. The power conferred has been exercised when the occasion demanded.

It should be made clear the Parliamentary Commissioner's prime duty is to report to the Parliament, and it is not the purpose of these rules to alter that position. The powers given by these rules would be used only in exceptional circumstances but would provide a useful safeguard in the public interest.

Sir Charles Court: Could I ask one question before you conclude? Is it possible to make these rules within the framework of the parent Act, or will it not be *ultra vires* the powers set out in the Act?

Mr. J. T. TONKIN: The Crown Law Department advises that it is within the power of Parliament to make these rules in accordance with the indication which was given at the time the Bill was before the House; namely, that it was the intention that the Parliamentary Commissioner would operate within rules of Parliament to be prepared in due course.

Sir Charles Court: Before you state the question, Mr. Speaker, is there a seconder to the motion?

Mr. T. D. EVANS: I second the motion.

Debate adjourned, on motion by Sir Charles Court (Leader of the Opposition).

ABORIGINAL HERITAGE BILL

Council's Message

Message from the Council received and read notifying that it had agreed to the amendments made by the Assembly.

YOUTH, COMMUNITY RECREATION AND NATIONAL FITNESS BILL

Second Reading

MR. T. D. EVANS (Kalgoorlie—Minister for Education) [5.17 p.m.]: I move—

That the Bill be now read a second time.

In Western Australia, activities concerning general community fitness, community recreation, and youth work are supported by two separate agencies—the National Fitness Council of Western Australia and the Youth Council of Western Australia.

The background to the initial establishment and subsequent role of each agency will no doubt be of interest to members.

In 1939 the Western Australian Council for Physical Fitness was called into being by the State Ministers for Health as a direct result of Commonwealth legislation which generated interest in all States.

The broad aim of the council was to make the community generally "fit"—the emergency of war dictated that something be done. As a result, the National Fitness Council of Western Australia (Inc.) was established in 1940 and in its first year of incorporation lent its main emphasis to youth work. In the first few years, Police Boys' Clubs were established followed by attempts to set up youth centres for "unattached" young people.

The organised groups which conducted youth work were brought together in a combined committee known as the Youth Welfare Committee which in 1942 became the Associated Youth Committee of Western Australia under the auspices of the National Fitness Council.

In 1945 the National Fitness Act was passed establishing the new structure with teachers seconded from the Education Department to act as professional officers and the original functions of the council were enlarged.

In 1964 the Youth Service Act was passed establishing the Youth Service Council of Western Australia which at that stage appeared to complete the cycle of emphasis which began in 1939, except that activities were now split between two councils under separate Acts.

The following is an extract from the 1965 annual report of the National Fitness Council provided by the Minister for Education at that time:—

> In this State, there has now been established the Youth Council of Western Australia, with the objectives of instituting a full youth service in all its facets. The impact of the new youth council on national fitness in Western Australia has yet to be assessed but it might be noted that the recommendations of the investigating committee on youth service which brought the council into being, includes, very prominently, under duties and functions (d) the following:—
>
> > To retain a close liaison with the National Fitness Council and make full use of the experience and goodwill gained by that body —with the connections already made by it among existing agencies—with its officers—and with the existing machinery.
> >
> > The guiding principle in the above would be to strengthen existing services rather than to duplicate them.
> >
> > Experience may, in the course of a few years, show that the council for youth service should merge with the National Fitness Council, or even absorb it. The desirability or otherwise of this can, the committee considers, only be determined as the result of events in the meantime.

Time and experience, since the 1964 Youth Service Act was introduced, have demonstrated that the two councils, with evident duplication of services and personnel, are unnecessary. Instead of setting up a third council to co-ordinate the two now existing, a simple *modus operandi* is required to streamline the existing structure—to retain the best features of the two Acts and to merge the two councils rather than to follow an expansionary process.

With this in mind a detailed report was prepared by the Chairman of the Youth Council following a private tour of overseas countries during which time he studied organisations and youth services.

The recommendations contained in the report to consolidate the activities of the two councils were generally acceptable to both parties and constituted the basis for guidelines in implementing the proposed legislation now before the House.

Some of the main factors influencing this decision are—

(1) There is a similarity in the functions of both councils in terms of the community as a whole.

(2) Both Acts at present require the agencies to advise the Minister on similar things, and indeed to advise the same Minister.

(3) There is a similarity of duties undertaken by both agencies in such areas as leadership training, assistance for the development of camp facilities, and the like.

(4) A third of the members of the Youth Council are also National Fitness Councillors.

(5) A number of areas of duplication of effort and consquent duplication of staff and equipment have arisen and appear to be growing.

In order to achieve a cohesive, co-ordinated instrumentality charged with servicing the needs of youth and the community, it is considered highly desirable to repeal both the existing Acts and consolidate them as one.

This Bill achieves that objective with a minimum of variation to the existing functions of both councils. One noticeable change is the provision for the chairman of the new council to be appointed by the Minister. At present, the Minister for Education is the statutory Chairman of the National Fitness Council but as a result of heavy demands connected with this portfolio it has been usual practice for the deputy chairman to preside at practically all meetings. In recognition of this circumstance, it would appear appropriate to correct the situation at this time.

I feel the provisions of the Bill speak for themselves and I commend them to the House.

Debate adjourned, on motion by Mr. Gayfer.

ENVIRONMENTAL PROTECTION ACT AMENDMENT BILL

Second Reading

MR. DAVIES (Victoria Park—Minister for Environmental Protection) [5.26 p.m.]: I move—

That the Bill be now read a second time.

Section 21 (1) of the Environmental Protection Act, 1971, states that the Governor may appoint a person to be the deputy of a member of the Environmental Protection Council.

It has been found that when a member of the council relinquishes office for any reason, the appointment of the deputy is no longer functional, since the appointment was as deputy of the member rather than deputy in the respective office.

In order to ensure continuity of council proceedings it has been decided to amend the section to provide that where a casual vacancy occurs in an office of member of the council, the deputy of that member continues to have full powers as a deputy until that casual vacancy is filled.

This is what the measure proposes, and I commend it to the House.

Debate adjourned, on motion by Mr. Rushton.

NOISE ABATEMENT BILL

Second Reading

MR. DAVIES (Victoria Park—Minister for Health) [5.28 p.m.]: I move—

That the Bill be now read a second time.

Members will recall that almost as soon as the Government came into office The Hon. R. H. C. Stubbs, Minister for Local Government, was most active in promoting this legislation: so that within three months Cabinet had authorised him to initiate the drafting of the Bill. He conferred with me and agreed that the legislation, logically, should be placed within the Public Health Department which I administer, and Cabinet concurred.

Accordingly, the Bill was drafted by the Crown Law Department working in close co-operation with my department. In October last Cabinet approved the Bill for printing and for introduction into Parliament. For reasons which all members will appreciate, it was not possible to introduce the Bill last session. I have, however, taken the first available opportunity to present it this session.

Before I focus attention on the contents of the measure, it is pertinent to indicate the reasons for its need.

If we start off with a simple definition of noise as "sound which is undesirable by the recipient," then it is evident that men have been exposed to noise and have complained of it over the centuries. Martial, a Roman poet famous for his epigrams, complained unhappily about the various noises in Rome in the first century A.D. "Before dawn, crying their bread bakers disturb nocturnal peace."

People used to start school and work quite early in those days, for he goes on—

The teachers start when day begins,
While blacksmiths with their hammer strokes
Keep up their din the whole day long.

He could get little sleep, because, he complains—

... I have Rome right beside my bed ...

Mr. Williams: How much of this have you got?

Mr. DAVIES: I might mention that this background information is interesting, and I am reminded of an occasion when the then Minister introduced the clean air legislation and gave us a long dissertation of the history of air pollution, which was enjoyed a great deal.

The complaints of noise which as Minister for Health I have been receiving have such an eerie resemblance to what I have been referring to, that I begin to suspect that the ghost of this ancient poet has come back to taunt me.

The Roman satirist, Juvenal, of the same period was unhappy because—

> All night the travelling wagons roll through the narrow streets,
> And even a Prince of sleepers like Claudius awakens from the din.

There is no evidence, however, that this Emperor Claude initiated a Noise Abatement Bill! On the other hand, in the Swiss city of Berne in 1403 a town by-law forbade the millers to bring their wagons through the streets in such a state of disrepair that "the planks clattered and annoyed or deafened the people."

We learn from these descriptions that traffic noise, so often disturbing to us today, is no new thing. There is nothing new about domestic noise either. An order made by Elizabeth I forbade English husbands to beat their wives after 10 o'clock at night "so as not to disturb the neighbours with their cries." I trust that members are aware that this order has never been repealed.

Since then statutory restrictions on community noise have become increasingly common. Since the English Noise Abatement Act of 1960, directed towards the control of community noise, much similar legislation has been enacted around the world.

This is an appropriate time to indicate that the effects of noise have to be considered from two aspects. The first is that of community noise, the history of which I have just outlined. The second is that of occupational noise.

It is important to understand that the implications of exposure to noise in one's job can be quite different implications from exposure to community noises, a few examples of which I have given. Whereas exposure to noise on the job can, and quite frequently does, result in loss of hearing of varying degrees, this is not a feature of exposure to community noise.

This is the experience in this State and it tallies with that in all other parts of the industrialised world. Occupational hearing loss is widespread. There is no single permanent disability due to occupation that has a higher prevalence: for hearing loss due to exposure to noise is irreversible.

My colleague, the Minister for Local Government, has had much personal experience of this. It is his awareness of the extent of this problem, I believe, which has brought about a sense of urgency in his bringing to the attention of Cabinet the immediate need for legislation. He is to be much commended for this action.

Occupational hearing loss is by no means a modern disease. The famous Italian physician, Ramazzini, well known as the "father of occupational medicine," published a book on occupational diseases in 1713. In it he describes how men engaged in the hammering of copper ". . . have their ears so injured by that perpetual din . . . that workers of this class become hard of hearing and, if they grow old at this work, completely deaf."

In an article in *The Lancet* in 1831, a physician named Fosbroke described a similar disability in blacksmiths. It is reasonable to suppose that the Roman smiths of whom Martial complained suffered from noise-induced hearing loss. By the 1800s boilermaker's deafness had become well known.

The introduction of power-driven machinery with the Industrial Revolution resulted in occupational hearing loss becoming a common disease.

During the second World War, with the development of high-powered, very noisy aircraft, attention was focused on the occupational noise problem, which has ever since received world-wide attention.

In our own community there are numerous sources of noise capable of producing this type of hearing loss, and thousands of workers are exposed to this sort of noise, many of whom have already suffered considerable hearing loss. Among the sources of noise are compression tools, especially in confined spaces. These are very widely used, as in goldmining for example. Foundries, diesel engines, and panel beating are other sources of noise significant in this context. The electric guitar is a relatively recent source. These are just a few examples from a large number of sources of noise which can cause hearing loss.

I have spent some time on the historical background to the problem of noise with a view to placing this Noise Abatement Bill in perspective.

It is evident from what I have said that legislation needs to provide for the control of both community noise as a nuisance to people, and noise as a cause of occupational hearing loss. It is clear that these are of such significance in Western Australia as to constitute sufficient reason for the introduction of this Bill.

I shall now bring to the attention of members the content of the Bill. As is to be expected, it contains provisions for the control of both types of noise.

Concerning community noise, it provides for action to be taken by the local authority to abate a noise which is causing a nuisance; that is, a noise which is, or is capable of, having a disturbing effect on the well-being of a person. Within the Bill there is provision for power to make regulations concerning relevant noise levels, apparatus for measuring such levels, and methods of measurement.

Concerning noise which can cause occupational hearing loss, this is covered within the definition of "nuisance" as "one which

is injurious or dangerous to health." There is also provision to make regulations to prevent noise, which also could apply to community noise, and provide for protective equipment and periodic testing of persons exposed to noise in their occupations.

How will the legislation apply to people in the community?

Any person considering himself to be subjected to a noise nuisance can complain to the local authority which is empowered to serve an abatement order on the offender. In the event of noncompliance the local authority can seek a nuisance order from the Local Court. Alternatively, three or more persons can seek a nuisance order directly from the Local Court. Failure to comply with a nuisance order is subject to specified penalties.

The next question is: How does this legislation apply to people exposed to noise in their occupations?

