through it in detail at this stage, but simply to outline the scheme which it provides.

Provision is made that where a probationer or parolee from another part of Australia comes to this State, he must report to the proper authority in this State. A probation or parole officer of this State may be assigned to effect the normal supervision.

With the probationer, a court in this State, having jurisdiction similar to the court in the State or Territory which made the probation order, may discharge the order or amend it. Provision is made for the communication to the home State or Territory of the news of any such discharge or amendment.

Where a probationer is in breach of his probation, otherwise than by conviction, he is deemed guilty of an offence and, in addition to being fined for that offence, may be returned to his home State or Territory, or dealt with here by our courts, in respect of the conviction on which the probation was granted, in any way that he might have been dealt with by the courts of his home State or Territory, had such a breach occurred there.

However, it is provided that such a defaulter shall not be dealt with by our courts in respect of the conviction on which the probation was granted, unless the appropriate court or authority in his home State or Territory has indicated that it does not want him sent back. Similar provisions exist with regard to a breach of probation by conviction.

So far as the parolee is concerned, our Parole Board may cancel, suspend, or vary the parole, giving appropriate advice to its opposite numbers in the home State or Territory.

Where the parole is cancelled, whether by our board, the Parole Board in the other State or Territory, or automatically on conviction, the parolee may be returned to his home State or Territory, or, provided he is not wanted back home, may be imprisoned here for the remainder of his term. Reparole may be granted in appropriate cases after cancellation. There is also provision for punishing parolees for breaches of parole otherwise than by cancelling their parole.

There is much detail of a procedural and enabling kind which I have not mentioned, but I think what I have said is sufficient to give members an idea of the general scope of the proposed new part.

Before I conclude I would like to take the opportunity to say that this legislation, which members will recollect was introduced in 1963, has now had a reasonable time in which to be tested—if I can put it that way—and I say without hesitation that by and large it has worked very well. The members of the board have certainly worked well and the officers of the parole service have assisted very greatly in bringing the legislation to fulfilment. Therefore I think it appropriate to take the opportunity to thank all those concerned with the legislation for the efforts they have made.

The Bill contains amendments which have been found to be necessary as a result of experience and I would venture to suggest that as time goes by we will find further amendments are necessary. The Bill is presented to the House with the idea of improving the legislation and I commend it to members.

Debate adjourned, on motion by The Hon. F. R. H. Lavery.

ADJOURNMENT OF THE HOUSE: SPECIAL

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [4.6 p.m.]: I move—

That the House at its rising adjourn until Tuesday, the 1st October.

Question put and passed.

House adjourned at 4.7 p.m.

Legislative Assembly

Thursday, the 19th September, 1968

The DEPUTY SPEAKER (Mr. W. A. Manning) took the Chair at 2.30 p.m., and read prayers.

QUESTIONS (30): ON NOTICE

FISHING

Crayfish Bait: Netting

1. Mr. FLETCHER asked the Minister representing the Minister for Fisheries:

   (1) Am I correctly informed—

   (a) by certain Fremantle fishermen that only those subject to permission can net salmon in season in certain areas adjacent to Fremantle;

   (b) that permission to catch is associated with an undertaking to sell the catch to Tropical Traders, Fremantle;

   (c) that a fisherman from Mandurah, for example, can catch them in any area on the coast, including the area barred to Fremantle fishermen?

   (2) What areas under the Fremantle Port Authority jurisdiction are—

   (a) open for such fishing;

   (b) closed for such fishing?

(3) Is he aware—

(a) that one Fremantle fisherman received from Tropical Traders for one ton of salmon an amount of $75 or 3.3c per pound;

(b) that if the same fisherman wants to buy back, not the whole salmon but just the heads of same for crayfish bait, he pays up to $20 per bag for heads of fish he himself could have caught?

(4) Is he further aware that—

(a) Eastern States imported fish heads are up to 14c per pound for crayfish bait;

(b) such prices are up to four times in excess of prices paid to fishermen for whole fish?

