

# Legislative Assembly

Thursday, the 12th September, 1968

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

## QUESTIONS (24): ON NOTICE

### DRYANDRA STATE FOREST

#### *Area and Cut*

1. Mr. W. A. MANNING asked the Minister for Forests:

- (1) What is the total area of Dryandra State forest?
- (2) Is the whole of this under mallet plantation?
- (3) If not, for what is the remainder used?
- (4) What was cut in the last three years—
  - (a) for bark stripping;
  - (b) for logs;
  - (c) for any other reason?
- (5) Where are the present markets for products?

Mr. BOVELL replied:

- (1) 56,353 acres.
- (2) No.
- (3) (a) As buffers, regularly burned under close control for the protection of the fire-sensitive mallet forest.
- (b) To supply small quantities of log timber to local mills.
- (c) For conservation of native flora and fauna.
- (4) (a) 70,000 cubic feet approximately.
- (b) 40,526 cubic feet approximately.
- (c) Small quantities on an experimental basis for trial as tool handles and pressure treated fence posts.
- (5) For mallet bark in small quantities: Fremantle, Melbourne, Amsterdam.

For log timber: Narrogin.

For tool handles: Metropolitan area.

### RAILWAY HOUSING

#### *Hot Water Systems*

2. Mr. McIVER asked the Minister for Railways:

- (1) Will hot water systems be installed in all new railway homes that are under construction at the present time and all new railway homes to be built in the future?

- (2) How many railway employees have applied and are awaiting allocation of railway homes in Northam?

Mr. O'CONNOR replied:

- (1) On the basis of current policy the answer to both aspects of this question is in the affirmative.
- (2) 27.

### NORTHAM RAILWAY YARD

#### *Access Road*

3. Mr. McIVER asked the Minister for Railways:

Who is responsible for the maintenance of the access road into the Avon railway yard at Northam?

Mr. O'CONNOR replied:

The Western Australian Government Railways Commission.

### HOME OF PEACE

#### *Financial Assistance*

4. Mr. HARMAN asked the Minister representing the Minister for Health:

- (1) Has he seen the 65th annual report of the Home of Peace for the year ended the 30th June, 1967?
- (2) As the second paragraph reads "With the financial assistance of the State Government and the Lotteries Commission, plans are well advanced for building two more wards at Inglewood, each of 70 beds, to bring the patient capacity to 210," can he advise—
  - (a) the amount of financial assistance provided for the two new wards;
  - (b) what conditions, if any, were imposed with the grant?

Mr. ROSS HUTCHINSON replied:

- (1) Yes.
- (2) The matter of planning and finance, etc., is still under discussion.

### SEWERAGE

#### *East Maylands*

5. Mr. HARMAN asked the Minister for Water Supplies:

Will he advise the extent and estimated cost of sewerage works to be undertaken during this financial year in the East Maylands area?

Mr. ROSS HUTCHINSON replied:

The laying of the sewers in the area to be served by the pumping station recently completed in Kelvin Street, Maylands, will be continued. The area is bounded approximately by Traylen Road

in the north-east and Kathleen Avenue in the south-west and lies mostly between Stone Street and Mephan Street.

\$70,000 has been provided for the work in the financial year, but it is expected this may not be sufficient to complete all the work.

#### METROPOLITAN REGION TOWN PLANNING SCHEME

##### *Tax Receipts and Land Purchases*

6. Mr. JONES asked the Minister representing the Minister for Town Planning:

What was—

- (a) the amount received from the metropolitan regional improvement tax for 1967-68?
- (b) the land purchases from the inception of the Metropolitan Regional Town Planning Scheme to the 30th June, 1968, for the following purposes—
  - (i) important regional roads;
  - (ii) city inner-ring roads;
  - (iii) public open space?
- (c) the rent receipts for the year 1967-68?
- (d) the total loan borrowings from 1962 to the 30th June, 1968?
- (e) the source from which loans were raised?
- (f) the amount of sinking fund payable annually?
- (g) the amount of interest payable annually?

Mr. LEWIS replied:

- (a) \$1,101,276.
- (b) (i) \$496,113.  
(ii) \$6,289,232.  
(iii) \$3,053,240.
- (c) \$106,434.48.
- (d) \$4,490,000.
- (e) Banks, insurance companies and trusts, superannuation funds.
- (f) 1968: \$37,300.
- (g) 1968: \$215,077.21.

#### PORTS

##### *Closure to Foreign Fishing Vessels*

7. Mr. RUNCIMAN asked the Minister representing the Minister for Fisheries:

- (1) Is it a fact that the ports of Fremantle, Albany, and Geraldton are to be closed to foreign fishing vessels except in case of emergency?
- (2) If this is correct, is he aware of the reasons for this?

- (3) Do not foreign vessels operate almost exclusively in waters 100 to 1,000 miles west and south of Fremantle?
- (4) Is he aware of any Australian fishing vessels operating in the above area?
- (5) Does he consider that the Western Australian fishing industry will gain anything from the closure of ports to foreign fishing vessels?

Mr. ROSS HUTCHINSON replied:

- (1) Fremantle is one of the four Australian ports where the proposed ban on foreign-based fishing vessels is likely to be modified to allow the entry of Japanese long-line tuna boats. The other three ports are Hobart, Sydney, and Brisbane.
- (2) It has been necessary to adopt a unified Australian approach to the problem of foreign-fishing vessels operating in waters around Australia. The decision to limit the entry of foreign vessels will give Australian fisherman an advantage in those areas where they are competing with foreign-based vessels. This is especially true in the prawn fisheries of the north.
- (3) Waters 100 to 1,000 miles offshore are international waters and authorisations are not required.
- (4) No.
- (5) It is quite conceivable that the closure will benefit the fishermen operating in any prawn fishery which develops in the northern waters off Western Australia.

#### HIGH SCHOOL AT ROCKINGHAM

##### *Provision and Enrolments*

8. Mr. RUSHTON asked the Minister for Education:

- (1) Has a site been selected for a future Rockingham high school?
- (2) What is the estimated number of children enrolled at the Kwinana High School who would attend a Rockingham high school at the present time and for 1969?
- (3) When is it expected to establish a high school at Rockingham?

Mr. LEWIS replied:

- (1) Yes.
- (2) In 1968 approximately 270 students travel from the Rockingham area to attend the Kwinana High School. These students are distributed over first, second, and third years.

At the present time there are approximately 110 students in Grade 7 in the Rockingham area.

If a high school were established, the majority of these would become first-year students in 1969.

- (3) A definite date has not been determined but the growth of the district is under close observation.

### BUILDING BLOCKS

#### *Forrestdale*

9. Mr. RUSHTON asked the Minister for Lands:

- (1) What demand for building blocks at Forrestdale has been established with the department?
- (2) Does the department intend to release additional building blocks shortly; if "Yes," how many and when are they to be auctioned?
- (3) How many building blocks are held by the department at Forrestdale?

Mr. BOVELL replied:

- (1) Fifty-five inquiries have been registered with the Lands Department for land at Forrestdale. However, not all these inquiries are confined to residential sites.
- (2) Consideration has been given to the release of residential sites but this action is influenced by the fact that the area is at present zoned "rural" in the metropolitan region plan and an alteration of this zoning to "urban" will be required before the land can be sold for that purpose.

State Housing Commission requirements are currently being ascertained which could have a bearing on the number of sites available.

- (3) Twenty-six blocks and further surveys could increase this figure by a possible 14 lots.

### KWINANA HIGH SCHOOL

#### *Extensions and Enrolments*

10. Mr. RUSHTON asked the Minister for Education:

- (1) Have plans for extending additions necessary for Kwinana High School been completed?
- (2) If "No," when will they be completed?
- (3) Who is responsible for the preparation of plans—Public Works Department or private architects?
- (4) Will early attention be given to the finalisation of plans and awarding contract to build specialist rooms and programmed additions?
- (5) How many children are enrolled at the Kwinana High School at the present time and what is the estimate for 1969?

Mr. LEWIS replied:

- (1) Basic plans have been approved and working drawings are being prepared.
- (2) In approximately two months.
- (3) The Public Works Department.
- (4) A contract will be let as early as is possible.
- (5) 1968—762.  
1969—815 (estimated).

### LOCAL AUTHORITIES

#### *Indebtedness*

11. Mr. DUNN asked the Minister representing the Minister for Local Government:

In *The West Australian* dated the 9th September, 1968, Mr. G. Whitlam, the Leader of the Opposition in the Federal Parliament, is reported as follows:—

Within five years the combined indebtedness of Australia's 900 local government authorities would exceed the combined debts of the States.

But local and semi-Government authorities were wholly responsible for the provision of the basic services of sewerage, water supply, and power.

Could he advise how this statement could be related to the position in this State?

Mr. LEWIS replied:

This is considered to be a nebulous statement and the question is not capable of being answered effectively.

Because local government in Western Australia has very little responsibility in respect of the above services, the statement is not applicable to Western Australia.

### TREE SOCIETY

#### *Financial Assistance and Membership*

12. Mr. TONKIN asked the Minister for Forests:

- (1) What amount of financial assistance was given to the Tree Society during each of the last three years?
- (2) On what basis is financial assistance given to the society?
- (3) How many branches did the Tree Society have in 1966, 1967, and 1968, respectively?
- (4) What was the total membership of the society in 1966 and 1968, respectively?
- (5) Does the Government receive from the Tree Society details of its expenditure each year?

(6) If "Yes," what was the total amount spent on trees last year?

Mr. BOVELL replied:

- (1) \$8,000 per annum.
- (2) To assist the objective of the society; namely, to actively promote the culture and preservation of trees and native flora of Western Australia.
- (3) Available information shows—  
1966—63, and 182 junior branches.  
1967—63, and 252 junior branches.  
1968—65, and over 300 junior branches.
- (4) Available information shows—  
1966: 421 life members.  
2,077 adult members.  
22,622 enrolled junior members.  
1968: 440 life members.  
1,651 adult members.  
29,884 enrolled junior members.
- (5) Yes.
- (6) The total amount spent directly on trees, as far as can be ascertained from the statement of expenditure, was \$567.73.

#### ABORIGINAL TABLEAUX

##### *Establishment*

13. Mr. DUNN asked the Minister for Lands:

- (1) In order to preserve something of aboriginal culture, has the question of establishing in King's Park (in suitable and appropriate surroundings) tableaux of the aboriginal life and "Dream-time" stories been considered?
- (2) Does he consider there is merit in the idea whereby visitors could actually touch and see and thus absorb the knowledge of our aborigines as they used to be, by incorporating this in a children's playground?
- (3) If King's Park was not considered a suitable place, could consideration be given to establishing the idea in some other reserve; e.g., Yanchep or National Park?

Mr. BOVELL replied:

- (1) to (3) The proposal has been examined by the King's Park Board which was of the opinion that a display of this nature was more of a museum piece than an object for park display. However, the suggestion will be further considered.

#### ONION MARKETING BOARD

##### *Financial Statement*

14. Mr. GRAHAM asked the Minister for Agriculture:

On the 10th instant in reply to a question seeking information in connection with financial state-

ments relating to the winding up of the Onion Marketing Board he advised that papers had been tabled on the 30th July.

As these concern operations of the board for the year ended the 30th June, 1967, only, will he please table the papers as requested for the period the 1st July, 1967, to the finalisation of affairs on the 12th February, 1968?

Mr. LEWIS (for Mr. Nalder) replied: Although financial statements of the Onion Marketing Board tabled on the 30th July, and referred to in my reply of the 10th instant, are headed "Report on operations for 1966-67 Season," the report and audited statements cover the period up to the 18th August, 1967, when the board was dissolved.