As is evident from what I have already said, employees will be protected from such noise, specifically from noise which can cause hearing loss. As well there is provision in the body of the Bill for establishing the relevance of noise as a cause of injury to health in relation to proceedings for the recovery of compensation.

I would like to indicate briefly the administrative structure. The Act shall be administered by the Minister and, subject to any direction by the Minister, by the Commissioner of Public Health.

To assist the Minister in the administration of the Act there is to be a noise abatement advisory committee of persons with specialist knowledge regarding noise and its effects. This committee will have the power to add to its numbers as may be required from time to time for special purposes, and it may set up special subsidiary committees.

Inspectors will be appointed to investigate and measure noise associated with the various noisy occupations and local authorities will look after community noise.

Regulations will be promulgated to establish levels of noise which should not be exceeded in various circumstances, and the means of measuring such noise. Model by-laws will be prepared and may be adopted by local authorities for the control of community noise.

The drafting of regulations and model by-laws will take some time. This will be the task of the advisory committee when set up. This task will take several months, but it is intended that they first provide for protection against community noise before proceeding with the more difficult and more detailed legislation required for reduction of noise in industry.

If this second reading has taken more than a little time, I express the hope that members will consider the time spent to be well justified. This is a unique Bill in that it aims to abate and control, not just in general, but in specific terms, both community noise and noise which can be injurious to the health of employees exposed to it.

Before resuming my seat I would like to pay a tribute to the members of the staff of the Public Health Department. They have put in a tremendous amount of time in an endeavour to produce acceptable legislation. It is a very difficult subject indeed for which to legislate, and as I have indicated regulations and model by-laws will take some considerable time to compile.

The first step, of course, is to ascertain whether or not the legislation is accepted by the House. The legislation having run the gauntlet of the House, the committee will then very actively, and as quickly as possible, deal with the regulations. Indeed, one of my officers has already done a considerable amount of work in this regard.

I hope that we will at least be able to relieve the community of some of the present noise problems. Certainly much interest has been evinced in this legislation which I commend to the House.

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

COUNTRY HIGH SCHOOL HOSTELS AUTHORITY ACT AMENDMENT BILL

Second Reading

Debate resumed from the 24th August.

MR. McPHARLIN (Mt. Marshall) [5.42 p.m.]: It is interesting to read the second reading speech of the Minister for Education. He referred to the hostel he opened at Port Hedland and, in answer to a question about the cost, the Minister said that from memory he thought it was $660,000. He also indicated that the hostel was to accommodate 96 children.

Mr. T. D. Evans: That was the capacity of the hostel.

Mr. McPHARLIN: The capacity of the hostel is 96?

Mr. T. D. Evans: Yes.

Mr. McPHARLIN: The sum of $660,000 is a tremendous one to be spent on one hostel and, of course, it is double the amount allowed to be borrowed for this purpose per year.

Mr. T. D. Evans: There was a subsidy, of course, from at least one mining company included in that amount. It did not all come from the authority; but that was the cost of the hostel.

Mr. McPHARLIN: The Country High School Hostels Authority was established in 1960 and the amount to be borrowed was limited to £100,000 or $200,000. Bill No. 11 of 1961 amended section 12 of the Act to limit the borrowings for the years 1961-62 and 1962-63 to £200,000 or $400,000, but that was for those two years only. Bill No. 26 of 1967, again amending section 12, increased the maximum annual borrowing to $300,000.

At this stage, I might mention I am indebted to the former Minister for Education (the member for Moore) who, unfortunately, has had to attend to some private business this afternoon. I understand he indicated to the Minister for Education that he would not oppose the Bill and was prepared for another member to speak to it. I am indebted to him for his notes which he has done a very good job in preparing.

The Bill before us will repeal subsection (4) of section 12 of the principal Act and re-enact it to limit the borrowing to a sum to be approved by the Treasurer. I think the figure mentioned was $400,000.

Mr. T. D. Evans: That is the current ceiling amount allowed by the Loan Council.

Mr. McPHARLIN: As I understand it, the statement of accounts from the Country High School Hostels Authority does not have to be tabled under the Act and, consequently, is not. The first hostel erected by the authority was opened in Merredin in 1962. Since then other hostels have been built by the authority in Esperance, Katanning, Narrogin, Northam, Geraldton, Carnarvon, Bunbury, and Port Hedland. I understand that at the present time they accommodate about 1,000 children. Other hostels have been improved and I believe that this year a replacement hostel will be built at Albany.

Before the authority was established other organisations were conducting hostels. I refer to the Church of England and the Country Women's Association. Representatives of these bodies were included on the authority when it became functional. At the present time hostels are managed by local committees consisting of the Church of England, the C.W.A., and other groups. The hostels are completely non-denominational and a child of any religion may attend.

One point worth mentioning is that a hostel built by the Government simply becomes a high school hostel. It is not generally known that actually it has been built by the Government. I think it would be helpful if a sign of some description could be erected outside the hostels to indicate that they are Government hostels. In this way members of the public would be aware of this as they drive past.

One other factor which the member for Moore mentioned to me and of which I, too, have had some experience, relates to looking for the phone numbers of hostels. If a person wants to find the phone number of, say, the Northam hostel he does not look under "Hostels" or under "High School Hostels" because it is included under the heading of "Anglican Church." Perhaps some thought could be given to this point. I know it is not a very important one but if the entries were included under "High School Hostels" or something of that nature the phone numbers would be much easier to find.

We all realise the need for further extensions to hostels. The question of establishing senior high schools in a number of centres is, as we know, governed by student numbers and in some cases the numbers are insufficient. Also, there is a shortage of specialised staff and equipment. However, it is inevitable for many children in country areas to be sent away to board because in many cases they cannot obtain education of a higher standard in their own districts. It is very necessary to give consideration to increasing the hostel accommodation. Only recently I received a letter from a constituent in my electorate who had endeavoured to place his child in the Swanlea hostel. I was told that there were 240 applicants but only 72 beds. Consequently there is obviously a need for increasing accommodation in the hostels.

Mr. T. D. Evans: There has been a disproportionate distribution of students among the hostels. Many of them are under-accommodated.

Mr. McPHARLIN: On this point, the member for Moore handed me two questions which he had asked, together with the Minister's replies. The first question, asked on the 16th August, was—

(1) Is it anticipated that the proposed upgrading of junior high schools to district high schools will significantly lessen the demand for accommodation at the hostels attached to senior high schools?

(2) If not, has he any proposals to alleviate the acute position at many hostels where the demand far exceeds the anticipated availability of accommodation?

The Minister for Education replied—

(1) It is expected there will be some lessening in demand but the extent cannot be forecast.

(2) It is not proposed to provide additional accommodation during the current financial year mainly because there are 268 vacancies spread over 10 of the 14 high school hostels.

On the following day the member for Moore asked the Minister for Education—

> What is the number of applications for 1973 and the anticipated number of vacancies at each of the 14 high school hostels?

The Minister replied—

> The applications have not been finalised at any of the hostels, therefore the vacancies for 1973 have not been established.

I understand the member for Moore asked one further question, but I do not have a copy of it. I believe the Minister named several hostels at which accommodation was available. These would include Bunbury, Esperance, and Carnarvon, but I am not sure of the others. To people in a number of areas these are too far away to be of any help because of the distances involved. People living in the central wheatbelt area would not contemplate sending their children to Esperance or Bunbury because of the tremendous distances. They prefer their children to be nearer so that they can bring them home at the weekends. There is a limit to the distances which they can travel to do this.

One other point I shall mention has been made by the former Minister for Education. Why not include a minimum as a guarantee of continuity to the authority to enable it confidently to plan ahead rather than await the Treasurer's favour each year? No such minimum is suggested in the amending Bill.

Mr. T. D. Evans: We could not do this, because we cannot forecast with accuracy what the decision of the Loan Council will be. However, it has been given as a clear undertaking on behalf of this Government that the authority will, in fact, be able to borrow from time to time, whatever the ceiling amount provided for by the Loan Council is from time to time. I will give that undertaking.

Mr. McPHARLIN: We do not intend to oppose the Bill. I indicated earlier that our intention is to support it and I now give my support.

MR. O'NEIL (East Melville—Deputy Leader of the Opposition) [5.53 p.m.]: I want to take this opportunity to indicate that the Liberal Party also supports the Bill. I believe the Minister has, in fact, worded the provision in the amending Bill much more appropriately and there should not be the need for amendments to come before the House in future. Currently section 12(4) on page 9 of the parent Act states—

> The Treasurer shall not in pursuance of this section guarantee in any one year the repayment of any principal moneys in excess of three hundred thousand dollars, or the payment of interest on any principal moneys in excess of that sum.

Members can appreciate that this relates to the upper limit of borrowing of $300,000 which is set by the Loan Council. Currently, that figure has been increased to $400,000 and I am sure the Premier of any Government would press the Loan Council to have that figure increased in the future. The amendment proposed by the Minister in this Bill will obviate the need for changing that provision. I wonder, too, whether this does not give hint of further amendments to come in connection with like borrowing authorities whose limits are held by Statute at the figure of $300,000.

Mr. T. D. Evans: I looked up the Institute of Technology which has borrowing powers. This particular formula was adopted by the draftsman under your Government for the Institute of Technology Statute. Consequently there was no need to attend to that.

Mr. O'NEIL: It may well be that the Government should search the various Statutes to ensure certain authorities are not inhibited in the amount they may be able to borrow during this financial year.

I, too, as the Minister has done, wish to pay tribute to the Country High School Hostels Authority for the work it has been able to undertake since it came into being in 1960.

There is one matter to which I think you will permit me to refer, Mr. Speaker, because it relates to the expenditure of money by the Country High School Hostels Authority. The Bill before us will empower the authority to raise more money than it has in the past. I refer to the question of accommodation for people other than students or pupils who are accommodated in country hostels.

When I was Minister for Housing, even though the Government Employees' Housing Authority was not directly my responsibility, I took the opportunity some years ago to look at housing provisions for teachers in many country centres. There are many single teachers and it occurred to me that there could perhaps be a better way of providing accommodation for them in country areas than the method which was in operation at the time. The scheme so far has virtually been the construction of two standard type houses in duplex form. These are occupied by a number of single teachers. There is some flexibility in a duplex arrangement. A married teacher could occupy one half and a group of single teachers of the same sex the other half. Should other married teachers come along there was a certain amount of flexibility, because the duplex provides a standard type of accommodation as distinct from accommodation which is designed completely for single people.

I suggest that perhaps not through the Country High School Hostels Authority but through the Government Employees' Housing Authority some form of accommodation for single people similar to motel-type accommodation could be provided on land which, in fact, is used for country high school hostels.

There could be an additional advantage in this. Quite frankly I am not well up with the type of supervision which is provided for children in hostels when they are not at school. It could well be that provision of accommodation for single teachers on the site would, in fact, assist in giving the supervision necessary for the children in the hostel. It could extend beyond this. With the provision of study rooms and the like some of the teachers might well give their services towards supervising study classes of children while they work on their high school subjects.

I wonder whether the Government has given consideration to this aspect. There are three advantages. The land is available, because it would be used for what could be called educational purposes. Secondly, there would be additional supervisory staff for children in the hostels; and, thirdly, some educational assistance could be given to the children during study periods. I appreciate it is outside the compass of the Bill, but the Minister may care to comment on what I have had to say. We support the Bill.

MR. T. D. EVANS (Kalgoorlie—Minister for Education) [6.00 p.m.]: First of all I would like to thank the Deputy Leader of the Country Party and the Deputy Leader of the Opposition for facilitating the resumption of this debate.

I noted the points made by the Deputy Leader of the Country Party with a great deal of interest. He briefly stated the history of the legislation, and in particular the history relating to section 12 (4) of the principal Act. He highlighted the need, not only for an amendment on this occasion, but also for a further amendment in the form now proposed to obviate the necessity for approval by the Loan Council as the ceiling amount changes from time to time. I thank him for his very helpful suggestion and, indeed, for his complete support.

I would also like to thank the Deputy Leader of the Opposition for his remarks. Although I cannot be specific and nominate particular high schools in regard to the little extra-curricular point raised by him, it is my understanding that where vacancies have occurred and single teachers are seeking accommodation the authority has taken the course he suggests. This practice works quite well, as not only does it facilitate the discipline in the hostels, but it also provides supervision of the students' homework. The teachers are virtually housemasters or house tutors within the hostels.