(5) In view of the questions above, what possible grounds exist for preventing crayfishermen catching—

(a) salmon;

(b) scalies, mulies; or

other fish suitable for crayfish bait in the present open or closed waters only while such fish are available in season, so that fishermen can freeze such fish for storage as crayfish bait and further help in preventing an adverse trade balance between Western Australia and the Eastern States?

Mr. ROSS HUTCHINSON replied:

(1) (a) Neither licensed professional, nor licensed amateur, fishermen may use a fishing net within any waters in which the use of such net is prohibited.

(b) On two occasions professional net fishermen were granted permission to take salmon in waters closed to netting subject to the condition that the catch was sold to the local cannery at Belmont to ensure a reasonable continuity of employment at the cannery.

(c) Irrespective of the area, fishermen are not permitted to use nets in waters closed to netting.

(2) (a) and (b) This matter concerns the Fremantle Port Authority. The authority has permitted a limited number of fishermen to net in waters under its jurisdiction.

(3) (a) I have been advised that the prices paid by Tropical Traders Limited for salmon are as follows:—

(i) Whole fish $89 per ton.

(ii) Bodies—less the head—$104 per ton.

(iii) Heads $187 per ton.

(b) Average price for salmon heads from this company is $14 per 75 lb. bag.

(4) (a) No.

(b) No.

(5) (a) and (b) Crayfishermen may catch any fish for bait, provided they are taken in open waters and are at or above the legal minimum length. There are a number of reasons why fishermen may not take fish in closed waters or less than the legal minimum lengths. The main ones are conservation of fish stocks, and the maintenance of orderly fishing by both professional and amateur fishermen.

2. *This question was postponed.*

NELSON LOCATION 12883

Area and Situation

3. Mr. GRAHAM asked the Minister for Forests:

(1) What is the area of Nelson Location 12883?

(2) Where is it situated in relation to Nelson Location 11328?

Mr. BOVELL replied:

(1) About 138 acres.

(2) About 13 miles east-north-east of Nelson Location 11328.

4. *This question was postponed.*

METROPOLITAN TRANSPORT TRUST DEPOT

Bentley

5. Mr. MAY asked the Minister for Transport:

(1) Is it still the intention of the M.T.T. to establish a depot at the corner of Chapman and Manning Roads, Bentley?

(2) If so, will he kindly advise when the depot is to be established?

Mr. O'CONNOR replied:

(1) If the development of the surrounding area warrants it, a depot will be established.

(2) Dependent on future development.

MANNING ROAD

Widening

6. Mr. MAY asked the Minister for Works:

Will he advise when the widening of Manning Road between Canning Bridge and Albany Highway will commence?

Mr. ROSS HUTCHINSON replied:

Manning Road is the responsibility of the Perth City Council, the South Perth City Council, and the Canning Shire Council.

Following discussion by council representatives with the Main Roads Department more than three years ago the councils undertook to prepare plans for widening, which, when completed, are to be used as the basis for further discussion with the department on funding of the work. Until all the councils' plans are received and agreement reached on funding, a date for commencement of work cannot be determined.

7. *This question was postponed.*

MANJIMUP-MT. BARKER ROAD

Dangerous Bridges

8. Mr. MITCHELL asked the Minister for Works:
   (1) Is he aware that there are three dangerous narrow bridges on the Manjimup-Mt. Barker road?
   (2) Is he also aware that the construction to widen these bridges has been completed for some months?
   (3) Can he advise when the road works necessary to permit of the use of the wider bridges will be completed?
   (4) As these bridges constitute a real danger, will he see if work can be put in hand at an early date?

   Mr. ROSS HUTCHINSON replied:
   (1) Yes.
   (2) Yes.
   (3) Road works to widen approaches are planned to commence by mid-October, 1968.
   (4) Due to the adverse effect wet weather could have on this work, it is considered that October, 1968, is the earliest practical date.