The audited accounts and auditor's report for the Onion Marketing Committee cover the period the 18th August, 1967, to the 12th February, 1968. Both these reports and accounts were tabled on the 30th July, 1968.

#### TELEPHONE DIRECTORY

##### *Issue of Supplement*

15. Mr. CASH asked the Premier:

- (1) Does he know that the restriction on the use till next January of certain telephone numbers listed in the new telephone directory is causing inconvenience to many sections of the community?
- (2) Having regard to the constant expansion in Western Australia of commercial, industrial, and housing activities, would he consider suggesting to the Postmaster-General that inconvenience to telephone users could be reduced by the issue in January of each year of a supplementary directory of new telephone numbers that become operative after the issue of the annual directory?

Mr. BRAND replied:

- (1) Yes. The inconvenience being experienced is inseparable from the major extensions being made to the city telephone network. I am informed that approximately 25,000 man hours of work are involved in the project at the Bulwer Street exchange.
- (2) As this is a Federal matter I suggest the honourable member may care to write direct to the Postmaster-General.

## SHEEP AND WOOL

*East and South-Eastern Districts*

16. Mr. YOUNG asked the Minister for Agriculture:

- (1) How many sheep are in the Ravensthorpe, Esperance, Dundas, and Kalgoorlie shires?
- (2) How many bales of wool do these sheep produce?

Mr. LEWIS (for Mr. Nalder) replied: The latest official figures available as at the 31st March, 1967, are as follows:—

- (1) Sheep—  
 Kalgoorlie—158,590.  
 Ravensthorpe—74,772.  
 Esperance—881,614.  
 Dundas—137,151.
- (2) Bales of wool produced—  
 Kalgoorlie—5,507 bales.  
 Ravensthorpe—1,918 bales.  
 Esperance—28,927 bales.  
 Dundas—4,556 bales.

## NATIVES

*Families Housed*

17. Mr. BURKE asked the Minister for Housing:

Further to my questions of the 6th and the 7th August on the subject of housing of aboriginal families, could he advise if there is any reference to the fact that an applicant is an aboriginal on the files the Housing Commission compiles on each applicant?

Mr. O'NEIL replied:

Neither the commission's application form nor the report form used by tenancy inspectors requests information regarding the race of the applicant or his family.

Many applicant families with native blood would have a note on the file to this effect, but the main purpose of this would be to warn the family that overcrowding of commission homes would not be permitted. This is considered necessary because of the tendency of native families to accommodate relations.

However, the fact that a family is of native blood is not always apparent and, if standards are reasonable, no note would appear on the file. It is reiterated that the domestic and behaviour standard of the family is the criterion applied by the commission. No cognisance is taken of race.

## INSURANCE COMPANIES

*Number Registered*

18. Mr. CASH asked the Minister representing the Minister for Justice:

- (1) How many insurance companies are registered in Western Australia?
- (2) How many insurance companies have been registered in the last three years?
- (3) What are the names of the insurance companies registered in the last three years and what were the dates of such registrations?

Mr. COURT replied:

- (1) 145.
- (2) 30.
- (3) —

State Companies		
No.	Name	Date of Incorporation
429/65	Motor Marine and General Insurance Company Limited	27/10/65
437/66	Western Underwriters Pty. Ltd.	5/9/66
532/66	The Licensed Fishing Boat Owners Mutual Insurance Co. Ltd.	1/11/66
605/66	Travellers Insurance Corporation Limited	2/12/66
762/67	Viking Insurance Brokers Pty. Ltd.	2/11/67

Foreign Companies		
No.	Name	Date of Registration
22/65	The Catholic Church Property Insurance Company of Australasia Limited	15/2/65
28/65	Swann Insurance Limited	19/2/65
65/65	Monarch Insurance Company Limited	26/4/65
71/65	The London and Overseas Insurance Company Limited	7/5/65
73/65	Westminster Insurance Company Limited	13/5/65
206/65	Mortgage Guaranty Insurance Corporation of Australia Limited	3/11/65
221/65	Hallmark Life Insurance Company Ltd.	1/12/65
238/65	The Corporation of Insurance Brokers of Australia	31/12/65
31/66	The Dominion Insurance Company Limited	9/2/66
36/66	Machinery Insurance Services Pty. Limited	16/2/66
69/66	Car Owners' Mutual Insurance Company Limited	28/4/66
94/66	American Life Insurance Company	26/5/66
125/66	Professional Insurance and Reinsurance Proprietary Limited	21/7/66
22/67	Hill & Dooley Insurance Pty. Limited	14/2/67
53/67	Underwriting Adjusters (Australia) Pty. Limited	12/4/67
73/67	Development Underwriting (W.A.) Pty. Limited	11/5/67
163/67	Cumis Insurance Society, Inc.	25/9/67
170/67	Development Underwriting (Perth) Pty. Ltd.	12/10/67
228/67	World Wide Insurance Brokers Pty. Limited	22/12/67
21/68	Occidental and Transamerica Life Underwriters Pty. Limited	8/2/68
28/68	English & American Insurance Company Limited	15/2/68
141/68	The Tokio Marine and Fire Insurance Company, Limited	1/7/68
182/68	Occidental Life Insurance Company of California	20/8/68
194/68	Mortgage Underwriters of Australia Limited	29/8/68
200/68	Australian Insurance Association	4/9/68

The above list cannot be complete because unless the name of a company indicates that it is an insurance company it cannot be identified as such in the Companies Office records.

## CALISTA SHOPPING CENTRE

### *Commencement*

19. Mr. TAYLOR asked the Minister for Housing:

On what date is it anticipated that construction of the proposed Calista shopping centre will commence?

Mr. O'NEIL replied:

Planning and zoning approval has been obtained for the provision of shopping and service station facilities.

The extent of the shopping facilities desirable is still being considered in view of the proposal of a future regional shopping centre for the Kwinana new town complex.

It is expected that entrepreneurs will be invited to submit proposals for the Calista centre later in the year.

## KENT STREET HIGH SCHOOL

### *Enrolments*

20. Mr. DAVIES asked the Minister for Education:

What is the likely effect on enrolment at the Kent Street Senior High School following the establishment in 1969 of the Manning high school?

Mr. LEWIS replied:

The enrolment at February, 1968, was 1,469 students. It is estimated that for 1969 the enrolment will be 1,365.

## RAPID TRANSIT SERVICE

### *Survey*

21. Mr. BRADY asked the Minister for Transport:

- (1) Has the M.T.T. taken a survey of East Middle Swan, West Middle Swan, Hazelmere, and Koongamia regarding additional buses that may be required for quick rail service to Perth?
- (2) Will he advise the result of the survey?
- (3) When will quick service to Perth commence?

Mr. O'CONNOR replied:

- (1) Loading checks of all these areas were taken and a survey of new housing development was made.
- (2) These checks showed that the existing services were capable of handling everything offering. However, when the new timetables were prepared adjustments were made.
- (3) The new terminal at Midland will come into operation on the 7th October, 1968.

## PEDESTRIAN CROSSING

### *Guildford Road*

22. Mr. HARMAN asked the Minister for Traffic:

- (1) As the shopping complex referred to in my question on Wednesday, the 11th September, 1968, involves an area immediately adjacent to Guildford Road, which is under the direct responsibility of the Main Roads Department, does the answer mean that no reference has been made to that department despite the fact that such a complex will involve considerable additional movement of traffic and pedestrians?
- (2) If so, would he confirm this as soon as possible and advise why such reference was not made?

Mr. O'CONNOR (for Mr. Craig) replied:

- (1) No reference was made to the Main Roads Department.
- (2) Although Guildford Road is a main road declared under the Main Roads Act and was formerly a traffic fee road under the Traffic Act, it has the status of an important regional road (blue road) in the metropolitan region scheme. When the application for the shopping development was made, Guildford Road was treated by the Town Planning Department as an important regional road entirely within the jurisdiction of the Metropolitan Region Planning Authority and the Perth Shire Council. Approval to the development was granted by the Metropolitan Region Planning Authority in March, 1968, subject to no vehicular access to or from Guildford Road from the site, and one parking space to be provided for each 135 feet of gross floor area, with the layout of the parking spaces and access aisles to be to the satisfaction of the local authority. The conditions attached to the approval have taken account of the additional traffic and pedestrian movements which will be generated. The Main Roads Department will investigate Guildford Road vehicular and pedestrian traffic should any problem arise.

## INDUSTRIAL WASTE

### *Kwinana Area*

23. Mr. TAYLOR asked the Minister for Industrial Development:

- (1) Could he advise the anticipated quantity of industrial waste, or

residue, likely to be produced by each of the undermentioned companies—

- (a) Alcoa, Kwinana;
- (b) Australian Iron & Steel, Kwinana;
- (c) C.S.B.P., Kwinana,
  - (i) each 24 hour period as at the 30th September, 1968;
  - (ii) each 24 hour period as at the 30th June, 1969;
  - (iii) for the financial year 1969-70?
- (2) Could he advise the anticipated quantity of industrial waste, or residue, likely to be produced by Western Mining (Nickel Refinery) Ltd., Kwinana, when in production—
  - (i) daily;
  - (ii) over the first 12 month period of normal production?

Mr. COURT replied:

- (1) (a) (i) 3,350 tons.
- (ii) 4,480 tons.
- (iii) 1,635,000 tons.
- (b) (i) to (iii) There will be no industrial waste for the periods mentioned. All slag from the blast furnace will be disposed of as byproduct, or used as fill on site. All flue dust is treated for reprocessing in the furnace.
- (c) (i) 350 tons.
- (ii) 350 tons.
- (iii) 125,000 tons.
- (2) (i) 330 tons.
- (ii) 100,000 tons.

#### **SWIMMING POOL, CLAREMONT**

*Advertising by Nedlands City Council*

24. Mr. TONKIN asked the Minister representing the Minister for Local Government:

- (1) Has he noticed the large amount of advertising being done by the Nedlands City Council in presenting the council's case for approval of a loan to cover the participation by Nedlands in a joint scheme to build a swimming pool in Davies Road, Claremont?
- (2) Would it not be more in keeping with democratic principles if the council also presented to ratepayers the arguments of the large number of ratepayers who are in opposition to the council's proposal?
- (3) From what source is the council entitled legally to finance the expenditure involved in the extensive advertising in which it is engaged?

Mr. LEWIS replied:

- (1) No.
- (2) As a council is an elected body, this is considered to be a matter of council policy and decision.
- (3) Section 530 (a) of the Local Government Act.

#### **BILLS (3): INTRODUCTION AND FIRST READING**

- 1. Western Australian Marine Act Amendment Bill.  
Bill introduced, on motion by Mr. Ross Hutchinson (Minister for Works), and read a first time.
- 2. Railways Discontinuance and Land Revestment Bill.  
Bill introduced, on motion by Mr. O'Connor (Minister for Railways), and read a first time.
- 3. Police Act Amendment Bill.  
Bill introduced, on motion by Mr. O'Connor (Minister for Transport), and read a first time.

#### **ART GALLERY ACT AMENDMENT BILL**

##### *Second Reading*

Debate resumed from the 22nd August.

MR. DAVIES (Victoria Park) [2.32 p.m.]: This is not a very important measure. It has been on the notice paper for quite a long time. We have been left at the barrier on a number of evenings, because it has been about to be discussed when the Premier has adjourned the House. I do not think anyone argued with him on those occasions. The fact that it has now come up for discussion does not make it less important or less unimportant. The Opposition does not challenge the Bill in any way.