I understand the practice is in operation in at least one hostel this year. Where there is an urgent need for single accommodation for teachers, such as in Bunbury, this may well be the happy solution to the problem.

I thank the members who have spoken, and trust the Bill will now have a speedy passage through this Chamber.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

LIQUOR ACT AMENDMENT BILL

In Committee

Resumed from the 5th September. The Deputy Chairman of Committees (Mr. A. R. Tonkin) in the Chair; Mr. T. D. Evans (Attorney-General) in charge of the Bill.

Clause 14: Section 39 amended—

Progress was reported after the clause had been partly considered.

Mr. T. D. EVANS: When clause 14 was last considered by the Committee, I moved an amendment to delete several words, but I had not completed the proposed amendment standing in my name when progress was reported. I explained the rationale behind the proposed amendment on that occasion; therefore I do not intend to restate it. I move an amendment—

> Pages 9, 10, and 11—Delete proposed new subsections (4), (5), (6), (7), (8), and (9) of section 39 and substitute the following—
>
> > (4) The holder of an Australian wine licence shall not keep, or bring or permit to be brought, on the licensed premises any liquor other than Australian wine.

Mr. R. L. YOUNG: To refresh the memory of members, I pointed out that although another amendment is standing in my name on the notice paper, I feel that the amendment moved by the Attorney-General will have exactly the same effect as the one I proposed. I intend to support the amendment moved by the Attorney-General.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 15: Section 42 amended—

Mr. T. D. EVANS: I would ask for a ruling, Mr. Deputy Chairman. I intend to move for the deletion of clause 15 and to move for a new clause later. May I do that at this stage?

The DEPUTY CHAIRMAN (Mr. A. R. Tonkin): You cannot move to delete the clause; you must vote against the clause.

Mr. T. D. EVANS: I will take the opportunity to indicate to the Committee that I would like clause 15 as printed in the Bill to be deleted with a view to moving for a new clause to stand as clause 15 at a later stage.

Mr. R. L. YOUNG: As this is nonparty legislation, it will be of interest to the Committee if the Attorney-General will explain the reasons for the proposed new clause 15. If we vote against clause 15 as printed and are not happy with the proposed new clause 15, it will be fairly difficult to go back.

Mr. NALDER: I support this proposal. Surely the Attorney-General should explain the new clause. It will save much debate if we are given an explanation now.

Mr. T. D. EVANS: I am quite happy to co-operate. Every member of the Committee has manifested a great deal of enthusiasm and interest in these proposals, and as the amendments have been on the notice paper for some considerable time, I would have thought members would be fully conversant with the details. Clause 15 proposes to amend section 42(1) of the principal Act, which relates to unlicensed club premises.

It was felt that clause 15, as printed in the Bill, would more clearly express the intention in relation to unlicensed club premises. However, proposed new clause 15 contains an additional amendment to tidy up the Liquor Act of 1970 still further.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. R. L. YOUNG: Before the tea suspension the Attorney-General outlined the purpose of the new clause he intends to move in substitution for clause 15, which he proposes to ask members to vote against. The Attorney-General pointed out that one of the amendments in the new clause was in regard to section 42(2) of the Act, in which the liquor that may be supplied to an unlicensed club can be purchased from a number of different license holders.

The intention of his further amendment is to allow the sale of liquor to take place by other licensees provided none of present licensees are within 15 miles of the place where liquor is to be sold.

The Attorney-General's amendment also had the effect that where the Act at the moment provides that only a member of a club can be sold liquor on the premises, he may consume that liquor and supply liquor to persons, not exceeding three in number, who remain in his company on the premises.

The Attorney-General's amendment will now provide that the unlicensed club may also sell to the guests of that member not exceeding three in number provided they remain in his company.

I think the new clause will clean up section 42 of the Act and I support the deletion of clause 15 to enable the Attorney-General's amended clause to be inserted.

Sir Charles Court: Is not the Minister going to give us a reply? He was asked a question which he has not answered.

Mr. T. D. EVANS: I cannot recall being asked a question. I explained my amendment before the tea suspension and the member for Wembley indicated his support for it.

Sir Charles Court: He qualified it.

Mr. R. L. YOUNG: By nodding his agreement, which the *Hansard* reporter could not report, the Attorney-General indicated that I had further pointed out another part of amended clause 15. Perhaps I did not ask the Attorney-General a direct question, but I said I understood that his first amendment would have the effect of doing certain things. The Attorney-General nodded assent. Perhaps if he now agreed to what I have said we could proceed.

Mr. T. D. EVANS: This was the clause to which I made reference when introducing the Bill. I pointed out that paragraph (a) of my proposed amendment will provide that a member of an unlicensed club can be served liquor for consumption by his guests not exceeding three in number. I pointed out that several representations had been made on this matter. From memory one was made by the Nedlands Yacht Club in respect of which a letter had been received from the Leader of the Opposition.

Sir Charles Court: That is right.

Mr. T. D. EVANS: The proposed amendment seeks to provide that not only shall a member of an unlicensed club be permitted to serve and pay for drinks but that his guests in his company, not more than three in number, will also be authorised to buy drinks in return for hospitality received from the members of the club.

Paragraph (b) of the amendment provides, as is now provided under section 42(2) of the Act, that it is a condition before a permit is granted to a person in connection with an unlicensed club that he shall purchase liquor from a hotel license, a tavern license, or a store license as near as may be practicable to the premises specified under the permit.

Paragraph (b) also provides that this limitation on the person who can supply liquor—that is, the hotel license, tavern

license, or store license—will only apply where these particular licenses are available within 15 miles of the unlicensed premises. If they are not available within 15 miles of the club premises but there are some other types of licenses available, not necessarily within 15 miles, then the holder of the permit can purchase his liquor elsewhere. But, as I have said, if these licenses are within 15 miles of the unlicensed premises he is obliged to buy his liquor from the stipulated licensees.

I hope the Committee will vote against this clause and accept the new clause I propose to insert in lieu.

Clause put and negatived.

Clause 16: Section 43 amended—

Mr. T. D. EVANS: This clause amends section 43 of the principal Act which refers to the granting of function permits. Subsection (3) of that section provides—

> Except where the permit is issued to the organising body of an agricultural show or race meeting, the liquor sold and supplied pursuant to a function permit shall be purchased from the holder of an hotel licence, a tavern licence, a store licence or a caterer's permit.

It is my desire that the Committee vote against clause 16 and accept the new clause which I will move to insert in lieu at a later stage. The new clause would have the effect of providing an amendment to the licenses referred to in section 43(3), and will allow the holder of a function permit to purchase liquor from a licensed club where there is no hotel license or store license, etc., situated within 15 miles of the premises under the function permit Its function is, indeed, similar to that contained in new clause 15 of which I have given notice.

Mr. R. L. YOUNG: If the new clause proposed by the Attorney-General is agreed to new clause 16 will have the effect of adding a winehouse license to the number of licenses which can supply liquor to persons applying for a function permit.

The situation referred to by the Attorney-General is one which is necessary—to enable the grantee of a function permit to purchase his liquor from some other license if there are no specified license holders within a 15-mile radius.

I intend to move an amendment to the Attorney-General's new clause 16 which will allow a vigneron to supply wine manufactured on his own premises for a function, the subject of a function permit, which is held within his own vineyard. I made this clear in my second reading speech but for the benefit of the Committee I will repeat what I said.

At the moment a vigneron can allow his premises to be used for a function which is the subject of a function permit, but the position is ludicrous inasmuch as a person who has been granted a function permit cannot purchase the wine of the vineyard itself from the vigneron. He must go to an existing license holder and purchase the wine which sometimes is of the vigneron's own manufacture. The proposed amendment will now also include a winehouse. Previously the person concerned would purchase the wine of his own manufacture from another license holder and bring it back to his own vineyard where his function was being held. My amendment will overcome that difficulty and will permit the vigneron to sell his own product at a function held on his own vineyard.

Clause put and negatived.

Clause 17: Section 45 amended—

Mr. T. D. EVANS: This clause amends section 45 of the Act which in turn deals with the limitation of bringing liquor onto unlicensed premises.

Subsection (2) of section 45 states—

> A person, being the occupier or having the management or control of any premises such as are mentioned in subsection (1) of this section, shall not permit or suffer any other person to bring liquor into, or have liquor in his possession or under his control in, those premises in contravention of that subsection.

It is obvious that I must refer to subsection (1) which states—

> A person shall not—
>
> (a) bring liquor into, or have liquor in his possession or under his control in, a sports ground, during a period commencing one hour before and ending one half-hour after, the holding or conduct of any sport, game, exhibition, amusement or other event there; or
>
> (b) bring liquor into an unlicensed restaurant—
>
> (i) at any time on Good Friday; or
>
> (ii) between the hours of ten in the evening on any other day, and twelve noon on the following day;
>
> or have liquor in his possession or under his control in any such premises on Good Friday or between the hours of twelve midnight, on any other day, and twelve noon on the following day.

It is in respect of subsection (1) (b) (ii) that an amendment is now sought. It was the intention of the Legislature in 1970 to ensure that unlicensed restaurants did not provide unfair competition to those licensed premises which had to close at the normal trading time of 10.00 p.m. It is provided in the Act that it is an offence for a person to bring liquor into an unlicensed restaurant after 10.00 p.m. This requires a person to purchase his liquor at some licensed outlet before 10.00 p.m., and take the liquor onto the unlicensed premises by 10.00 p.m.

It has been pointed out by joint representations of the varied interests of the industry that this particular provision in the Act is causing some hardship to the occupiers of unlicensed premises. They have recommended that a half-hour period of grace after the normal closing hour be granted. Let us suppose a person is using a hotel to purchase his liquor in bottled form. The Act provides for a period in which a person, who is drinking at the bar and who purchases bottled liquor, may finish drinking the liquor he has bought before 10.00 p.m. If he exercises his right to this extended drinking time beyond 10.00 p.m., then when he takes his bottled liquor to the unlicensed premises after 10.00 p.m. he is breaching the law.

It is considered by those who conduct unlicensed premises that it is reasonable to extend the time when a person may bring liquor onto unlicensed premises. The proposal is that an extra half-hour beyond the normal closing hour of the licensed outlet be granted. This means that in the greater part of the State it will be possible for a person to purchase bottled liquor up to 10.00 p.m., to exercise his right to drink up what he has already purchased at the bar, and to have until 10.30 p.m. to take the bottled liquor to unlicensed premises.

In those parts of the State which enjoy longer trading hours, such as the hotels in my electorate, in the north-west, and some other parts of the State where the closing time is 11.00 p.m., the half-hour period of grace will likewise apply.

I draw attention to the wording of new clause 17 which appears in my name on page 9 of the notice paper. I would ask members to vote against clause 17, and later on to agree to the insertion of new clause 17.

Mr. R. L. YOUNG: I support the principle behind new clause 17, and I agree to the deletion of existing clause 17. However, the wording of the amendment should be considered. I am doing this to give the Clerks at the Table an opportunity to correct what might be a drafting error. The new clause refers to line 14 on page 45, but it should be line 7 on page 38.

Clause put and negatived.

Clauses 18 and 19 put and passed.

Clause 20: Section 55 amended—

Mr. R. L. YOUNG: I shall take the clause part by part. Paragraph (a) refers to restaurant licenses. The clause seeks to amend section 55 to enable certain people in the area affected to object to the granting of such a license.

The purpose of my first amendment to the clause is to prevent an anomalous situation from arising whereby the spirit of the Act can be defeated, in that the provision in the clause allows a person who is a resident in the affected area to lodge an objection even though that person is the holder of another type of license granted under the Act. It has always been the spirit of the Act not to allow the holder of another type of license to raise objection.

I refer to a situation where a person applies for a restaurant license which is to be located in the immediate neighbourhood of a hotel. Under this clause the licensee of the hotel will be entitled to object to the granting of the restaurant license. The same applies to paragraph (b) of this clause which deals with the granting of cabaret licenses.

The effect of the two amendments in my name is to provide that a person who is a resident of the area may object to the granting of such licenses, as long as he is not the holder of another type of license. I move an amendment—

> Page 13, line 28—Insert after the word "area" the words "not being the holder of any licence under this Act other than a restaurant licence".