9. *This question was postponed.*

KIMBERLEY ELECTION

Irregular Voting

10. Mr. TONKIN asked the Minister representing the Minister for Justice:
    (1) With reference to the reply given to questions asked on Tuesday, the 13th August last, concerning the false personation of George Widdjoe at the Gogo Station polling booth, Kimberley, have the inquiries which the Chief Electoral Officer undertook to cause to be made been completed?
    (2) If "Yes," will he table a copy of the report on the matter?

    Mr. COURT replied:
    (1) The Minister for Justice has been advised by the Chief Electoral Officer that the police report was received this morning.
    (2) The Minister has not yet had an opportunity to examine the report, but when he does so, the honourable member will be further advised.

STATE SHIPPING SERVICE

Barge-carrying Vessels

11. Mr. TONKIN asked the Minister for Transport:
    (1) Has he read the contribution by the Director-General of Transport to the symposium on northern development, Pilbara prospects in the 1970s?
    (2) If "Yes," does he propose to give serious consideration to the views expressed in their relation to the economics of barge carrying on the north-west coast?
    (3) For what particular purpose did Sir Ragnar Garrett, Chairman of the Western Australian Coastal Shipping Commission, proceed abroad?
    (4) Was Sir Ragnar Garrett's mission authorised before or after Thomas Nationwide Transport was given permission to have talks with the State Shipping Service?
    (5) Is it possible that in the event of the Government deciding to purchase barge-carrying vessels the necessary finance could be arranged without requiring the Government itself to provide it from loan funds?

    Mr. O'CONNOR replied:
    (1) Yes.
    (2) Yes, the concept of barge-carrying ships is the very one to which the Premier's announcement yesterday referred.
    (3) On leave.
    (4) The arrangement for Sir Ragnar Garrett to go overseas on leave were made before any discussions were held with Thomas Nationwide Transport.
    (5) This may be possible depending upon the attitude of the Commonwealth Government. We are exploring methods of finance.

TEGGS CHANNEL, CARNARVON

Dredging

12. Mr. NORTON asked the Minister for Works:
    (1) When is it anticipated that the dredging of Teggs Channel at Carnarvon will be completed?

(2) Will markers and guide lights be installed on the completion of the dredging?

(3) Will the dredge, on the completion of its work in Teggs Channel, be used to reclaim the area of marsh land between West Street and Pickles Point?

(4) If used for this work, what would be the cost per cubic yard?

(5) What area of land could be reclaimed by such work?

(6) What is the area of land at Pickles Point that is above sea level?

Mr. ROSS HUTCHINSON replied:

(1) Progress of the dredging work at Teggs Channel is dependent on suitable sea and weather conditions, which to date have been particularly adverse. Therefore it is not possible to give a definite date for completion at this stage.

(2) Provision has been made for the installation of suitable navigation marks when the dredging is completed.

(3) No decision has been taken.

(4) and (5) Answered by (3).

(6) Approximately five acres.

13. *This question was postponed.*

MINERAL CLAIMS

Nimmingarra Area

14. Mr. BICKERTON asked the Minister representing the Minister for Mines:

(1) By whom are the following mining claims held in the Nimmingarra area—

(a) MC 741;

(b) MC 742?

(2) Is it a fact that these mining claims have not been worked since 1962?

(3) Are the holders of the leases conforming with the Mining Act?

(4) When is production from the leases likely to recommence?

Mr. BOVELL replied:

(1) The Minister for Native Welfare.

(2) No production has been reported from this ground since 1962 or since these mineral claims were granted to the Minister for Native Welfare on the 23rd September, 1965.

(3) Yes.

(4) Not known.

15 and 16. *These questions were postponed.*

INDUSTRIAL WASTE AND RESIDUE

Kwinana Area

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

With regard to that area of land immediately north of Thomas Road, Kwinana, and coloured green on Metropolitan Region Scheme Plan No. 19 of 1963, and which has been cleared in anticipation of use as a settling pit for industrial waste from Western Aluminium N.L. Refinery:—

(1) What is the approximate area cleared?

(2) What would be the approximate surface area of the filled part of this particular section of land if the depression is filled to the 65-foot level?