The measure merely seeks to make legal some of the actions of the Art Gallery Board over the past few years. It aims to put beyond doubt the right of the board to carry out certain work, and the two most important functions of the expanded duties of the board are the establishment of regional galleries and the establishment of branch art galleries.

As I said, the Opposition does not argue with the contents of the Bill or the drafting of it. The only question I ask is whether a need exists for a branch of the Art Gallery to be included in the interpretations. The Art Gallery is defined in the principal Act; and the board, the chairman of the board, and the trustees are similarly defined. Now it is proposed to have branches of the Art Gallery, I wonder whether it will be necessary to include a definition in the Act? It may not be necessary, but perhaps the Minister will comment when he replies.

Prior to 1959 the Art Gallery and the Museum were dealt with under the one Act but in that year they became separate

bodies, and separate boards were appointed to look after them. In his speech, the Minister said that the practices in which the Art Gallery had been engaged have been carried on for something like 20 years. I wonder why the opportunity was not taken in 1959 to give the board the power to do the things which were then being done and which obviously had been done for some 10 or 11 years?

In addition, if the Art Gallery Board is allowed to concern itself with matters relating to art in centres other than the place of establishment of the Art Gallery, I wonder whether the Museum is also doing this type of work? Perhaps it will be necessary for the Museum Act to be similarly amended. I understand the Museum does not confine its activities wholly and solely to its headquarters in Beaufort Street, but assists in other areas particularly when findings of historical significance are made from time to time throughout the State. It would appear that before long we will see a Bill brought forward to give the governors of the Museum the right to carry out the same kind of functions away from the Museum headquarters as we are now proposing to give to the members of the Art Gallery Board.

I think we should applaud the fact that the Art Gallery is able to help with the establishment of regional art galleries. I noted that one was opened in Derby recently. Indeed, when the Minister introduced the measure he mentioned that the Derby gallery was to be the first gallery of any consequence established outside the metropolitan area. He indicated that the Art Gallery Board had been instrumental in getting the Derby gallery established. It had been able to advise the shire council quite extensively on the kind of building and it had also been able to make available a number of paintings which were not required for exhibition in the Perth gallery.

As I said, this kind of action is to be applauded. Further, I understand that when the services of the Art Gallery officers are called upon, then the shire or the body requesting assistance is liable for any cost incurred. As the Art Gallery itself is on a particularly small budget, I think it is only right that anybody who wants its services should be willing to pay for them.

It is a different thing to act in an advisory capacity when it is possible, perhaps, to confine advice to correspondence. However, in respect of Derby, the officers of the Art Gallery were required to go there for five or six weeks. I do not think the Art Gallery should have to stand the cost.

The fact that local government bodies are establishing art galleries is to be applauded, and they should be helped as far as possible, provided, as I say, the Perth gallery does not suffer.

With regard to the establishment of branch art galleries, I consider this is an entirely different matter. By any standards the gallery at Perth is very modest. If all the paintings in the Art Gallery were sold, I imagine they would not fetch the cost of one good French impressionist or one of the old masters. However, that does not matter. I do not think we want to establish a collection of old masters or French impressionists in the Art Gallery. We want to establish an Art Gallery which purely reflects the community in which we live.

If the gallery needs to become famous, I would prefer to see it become famous for a collection of Australian paintings. We should restrict our viewing of old masters either to books or overseas trips. They are probably something to see and enjoy on such trips, but we should not spend a lot of money in establishing them in the gallery in Perth.

As the gallery is so poor, because the amount of money made available to it is so limited, I would not like to see its resources expended on the establishment of branch galleries. I have already said that I applaud the fact that local bodies are establishing regional galleries and financing these themselves, but it is far more important, if we are to establish a gallery of any consequence in this State, that its headquarters should be in Perth, and we should spend all the money available on that main gallery.

It will be to the principal gallery that students and visitors will come to study art. I do not think anyone would want them to visit the art gallery only to be told that we have a good collection of some particular paintings, but a visit to Bunbury would be necessary to see them. For the year 1966-67 the annual allocation of funds to the Art Gallery was increased by \$10,000, but this increase did not mean that the number of paintings or works it was able to procure was really quite small.

Unfortunately, we do not enjoy any substantial bequest from a patron of the arts. Our gallery is unlike its Melbourne counterpart which is considerably assisted by the Felton bequest to expand its collection. It seems that anything aesthetic or anything connected with art, whilst appreciated by individuals, is certainly not appreciated by business interests in Western Australia, and a feature of the Art Gallery has been the very small amount of money with which it has been endowed. In the main it relies on the money made available to it by the Government. Whilst this allocation is so small, I would not like to see its funds dissipated by the establishment of branch galleries.

I repeat that our own gallery is very modest, and to establish galleries elsewhere would only make the Perth gallery



more modest. Indeed, it would not be able to establish another gallery of any consequence anywhere else..

For that reason, whilst I am not opposed to the provision in the Bill being inserted in the legislation, I would like to know it will be a proposition only for some considerable time in the future, and that, at present, the resources of the gallery will not be dissipated in this direction. With the money, the paintings, and other objects of art available to it, the gallery has served a very good purpose for students and the general public over the years. The Minister mentioned it fostered industrial design. It has acquired a number of examples of Scandinavian glass. Norwegian furniture and Australian and overseas ceramics have also been obtained, and the gallery has been used quite extensively by students.

This being so, it seems to me that their requirements at present have been kept within limitations, and I know the Government has announced a grandiose plan for a new gallery and museum of some consequence as part of a cultural centre to be developed north of the railway line. At the moment this plan can be deferred. There is no harm in making plans and looking ahead. Indeed, in the annual report of the Art Gallery Board for the year ended June, 1967, I notice \$1,700 was expended on architectural fees for a new gallery. We should be able to do something more in regard to housing, health, education, and other matters, which are most urgent and which require a vast amount of money to be spent on them.

I think a new art gallery and museum could, very reasonably, be delayed for some time yet. There are other things more important, because the existing building might reasonably house much of what the Museum and the Art Gallery are able to exhibit.

As I have said, whilst its funds are limited, the Art Gallery does a particularly good job in disseminating knowledge of the art world to the schools. As the Minister said, it sends out different prints fairly regularly, and also it publishes quarterly a small booklet on some particular aspect of art. These publications are extremely well received because they are good publications; but they are limited in the field they cover. This applies particularly to the booklet. However, in a quiet way they are of great assistance to students and people who are interested in the art world.

As I have mentioned, we are pleased to give the Art Gallery the opportunity to inform the community on many of the various aspects of art. We are pleased to see it has the right to assist in the establishment of regional galleries and to make available to them collections of prints and paintings in rotation, I understand, on an annual basis.

We do not mind this provision being included in the legislation for the establishment of branch galleries, but for the present, for my part, I would oppose their establishment whilst our own gallery is so modest. I support the Bill.

**MR. GAYFER** (Avon) [2.47 p.m.]: Following on the words of the last speaker, the member for Victoria Park, and dwelling in particular on those whereby he stated he did not particularly want to see minor branches of the Art Gallery established on its present allocation of funds, I would like to speak, more or less at length, on what the Bill means in regard to the establishment of minor branch galleries.

**Mr. Davies:** There is a difference between regional galleries and branch galleries.

**Mr. GAYFER:** I fully realise that, but I am speaking in particular about branch galleries which the member for Victoria Park referred to in the latter part of his speech. It is in those galleries that my interest lies. At present we do not know where the regional galleries are to be established, but for the purpose of promoting interest in art throughout the country areas, the extent to which the Bill has aroused interest in those areas is rather enlightening.

Some three or four years ago an armoured car containing works of art travelled from Northam to Bunbury, but unfortunately it was unable to include several places in its itinerary, which resulted in a great deal of disappointment among the people living at those centres.

The obvious wish and desire of country people to have genuine works of art, films, and other media transported throughout the length and breadth of the State is a justifiable reason alone for the introduction of this amendment to the Act. In fact, many of our country communities, including both white and native members, are steeped in art of traditional and exciting qualities with localised themes of State and worldwide interest. This is borne out by the many paintings which at present hang in the corridors of Parliament House.

We know that several of those works have been painted by so-called amateurs. Nevertheless, some are of a very high quality, and some, perhaps, are not quite so good. They prove to us, however, that in the country areas there are people who are extremely interested in painting and other forms of art which provide a subject for study, and which one finds generally characterised in an art gallery.

The paintings in Parliament House depict, in most instances, certain events that took place, or certain features that are noticeable, in the shires from which they came; and they express contrasting views as to how certain points of interest can be illustrated.

The appreciation of art is noticeable in country areas, particularly amongst the people who have migrated from Europe; and the percentage of those who pay keen attention to painting is extremely high. I feel that many of the contributions which are fast becoming Western Australian folklore could be better preserved for all time by education and by appreciation of art. None of these things would be possible without an amendment to the legislation, such as the one contained in the Bill.

To cite an instance of the development of art in country centres, I refer to the electorate of Avon. In the town of Beverley a number of people have formed themselves into a strong art group and have provided their own local art gallery, which is run by a committee. On that committee are two shire councillors who represent the shire; and the art gallery is financed to a degree by the local rates. This art gallery is the thirteenth country art gallery which has come into existence within the State, but it was the first to be established on its own feet without first approaching Sir Claude Hotchin or the art society to establish it. In fact this group of people at Beverley established their own art gallery and then wrote to Sir Claude for assistance and advice as to how they could best go about improving it.

Usually an art gallery is formed in the reverse manner; generally a member of the art society causes some interest to be aroused in a country town before an art gallery is established. In fact, the art gallery at Beverley emanated from the immense interest that was being taken by its residents. The group, comprising about 25 persons who attend that art gallery, and many more who take correspondence lessons at home, has been studying painting and other art practices under the guidance of their madam president who was employed by the Technical Extension Service for that purpose.

The works of art produced by the students, young and old, are shown in the art gallery from time to time, and the district interest is illustrated by the fact that upwards of 200 people at a time view the art gallery exhibits. This is proof positive of the growing interest of this town in works of art. Within the art gallery, which is housed in one of two rooms made available in the town hall by the Beverley Shire Council, are paintings of great interest which are permanently hung for the inspection of visitors. This art gallery has its foundation in a presentation of eight pictures by that well-known and respected figure in Australian art circles, Sir Claude Hotchin. These pictures were donated by Sir Claude, three more have been added to the collection through purchases by the people of Beverley, and two more will shortly be purchased. That shows how, by degrees, a small art gallery

can be built into something of importance. As the Bill makes it legally possible for such regional galleries to be established, and for works of art to be taken throughout the length and breadth of this State, it has been welcomed by those who are interested in the promotion of art in country districts. I therefore have much pleasure in supporting the Bill and commending it to the House.

**MR. W. A. MANNING** (Narrogin) [2.55 p.m.]: I have only a few remarks to make, and they are mainly in criticism of those made by the member for Victoria Park who was so gracious as to say that he did not mind regional art galleries being established in the country, as long as the resources of the metropolitan Art Gallery were not dissipated. I am very appreciative of the fact that he is condescending enough to allow us in the country to come into the picture!

He said it would be a great shame if someone in the metropolitan area went to the Art Gallery to view a certain picture, and was told that it was in Bunbury or some other country centre. I could put it the other way: It would be a great shame if someone in the country wanted to see a work of art in a country gallery, but was told it was in Perth. We are all citizens of the State, whether we be from the country or the city. I do not go along with this sort of attitude: that provided the people in the metropolitan area are not interfered with, and provided there is no cost to the Art Gallery in the metropolitan area, the country people should have the opportunity occasionally to view works of art.