Mr. T. D. EVANS: I raise no objection to the amendment. However, I would point out that even the amendment will not overcome the situation where the resident of the area affected—even though not the holder of any other type of license—could well be the wife, a near relative, or a business associate of the hotel licensee. This becomes a question of where we are to draw the line in trying to give effect to the rationale behind the principle outlined by the member for Wembley.

Mr. R. L. YOUNG: I thank the Attorney-General for pointing that out. Even under the existing provisions in the Act the opportunity still exists for the holder of another type of license to ask his wife, a near relative, or a business associate to lodge an objection; and this is inherent in any piece of legislation. I do not see how we can legislate against the entire family and the business connections of a licensee.

Amendment put and passed.

Mr. R. L. YOUNG: I move an amendment—

Page 13, line 41—Insert after the word "area" the words "not being the holder of any licence under this Act other than a cabaret licence".

Mr. T. D. EVANS: I raise no objection to the amendment.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 21 to 25 put and passed.

Clause 26: Section 129 amended—

Mr. R. L. YOUNG: The Attorney-General pointed out that one of the difficulties associated with the legislation enacted in 1970 was that infants, young people, and juveniles were allowed into all parts of licensed premises, provided they were in the company of an adult. That provision had two effects. It had the beneficial effect of ensuring that children did not run loose outside licensed premises, and were not left in cars. However, on the debit side, children were allowed into public bars and other parts of licensed premises where it may not have been to their advantage.

The Attorney-General sought to provide that juveniles were not to be allowed in public bars, but they were to be allowed into areas where liquor was sold or supplied only to persons seated at tables. The Deputy Leader of the Opposition questioned whether or not the proposed amendment would overcome this problem. I do not think the situation is covered satisfactorily and that is the reason for my amendment.

Many areas in licensed premises—and I am thinking particularly of lounges and beer gardens in hotels—have facilities for serving liquor not only to persons seated at tables, but also to people who wish to consume it at the bar. For that reason I can see some real problems in regard to the administration of this provision.

The purpose of my amendment is to allow children into areas of licensed premises where liquor may be consumed at tables only. A person will have the opportunity to go to the bar, buy a drink, and take it back to the table where the juvenile would be seated. I think it should be incumbent upon the licensee—and the Licensing Court would probably be advised to take note of this particular point—to display a notice to the effect that liquor may only be served at that point, and not consumed at the bar. I move an amendment—

Page 16, lines 35 and 36—Delete the words "is sold and supplied only to".

Mr. T. D. EVANS: I am glad that the member for Wembley accepts the rationale behind the proposed amendment to section 129 of the principal Act. We wish to retain the reform effected by the 1970 Act: To obviate and overcome the social disgrace which existed prior to that time when children under the age of 18 years were restricted from entering licensed premises. Under the provisions of the 1970 Act children are allowed to wander at large within licensed premises provided there is present a parent or person standing in the place of a parent, ostensibly in charge of the children.

I also accept the clarification given by the member for Wembley. His proposed amendment will protect the right of persons to consume liquor at a table. I recommend that the Committee accept the amendment moved by the member for Wembley.

Mr. O'NEIL: The member for Wembley mentioned that by way of interjection I had queried this provision in the Bill, and implied that it would not do as we desired. I am still in some doubt as to whether the amendment proposed by the member for Wembley will, in fact, have the desired effect. It is true that there are many places regarded as lounges in hotels where people consume liquor at a table whilst being entertained, or whilst entertaining others by dancing on a tupenny ha'penny dance floor. A bar is almost invariably associated with that type of room, and people can consume liquor at that bar or at a table.

The Minister's original proposal would deny entry to juveniles, and that could include people of 17½ years of age. The proposal of the member for Wembley is to the effect that in future if liquor is consumed at the area set aside for serving it—normally the bar—then juveniles will not be allowed in that place. Admittedly, the member for Wembley is attempting to improve a fault in the Minister's proposal and, in that respect, we all agree in principle to what is proposed. I do not intend to suggest a further amendment but I would like the Minister to undertake to give this matter further examination. It seems that no liquor will be able to be drunk at a bar which is part of a lounge area—

Mr. T. D. Evans: By whom?

Mr. O'NEIL: By the person who purchases it—when juveniles are present. I feel that an easier way out of this rather complicated problem might be to make provision in the Liquor Act for the court to exempt certain areas where juveniles would be permitted.

I think we are all aiming at the same end; we are all trying to get the very young children out of public bars. We do not want to prevent juveniles, as such, from attending a hotel on a Saturday night and sitting at a table with adults, and being entertained while drinking lolly water. That is what we want to allow. I request the Minister to look at this provision again before the Bill is finally passed.

Mr. T. D. EVANS: I will give an undertaking to the Deputy Leader of the Opposition and have the matter examined. However, it is my view that the amendment proposed by the member for Wembley will meet the situation. It will only affect the parent—or the adult in charge—and the juveniles concerned. Such persons must be seated at a table to consume liquor. Other persons will be free to partake of liquor at the bar in the same premises. The matter will be examined.

Amendment put and passed.

Mr. R. L. YOUNG: I move an amendment—

Page 16, line 35—Substitute the following for the words deleted:—"may be consumed only by".

Amendment put and passed.

Clause, as amended, put and passed.

Clause 27: Section 129A added—

Mr. T. D. EVANS: Clause 27 of the Bill is to give further effect to the vigneron's license. The marginal note refers to special restrictions on the supply of liquor on vineyards. The Committee has now accepted the principle that there shall be a vigneron's license available to those vignerons who wish to apply for it for the sale of their own product in sealed containers for consumption on their own premises. The amendment I propose to move will add a new section 129A to give effect to that. I move an amendment—

Pages 17 and 18—Delete subsections (2) and (3) of proposed new section 129A and substitute the following:—

(2) Subject to subsection (3) of this section—

(a) a person shall not consume on a vineyard any liquor other than wine manufactured on that vineyard; and

(b) an occupier of a vineyard shall not permit any person to consume on the vineyard any liquor other than wine manufactured on that vineyard.

(3) Nothing in subsection (2) of this section applies to or in relation to the consumption of liquor of any kind on a vineyard by—

(a) the occupier of the vineyard, his spouse, any member of his family or any of his employees; or

(b) any guest of the occupier, his spouse or any member of his family, where the liquor is supplied to the guest without any charge being made therefor.

Mr. R. L. YOUNG: The amendment moved by the Attorney-General to this clause is necessary because, as he pointed out, now that we have accepted the principle of allowing wine to be consumed at the vineyard under the vigneron's license, it would be absurd to leave the clause as it stands. It would be a complete contradiction of that principle. I support the amendment and point out that the amendment standing in my name for the deletion of clause 27 was an attempt to delete all reference to the vigneron's license.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 28 to 33 put and passed.

Clause 34: Fourth Schedule amended—

Mr. T. D. EVANS: Clause 34 gives effect to the vigneron's license for which a flat fee of $20 would be payable by those vignerons who sought to obtain the privileges under the license. The amendment I now seek to move is for the purpose of deleting the fee for the Australian wine licensee's light meals permit. The Committee has already agreed to the deletion of the requirement for an Australian wine licensee to obtain such a permit, and it is therefore necessary to delete any reference in clause 34 to the fee for that permit. I am also taking the opportunity to correct an error in the fee for a function permit. It was not intended that the fee should be increased from $1 to $3. I move an amendment—

Page 20—Delete paragraphs (c) and (d) and substitute the following paragraph:—

(c) by deleting item 3 and substituting the following item—

3. Permits for each occasion:

Occasional permit	$5
Permit issued pursuant to section 33 (3)	$5
Function permit	$1

Amendment put and passed.

Clause, as amended, put and passed.

New clause 10—

Mr. R. L. YOUNG: I propose to move for the insertion of a new clause, which on the notice paper is numbered clause 10. As there is an existing clause 10 which has not been struck out, I think the clause should probably be numbered 35.

The DEPUTY CHAIRMAN (Mr. A. R. Tonkin): You do not need to worry about the numbering.

Mr. R. L. YOUNG: The purpose of the new clause is to provide that a winehouse licensee may apply for an entertainment permit on the same basis as a tavern

licensee. An application for an entertainment permit is usually made by licensees who want to attract patrons to their establishments after the normal closing hours for the purpose of allowing them to listen to live entertainment and to continue to consume alcohol.

The Act, which was written in 1970, provided, when the new tavern license was introduced, that a tavern licensee could apply, along with other licensees, for an entertainment permit on that basis. Winehouses, which are frequented by many young people, do not have under the Act the facilities to apply for such an entertainment license.

I think it would be rather ludicrous to leave the situation whereby a tavern licensee—I think there are only two or three of them in the State—may apply for an entertainment permit while winehouse licensees, of whom there are many in the State, may not. The purpose of the amendment is to clear up what I consider to be an anomaly and to provide the advantage of entertainment permits to winehouses, which are very popular, well frequented, well run, and such pleasant places in which to drink because of the usually quiet atmosphere and the homeliness of the establishments, which invariably provide food close to a bar so that one can eat and drink and spend a quiet night. The permit will be extended only to a licensee who provides live entertainment, and I believe the hours may run from closing time until midnight.

I move—

Insert after clause 9 the following new clause to stand as clause 10:—

10. Section 29 of the principal Act is amended—

(a) by adding after paragraph (c) of subsection (1) the following paragraph—

(ca) if the licensee obtains an entertainment permit, by virtue of subsection (3) of this section, with or ancillary to entertainment, between the hours of ten in the evening and midnight, on the day or days, and in the part of the premises, specified, and subject to the conditions imposed, by the permit, for consumption on the premises, only;

(b) by deleting the passage ", (10) and (11)," in lines one and two of subsection (3) and substituting the passage "and (7) to (11), inclusive".

Mr. T. D. EVANS: I accept the explanation offered by the member for Wembley and indicate my support for the amendment.

New clause put and passed.

New clause 11—

Mr. T. D. EVANS: On behalf of the member for Perth, who is not present, I propose to move a new clause standing in his name. By way of explanation, I advise that correspondence has been received from the Hole in the Wall Theatre. It might be preferable for me to read the explanation, which indicates—

(1) A theatre licence authorises to sell and supply liquor, on the premises, during the periods of one hour before and one hour after, and during the periods of intermissions to, a performance (of which the artists or performers) are present and performing, in person, on a weekday, for consumption on the premises, only.

(2) The Court shall not grant a theatre licence unless the premises in respect of which it is sought are theatre premises, regularly used for theatrical performances by artists or performers, in person, and unless proper facilities for the sale and supply of liquor are available on the premises.

(3) In granting a theatre licence, the Court shall specify a part of the premises, not readily accessible to persons who are not attending the performance, as that in which the liquor is to be sold, supplied and consumed.

We have many functions concerned with our Members on Sunday Night and if a clause Re: occasional Permits could be added it would be of great assistance.

At the present time section 31 prohibits a theatre from selling liquor on a Sunday night to its own members who are present and performing in the theatre. The matter was referred to the Licensing Court for comment, and the court has indicated it has no objection to an extension of the principle of theatre licenses to members of the theatre who are present on a Sunday night in the interests of the theatre—probably rehearsing.

Therefore, on behalf of the member for Perth, I move—

Insert after clause 10 the following new clause to stand as clause 11:—

S.31 amended.

11. Section 31 of the principal Act is amended—

(a) by repealing and re-enacting subsection (1) as follows—

(1) A theatre licence authorises the licensee to sell and supply liquor, on the licensed premises,—

(a) on a week day during the periods of one hour before and one hour after, and during the periods of intermissions to, a performance of which the artists or performers are present and performing, in person; and

(b) if the licensee obtains an occasional permit, by virtue of subsection (4) of this section during the hours, on the day, to the persons or class of persons, specified in the permit,

for consumption on the premises only. ; and

(b) by adding after subsection (3) the following subsection—

(4) The provisions of subsection (10) of section 24 apply, with such adaptations as may be necessary, to the holder of a theatre licence. .