(3) What is the anticipated volume in cubic yards of residue which would be required to fill the depression to the 65-foot level?

(4) What will be—

(a) the average depth; and

(b) the greatest depth,

of refinery waste in the event of this depression being filled to the 65-foot level mark?

Mr. COURT replied:

(1) 39 acres.

(2) 34 acres.

(3) 850,000 cubic yards.

(4) (a) 17 feet.

(b) 34 feet.

SEWERAGE

Star Street, Carlisle

18. Mr. DAVIES asked the Minister for Water Supplies:

(1) Has any formal application yet been received to join Lots 862 and 863 Star Street, Carlisle, to deep sewerage ?

(2) If so—

(a) what decision has been arrived at;

(a) what is the cost of the work involved?

Mr. ROSS HUTCHINSON replied:

(1) Yes.

(2) (a) and (b) The estimated cost of the sewer extension to the nearest (i.e. south-west) corner of Lot 862 is $9,500.

What part of the cost of the extension can be provided by the Metropolitan Water Board depends on revenue obtainable, and this figure is not yet available.

19. *This question was postponed.*

BUS SERVICES

Stoppage during Show Week

20. Mr. BURKE asked the Minister for Transport:

Is he aware of an industrial dispute involving the Metropolitan (Perth) Passenger Transport Trust and the possibility of a stoppage of buses during show week?

Mr. O'CONNOR replied:

The trust is not aware of the existence of an industrial dispute. The union is negotiating with the trust on a matter involving a small number of employees.

POWER STATIONS

Cost of Production

21. Mr. JONES asked the Minister for Electricity:

(1) Assuming all four units at the Muja powerhouse operate at full capacity for one year, what is the estimated cost of producing one unit of power?

(2) What percentage is coal estimated to be in the cost of producing one unit of power under (1)?

(3) What percentage is coal in actual cost of producing one unit of electric power at Muja powerhouse for 12 months ended the 30th June, 1968?

(4) In the year 1965 coal consumed at the Bunbury powerhouse amounted to 469,968 tons—

(a) What was the cost of producing one unit of electric power at this station for that year?

(b) If the station was operated at peak capacity; i.e., coal burn of 469,968 tons, what would be the cost of a unit of electric power at present?

(c) What percentage was coal in the actual cost of producing one unit of electric power at the Bunbury station in 1965?

(d) If the answer to (c) includes freight charges on coal, what was the percentage of freight in the cost of producing one unit of electric power at the station in that year?

(e) What was the total units of electric power produced at the Bunbury station in 1965?

Mr. NALDER replied: I would like to preface my reply to this question with the following comment:—

The State Electricity Commission operates an interconnected system of power stations. The stations are loaded to give the most economical output of power consistent with security of supply.

If the loading of a particular plant were varied, it would have repercussions on other plants and would upset the economics of the system as a whole.

The generating cost of the overall system is, therefore, the important figure—not that of any individual station.

The answers are as follows:—

(1) and (2) There are only three units operating at the Muja generating station at present. The operating costs when the fourth unit is commissioned will depend on the demand then on the system.

(3) 78 per cent. (capital costs are excluded).

(4) The tonnage of coal quoted was for the 1965 calendar year. Costs are not prepared for the calendar year. Figures below are for the financial year ended the 30th June, 1965:—

(a) .563c per kwh (capital costs are excluded).

(b) It would not be possible to burn 469,968 tons of coal at the Bunbury generating station without reducing the consumption of coal at the more economical station at Muja. This cost is, therefore, not available.

(c) .82 per cent. (capital costs are excluded).

(d) 31 per cent. (capital costs are excluded).

(e) 713,368,000 kwh.

COAL TRANSPORT

Collie to Bunbury

22. Mr. JONES asked the Minister for Railways:

Under the terms of the Alumina Refinery Agreement, bauxite is transported a distance of 28 miles for 42c a ton and 32 miles for 48c a ton. The company advanced certain moneys for the track and rolling stock which was refunded to the company, with interest, over a period of 10 years—

Is the Government prepared to enter into a similar agreement in relation to the transport of coal from Collie to Bunbury, upon request from a coalmining company?