We have to realise that one thing which is very worth while in a decentralisation plan is the provision of amenities, art, and culture to the people of the country. Therefore the attitude adopted by the member for Victoria Park is quite wrong. I conclude by saying that I heartily support the measure, and that we in the country might be able to supply the people of Perth with a few exhibits for their Art Gallery when we are not using them in the country.

**MR. RIDGE** (Kimberley) [2.57 p.m.]: I wish to offer a very brief contribution in support of the Bill, because it is quite probable that one of the towns in my electorate, Derby, will be the first to derive an advantage from this amending legislation. I would point out to members that I consider the need is urgent for us to give the Western Australian Art Gallery the authority to put its resources to work for the benefit of people throughout the State, rather than for just the people who live in the city of Perth or its environs.

Only a short while ago culture was virtually unknown in the north, but through the initial efforts of M.M.A. an

annual tour was arranged, and, generally speaking, the emphasis of this tour is on culture. Later on the National Fitness Council encouraged the formation of the North Corps, and probably for the first time the people of the north were able to enjoy the luxury of a show or display which they probably could not have seen otherwise. To my way of thinking that was the start of culture in the north.

A week ago I had the opportunity of attending the official opening of the cultural centre at Derby. In size and in cost this building would probably be considered to be quite insignificant by city standards, but to a country local authority it represents quite a major achievement, especially to a local authority in the north of the State. In my view the conception of this building could well trigger off a chain reaction from other local authorities throughout Western Australia; and it is not inconceivable that over the course of the next few years we could see similar buildings being provided in various parts of the State.

The centre at Derby is to consist of an art gallery, a library, a regional museum, and a tourist information service. The building is to be air-conditioned for two reasons: the first is to provide comfort for the people using the premises, and the second is for the preservation of the treasures of the State that are to be housed in the premises. A very significant feature is that this building will cost in the vicinity of \$100,000, and this has been financed wholly by the people in the West Kimberley Shire area. However, without appropriate legislation to permit the extensive use of this building it could well become something of a white elephant.

In my opinion we could be called to task if we failed to recognise the importance of cultural education. After all is said and done, cultural education is just as important as physical education or academic education.

The advantages to be gained from having these facilities around the State are quite considerable. For a start, we would be able to have an art gallery section where paintings could be displayed on the basis that they would be swapped over every six or 12 months. Parents and children from schools would be able to visit the gallery and participate in art lectures; and those who showed a particular flair for painting would be able to receive tuition from people who are experts in their own particular field of painting. In addition, an art library could be maintained to give people the opportunity to peruse books and learn the finer points of art.

Another significant feature is the fact that we would be able to encourage some of the aborigines—in this instance I am

referring to the north—because I am sure we have some potentially fine artists. Some of these people are not cut out for a higher education, as we know it, but they have a natural talent for painting. If we are able to see that these people receive the correct tuition, there is no doubt some of them would become fine artists who would be a credit to Western Australia and Australia as a whole.

The Minister, in presenting the Bill to the House, said—

The Act defines the "Art Gallery" as the Art Gallery established at Perth and I understand that, consequently, the board's activities outside of the central premises are legally questionable.

I ask for unanimous support of the Bill in order that this anomalous situation may be corrected.

**MR. LEWIS** (Moore—Minister for Education) [3.3 p.m.]: I thank members for their contributions to this debate, even though the member for Victoria Park may have supported the measure with some reservations.

The honourable member commenced his speech by saying that this Bill was not very important because it had been on the notice paper for a long time and had been passed over. I can assure him the fact that it has been on the notice paper for a while does not detract from its importance.

**Mr. Davies:** I admitted that.

**Mr. LEWIS:** The honourable member would know very well that frequently debates are adjourned to suit the convenience of members on both sides of the House. This has happened on a number of occasions.

**Mr. Brand:** This debate was postponed on one occasion for the convenience of one of the members.

**Mr. LEWIS:** In regard to this Bill, I must confess it was postponed a couple of times for the convenience of the Minister, too.

As has been mentioned by the member for Narrogin and the member for Kimberley, there has been an upsurge in interest in art throughout the country. This has been stimulated in many ways, one being the entry into our country of people who formerly lived in Europe and other places where art, over the centuries, has developed to a far greater extent than here.

The interest in art has also been stimulated by the Art Gallery Board itself. It is a far different Art Gallery now from what it was a few years ago; and I would commend a visit to the Art Gallery by those members who have not been there in recent years. I do not know how widely the quarterly booklet mentioned by the member for Victoria Park is distributed

amongst the members of this House, but if they do not receive it then I would hope they would get in touch with either the Art Gallery Board or myself to see whether the position can be rectified.

Mr. Davies: A copy goes to the Parliamentary Library.

Mr. LEWIS: I am sure that members would notice a great difference at the Art Gallery. It is certainly very different from what I knew it to be many years ago.

Mr. Graham: Mr. Norton has done a wonderful job.

Mr. LEWIS: The directors of both the Art Gallery and Museum have done a good job. The Art Gallery Board has been conducting travelling exhibitions; and these have been developed to a very high degree. The board has a vehicle equipped with folding racks for paintings. The paintings can be placed in the vehicle and opened up with a minimum of delay, which has enabled the Art Gallery Board to conduct travelling exhibitions far and wide in the State. As the member for Avon and the member for Narrogin have already said, we want to be in a position to do more of this kind of work to increase interest in art.

I suppose we can credit our House Committee with doing this when it invited various local authorities in the State to present paintings to Parliament House—paintings representative of their particular districts. I know this has acted as a real stimulus.

The Shire of Wongan Hills, which is in my electorate, was one of the few local authorities not to contribute a painting. When this was brought to the notice of the shire, it immediately organised an exhibition of art. I visited this exhibition in the company of the Chairman of the Art Gallery Board and his director and they were agreeably surprised at the great local interest. About 40 to 50 paintings were exhibited, all of which were of good quality and executed locally.

As a result of that exhibition, a painting from the Wongan Hills Shire has either been presented or will be presented in the very near future. What is more, that exhibition stimulated local art at Wongan Hills to such an extent that the shire is preparing plans for the erection of an art gallery; and it has already formed an art society. This will encourage the development of art at that centre. I have no doubt that other towns have had the same experience as that of Wongan Hills.

This amendment to the Act is to enable the board to further stimulate interest in the local gallery and to give advice regarding displays of art. The board is desirous of conducting more travelling exhibitions which will rotate—as the member for Kimberley said—from one part of the State to another. These exhibitions

are visited by an increasing number of children.

The art classes of the technical division of the Education Department have done an excellent job in stimulating interest in art; and not the least of the division's efforts has been carried out in the Fremantle gaol. We know there have been several exhibitions of paintings executed by the inmates of the Fremantle gaol, which have resulted in these paintings being sold. This has been of considerable benefit to the inmates concerned. In addition, the exhibitions have been of great psychological assistance to the inmates of the gaol.

I wish to point out that at this moment there is a magnificent collection of aboriginal art at the Art Gallery. Most of this art has been obtained from Arnhem Land, but there are also specimens from the north-west of Western Australia and the Kimberleys. This collection gives us a good concept of what the aborigines are capable of doing. Some of the works are really splendid; and I would recommend to any member who can spare an hour or two from his parliamentary duties to go to the Art Gallery and have a look around.

The board is well aware of the State's need to spend its capital resources on the more urgent necessities of our society. Nevertheless, I do not think any member would want us to wait until every other sector of the community was satisfied before developing the cultural centre. I doubt if we will ever fully satisfy every part of society. These things have to go along, relieving pressure at some points. I agree that there may be pressure for housing, education, and other aspects of society, but let us not forget what some members might term the minor things in our society. Let us not forget that they, too, have a place in the sun.

I gathered from the speech made by the member for Victoria Park—and I am subject to correction here—that he thought the number of works of art at the Art Gallery were rather limited. That is not so. The situation at the Art Gallery is very much like a shop which has to keep a lot of its goods under the counter because there is not enough space for them to be displayed. This is one of the problems of the Art Gallery Board. It has works of art stored away which cannot be seen because of the shortage of space for display purposes.

However, the members of the board appreciate the situation and know they cannot get a new gallery tomorrow, or even next year or the year after, but they are hoping that the resources of the State will be such that a commencement will be made within the foreseeable future. A commencement has already been made by acquiring further land for the establishment of the cultural centre, which will embrace the Museum and the Art Gallery buildings.

Mr. Brand: These funds are loan funds.

Mr. LEWIS: Yes, that is right. Preliminary work is being done, but not a great deal of money is being spent. However, experimentation is being carried out inside the Art Gallery with regard to the use of natural and artificial lighting, and how best to display the works of art. Much is being learnt for the day when the board can move out of its present environment into a new art centre.

I do not need to dwell on my reply. This is a very necessary measure in order to further stimulate and encourage art throughout Western Australia. These days, when most people are enjoying more leisure time than before, we should turn that spare time to some profitable undertakings. Perhaps the undertakings will not be profitable, financially, but at least they will keep people's minds interested in some useful activity. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

#### *In Committee*

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

Clauses 1 and 2 put and passed.

Clause 3: Section 18 amended—

Mr. DAVIES: This clause contains the meat of this amending Bill. Paragraphs (d) to (g) are new provisions, and paragraph (h), will replace paragraph (d) of section 18 of the Act. I wish to draw attention to the new paragraph (g). It will give the board power to establish, control, and manage branch art galleries in any part of the State.

I want it clearly understood that I fully support the circulation of works of art, from the Perth Art Gallery, throughout the State. This, indeed, is the purpose of establishing regional galleries. However, I want to point out that whilst we have not sufficient money to build a substantial art gallery in Perth, I do not want to see money being spent on branch art galleries. Works of art can already be accommodated in established buildings throughout the country. The Minister has quoted Wongan Hills, and other towns have been mentioned, and I could go on quoting other minor regional galleries throughout the State.

No-one will deny that those galleries are serving a good purpose; and it is not a matter of being parochial to suggest that works of art should be established in Perth, but that from time to time a selection should be sent round the country.

I would move for the deletion of this clause if I thought branch art galleries were to be established, because money is not available. Facilities for the movement of works of art round the State are

quite adequate because, as has been said, local authorities are taking a keen interest in promoting art. I support the movement, but I do not want to see money spent on branch galleries at this time.

Mr. LEWIS: I can assure the member for Victoria Park that there is no intention of establishing branch galleries in the near future. Furthermore, he can be assured that the Treasury watches, very closely, every dollar that is spent on the Art Gallery, as it does other Government expenditure in this State. I do not think there is any chance at all of getting capital funds to spend on branch galleries.

Clause put and passed.

Clauses 4 to 7 put and passed.

Title put and passed.

#### *Report*

Bill reported, without amendment, and the report adopted.

#### **BILLS (3): RECEIPT AND FIRST READING**

##### **1. Trustees Act Amendment Bill.**

Bill received from the Council; and, on motion by Mr. Court (Minister for Industrial Development), read a first time.

##### **2. Motor Vehicle (Third Party Insurance Surcharge) Act Amendment Bill.**

Bill received from the Council; and, on motion by Mr. Brand (Premier), read a first time.

##### **3. Medical Act Amendment Bill.**

Bill received from the Council; and, on motion by Mr. Ross Hutchinson (Minister for Works), read a first time.

#### **BILLS (3): RETURNED**

##### **1. Geraldton Port Authority Bill.**

##### **2. Esperance Port Authority Bill.**

##### **3. Liquid Petroleum Gas Act Amendment Bill.**

Bills returned from the Council without amendment.

#### **ILLICIT SALE OF LIQUOR ACT AMENDMENT BILL**

##### *Second Reading*

Debate resumed from the 5th September.