Mr. R. L. YOUNG: I am not really in opposition to the proposed new clause or to the principle outlined by the Attorney-General. However, I would like to ask a question. Proposed new subsection (4) refers to section 24 (10), under which the court may on the application of a holder of a license grant an occasional permit to have effect on a certain day, being a special occasion. Although the Attorney-General referred to the sale of liquor to the staff, cast, and members of a theatre on Sundays, could not this provision be used for the purpose of declaring almost anything to be a special occasion?

Is there any difficulty in obtaining occasional permits, or are they readily granted? If they are readily obtainable one imagines that theatres would be selling liquor around the clock.

Mr. T. D. EVANS: I am unable to answer the question. The permissive authority granted to the Licensing Court to grant, for example, tavern licenses states that the court may grant such licenses. In the proposed new subsection it is proposed to authorise the Licensing Court to grant occasional permits, but the wording is such that the Licensing Court may grant them. One must try to interpret what prospective action will be taken by the court. The request by the Hole in the Wall Theatre was referred to the Licensing Court, which indicated that it has no objection to making provision for occasional permits. I am unable to say what attitude the court will adopt in determining individual applications. Certainly it is not mandatory for the court to grant a permit.

New clause put and passed.

New clause 14—

Mr. T. D. EVANS: Section 38 of the Act refers to the license which is held by a brewer and provides that a brewer's license authorises the licensee to sell and supply beer of his own manufacture. Those are the material words. I advise that the term "beer" is defined in the Act. It has come to my notice by specific communication from the Swan Brewery Company Limited, that that brewery not only manufactures in Western Australia two famous brands of beer, but also sells an even more famous beer known as Hannans, which is made in Kalgoorlie by another company. The companies may be closely aligned, nevertheless that beer is made by another company. Furthermore, the Swan Brewery acts as agent for a South Australian brewing company which brews stout which is supposed to be good for one.

Incidentally, the Swan Brewery also sells the only stout manufactured in Western Australia, which also happens to be manufactured in a most illustrious electorate.

Therefore, to overcome the situation that in fact the Swan Brewery is breaching the provisions of section 38 by selling beer other than that which it manufactures, I move—

Insert after clause 13 the following new clause to stand as clause 14:—

S.38 amended.

14. Section 38 of the principal Act is amended by deleting the words "of his own manufacture" in line two.

New clause put and passed.

New clause 15—

Mr. T. D. EVANS: Proposed new clause 15 amends section 42 of the Act. It refers to permits for unlicensed premises. At the present time this section restricts the sale of liquor on unlicensed club premises

to a member of that club, who is authorised to purchase it for consumption by himself and his guests. However, his guests are prohibited from purchasing liquor to return the hospitality of that member. This is most un-Australian and most unsporting. The right to shout is, I think, a heritage which is particularly Australian. Accordingly, I move—

Insert after clause 14 the following new clause to stand as clause 15:—

S.42 amended.

15. Section 42 of the principal Act is amended—

(a) by deleting the passage "for consumption, on the premises, by him and by his guests, not exceeding three in number, in his company" in lines sixteen, seventeen and eighteen of subsection (1) and substituting the passage "and to his guests not exceeding three in number, in his company, for consumption on the premises"; and

(b) by adding after the word "permit", being the last word in subsection (2), the passage ", except where there are no premises the subject of an hotel licence, a tavern licence or a store licence situated within fifteen miles of the premises specified in the permit".

I trust that, having heard the explanation given when it was recommended the original clause 15 be defeated, the Committee will not expect a further explanation.

New clause put and passed.

New clause 16—

Mr. T. D. EVANS: Proposed new clause 16 was also explained when the Committee was invited to vote against the provision in the Bill then standing as clause 16.

Therefore, I move—

Insert after clause 15 the following new clause to stand as clause 16:—

S.43 amended.

16. Subsection (3) of section 43 of the principal Act is repealed and re-enacted as follows—

(3) The liquor sold and supplied pursuant to a function permit shall be purchased from the holder of an hotel licence, a tavern licence, a winehouse licence, a store licence or a caterer's permit, except where—

(a) there are no premises the subject of an hotel licence, a tavern licence, a winehouse licence, or a store licence situated within fifteen miles of the premises specified in the function permit; or

(b) the permit is issued to the organizing body of an agricultural show or race meeting.

Mr. R. L. YOUNG: Mr. Deputy Chairman, is it in order for me to move an amendment to the proposed new clause at this stage?

The DEPUTY CHAIRMAN (Mr. A. R. Tonkin): Yes, you should do so now.

Mr. R. L. YOUNG: As pointed out when discussing the removal of original clause 16, the intention of the proposed new clause is to provide that where the holder of a function permit intends to hold the function at a vineyard, the produce of that vineyard may be sold to the holder of the permit in order to avoid the necessity for him to go outside the vineyard to purchase wine. Having previously given an explanation, I move—

That the new clause be amended by adding after the word "meeting" being the last word the following passage:—

; or

(c) the premises to which the function permit relates form part of a vineyard of not less than five acres of vines in full bearing or an orchard of not less than five acres in which event wine manufactured on the vineyard or orchard by the occupier thereof and owned by or purchased from him may be sold and supplied pursuant to the permit.

Mr. T. D. EVANS: I have no objection to the amendment to the new clause.

Amendment on the amendment put and passed.

The DEPUTY CHAIRMAN (Mr. A. R. Tonkin): I would point out that proposed new clause 16 is now amended.

Mr. T. D. EVANS: Mr. Deputy Chairman, was the new clause I proposed accepted by the Committee, and then the amendment proposed by the member for Wembley also accepted?

The DEPUTY CHAIRMAN: No. The amendment on the amendment has been considered and agreed to and we are now considering the proposed new clause, as amended.

New clause, as amended, put and passed.

New clause 17—

Mr. T. D. EVANS: I thank the member for Wembley for drawing my attention to what appeared to be a reference to wrong lines and, indeed, the wrong page. I refer to section 45 of the principal Act. I now move—

Insert after clause 16 the following new clause to stand as clause 17:—

S.45 amended.

17. Section 45 of the principal Act is amended—

(a) in lines 7 and 8, page 38, part (ii) of paragraph (b) delete the words "between the hours of ten in the evening" and substitute in lieu thereof the words "subsequent to a period of one half hour beyond cessation of ordinary trading hours as relating to hotel licences in the neighbourhood" and

(b) by repealing and re-enacting subsection (2) as follows—

(2) A person—

(a) being the occupier or having the management or control of any premises mentioned in subsection (1) of this section; or

(b) being the servant or agent of such a person as is referred to in paragraph (a) of this subsection,

shall not permit or suffer any other person to bring liquor into, or have liquor in his possession or under his control in, those premises in contravention of that subsection.

Mr. BRADY: In the event of a hotel being granted an entertainment or an occasional license to enable it to remain open for an extra two hours from 10.00 p.m. to 12 midnight, would that allow the hotel to have an extra half-hour's trading during which it could sell bottles of beer?

Mr. T. D. EVANS: I can assure the member for Swan that that is not the intention. The intention is to extend the trading hours by one half-hour. Therefore one half-hour beyond the ordinary trading hours in the greater part of the State would mean that a hotel would be open until 10.30 p.m., and in those areas where hotels close at 11.00 p.m. it would mean that they could remain open until 11.30 p.m. and no later.

New clause put and passed.

New clause 28—

Mr. T. D. EVANS: I now seek to repeal section 130 of the principal Act which has the following marginal note:—

Supply of liquor to natives in proclaimed areas.

This marginal note is an explanation of the content of the section, which reads—

(1) A person who, whether the holder of a licence or not, sells, supplies, or gives liquor, either alone or mixed with any other liquid, to any native to whom this section applies, for the native or for any other person, or solicits or receives from any such native an order for the supply or delivery of liquor, commits an offence.

Penalty—Two hundred dollars, or imprisonment for six months, or both.

(2) Any native to whom this section applies who, knowingly, receives or is in possession of liquor commits an offence.

Penalty—Ten dollars or imprisonment for one month.

(3) This section applies to such natives, only, as are present in such portion of the State as the Governor may, by proclamation, declare to be an area to which this section applies.

As members are aware there are no proclaimed areas in the State which prohibit natives from coming within the ambit of section 130. Therefore no person can now be charged for breaching section 130. This is the rationale of the move to delete the section from the Act. I would like, briefly, to refer to a letter dated the 9th July, 1972, from the Department of the Prime Minister and Cabinet of the Commonwealth of Australia. The letter is addressed to the Under-Secretary of the Premier's Department of this State and is written by the permanent secretary of the Commonwealth department. It reads as follows:—

As you know, the Commonwealth has been examining the implications of Australia's becoming a party to the International Convention on the Elimination of All Forms of Racial Discrimination. Australia signed this Convention in 1966 but ratification has been delayed in the first instance

by the need to remove elements of discriminatory legislation that would be in conflict with the Convention.

I do not intend to read the whole of this letter, but the next portion I wish to quote reads as follows:—

There are few elements of legislation in Australia that could be regarded as being in conflict with the Convention. So far as the Commonwealth is concerned, decisions have been taken which will lead to the final removal of the remaining minor pieces of discriminatory legislation. In Queensland, the Aborigines Act 1971 and the Torres Strait Islanders Act, 1971 have replaced the Aborigines' and Torres Strait Islanders' Affairs Act and are expected to come into force later this year.

From your letter of 17 May 1972, I note that action either has been taken, or is being taken, to repeal the few remaining laws of Western Australia that discriminate on the basis of race. As you say, only one of two provisions of the Gold Buyers Act remain; action to delete them will require to be taken by the Minister for Mines.

With regard to the Liquor Act,—

The reference here is to the Liquor Act of Western Australia. Continuing—

—I note that no actual discrimination now exists, as the whole of the State has been declared for the purpose of drinking rights for Aborigines. There seems therefore to be no reason why the power under section 130 to impose discriminatory measures in respect of Aborigines should not now be removed from the Statute Book.

If the Western Australian Government agrees with this suggestion, I should be glad to know whether the repeal of section 130 and amendment of the relevant provisions of the Gold Buyers Act could be given priority in order that we could aim at ratification of the Convention as soon as possible.

Having offered that explanation, I now formally move—

Insert after clause 27 the following new clause to stand as clause 28:—

S.130 repealed. 28. Section 130 of the principal Act is repealed.

Mr. R. L. YOUNG: The obvious reason for the repeal of section 130 has been outlined by the Attorney-General; that is, that the section no longer applies to any native in this State. Perhaps the more important reason is that remnants of this type of discrimination in Australian legislation should be struck from the records of our Statutes.

In passing I merely say it is a pity that we could not, just as easily, with the stroke of the pen, have wiped out the discrimination that firstly led to the situation where such legislation was considered necessary. How pleasant it would be, just as readily, to wipe out the degradation and the unfortunate misdirected aspirations of some of the Aborigines who perhaps caused the legislation to have been introduced.

It is my fervent hope that, as a result of the passage of the last few years during which the natives of this State have been allowed to drink alcohol in the same way as their European counterparts, they have learnt, and will continue to learn, that the consumption of alcohol is not the be-all and end-all of their lives and also is not something that can be taken lightly. I therefore hope that the steps which Aborigines have taken in the past in setting out upon this path, will be retraced. It is an unfortunate part of our history that the introduction of alcohol to natives brought about their degradation. It is also unfortunate that in the past they were not able, firstly, to be able to consume it to the same extent as Europeans can and to contain it, and perhaps it is even more condemning that this sort of legislation was ever needed. I therefore also express the hope that such legislation will never be reintroduced.

Mr. BRADY: I am not opposed to the repeal of section 130 from the Act merely because it indicates racial discrimination, but I take umbrage that the Commonwealth Government sees fit to write to the Western Australian Government suggesting that it should remove this section from the Statute. It may do the Commonwealth Government more good if it provided more houses for natives and issued propaganda to make natives more aware of the dangers associated with consuming alcohol. Even at this late stage I am not too sure whether our Labor Government should not be thinking about providing a provision in this measure to ensure that the manufacturers of alcoholic beverages such as beer and wine are obliged to establish some fund in order to educate people not to drink alcohol to excess.

I have an idea that about 1970 the former Premier (Sir David Brand) gave an undertaking to this Parliament that he would consider the possibility of doing something along these lines. I think the time is well overdue for some consideration to be given by this Government to bringing information of this kind not only to the attention of natives but also to that of many white people, because there are many places where people are drinking to excess, such as in the north-west and on mining fields. Even in the metropolitan area we hear reports that children are going without food because their parents are drinking to excess.