MR. BERTRAM (Mt. Hawthorn) [3.20 p.m.]: This is a Bill which one supports with a measure of real reluctance and very little enthusiasm. It is a measure which, of course, seeks to amend the Illicit Sale of Liquor Act, 1913, by doubling the penalties which can be imposed under the parent Act. The Bill provides for the alteration of two words so that the penalties will be increased from \$100 to \$200 for a first offence, and from \$400 to \$800 in the case of subsequent offences; and in each case

these monetary penalties, at the discretion of the court, may be linked with imprisonment.

If we put aside for one moment what the Minister in another place said when introducing the Bill, and his words in justification for it, one nevertheless can support the measure, as I said, in a lukewarm way, because the value of money has depreciated so much in the period from 1913 to 1968. Then, in more recent times, inflation has got under way and is continuing in an ever-increasing spiral. It seems that Governments, if they are concerned about the problems of inflation, do not seem to be able to do much about them, except perhaps to block a hole here and there. The most popular move in this direction, but not necessarily the most effective one, seems to be the hole which forms in the employee's pocket.

However, to get back to the Bill, one would have thought that the worthwhileness of any legislation coming before the House would be amply manifested by the Minister in his introductory remarks. But that was not the case in this instance. The Minister skirted around the proposal and momentarily touched upon the question of inflation. This was something he did not need to do, because it is self-evident, and inflation is continuing unabated.

The Minister went on to tell us how the Bill originated. He received a communication from the Minister for Police in June, 1968, which among other things, advised him that a greater number of offences were occurring under the Illicit Sale of Liquor Act. The Minister did not say so in so many words; he said so in a most provocative way by advising that in the period from the 1st July, 1967, to that date in June, 1968, there had been 24 convictions.

The Minister left the figure 24 in a vacuum—in splendid isolation—and not surrounded by any statistics, and we are left completely in the dark in regard to the details. As I said, that is provocative because one wonders why this should be done. Why should he just pluck two figures out of the air and tell us that there had been 24 convictions in a certain period of 12 months, and then leave it at that? Those figures told us absolutely nothing, so a question was asked to find out what the position was, and why there was secrecy about it. The question covered a period of six years and asked how many convictions there had been for the illicit sale of liquor in each of the years I mentioned.

From the answers I find there were three offences categorised: selling liquor without a license was the first one. To the 30th June, 1968, there were 30 convictions under this heading, but in 1966 there were 69 convictions under the same heading, and double the figure in the present year.

For the offence of unlawfully dealing in liquor there were 13 convictions in 1968, and 18 in 1966. For the lesser crime of being in possession of liquor for sale—lesser in point of significance of the offence but not in point of the number of convictions under the Act—the number in 1968 was one whereas in 1964 it was 18.

The total number of convictions under the Act for the period from 1964 to 1968 was 267. It may be said, "Yes, but the Minister was more concerned about the offences occurring at night clubs." Of course we have been denied any statistics on that point, but I doubt very much whether there is anything in that proposition, either, particularly when, as the Minister himself pointed out, night clubs are increasing in number weekly.

So there seems to be a lack of supporting evidence—evidence to support the belief that the position is getting out of hand and there are far too many convictions. As the Minister indicated, virtually the night clubs do not care, because as they are penalised only relatively nominal sums, it does not matter; they simply sell more liquor and at a greater price.

That is what the Minister is really seeking to defeat, but where he has not got off the ground in the first place is that he has not established a case. In future, I think it would be a good thing, and it would certainly be appreciated by members, if the full statistics were placed before us when a Bill was introduced; because, as I say, the information given in this instance is a bad precedent. Our job is to look at the Bill, listen to the facts, study the position, and then decide whether the proposition has merit. If the proposition has no merit then it is obviously up to us to reject the Bill; if it has merit, then let us hear it.

It might be asked, "What else could the Minister have done to let us into the secret of his thoughts and to tell us about what is happening in regard to the Act?" What he has not told us is whether the maximum fines, as now provided for in the Act, are being imposed. He has not told us that up to date. He used another term; he said that substantial fines are being imposed, whatever that means. It is a convenient term which really says nothing.

We do not know whether the maximum fines have, in fact, been imposed in any case; or whether the magistrates, when they have had these offenders before them, have thus far decided not to impose the maximum penalties which are provided for in the Act. If the magistrates have not imposed the maximum fines it may suggest that they are not necessarily in harmony with the type of legislation which is in existence and they believe, for some reason or other, that the penalties are out of proportion. If the magistrates are not imposing the maximum fines there must be some reason for it.

Not knowing what penalties are being imposed, one would not have the slightest inkling of what the magistrates are doing or thinking in that regard. There is no suggestion that there has been any administrative attempt either by circular or other means appropriate to remind the magistrates and say, "Look here, you had better raise your penalties," because that would be a step which would be appropriate before bringing the matter back to Parliament.

Nobody suggests that magistrates are unaware of the spiralling inflation, because it hits them as hard as it hits a lot of other people from time to time. They are well aware that, having regard to the date of the existing Act, it is most important, that the penalties imposed must be geared to meet existing circumstances, and the penalties should be made meaningful.

As I understand the position, the Illicit Sale of Liquor Act was brought into being to suppress those people who wanted to deal in liquor without possessing the appropriate license enabling them to do so, but perhaps the greatest concern was not so much with the person who sells what we might call legitimate liquor as with the fellow who would brew up a spurious potion of a type that was deleterious to humans.

That appears, from looking at the debates, to have been the major concern when the parent Act was before the House. Once again we are left in the dark. We have not been told whether the spurious brewer is still in business and whether he constitutes a problem. We rely on our own knowledge of the subject, and it seems at the moment that he does not constitute a real problem. The real concern is the fellow who has liquor and sells it without a license.

If we strip from the Act the spurious brewer, all we have left is the machinery to protect those who have, in compliance with the law, gone to the trouble and expense to acquire a license, and thereby to conform with the law dealing with liquor.

For myself, I would be a lot happier if we were here protecting people and ourselves from monopolies, rather than protecting monopolies, which in fact is what we are doing. We are protecting a statutory monopoly—that is to say, we are protecting those people who hold licenses; who have gone to the trouble and expense to obtain these licenses and comply with the law, and we feel we should have a heavier responsibility to protect them so long as what we call our conventional liquor laws continue to be in force.

But this Act is really one which protects the licensee's pocket. It is an Act to protect the dollar. We seem to have an over-preoccupation to do this and we tend to place this principle ahead of protecting people. In a few moments I propose to

give another illustration of the situation because to my mind we seem to get out of balance.

As I say, this amendment in the Bill will mean that a person who sells legitimate liquor without a license can be fined up to \$200 for a first offence and given a period of imprisonment. For a subsequent offence he can be fined \$800 and given a term of imprisonment to boot.

If we turn for a moment to the Licensing Act we will see the point I am making contained in section 147 (1). It is brief and I will read it. It reads—

No licensee, or servant or agent of a licensee, shall knowingly sell, supply, or give or permit or suffer to be sold, supplied, or given any liquor, in any quantity whatsoever, either alone or mixed with water or any other liquid, to any person under the age of twenty-one years for himself or for any other person.

Penalty: Forty dollars.

The penalty is not \$800, or \$200, but \$40. Subsection (2) reads—

Any person who on licensed premises or on any premises, vineyard, or orchard referred to in subsection (1) of section forty-six of this Act or on a highway or place adjacent to licensed premises or to premises, vineyard or orchard aforesaid knowingly supplies or causes or permits to be supplied any liquor to any person under the age of twenty-one years, commits an offence.

Penalty: Forty dollars.

Of recent times I asked questions in this House touching on offences under the Licensing Act—offences by people under 21 years of age. Section 149 of the Licensing Act is the section which complements, or goes along with section 147, because section 149 deals with a person under the age of 21 who is unlawfully in possession of liquor.

In the same period of four years—and members will recall I said there were 267 offenders under the Illicit Sale of Liquor Act—there were under the Licensing Act, 3,487 of them. Those people, who were under the age of 21 years, were fined \$40, but the really mischievous fellow—the one who distributes the liquor—is only fined \$40.

There may be those who would say that we do not need to be too concerned about this, because the public thought is that very shortly, perhaps, we will be reducing the drinking age to something lower than its present limit.

Let us take that to its furthest limit. We will shut our eyes for the sake of argument and delete from the 3,487 convictions all those who are 18 and over. We are still left with 267 over that period, which happens to be identical with the total offences I referred to earlier under the Illicit Sale of Liquor Act.

So in the period 1964-68 inclusive there have been 267 convictions of people drinking and being in possession of liquor under section 149; that is, people who are under 18 years of age. They happen to number 252 males and 15 females under the age of 18 years.

If one sells or distributes liquor to them, one is fined \$40, whether it be a first offence, a second offence, or a fifty-second offence, while if one sells one bottle of beer for the second time one can get a fine of anything from \$200 to \$800.

I support the amendment because one can hardly do otherwise with the madly spiralling inflation, even if we have to come back shortly and redo the job.

I hope my time has not been wasted in drawing attention to what seems to be an extraordinary imbalance in justice and of putting things back to front.

We are most anxious to protect the dollar, but, seeing that our policy is the protection of the person, where there is conflict as to which of these we should give priority, I will come down firmly on the side of the person.

**MR. McIVER** (Northam) [3.40 p.m.]: I rise to support the Bill in principle, but not in its entirety. I am mostly concerned with sporting organisations and I would like to see an addition to this Bill to cover such bodies. You will remember, Sir, that several years ago the Surf Life Saving Association conducted a large function for the specific purpose of raising funds for what is—and I am sure members will all agree—a very worth-while cause. Here we have an organisation whose members give hours of their leisure time for the safety of the people who utilise our beaches.

We were the first to capitalise on life-savers by illustrating them in magazines and creating images of their standards in other countries to give the impression that we are a great race of bronzed Australians. Yet when the association holds a function such as it did on this occasion, the liquor was confiscated at the height of the frivolity and the association was fined. I feel this is very wrong and it is a very narrow approach; and I think there should be some future amendment to the Bill to cover organisations of this nature.

Let us have a look at our football clubs. It is an established fact that after the matches and on Sundays players generally get together with a keg of beer and usually a charge is made. We cannot get away from the fact that under this Bill the clubs are conducting an illicit sale of liquor, and I would hate to see any sporting organisation fined \$400 or any of their officers imprisoned for 12 months.

It is also an established fact that one of the greatest coaches that Australia has ever known, Dick Reynolds, encouraged

these get-togethers with a keg of beer on a Sunday. He maintained that grievances were brought out after players indulged socially together with other members, and he was able to handle the players more effectively and he could get to know their problems and counteract them. Consequently he led many teams to premier-ships.

I do not wish to delay the House, but I feel that sporting organisations have been overlooked on this occasion and I trust that they will be given consideration. With those remarks I support the Bill.

**MR. COURT** (Nedlands—Minister for Industrial Development) [3.44 p.m.]: The members who have contributed to the discussion on this Bill have, in the main, been critical of its contents, but each in turn has been critical for a slightly different reason. The Deputy Leader of the Opposition rather branded the Parliament as a group of wowsers, but I do not think that is quite a fair comment. I do not think there is anything derogatory in being branded a wowsers. I can assure the Deputy Leader of the Opposition that this place has its fair collection of those who would and those who would not qualify under that general term. After all, that is Parliament; it should be a cross-section of the people so that they can represent the views of differing sections.

I think it is fair to say there has been a tendency to take a different view towards liquor and other things over the last 50 years, and the Government has tried to acknowledge this. In fact, throughout the life of this Government there have been several liberalisings of the licensing law.

*Sitting suspended from 3.45 to 4.4 p.m.*

**Mr. COURT:** Prior to the afternoon tea suspension I was referring to the fact that during the life of this Government some quite important changes have been made in the licensing laws, and there has been a liberalising of some of the provisions in respect of hours and other matters. It is the policy of the Government to keep the liquor laws constantly under review. It is one of those things which for social as well as other reasons we must deal with carefully. Some people, of course, would do as the Deputy Leader of the Opposition suggests; that is, tear up the book and start again.

**Mr. Graham:** Hear, hear!

**Mr. COURT:** However, if we are not careful, we will merely put into the Statute book something which will create bigger anomalies than exist now.

**Mr. Graham:** Rubbish.

**Mr. COURT:** I am not suggesting the present law is perfect, by any means. I am also conscious of the fact that over the years all Governments have dealt with



the licensing laws on a patchwork basis. The tendency has been to deal with one situation at a time and this is the history of all Governments, not just this one. In fact, I think the present Government has gone further in liberalising the laws in regard to modern trends than has any previous Government.

Mr. Graham: I was critical of all Governments or Parliaments. There was nothing party political about my remarks.

Mr. COURT: That was not the way I read them.

Mr. Graham: You cannot read then.

Mr. COURT: I know an entirely different attitude exists abroad towards liquor. However, I was not mesmerised completely by what I saw abroad, because all is not as well as it might appear on the surface. It is possible to buy liquor at all times if one knows one's way around.

Mr. Graham: That is possible in Perth, if you know your way around.

Mr. COURT: Under our laws if a traveller stays at a hotel he can obtain liquor at any time. This is a provision in our law.

I want to draw the attention of the House to the fact that this Bill is dealing with a particular matter. It is not dealing with the whole gamut of our licensing laws, but with a particular matter about which the police felt strongly enough to ask their Minister to make representation to the Minister for Justice to have some amendments made. They pointed out, very pertinently, that in respect of this particular offence, there was no doubt that the present penalties, which are very old in point of time and inadequate having regard for today's values, were not a deterrent to certain people indulging in what is commonly known as sly-grogging. There is a point at which, if these people are fined heavily enough, they will find it unprofitable. Heaven forbid that anyone in this Chamber would want to make it profitable for them!

I think we should consider this amendment on its own and not as part of the total laws. The whole question of a review of the licensing laws is another matter and I would not quarrel with the Deputy Leader of the Opposition on the fact that this has to be the subject of periodical and, possibly, sweeping review. However, if such a review were undertaken, we would have to be cautious in order to ensure we did not replace the present laws, with all their anomalies and faults, with something which had far worse anomalies and faults.

It all comes down to the question of how we are going to arrive at this blissful state whereby we bring in a set of laws for the sale of liquor which will minimise the intake of liquor and make it possible

for people to partake of it under better conditions. I know some people say we should throw the lid off and let everyone sell it who wants to, and only police the quality of the liquor. However, I doubt very much whether this is the real answer, because I feel we will always have to have some very strict control over liquor, its sale, and its consumption.

I want to refer to some comments by the member for Mt. Hawthorn who rather staggered me by saying in respect of this particular matter that if the Government feels the magistrates are not imposing a sufficiently high penalty, the Government should write a letter to them, or words to that effect, and suggest they jack-up the fines a bit. I would not like to be in this Parliament if the Leader of the Opposition or his deputy got hold of such a letter written by the Minister for Justice saying, "Look boys, you are not doing a good enough job. You ought to be a bit harder."

This is one thing Governments of all colours keep right out of. If the law states that there shall be a minimum penalty, a minimum penalty it is, and the magistrate has no discretion; but if the law stipulates that a penalty be imposed, it is left to the discretion of the magistrate to impose from zero to the maximum. We cannot have it any other way because the magistrate is trusted by the people and by the Legislature to exercise judgment in these matters.

We do, of course, have anomalies. I am told that with regard to traffic offences, if a person's case is heard in one particular court, he does not catch quite as much as if it were heard in a court somewhere else. This is something we expect.

When Parliament wants a magistrate to impose a penalty of only a certain amount, a minimum penalty is stipulated, and the magistrate has no discretion, no matter how strongly he feels about the case. However, in most Statutes the magistrate has a discretion ranging from zero to the maximum specified in the legislation. So, I hope the honourable member will not expect either this Government or any other to write to magistrates to tell them to try a bit harder, so far as penalties are concerned; or, for that matter, to tell them they should soften up a bit.

The member for Mt. Hawthorn, although not taking the matter up very seriously, said that the penalty being adjusted was, in fact, being taken in isolation and not in conjunction with the other provisions of the Act. Here he was on very sound ground, but I point out again that the Government's intention on this occasion was only to meet the request of the police who are experiencing some increasing difficulties in regard to sly-grogging. They also anticipate that if the penalties are not jacked-up by Parliament, they will have even more trouble in the future.

Someone might ask why we do not specify a minimum penalty for such a serious offence if we feel the magistrates are not doing their job or not imposing heavy enough penalties. There is good reason for this. I do not think any Government, or Parliament itself, is keen on minimum penalties. The offence must be of a very special nature before we agree to a minimum penalty. It is always best, in the absence of certain circumstances, to leave the situation to the discretion of the magistrate, because even with an offence as serious as this one, special circumstances could be involved which the magistrate might feel entitled to take into account. For this reason the Government did not change the form of the penalty, but only the amount. The matter is still left to the discretion of the magistrate.

The reason we have increased the penalty is partly to enable the magistrate to impose a higher penalty; and, at the same time, to indicate to the magistrates and to the public that Parliament—not the Government, but Parliament—takes a serious view of this particular crime.

I am assured by my colleague, the Minister for Justice, that in the actual interpretation of the law, it is usual for magistrates to have some regard for the maximum penalty imposed by Parliament. For instance, if Parliament increased the penalty from \$200 to \$400 the magistrates would interpret that as being an expression of opinion by Parliament that that particular offence is regarded as a more serious one than it was previously. And then, at the discretion of the magistrate—and I emphasise that—this expression of opinion by Parliament would be reflected in the judgment.

The member for Northam dealt with the question of sporting bodies. I do not think this is an appropriate occasion to discuss this matter. I hope we will not have to deal with sporting bodies under special legislation concerning sly-grogging, but under some other legislation.

Question put and passed.

Bill read a second time.

#### *In Committee*

The Chairman of Committees (Mr. W. A. Manning) in the Chair; Mr. Court (Minister for Industrial Development) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Amendment to section 3—

Mr. T. D. EVANS: My explanation for not having spoken before on this Bill is firstly that I was slow off my feet—

Mr. Graham: Slow on your feet, too.

Mr. T. D. EVANS: —and, secondly, because this opportunity suits me just as well. In fact, both amendments come within the one clause.

This is a piece of legislation which has a great deal of social significance. It reminds me of a story of a certain visitor to a well known city in the southern States of America during the great days of prohibition, as they were called in the United States of America. He called into a resort for travellers and asked a coloured porter if the resort had such a thing as bourbon on the premises. The porter replied in the affirmative and the traveller then asked, "Haven't you also a law dealing with prohibition?" The porter said, "Yes, if you want the law we have the law; if you want bourbon, we have that, too." To my way of thinking this shows there was some enlightened thinking in that particular State.

The Bill before us seeks to amend the principal Act which was introduced in 1913, at a time when Western Australia was just emerging from a colonial chrysalis. Only two short years before, the State had enacted the licensing law; in fact, the Licensing Act as we know it was enacted in 1911.

It surprises me to find that the opportunity was not taken in 1911 to include all the provisions and regulations relating to the sale of liquor in the one Act. That was not done and we find that in 1913 the principal Act was enacted to control or prohibit the sale of liquor outside or beyond licensed premises by persons holding licenses under the Licensing Act. No doubt the purpose of the Act was to curb sales of liquor from what have been called the sly-grog shops.

Doubtless at that time the incidence of sly-grog shops was rather widespread. However, I would say that today we should reorientate our thinking and try to arrange our priorities in regard to a question of deep social significance.

The CHAIRMAN: Order! The honourable member is speaking on clause 2 which simply deals with penalties under the Act. I must ask him to confine his remarks to the clause under discussion; this is not a second reading debate.

Mr. T. D. EVANS: I realise that, Mr. Chairman. Having tried to set a background for my remarks, I say I can raise no enthusiasm whatsoever for a move, in the enlightened age of 1968, to try to increase penalties which were obviously intended in 1913 to curb what are called sly-grog shops. Today sly-grog shops are mostly things of the past. If new situations exist today, let us deal with those new situations; but do not let us try to deal with them with an instrument which was intended to deal with some other situation which does not exist today.

I can raise no enthusiasm at all for this piece of legislation. Other members who have spoken also have had little praise for it. I, myself, have no praise whatsoever, and I intend to vote against it.

I wish to point out that I support the views of the member for Northam when he said that some provision should be made in the Bill to enable sporting clubs to obtain licenses.

The CHAIRMAN: I am afraid I must draw the member's attention to the clause on which he is speaking.

Mr. T. D. EVANS: In the absence of any such provision in the Bill, I cannot support the move to increase penalties and I intend to vote against the clause.

Mr. GRAHAM: I rise only to seek information from the Minister. When I spoke at the second reading stage, I pointed out an anomaly; namely, that the Government was suggesting a need for increased penalties on account of a greater prevalence of the unlawful sale of liquor, whereas in the replies given to questions asked by the member for Pilbara on the 3rd September, 1968, surprisingly enough, the figures show a strong fall-away in the number of convictions.

If I may quote from the answer given to the question asked concerning the convictions for selling liquor without a license, for the year ended the 30th June, 1966, there were 69 convictions; the following year there were 45; and in the year just concluded, only 30.

If we lump together unlawful dealing in liquor and being in possession of liquor for sale, the total for the year ended the 30th June, 1966, is 87; for the year ended the 30th June, 1967, 68; and for the year ended the 30th June, 1968, 44. Therefore, without any amendment of the existing law whatsoever, there is a trailing off in the number of breaches ascertained by the police. What, then, is the reason for the proposal to double the fines?

Mr. Tonkin: This is pretty obvious: the Government is trying to make good the loss of revenue.

Mr. GRAHAM: I suggested that earlier. From the figures it would appear this is a Treasury benefit move rather than a desire to cope with something that is regarded as unlawful at the present time.

I am aware the Minister is not in control of the departments responsible for licensing or the policing of the Licensing Act, but a week ago—that is, last Thursday—I pointed out this state of affairs which, incidentally, was also reported in the Press. Consequently the Minister has had ample opportunity to carry out investigations with a view to explaining to us the reason for this remarkable state of affairs.

If there is an increase in breaches of the law in a certain direction this means one of two things; either there is something faulty with the law, or the penalties are too light and they should be stepped-up. However, if the number of offences is diminishing then surely there is no ground whatsoever for an increase of the penalty unless the Minister falls

back on the old line of thinking that the pound or the dollar today is worth only a fraction of what it was so many years ago. If the thinking was in that direction, instead of a single clause dealing with one section of the Illicit Sale of Liquor Act, a Bill to step-up the penalties in every case would be brought forward and the process would be continued with regard to every other Statute where the fines remained substantially the same as when the legislation was first passed and money had a different value.

The Minister on behalf of the Government owes some explanation for what appears to be an extraordinary approach to Parliament in view of the information officially given only on the third of this month—in other words, within the last fortnight.