Therefore it occurred to me the time is overdue for somebody—in this instance I would say it would be the Minister in

charge of the Bill—to consider the publication of propaganda to educate natives and other people against drinking alcohol to excess. Up to the present time I have heard no more about the undertaking given by the former Premier, and I consider that something should be done about the excessive use of alcohol not only by natives but also by people who cannot afford to drink to excess. In particular young people who are now being encouraged to enter hotels at 18 years of age should be educated in regard to the proper use of alcohol.

Mr. R. L. YOUNG: Section 168 enables the Treasurer, with the permission of Parliament, to appropriate money to assist in the conduct of educational programmes to discourage intemperance in regard to liquor.

Mr. Williams: That was accepted in 1970.

Mr. R. L. YOUNG: Yes. It is just a matter of the Treasurer appropriating the sums.

New clause put and passed.

Title put and passed.

Bill reported with amendments.

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

Second Reading

Debate resumed from the 22nd August.

SIR CHARLES COURT (Nedlands—Leader of the Opposition) [9.02 p.m.]: In considering this Bill we have the advantage of a reasonably recent debate in the Senate of the Australian Parliament on this very question. The Bill concerned was introduced by Senator Murphy, the Labor Leader in the Senate, and it is an interesting fact that although a long, and I consider, good debate ensued on this subject, Senator Murphy was the only Labor speaker. None of his colleagues spoke in support of his Bill. Whether this was because they wanted, by design, to restrict their contributions on account of time, or whether it was because of a lack of willingness to speak, a reading of the debate does not disclose.

Mr. Graham: I say the latter is a wrong assumption.

Sir CHARLES COURT: It is significant that he was the only one who spoke, although all other parties did participate; and I recommend to members that they read some of those debates which are reported in the *Hansard* of the Federal Parliament.

As is to be expected there were opposing and mixed views spread amongst all the parties in the House, but to my mind members did endeavour to approach the matter in a very sober light, and each one tried to convey his particular convictions. When members read the debates and also some of the debates which have taken place in recent years in the House of Commons and the House of Lords they will realise there is a point beyond which it seems almost impossible to convince people with fixed views on one side or the other to change those views; and, for my part, I never seek to try because in the final analysis most people decide this issue according to their own conscience unless they are subject to some party discipline.

We on this side have decided we are opposed to the Bill, but as I have made public on occasions we do not, of course, as part of our policy and practice in our party, prevent anyone who wants to exercise a conscience vote on the matter. Therefore I would not be surprised if some of my colleagues from the Liberal Party supported the Bill; but the majority will, of course, be supporting the view I have expressed in opposition to the Bill.

On a matter of this kind the easy way out is to support it and hope the future will take care of the problems which arise; but the majority of us on this side do not propose to follow this course as we believe we have a responsibility to express our views and to express them as clearly as we can on a matter as socially important as this. I hope that I can state our case, or my own particular views, without the emotionalism which the Minister endeavoured to generate around his introduction of the Bill—

Mr. T. D. Evans: I do not think that is a fair comment.

Sir CHARLES COURT: —because I do not believe this is a matter one should decide in an emotional atmosphere.

Perhaps the weakest point in the case of the Government was that made by the Minister in the early part of his speech when he referred to the fact that the Government felt this was an opportune time to bring the Bill before the House as there were no nasty murders before the courts of this State at this particular time. This, of course, was an unfortunate remark. I can understand why he would have made it, but it was an unfortunate remark because it does indicate—

Mr. T. D. Evans: You are being cynical as usual.

Sir CHARLES COURT: We listened to the Minister and I now want to state our case clearly and simply and not at great length. The Minister's remark indicates that had there been a number of dastardly crimes before the court at this time, the Government would have further delayed the Bill.

Mr. T. D. Evans: I did not indicate that at all.

Sir CHARLES COURT: We understood the Bill would be presented last session, but at that time there were a couple of rather nasty cases and one can only assume that those cases influenced the timing of the introduction of the Bill.

Mr. Graham: You have a filthy mind!

Mr. Williams: Look who's talking!

Mr. Graham: You think there is a rotten influence at work in respect of everything with which you disagree.

Sir CHARLES COURT: It is typical of the Minister to introduce this atmosphere into the debate. If he read the Senate debate it would do him good to realise that they tried to hear both views on this matter in a dignified atmosphere because they were dealing with a delicate question.

Mr. Graham: Why not keep it at that level?

Sir CHARLES COURT: We are endeavouring to do just that. The Minister—not I—made the point that the Bill was being introduced now because the Government thought it was an appropriate time. But there is never an appropriate time for this. It must be considered at any particular point in time on the merits of the case and with the views of the people who are supporting or opposing the Bill.

We will never get a time when it is convenient—for want of a better word—or opportune to introduce legislation of this kind, because even since this Bill was introduced into the House the dastardly incident has occurred at Munich.

Mr. T. D. Evans: Does that not destroy your own argument when you criticise my timing?

Sir CHARLES COURT: The Minister just is not with me in what I am trying to get across—

Mr. Graham: Thank goodness for that.

Sir CHARLES COURT: —about the time being opportune. He—not I—made the point about the time being opportune. I am throwing the point back to him that even since he introduced this Bill at what was thought to be an appropriate time we have learnt of the dastardly crime at Munich. Do not fool ourselves that such a thing could not happen here because if we do we will be just deceiving ourselves in view of the international incidence of rioting, violence, hijacking, and kidnapping. It could happen here just as easily as in London, New York, Tokyo, or anywhere else in the world. There is no opportune time and if we start on that premise we will be on a better basis. We must decide this difficult social question in the light of our own convictions.

Mr. Hartrey: Are you voting against the Bill because the time is not opportune?

Sir CHARLES COURT: I am not voting against the Bill because the time is not opportune, but because I believe we should retain capital punishment on our Statute book.

Mr. Graham: I think you would make a good hangman, too!

Mr. Williams: The Deputy Premier should watch out that his neck is not in the noose!

The SPEAKER: Order!

Sir CHARLES COURT: Of course one should call for a withdrawal from the Deputy Premier, but he says this kind of thing so often we do not take much notice of him now. He has made allegations here that members of the Opposition should be horsewhipped and yet the Government has introduced the Bill which intends to abolish whipping. That is how consistent he is. Perhaps in his mind it is all right for Liberals, but not for others!

The other point is that we cannot decide this issue on arithmetic. Some people endeavour to argue with statistics and formulae. They say that if we retain capital punishment fewer murders and similar crimes will be committed. Others will argue at great length that it makes no difference. They will argue in fact that if we do not retain this kind of law fewer crimes will be committed.

I do not believe we can ever resolve this question by trying to argue with arithmetic and formulae. We can study a series of years and find there was a high incidence of crime, and then for a completely unknown set of reasons we find there is a low incidence. Consequently I do not base any argument either in support of or in opposition to this legislation on the arithmetics of the case or on any other formulae which could be devised.

Mr. Graham: You do not admit the deterrent aspect?

Sir CHARLES COURT: I never argue on that basis because figures for one period of 10 years can be submitted to prove one argument while the figures for another 10 years in the same country would disprove the argument.

Mr. Hartrey: On what basis do you support it then?

Sir CHARLES COURT: I believe that it is right and proper under certain circumstances to have capital punishment and I will mention some of those circumstances in a moment.

Retention of capital punishment on our Statute book is no great hardship for anyone. It is no great burden or danger because we have the Royal Prerogative which can be exercised by the Government of the day, and it has been exercised by Governments of all parties. To my mind the fact that the Royal Prerogative is

available is something which means that capital punishment is not the dastardly thing some people like to make it out to be. It has been used in this State with great restraint, good sense, and extreme caution.

Those of us who have been in the Ministry and have had to decide these cases know the emotion of the moment. Very few on the Government side have had this experience, but those who have been in office for long periods and have had to decide on these cases know the emotions of the moment, and the thoroughness with which the matter is studied and the circumstances which can influence the judgment.

I want to make the point at this stage of my speech that it is strange that some people who express very strong feelings on this question of capital punishment have, when confronted with a completely heinous crime, changed their view. I well recall one very bad case during the life of the Brand Government. I happened to be Acting Premier at the time and a deputation of clergymen appealed on behalf of the convicted person. It is interesting to note that after this group of churchmen had been acquainted with the facts of the case during a private discussion, with the exception of two gentlemen in that group, they withdrew their protest.

Mr. Hartrey: They could not have been very sincere.

Sir CHARLES COURT: As I was saying, it is interesting to note that once the real circumstances of that particularly dastardly crime were known to them they withdrew their protest, with the exception of two gentlemen.

Mr. Bryce: Is that because they agreed with the vengeance? Would that be the reason?

Sir CHARLES COURT: I would not question their judgment and say whether or not they were seeking vengeance. I would say not in the case of those 10 gentlemen. It was just that, having seen the facts, they considered the Government was acting in a responsible way because of the particularly dastardly nature of the crime.

Mr. Bertram: What did they hope to achieve by killing him off?

Sir CHARLES COURT: It is not for me to say.

Mr. Bertram: I thought you might know.

Sir CHARLES COURT: It did happen to be the law of the land that the death penalty could be applied in certain cases.

This was a dastardly case. Sometimes one wonders whether it would not be better if all the facts could be made known to the public. It was a shocking case on which to deliberate and a very difficult question for the Cabinet. Once these gentlemen were aware of the facts—I thought they were entitled to know them because of their position in life—with only two exceptions they agreed that we had no other course.

It is a fact that when some people are confronted with a particularly dastardly case—a shockingly serious one which causes people to wonder what kind of animals would perform these crimes—they change their attitude of, "Let the death penalty be taken from the Statute book" and would like to see that particular case go by. To my mind this is the real test one has to apply when sounding out the real depth of people's feeling in connection with this matter.

I am also mindful of another point. From time to time the nature of a man who commits one of these crimes is such that he is potentially a great danger not only to the community but also to his custodians. It is interesting to comment that speeches have been made by certain men—and if one reads Senator Murphy's speech, for instance, one has an insight into this—who are inclined to admit, although not completely, that a case can be made out for the death penalty to be applied to people who are a potential danger to the community and, above all, a great danger to their custodians.

Mr. Graham: Would this apply equally in mental institutions? Should a person who is dangerous be strung up?

Sir CHARLES COURT: No.

Mr. Graham: He must be a danger to his custodians.

Sir CHARLES COURT: I ask the Deputy Premier not to introduce red herrings.

Mr. Graham: It is not a red herring.

Sir CHARLES COURT: When a man has committed a dastardly crime many people fear that if he is released he will do the same thing again.

Mr. Hartrey: So will lunatics.

Mr. T. D. Evans: Will you name one person?

Sir CHARLES COURT: I am talking of people who have committed crimes of a particularly dastardly nature and who are a danger to the community as well as to their custodians all the time they are alive.

Mr. T. D. Evans: Can you name one person in Western Australia who has been convicted of wilful murder, where the sentence has been commuted to life imprisonment, who has subsequently been released and committed wilful murder or manslaughter?

Sir CHARLES COURT: I would not name a person in these circumstances.

Mr. T. D. Evans: The Leader of the Opposition said that it has happened.

Sir CHARLES COURT: It has happened. If the Attorney-General cares to look at the records of other countries he will see there are many instances of this. We must also realise that some people have a very low level of mentality and an animal streak in them. They commit these crimes and, as I have said, are a danger to their custodians. Surely those who have to look after them must be considered as well. We must weigh up all these factors. It is not as easy as becoming emotionally involved and saying, "Wipe this from the Statute book." Surely it is somebody's task to point out the other point of view.

Mr. Hartrey: You are emotionally involved.

Sir CHARLES COURT: I wish there were an easy way out.

Mr. Williams: Judging from the interjections from the Government side I would say that members opposite are emotionally involved as well.

Sir CHARLES COURT: Yes. Some people question the methods of capital punishment. I can understand this and sympathise with them. Of course, they are extremely reluctant to suggest any alternative. I do not think this is a matter to discuss when debating this particular Bill. I believe we must look at it as a total question; whether we agree with the retention of capital punishment on our Statute book or not. For this reason I will leave that subject for the time being.

I know arguments can be made out that it is good Christian principles to forgive and forget. On the other hand, I never cease to be amazed at people who are not very Christian in their attitude towards people who have suffered; namely, near relatives, friends, and associates of the deceased.

Mr. Hartrey: What sort of consolation does hanging give them?

Sir CHARLES COURT: At the time when the Government is confronted with the decision of implementing capital punishment no-one seems to be worried about these people, but they have to live with this for the rest of their lives, always with the fear that whilst the murderer is alive a similar crime could be committed.

Mr. Bryce: Individuals have come forward with concrete plans to help people who have suffered in this way. Did your Government do anything about this?

Sir CHARLES COURT: Some people take the action to comfort, look after, and protect these people. However, we rarely see anyone writing to the newspaper or expressing public concern for them; it is always concern for the murderer.

Mr. Graham: Or the hangman.

Sir CHARLES COURT: On occasions some of us have to remind others that the murdered person in fact had close relatives and friends.

Mr. Graham: If there were no hanging, there would not be sympathy for the murderer. It is your policy that brings the wrong sympathy.

Sir CHARLES COURT: It is easy to interject on this basis. That statement is simply not true. There are always people who want to run around, show compassion, and go to extreme limits with petitions, deputations, and parades, in connection with a murderer.

Mr. Graham: This would not happen with a term of imprisonment.

Sir CHARLES COURT: However no-one is prepared to do this for the victims of the crime. There is never anything of a practical nature for the victims of the crime.

Mr. Hartrey: What can they do for the victims of the crime?

Sir CHARLES COURT: The interjection of the member for Boulder-Dundas is inane. He overlooks close relations and friends. We are dealing with the total question of capital punishment and someone has to put the other side; otherwise the weak way is taken.

I come back to the point that the Government of the day can exercise the Royal Prerogative. No matter how dastardly a crime may be, the present Government does not have to see the death penalty invoked. The Royal Prerogative is available to the present Government to use just as it was to the previous Government which, in fact, used it. Surely this in itself gives the necessary discretion.

Some people say the law should be changed so that judges decide whether one case or another case should attract the death penalty. I do not agree with that and I do not think it is fair. It is not right to expect a judge to deliberate upon this. It is up to the Legislature to say that wilful murder and treason will be punishable by death and other crimes by life imprisonment, etc. When the judge and jury have done their job then, and only then, can the Royal Prerogative function, if need be. This is the way it should be. This is the responsibility of Government and it is why we are here. Parliament was established to make the laws and not to avoid responsibility because certain things are a bit unpleasant.

Mr. Bertram: Did the Leader of the Opposition say, "a bit unpleasant"? That is a joke.

Sir CHARLES COURT: This is no laughing matter.

Mr. Graham: It is only a "bit unpleasant."

Sir CHARLES COURT: If members opposite want to approach the matter in this way, I am not prepared to join them in the gutter.

Before I conclude, I want to come back to the point of the general prevalence of dastardly crimes throughout the world today. We have had the shocking event at Munich in the last few days. This is not in isolation. There was the Tel Aviv incident before that and hijackings, kidnappings, and other types of crimes are being perpetrated almost daily.

Mr. Graham: And have been for a few years in Vietnam.

Sir CHARLES COURT: It is no good saying this could not happen here.

Mr. Graham: Men, women, and children have been killed in Vietnam.

Sir CHARLES COURT: It could happen here and there could come a time when people in this State could ask why we do not deal with these people in a manner that is considered to be adequate. Surely members opposite do not condone these crimes? When it comes to treason nobody could think it is a second-rate offence. Treason would not only offend against me but against all of my countrymen in my book.

Mr. Jamieson: In your book it is an elementary crime.

Sir CHARLES COURT: Anyone guilty of treason is guilty of a dastardly crime in the proper sense of treason in our law books. To my mind this is the most serious offence of all. It is against a whole nation.

Mr. Jamieson: After some of the offences you have committed!

Sir CHARLES COURT: Anyone who commits treason commits an offence against all mankind and not simply against an individual, as does a murderer.

I do not intend to go back and trace the history of capital punishment, because it goes back into the dark ages when comparatively minor crimes were punishable in this way. All that is behind us now and has been for a couple of generations.

Mr. Hartrey: It is still a hanging offence to commit adultery with the Queen.

Sir CHARLES COURT: I should imagine the chances of anyone being tried for that in our courts are fairly remote and we do not have to take account of this in our reckoning tonight.

I say in all sincerity that I believe people who want to take the easy way out and abolish capital punishment from the Statute book are avoiding responsibility. The Royal Prerogative is available to Governments, regardless of their political colour. It has been used and I believe it has been used with good sense.

Having regard for all these factors and the upsurge of the serious crimes that have taken place throughout the world, such as hijacking, kidnapping, and this type of thing, I believe it is wise to leave capital punishment on the Statute book, and I oppose the Bill.

MR. BERTRAM (Mt. Hawthorn) [9.27 p.m.]: It gives me very real pleasure to support this Bill. I take the opportunity to congratulate the Government for taking the initiative to introduce the measure. I also congratulate the Attorney-General who has brought the Bill before the House. My only regret on that score is that it was his prerogative and privilege rather than mine.

I think it is desirable, if for no other reason than to satisfy the Leader of the Opposition, that a few members from the Government side should speak to this Bill. For this reason and for others which I will spell out as I proceed, I am pleased to speak to a Bill which I certainly support and, furthermore, hope will become law. Whilst in life there may be very few certainties there is one certainty at least; a Bill along the lines of the one before the House tonight will in due course become law. The only question is when that time will be.

To me the law providing for capital punishment is a monstrous blot which disfigures our Statute book and is something which a civilised community should not tolerate in 1972. I am only sad that in a matter of important legislation we in this State find ourselves once again not in the forefront of this move, but are following along in the rear of other States. It is known that other States in the Commonwealth of Australia have put aside the death penalty and removed it from their Statute books many years ago. Whether this measure will become law at this time or whether it will meet the same miserable fate experienced by a similar measure at the hands of the Upper House in South Australia remains to be seen. Obviously the legislation will be passed in this Chamber, and the only question is whether it will run into opposition in another place.

Mr. W. A. Manning: You say it is a free vote!

Mr. BERTRAM: I will dispose of that bit of nonsence shortly. This is really a question of fear. For as long as I can remember elections, and particularly Federal elections, have been won because of the theory of fear put forward by the Liberal Party. This Bill should not be delayed because of fear, inhibition, or the humbug of conservative thought.

At this stage the measure is regarded by some as a conscience issue. I suggest that this is just a little convenient at the moment although I have to agree that

there is a measure of conscience involved in the question. However, the case to support this Bill can be sustained on its merit and whether it is this Bill or any other Bill, I prefer to argue on merit rather than on emotion.

Mr. Hartrey: Hear, hear!

Mr. BERTRAM: Emotion is quite frequently relied upon in this House when there is no merit to support an argument.

Mr. Rushton: Why isn't the Mining Act an emotional subject?

Mr. May: I think it is sometimes.

Mr. BERTRAM: I do not know how the Mining Act comes into this.

The SPEAKER: Order!

Mr. BERTRAM: Capital punishment, as it is practised today, represents the residue of a mediaeval primitive procedure which has continued over the years but has now except to a small extent, been abandoned for better and more positive remedies.

It is interesting to note on this question of conscience, that the Australian Labor Party is the leader. We are giving leadership on a conscience question.

Dr. Dadour: How long have you had it?

Mr. BERTRAM: If the Australian Labor Party has not given the lead on this question, who has?

Dr. Dadour: How long has it had a conscience—two weeks, three weeks?

Mr. BERTRAM: I will answer that in a moment. If the Australian Labor Party has not given the lead on this question, perhaps the honourable member will name who has? The Liberal Party was not in existence so it could not have given leadership in about 1919! The A.L.P. has held this view for the best part of 50 years. Spokesmen for religious organisations are going along with the view of the A.L.P.; it is not the other way around. It is interesting to observe this.

The objective to abandon the death penalty has been included in the platform of the A.L.P. since about 1919. It is not correct to say that the members of the A.L.P. are disciplined on this question. This is not a case of a question emerging and the policy being thrashed out. This plank of the A.L.P. was in existence long before any of the present members of this party joined the party.

Mr. Rushton: So has nationalisation. You have not brought that in yet.

Mr. BERTRAM: Any person who objected to this aspect of the policy had a simple remedy—he simply did not join the party. Members join the A.L.P. with full knowledge and acceptance of the platform. Therefore, to speak of disciplining is irrelevant—it is an argument without basis.

Mr. W. A. Manning: Why do you call it a free vote if you know it cannot be a free vote?

Mr. BERTRAM: I have not been speaking of a free vote.

Mr. W. A. Manning: Somebody did.

Mr. BERTRAM: The Liberal Party suddenly found that this is a conscience question. This is a convenient way to deal with schisms within its own ranks. I feel I have clearly and simply disposed of the nonsense which has drifted into the debate and the Press that on this side of the House we are in a strait-jacket. That is arrant nonsense.

Sir Charles Court: You cannot vote against the Bill.

Mr. BERTRAM: It is nonsensical to say that we are in a strait-jacket whilst people on the other side may do as they like.

I am seeking to argue this subject objectively and free of emotion. Punishment must surely serve a purpose and must not be simply for punishment's sake. It must be for rehabilitation, retribution, revenge, protection of society, or as a deterrent. There must be an objective or a combination of objectives in punishment. Whatever the aims of punishment are, they should come within certain confined limits.

I believe punishment must have regard for society's conscience. It must acknowledge and come within the bounds of self-respect and the dignity of a person. It should also provide a worth-while example and show leadership. I believe this is an instance where we must show leadership. We hear a great deal about violence, and I instance the recent tragic events at Munich. We abhor these acts and rightly so, but how can we preach nonviolence and at the same time practice violence. Who will listen to us?

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

Mr. Graham: What about Vietnam?

Mr. BERTRAM: Furthermore, we must delineate the bounds of punishment. I believe that our mode of punishment should be harmonious with world practice. We should not stand out alone in the form of punishment we practise.

Mr. McPharlin: We are not alone in this.

Mr. BERTRAM: We are almost orphans. If we continue to vacillate, eventually we will stand alone. I have made that point already. Punishment should not be negative or defeatist. If a criminal's life is not taken simply for vengeance, then it is clearly a manifestation of defeatism because we do not know what else to do or, more particularly, we do not care.

So many of the impossibilities of mankind are no longer impossible. If we do not face up to the challenge we will achieve nothing. Lives are being taken whilst we are not discharging our responsibilities.

Penalties should come within certain bounds so that our judicial processes do not go sour or malfunction. Capital punishment clearly does not come within the confines I have mentioned.

I would like to digress for a moment. The method of hanging has been touched upon somewhat lightly, but I make my comments quite seriously. A hangman is involved in a hanging, and probably many other persons are, too. If we are to indulge in legal killing, we must at least insist upon a 20th-century method of doing the deed.

Mr. O'Connor: I do not think anyone would object to that. I do not see how anyone could.

Mr. BERTRAM: Just as there is an onus on the A.L.P. when in Government to do something about capital punishment, there is a very distinct and urgent onus on those who propose and are satisfied with legal killing to accomplish it in a 20th-century way and not according to a centuries-old custom.

Dr. Dadour: What is wrong with hanging?

Mr. BERTRAM: I think the best answer to that question is "everything."

Mr. Bryce: It is barbaric.

Dr. Dadour: What method would you use?

Mr. BERTRAM: If the honourable member had been listening, he would have come to the conclusion that I would not use any method. I am not in favour of legalised killing, and I thought I had made myself clear.

Apart from ordinary humanitarian considerations, common sense, and general acceptance, my authority for the guidelines I have enunciated comes from the universal declaration of human rights in the United Nations Charter, and it is most important.

I am aware that certain members of this House say that the Charter is drawn up by people who go to the conferences to dream up decisions and we should not take any notice of such statements. However, the same members will quote the decisions on television if it suits their purpose.

It is my opinion, and I feel the opinion of the majority of the people of this State, that we should follow the decision of the United Nations whenever humanly possible and reasonably practicable. During the war we were told, "You will fight and this is what we will do for you." The war has been over for 20 years but I have not forgotten this concept. If we set up these bodies and then ignore their decisions it is a confidence trick. At most we could only ignore them if our own country was not a party to the decisions or if the decisions were carried by the slenderest of margins.