Mr. COURT: I am rather surprised at the reasoning of the Deputy Leader of the Opposition. If there is one offence of this kind, it is one too many, because this is a very serious offence. It is just as serious as it was in 1913, when sly-grog shops, as such, existed and when horses and drays used to turn up on jobs for the purpose of selling substandard liquor. It is just as serious today.

The fact that it might be done in more congenial circumstances with music and soft lights does not make it any different basically. As the Deputy Leader of the Opposition indicated in the course of his second reading speech, it may be that the liquor which is sold is manufactured under slightly stricter control.

I point out to the honourable member that the majority of people who patronise these places are young people. I hope the older ones have more sense than to be there at two and three in the morning. I notice that the Deputy Leader of the Opposition and one or two others thought that the small hours of a morning were a good time to visit their friends. However, I am rather on the side of the Leader of the Opposition in the comments he made on this. Certainly my friends have become well and truly sick of me by two in the morning.

Mr. Graham: We do not have to wait that long.

Mr. COURT: I nearly made that interjection for the Deputy Leader of the Opposition. If people want to stay out until two or five in the morning, that is their business; I do not question that. I have done my share of it but as I have grown older I have got more sense.

I am making the point that it is mainly the young people who will be affected by this. It may be that there has been a drop in the number of convictions, but I think it would be fair to say that with this drop we have got down to the solid core of the hardened, seasoned traders who have the game much more organised and who are

probably the ones who will do the most damage so far as the young people are concerned.

The police in their wisdom—and I have some respect for their judgment in these matters—in a very practical way have come to the conclusion that unless the penalty is increased, as is now suggested, it would still be possible for the solid core of sly-groggers to trade profitably and still pay their fines. I do not think there is any other term to use except sly-groggers, because everyone understands what it means, and there is no purpose in cloaking it in the legalistic phrase which is used in the Bill.

All we seek to do is to make it unattractive for them and at least to try to discourage them from this type of trading. That is the simple explanation for it; there is no other explanation.

It is not just a question of a periodical review of the value of money; because if that had been the case we would have admitted some of the sections to which the member for Mt. Hawthorn drew attention. This is a particular case where the police have asked for early legislative action so as to make it unattractive for what they think is a solid core of people who would be prepared to be prosecuted, and who would treat the matter as part of their operating expenses. For that reason it was thought desirable to bring down a specific amendment.

Mr. GRAHAM: I would like to make one more contribution and I will finish. First of all, I want to emphasise to the Minister and to all other members that it is equally an offence for liquor to be dispensed at 8 p.m. as it is at 2 a.m. The time factor has no bearing whatsoever. In my opinion, the question of drinking in the early hours of the morning has perhaps been over-emphasised so that we have lost sight of the true situation.

The Minister has given us reason to be additionally cautious in the matter of increasing penalties when there is no real need. The only justification the Minister has submitted to us is that the police have asked for it.

Mr. Court: And they have given reasons.

Mr. GRAHAM: The Minister has been most remiss in not passing those reasons on.

Mr. Court: I have just given them to you; it is as simple as that.

Mr. GRAHAM: It is not as simple as that. We are all aware that it is because it is a breach of the law—however non-sensical the law may be in the opinion of some—that this unlawful trading in liquor goes on.

The Minister has told us that the position has now reached the stage—this is how he tries to get out of the situation in

which he finds himself—where he acknowledges, because he cannot do anything else, that there is a tapering off in the number of convictions until only the hard core of the villains of the piece is left. They are the ones it is difficult to catch and it is profitable for them to continue because the fines are so low.

This is where the trouble commences. Because the United States became so unrealistic in its attitude to liquor a period of prohibition was imposed, and we all know what happened there. If the penalties are to be stepped-up, it will mean that the people who are catering for a public demand are likely to go to all sorts of excesses in order to protect their position. In other words they will have super chuckers-out, door-keepers, cockatoos, or nit-keepers, as they are called; namely, those who, from some elevated position, view approaching people from afar. The doors will be doubly barred, and people will be admitted only on the recommendation of approved persons, and the rest of it.

From this we could create a most sordid situation and make these people, who, overall, are not doing a great deal of damage, into hardened criminals by their using every device possible to thwart the police and to cater for a public appetite about which there is nothing vicious. I say this because I repeat that this has already been proved, tried, and tested in so many parts of the world over many years.

Therefore the more I consider this provision the less inclined I am to support it. The Minister has not made out any case as to why members should vote in favour of this additional penalty which is to be levied on the people who are caught, because I can see far more evil emanating from it than the good which has been put forward by the Minister.

Mr. COURT: I think the Deputy Leader of the Opposition has overstated his case and has created a wrong impression in the minds of the members of the Committee and of the public, if I interpret his remarks aright. He is almost giving support to these people who are breaking the law. If we rewrite the licensing laws a different situation will be created in the light of the new legislation.

Mr. Graham: Don't forget that your party wanted to license brothels!

Mr. COURT: This piece of legislation is directed at a specific problem we have in our midst, and I am quite convinced it can be corrected if the police are given this power. If the Bill is passed, one can be certain that they will be much more vigorous than they have been in the past, because they will be able to get down to the solid core of people against whom this legislation is directed. Surely no-one in the Parliament will defend those people!

All we are seeking is to impose a penalty, at the discretion of a magistrate, which will make it unprofitable for certain people

to engage in this trade. The Deputy Leader of the Opposition is on much stronger ground when he talks of a total review of our licensing laws and our drinking habits.

Mr. Tonkin: I wish the Government would show as great an interest in illegal betting.

Mr. COURT: I think I will leave that subject to my colleague, because he knows more about it than I do. This is a law necessary to control those people who are breaking the law. If we had a different set of laws and there was no incentive to trade illegally it might be a different situation. However, we have had these laws over the years and we must meet the situation as it now exists. The Deputy Leader of the Opposition referred to meeting a public demand, but I do not agree with this at all. If people cannot obtain enough drink in the trading hours we have now, there is something wrong with them.

Mr. Graham: Why should they swill it into themselves in the limited hours available to them?

Clause put and passed.

Title put and passed.

#### Report

Bill reported, without amendment, and the report adopted.

### MENTAL HEALTH ACT AMENDMENT BILL

#### Second Reading

Debate resumed from the 29th August.

**MR. FLETCHER** (Fremantle) 14.37 p.m.: This Bill contains only two clauses, which seek to amend two sections of the Mental Health Act. In effect, the amendments seek to deal, in a new manner, with the admissions to, and discharges from, mental hospitals. For the information of the House I shall read section 27 which is sought to be amended by clause 2 of the Bill. It is as follows:—

A person who, in the opinion of the superintendent or another psychiatrist, is, or appears to be, suffering from mental disorder may, subject to subsection (2) of this section, be admitted into an approved hospital—

- (a) if under the age of eighteen years, on the request in writing, in the prescribed form, of one of his parents or of his guardian; and
- (b) if not less than eighteen years of age, on his own request in writing in the prescribed form.

Subject to the amendment being passed, the need for writing on the prescribed form in both instances—that is, for the admission of a person under the age of 18 years, and for a person over 18 years—will be waived.

The other section which is sought to be amended—section 51—appears on page 27 of the Act in vol. 20 of *The Reprinted Acts of the Parliament of Western Australia* and it reads—

A patient having a status under Division 1 shall, subject to the provisions of subsection (2) of this section, be discharged—

- (a) on the order of the superintendent;
- (b) on the order of the Director, from any approved hospital; or,
- (c) within seventy-two hours after the receipt by the superintendent of the application in writing of the patient for his discharge; or, in the case of a patient under the age of eighteen years, the application in writing of the parent or guardian at whose request the patient was admitted, for his discharge.

If the amendment is agreed to, the provision contained in paragraph (c) of that section will be repealed and the proposed new paragraph will take its place. That paragraph reads—

- (c) within seventy-two hours after the patient, or, in the case of a patient under the age of eighteen years, the parent or guardian at whose request the patient was admitted, applies for his discharge.

That means the application need not be made in writing.

That is the purpose of the Bill, but, on the other hand, it has implications which deserve some comment. As pointed out by the Minister in his explanation, the measure will create protection for, and will facilitate the admission of, patients who are temporarily admitted at the request of a doctor or a psychiatrist. I would suggest to the House, and to the honourable member opposite who is a medical practitioner, that those requesting the admission of such a patient are responsible people and they would not make application for other than legitimate reasons.

In his explanation, the Minister said the admissions would be made for therapy or teaching purposes. A patient can be discharged within 72 hours at his own verbal request, or at the verbal request of his guardian, and this represents a real safeguard. In other words, the patient can gain easy admission and can be just as easily discharged.

As I pointed out in regard to the existing procedure for admissions and discharges, the Bill will also provide, as a consequence, a pool of patients for study by University

students and qualified medical practitioners. I point out that it is important that our medical practitioners of the future—that is, our present University medical students—should be made aware of the various manifestations of mental illness. However, I am concerned about the fact that the Bill may, in my opinion, impose additional stresses and strains on those who are working with inadequate mental health facilities.

I have a high regard for the people engaged in this branch of medicine. A great deal of emphasis is placed on the glamour branches of medicine, especially those involving heart and other transplants and, in fact, every physical illness. I suggest that mental health appears to be the Cinderella from the point of view of those who are in charge of allocating funds for the administration of this very important section of medicine for the benefit of the health of people suffering from mental disorders.

When I was granted the privilege of taking the adjournment of the debate on the Bill, I considered it was incumbent upon me to conduct some research into the subject. Therefore, having in mind that the measure could create extra demand for accommodation in our mental health hospitals, I telephoned the Superintendent of the Heathcote Reception Home. I know this particular gentleman very well. He is a fine man, with an efficient staff, and both he and his staff are doing an excellent job, which is unknown to most members of the community. As I have previously stated, this branch of the medical profession is not glamorised in any way.

The Superintendent of the Heathcote Reception Home was kind enough to inform me that my telephone call was the first indication he had had of the introduction of this measure into Parliament. Apparently someone has failed in his duty. I am not suggesting it is the Minister, but someone in authority should have extended to the superintendent of that reception home the courtesy of advising him that this Bill was to come before Parliament, and warning him of the consequences that may result from it by pressure being applied on him to absorb extra patients in the accommodation he has available.

Over the telephone the superintendent told me he was in the process of preparing his annual report for this year, and he informed me that the admissions in 1950 were 500. In 1960, 10 years later, the admissions had increased to 1,000. Last year there was a continuing increase, because the total admissions numbered 1,800; and I point out that the Heathcote Reception Home has only 125 beds.

I do not suggest that 1,800 patients are expected to get into 125 beds; but the figures do reflect the pressure on accom-

modation. I make that known to the House, so that all, including the Minister, will be aware of this strain.

The superintendent told me that these pressures were particularly hard on his staff, and with that I agree, because the figures of admissions which I have mentioned are increasing at a rapid rate. He also said that with the existence of the pressures it was difficult to give proper treatment to so many patients, or to retain them as patients for the requisite periods. As a consequence there is, inevitably, readmission of patients who have received inadequate treatment.

I am sure the House will agree this is a very sad state of affairs. The superintendent was quite unaware the Bill was coming before the House, and he went on to thank me for the courtesy of notifying him of the matter. I do not think such notification should have come from me, as a member of the Opposition; it should have come from an officer in the top echelon of the Mental Health Services, or perhaps from the Minister himself.

I would point out that recently I uncovered a report dealing with mental health in America. I refer to it in order to illustrate that a position similar to that which exists in America could exist in Western Australia. That report indicated that one out of every 10 high school students in America was in need of psychiatric attention; or 10 per cent. It also showed that in the case of students from 15 years to 21 years of age the proportion who required psychiatric treatment was 15 per cent.