Sir Charles Court: I think you must agree that the United Nations has been able to do nothing about the most serious of the hijacking and kidnapping problems.

Mr. BERTRAM: That is the philosophy of despair and defeatism. If we sit back and do nothing we get nowhere.

Many millions of dollars were spent to get man on the moon. If the same diligence and money is applied to other problems of mankind we will solve them. We have to show some leadership. We know we do not try hard enough and here is an opportunity to show leadership and not dictatorship. We must let it be seen that we recognise the position and are prepared to do something about it.

Article 3 in the declaration of human rights in the United Nations Charter reads as follows:—

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

Article 5 reads as follows:—

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

Members will see that article 3 precludes the taking of life and article 5 rejects torture, cruelty, or degrading treatment.

Mr. Grayden: What does it say about abortion?

Mr. BERTRAM: I do not know what it says about that, but the honourable member will have the opportunity to inform the House on it later.

If torture, cruelty, or degrading treatment is not the inevitable lot of the condemned prisoner, I wonder what is. I put it to the House that killing, whether it is against the law or whether it is with the sanction of the law, is condemned by the articles to which I have referred and have just read to the House. As I have suggested, I do not make any attempt to put such argument forward on an emotional basis, but merely because of its merit. A further authority comes from the United Nations which, in November, 1968, passed a resolution by 94 to nil, with three abstentions, and with Australia being one of the 94 who agreed to the resolution. Members should note that.

The resolution drew the attention of member nations to the fact that there was a strong trend in most countries—and that answers an interjection from an honourable member a few moments ago, which was a helpful one, I trust—towards the abolition of capital punishment, or at least towards fewer executions. I made mention earlier of the judicial process that is going sour or malfunctioning. I think

this is very important today; certainly more important than it was in years gone by when similar Bills were debated by this House, because there is a snowballing effect that is most certainly coming towards the support of the abolition of the death penalty.

This means that many in this State today have a very real objection to the death penalty. We find quite a number of these people are being appointed as members of juries, and when they serve as members of those juries they do not suddenly change their thoughts on these matters. In addition, and in passing, it is a fact that many judges are very loath to be a party to anything that will in due time result in the hanging of a man. As I have said, as time goes on the numbers who hold this view will increase. They have been increasing, and they will continue to increase.

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

Sir Charles Court: That has not happened.

Mr. BERTRAM: Has it not? How do we establish that? I suggest that it is a fact of life, a reality, and a very real danger. Incidentally, if we want support for that proposition, I think this Parliament has recently recognised the reluctance of juries to convict in cases involving the running down of a person by a vehicle. We know, as a fact, that even in such cases juries are reluctant to convict, and, in fact, I think I can say that they are failing to convict in cases where they clearly should, because they have something against convicting people who cause death by the driving of a vehicle.

Mr. W. A. Manning: You do not care for the jury system?

Mr. BERTRAM: Yes, I am a great believer in juries, but juries are concerned with justice as well as the law and I am recognising this. A jury has an excellent idea of what justice is and how, very often, justice can be different from the law. Therefore, I am thankful for juries and I recognise what happens.

If we recognised, only a few months ago, the reluctance of juries in a particular case, it is perfectly consistent for members this evening to recognise this reluctance in respect of capital cases. We should not put stumbling blocks in the way of juries who are seeking to bring in a proper verdict. It is better to ensure that a guilty person is convicted than to hazard the risk of that not happening by perpetuating capital punishment.

This was a factor which I think in yesteryear did not have much relevance, but today it is a new fact and one which today's debate should not omit. In making a decision on this occasion it should be given real weight. As I will point out later, most of our murders are not committed by people who have already committed a murder and who have been convicted of that offence. They come from other sources, including people who have committed them and who have never been convicted of them, and who, indeed, in many instances, have never been charged.

A person is not charged merely because he has committed an offence; he is charged if the offence can be sheeted home to him, or if there is a good chance of doing so. Notwithstanding that which I have already stated, there are those who are concerned —and rightly so—with the protection and safety of policemen and custodians. My concern for the welfare and protection of these people is equal to the concern of anybody else, and why should it not be? As I have already said, I do not believe that the articles of the United Nations permit of the taking of another person's life, even in this situation. Apart from that fact, the prospect of hanging cannot be shown to act as a deterrent, in which case to hang is really the manifestation of vengeance and in the case of the custodian an acknowledgment of defeat in this year of 1972 that we are still, among other things, incapable of confining a prisoner in a way which renders him unable to harm his custodian. In my view that is a ludicrous concept.

I would like to dispose of one other extraordinary argument which I think should be touched upon briefly; that is, the proposition of conservative members in this House—that, of course, in the main, covers members of the Liberal Party—that the onus is on the supporters of the abolition of capital punishment to show that hanging is no deterrent. That is a wholly unacceptable proposition so far as I am concerned, because where a person's life is at stake the obligation to justify a killing clearly should be on those who propose it.

In this State Labor has rarely hanged a murderer, and conservative Governments have become increasingly reluctant to do so, so that for all practical purposes we already have, to a significant extent, abandoned capital punishment. Therefore, all we are seeking to do at the moment, on that arugment, is to bring the Criminal Code, the Statutes, or the formal law into line with practical reality. I therefore do not see how it can be argued that there will be an upsurge in murder and in offences which attract the death penalty if that is done.

As I have already said, it is not unimportant to mention that in other States where the death penalty has been

abolished no desire has been shown to return to the old law. I should hope that one of the greatest challenges of life is to reclaim life. No longer should we take the easy way out by incarceration or by snuffing out life itself. That is the easy way out; not the easy way to which the Leader of the Opposition has referred; namely, get rid of this law and that is all.

In these days—thank heavens—we strive to reclaim the life of a criminal and to rehabilitate him. Not only are we striving to do that, but we are striving with great success, and there are ample statistics to justify that statement. Whilst in murder cases the recidivist is rare, he is not unknown. At the same time it could be accepted that a murderer would rarely be released from imprisonment if to do so would in any way constitute a danger to society.

The rare case of a man who is convicted of wilful murder and who, when subsequently released, repeats his crime is, in my view, set off by the case of a person—and they are not all that rare—who is accused, convicted, and executed when, in fact, he is innocent. Such acts are manifestations of human fallibility which cannot be ignored, but which must be accepted and recognised by society.

Mr. T. D. Evans: Fortunately there has been none of either of those cases in Western Australia.

Mr. BERTRAM: I think that is correct. I think there is overwhelming evidence to show that those who have been convicted of wilful murder rarely repeat the same offence after conviction.

Mr. T. D. Evans: There are none known in Western Australia.

Sir Charles Court: He would not want to commit it too often!

Mr. BERTRAM: Quite true. There is also overwhelming evidence to show that those who have been convicted for wilful murder are usually excellent prisoners.

Dr. Dadour: How long are they locked up for when they are given life imprisonment?

Mr. Hartrey: "For as long as ye shall live."

Mr. BERTRAM: I understand that life imprisonment means for life.

Mr. McPharlin: They do not usually serve it, though.

Sir Charles Court: It is very seldom that they serve full life imprisonment.

Mr. BERTRAM: That is so, but usually the person concerned serves 15 years or thereabouts.

Mr. Graham: The death penalty is not always carried out, either.

Mr. BERTRAM: As I have said, very few murders are committed by those who have already been convicted of wilful murder; that is, those who subsequently escape or, more particularly, those who have been released from prison. The preponderance of murders are committed by those who murder for the first time and who have had no previous convictions, or who have had only petty convictions recorded against them, or by those who have committed murder, but who, having been charged and tried, have been acquitted. It does not follow that they were not guilty, of course. The fact that they are found not guilty is simply a decision of the court. Murders are also committed by those who, for various reasons, are not charged, let alone convicted.

For example, there was a man in this State who committed six or seven murders. He committed those murders before he was charged. I think in bigger cities these instances are legion, and unsolved murders are not insignificant in number. It is lopsided that we should pursue a man who has been apprehended and convicted, and show him no mercy at all when in the bigger cities unsolved murders are not insignificant in number.

Dr. Dadour: That is not a valid argument.

Mr. BERTRAM: The honourable member will have the opportunity to throw some light—if it is light—on the subject. It seems to me to be lopsided for the full force and weight of the law to come down on an accused and a convicted person who very often convicts himself by making a statement and telling the truth, when another person who commits a murder is not charged and gets off free.

Dr. Dadour: That person is not guilty.

Sir Charles Court: He has not been charged or found guilty.

Mr. BERTRAM: There are very many arguments which one could use in support of the Bill. I wish to finish off on this note: In these days one hears frequently the cries for liberty and freedom, and expressions of that sort. In recent times at different places where spokesmen from the other side of the House have been present they have given a tremendous amount of verbiage to expressing concern of what they regard as liberty and freedom. So fas as I am concerned, talk or no talk, I hope we will always be keen upon and be vocal in our demands for liberty and freedom; but what concerns me is that those who are in the forefront of the opposition to this Bill are often the ones who cry the loudest for liberty and freedom.

I put it to you, Mr. Speaker, that the right to life itself is really the ultimate in liberty and freedom, and I think it is on this premise that the United Nations

Organisation takes its stand. In any event I say that it is the ultimate. It is for that reason, for the other reasons I have given, and for many more reasons which I could give in pursuing this argument on an objective and a dispassionate basis that I support the Bill.

Debate adjourned, on motion by Dr. Dadour.

House adjourned at 10.03 p.m.

Legislative Council

Wednesday, the 13th September, 1972

The PRESIDENT (The Hon. L. C. Diver) took the Chair at 4.30 p.m., and read prayers.

QUESTIONS (15): ON NOTICE

1. FISHING LICENCES

Pensioners' Exemptions

The Hon. T. O. PERRY, to the Leader of the House:

As regulations applying to the Fisheries Act taking effect from the 1st July, 1970, exempted invalid, widow and old age pensioners from the necessity of obtaining an inland fisherman's licence, will the Government extend this concession to holders of a miner's pension?

The Hon. W. F. WILLESEE replied:

As the matter is the subject of a Motion in the Legislative Assembly, the Minister for Fisheries has asked me to inform the Hon. Member he would prefer to await the outcome of the Motion before providing an answer to the Honourable Member.

2. BUILDING SOCIETIES

Merger

The Hon. D. K. DANS, to the Leader of the House:

With further reference to my question on Thursday, the 24th August, 1972, regarding the merger between the Park Permanent Investment and Building Society with the Town and Country Building Society—

(a) what was the financial position of the Park Permanent Investment and Building Society as known to the Registrar for Building Societies immediately before merger;

(b) who was the chairman of directors immediately before the merger;

(c) was the chairman of directors of the Park Permanent Investment and Building Society consulted before the merger took place;

(d) if not, why not;

(e) was the whereabouts of the chairman of directors known at the time of the merger; and

(f) what was the principal reason for the failure of Park Permanent Investment and Building Society?

The Hon. W. F. WILLESEE replied:

I am informed that the Minister for Housing is obtaining details on this matter. At present owing to the absence of the Minister in the Eastern States I am unable to supply the Honourable Member with the information required. On the return of the Minister for Housing a full answer will be given to the Honourable Member.

3. ROAD MAINTENANCE TAX

Inclusion in Contract Charges

The Hon. W. R. WITHERS, to the Minister for Transport:

(1) In view of the Minister's reply to my question of the 7th September, 1972, concerning the unlawful retention of moneys due to the State, and in view of the fact that I can not give a specific case without being *sub judice* or under Parliamentary Privilege accusing a specific individual of committing an offence, will the Minister advise if it is an offence for a contractor to refrain from paying road maintenance tax with the knowledge that such tax will be included in his contract charges?

(2) If the answer to (1) is "Yes", is this Government inviting some contractors to commit an offence by giving reasons why they can not pay the tax when they have collected the tax in their contract charges?

(3) If the answer to (1) is "No", why did this Government endeavour to abolish a tax that they consider to be outside the law?

The Hon. J. DOLAN replied:

The questions are inadmissible as they ask for an expression of opinion on law.

See Erskine May's Parliamentary Practice, 17th edition, page 353.