That indicates that even if we in Western Australia do not live at the same pitch of pressure as the people in America, an increasing percentage of our community will require mental health treatment or the attention of psychiatrists and others in that branch of the profession.

It seems to me that the two amendments contained in the Bill are very desirable. Since it is not necessary for a person with a broken leg or suffering from some physical injury arising out of a traffic accident to apply in writing for admission to, or discharge from, hospital, similarly it should not be necessary for a person suffering from a mental complaint to apply in writing for admission or discharge. No doubt a person suffering from a mental disorder would be somewhat distressed when he seeks admission, and it would merely add to his confusion if he or his guardian was required to fill in a form.

I cannot find anything in the Bill to argue against. There seems to be an acceptance by the public of mental health disorders and the stress that is associated with them. I have just heard *sotto voce* a remark to the effect that mental patients

are very naturally concerned about the filling in of any type of form. They might think they were in the process of signing their liberty, or even their lives, away.

It appears that under the provisions of the Bill only those who really need treatment will be admitted. I can see no reason why the measure should not have a smooth passage through the House; and, with the reservations I have expressed in regard to accommodation problems, I support the Bill.

**DR. HENN (Wembley) [4.51 p.m.]:** This Bill, if agreed to, will enable a patient suffering from a mental illness to be admitted or discharged without a written request from—in the case of a person over 18 years of age—himself; and from—in the case of a person under 18 years of age—his parents or guardian. It seems to me that the Bill will be the means of cutting out some red tape, and for that reason alone I support it.

First of all, I would like to congratulate the Mental Health Services, and this is the first opportunity I have had in the House to do that. For some years now the Mental Health Services have done a remarkably good job in building up in the minds of the public a recognition that mental disorders are no different from organic diseases.

One does not have to go back very many years to find that mental disorders and mental diseases were spoken of in whispers, and that was done not only in front of the patients themselves. The stigma which was attached to patients and their relatives seemed to remain with them for a long time—for a generation, and possibly two generations. If such stigma could be removed, and if patients and the public would recognise mental diseases as being no different from other diseases and that patients should seek treatment early, then we would have half the battle won.

As the member for Fremantle pointed out, there has not been any great or outstanding achievements in the treatment of mental diseases. Some years ago treatment was available through surgery or through medical therapy in the form of medicines, tablets, and drugs; and there was also available an operation which was then in vogue, and which is known as pre-frontal leucotomy. This involved putting a thin, sharp knife into a certain area of the brain to divide some fibres in what is known as the silent area—that part of the brain which makes people what they are, or which makes up their character. In a number of cases this operation did have some success. From what one read in the Press and in the journals it was to be a cure-all for most mental disorders. However, it did not turn out that way.

Those who understand mental diseases thoroughly are now relying more on psychoanalysis in cases where it is possible

to apply that treatment, and on some of the new tranquillising drugs which one can only say are being experimented with at the present. When I say they are being experimented with, I do not mean it in a derogatory sense, because a fairly close watch is being kept on the results by some authority in Canberra, so as to ensure that these drugs are not used without serious consideration and care being given.

The brain has always seemed to me to be a wonderful organ. I remember in the days when I was studying medicine I used to think of the brain as a large signal box at a railway junction in some large town—always receiving messages and busily transmitting them to the next station or to whatever part it wanted to send them. Small as the brain is, it is chock-a-block full of important centres. If a person moves his little toe, a message goes from the brain to the muscles which move the toe.

We will realise how important a part the brain plays when we think of all the muscles and nerves that are in a human body, and all the things the brain is capable of directing the body to do. It is like a rover in a football match who is in the thick of the ruck, trying to get the ball out and looking everywhere at the same time. It is a marvellous organ.

To turn back to the part of the brain known as the silent area, about which so little is known today, I do not think the anatomists who over the past 100 years or so have studied it have quite determined the part played by it. As I pointed out this is the part which makes a person happy, serious, or laugh when other people cry. When this little part of the brain departs from the normal the person becomes, in the eyes of others, peculiar. It is then that such a person should seek advice from a psychiatrist to find out whether his mental condition is abnormal. I mention this, because that is exactly what the Mental Health Services are trying to do: to get people to seek treatment early.

In his introductory speech the Minister gave three reasons for his amending Bill. The first was—

To make admission to mental health inpatient facilities as flexible and informal as possible, and to bring the procedure into line with outpatient clinics and general hospitals which require no formality for admission.

The second reason was—

To enable visiting University lecturers and demonstrators to have patients admitted informally for teaching purposes and for special therapy.

I hope this will not result in patients who are in a happy environment being admitted informally. The Minister did not say where such patients were living. They might be patients receiving outpatient treatment at day clinics, of which there is

a number in Perth, or they might be inmates of a mental institution living in a very satisfactory environment.

I hope it will not mean that such patients will be removed from their comfortable set-up and taken to some other hospital, just because some visiting lecturer or demonstrator wants to demonstrate a case; although such a transfer would be in order if a patient were admitted to the Royal Perth Hospital, in which there are reasonable facilities. I further hope that patients who are settling down from their acute anxiety state will not be summoned from their homes for informal admission, just because someone likes to show off before a visiting psychiatrist.

If a mental patient is at the turning point in his treatment, and is required to be admitted informally for the purposes of demonstration, he could be set backwards instead of forwards on his way to recovery. I do not think any medical superintendent or leading psychiatrist would allow such a thing to happen. However, the provision is in the Bill, and I am mentioning this matter in the hope that instances such as I have enumerated will not occur.

In his speech the member for Fremantle referred to one hospital which was overcrowded. I was not paying full attention at the time, but I caught the last few remarks he made. He said there were many readmissions to that hospital, because of the inadequate treatment given.

I do not think that would be correct, at all, because it is the practice of psychiatrists today not to keep patients in hospital for a moment longer than is absolutely necessary. The hospital environment in these cases is not always the best. When patients get over the bad stage of a mental illness they begin to look around to see what is going on. That is one of the reasons why psychiatrists like to see their patients go home, or go to another type of hospital. So I do not think it can be said that the patients are taken to a different hospital because of inadequate treatment. In my opinion, a patient would be moved because of a relapse, or because he had not responded to the treatment, rather than because of inadequate treatment.

I commenced my speech by praising the Mental Health Services, and I will end on that note. Little is said about the work done by the Mental Health Services, which are an important part of the Public Health Department.

I agree with the Minister representing the Minister for Health in this House—and also with the Minister for Health—that in Western Australia we have a remarkably adequate and highly qualified Public Health Department, starting at the head of the department and coming down to the lowest medical officer. I do not think it even stops there; I think it goes right through to the clerks

in the various sections of the department. I happen to know some of them who are remarkably conscientious and interested in the work they do. No doubt this is because they have such eminent and active people at the head of the department. I support the Bill.

**MR. ROSS HUTCHINSON** (Cottesloe—Minister for Works) [3.2 p.m.]: I found the speeches made by both the members who spoke very interesting. I am particularly indebted to the member for Wembley for his clear and brief definition of the purpose of the Bill. It is a simple one, and merely sets out to obviate the need, which is in the Act at the present time, to have to apply in writing for admission, and to have to apply in writing for discharge.

The member for Fremantle referred to increased admissions, and it is true that in comparatively recent times many more people have been admitted to approved mental hospitals than in years gone by. This, actually, is a very desirable state of affairs and has been sought after by the mental health organisation. Too frequently, because of the stigma that used to be attached to mental illness, people hid relatives' illnesses behind closed doors. So it was very difficult to try to bring about any improvement in the condition of such people.

The introduction of the modern type of legislation which is now on our Statute book has done a great deal towards liberalising community feeling in regard to these matters. This has had the good effect of making it much easier for people to admit patients who require assistance.

It is true that pressures are brought to bear on mental hospitals, and on every aspect of medical treatment, particularly in an advancing State. Of course, the population increase in this State, in recent times, has been a contributing cause towards increased admissions. However, at the same time as there have been increased admissions, there have been increased discharges. This, again, is a very great victory of comparatively recent times, and is a result of the new approach to mental illness.

The member for Wembley spoke about the progress which has been made in regard to the treatment of those who are mentally ill. It is true that improvements have been effected by means of medicines and drugs. The tranquilliser drugs have provided a means for psychiatrists and psychologists to get to the root causes of mental illnesses.

The finest feature in regard to the improvement in discharges from mental hospitals has been the more humane feeling in the community with regard to mental illness. I still believe it is not humane enough and there is room for a great deal of further liberalisation in this connection; but great steps have been taken.



The member for Wembley also queried one of the reasons given for this more informal admission and discharge of patients. He queried the fact that it is occasionally necessary for lecturers and demonstrators to admit a patient purely on a temporary basis for therapy or, perhaps, for teaching purposes. I do not think I can retract either one of those two purposes. Certainly the honourable member did not take any exception to the therapeutical treatment of patients admitted in such a matter. He was referring, in the main, to the admission for teaching purposes.

I think all members appreciate that we have a Medical School in this State which has reached a very high standard indeed, even though its life has been comparatively short. It is necessary for teaching to be carried out with the aid of patients. This applies whether a patient is physically ill or mentally ill. I do not have to pursue this very far, because people have only to watch TV to see how much teaching is a part of the treatment in hospitals.

Mr. Davies: I think it makes the patients sick.

Mr. ROSS HUTCHINSON: I have no doubt that at times patients must feel inconvenienced when a group of medical students gather round. On other occasions, of course, such gatherings could be of very great value when visiting lecturers of a high standard come to this State and want to convey some learning to our own medical students. This applies, particularly, to special types of patients, be they physically or mentally ill. By the demonstration of a patient's illness a cure might more easily be effected.

The Bill is a simple one and, perhaps, we have extended our field of discussion a little beyond the terms of the legislation—although not a great deal. I think it has been worth while, and I commend the second reading of the Bill.

Question put and passed.

Bill read a second time.

#### *In Committee*

The Deputy Chairman of Committees (Mr. Mitchell) in the Chair; Mr. Ross Hutchinson (Minister for Works) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Section 27 amended—

MR. FLETCHER: I rise to clear up any possible misunderstanding by the member for Wembley and the Minister, and above all, the superintendent of the hospital I mentioned. He said to me, in a conversation over the telephone, that owing to pressure at the gate he could not give all the treatment he would like to give to those patients inside the gate. He was of the opinion that there would be fewer readmissions if treatment could be of longer duration. I hope that explanation clears up any misunderstanding.

Dr. HENN: I did not say all I wished to say when speaking to the second reading. I realise that therapy given in a certain hospital might have to be different from that in which the patient is an inmate, and with that I agree. However, I was worried about patients being taken from the environment in which they were recovering—which I think is so important in mental illness—and perhaps set before a crowd of students and two or three visiting lecturers. That could be enough to send the patient off again.

In my day—which is so long ago—we used to go 35 miles from London into the country to an enormous building known as an asylum. Unfortunately it was an asylum, but we went to the patients as did the big-shots. I do not know whether it is a sign of the times that the patients now have to be brought to the big-shots. Perhaps I should have said that when I spoke earlier, but I hope the Minister will see that this is not done.

Clause put and passed.

Clause 3 put and passed.

Title put and passed.

#### *Report*

Bill reported, without amendment, and the report adopted.

#### **ADJOURNMENT OF THE HOUSE**

MR. BRAND (Greenough—Premier) [5.14 p.m.]: Before I move the adjournment of the House, may I have your permission, Mr. Speaker, to remind members that we will not be sitting during show week, that is, the week beginning the 23rd September. I move—

That the House do now adjourn.

Question put and passed.

*House adjourned at 5.15 p.m.*