Mr. O'CONNOR replied:

The Government is prepared to consider any proposition that relates to the handling of all bulk commodities in large quantities. The volume of coal railed from Collie to Bunbury during year ended the 30th June, 1968, was 250,400 tons. The comparable figure for bauxite was 1,491,818 tons.

RAILWAY ACCIDENTS

Track Maintenance

23. Mr. DAVIES asked the Minister for Railways:

(1) What was the maintenance record of the railway track where the latest derailment occurred east of Merredin recently?

(2) How long had the track been down; i.e., was it comparatively recently laid?

Inquiries

(3) Has consideration been given to holding public inquiries into railway accidents?

(4) If so, what decision was reached?

Mr. O'CONNOR replied:

(1) and (2) This section of line was relayed and reballasted in 1956. Normal track maintenance has been carried out since that time.

(3) and (4) The policy of the commission is that where passenger trains are involved, a responsible public representative nominated by the National Safety Council sits with departmental members appointed to the board of inquiry. In other cases it is considered that the situation is satisfactorily met by senior departmental officers.

LAND AT BALCATTA

Zoning and Subdivision

24. Mr. GRAHAM asked the Minister representing the Minister for Town Planning:

In reply to a question asked on the 17th instant, he advised that the whole of the areas bounded by North Beach Road and Cedric and George streets, Balcatta, are zoned as residential—

(a) Is he aware of any moves to alter the zoning to allow a hotel to be built in the area?

(b) If this proposal materialises, what effect is it considered this will have on the aesthetics and economics of the remaining residential lots ?

(c) By what processes does an area of zoned residential land become available for other purposes?

(d) Does this mean that subdividers of any residential land could find their housing lots confronted by licensed premises?

(e) Is such a state of affairs desirable or fair?

Mr. LEWIS replied:

(a) An objection was lodged against town planning scheme No. 23 on the grounds that the area was required for "hotel" purposes. The objection to the scheme was disallowed when the scheme was approved.

(b) Until a zoning or development application is submitted, this question remains hypothetical.

(c) By the processes detailed in the Town Planning and Development Act, Town Planning Regulations, and the Local Government Act.

(d) Yes, but only after the processes referred to in (c) have been completed including the right of an individual affected by the zoning amendment to object.

(e) This could only be determined after considering each case on its merits, having regard to the procedures for safeguarding public and private interests.

SHOPPING CENTRE, CLOVERDALE

Conditions of Disposal

25. Mr. JAMIESON asked the Minister for Housing:

What were the conditions under which the State Housing Commission disposed of the shopping centre in Love Street, Cloverdale, and the associated hotel site, service station site, and parking area?

Mr. O'NEIL replied:

The commission constructed public roads, rights-of-way, and parking space, and sold the whole area comprising lots 32-46 by public auction on the 4th December, 1962, as one parcel. No special conditions were applied.

STATE SHIPPING SERVICE

Freight Rates and Fares: Increases

26. Mr. BICKERTON asked the Minister for Transport:

(1) Will he supply the House with details concerning the proposed increases in shipping freight rates and passenger fares by the State Shipping Service?

(2) Will he give full reasons for the increases?

Mr. O'CONNOR replied:

(1) (a) Freightage has been increased by $1.90 per ton measurement/weight for general cargo (the base rate) with appropriate adjustment to other rates according to class. Rates for cattle have been adjusted upwards by $1.50 per head and for sheep, rams, and other small stock an increase of 20c per head has been approved. Some examples of the effect that the additional charge has in increased freight on commodities shipped northwards are—

Sugar—.085c a pound.
Carton beer—.96c a bottle—.99c a 7 oz. glass.
Butter—.12c a pound.
Flour—.085c a pound.

(b) Passengers fares have been increased by 10 per cent. This constitutes an additional $13.05 for a single voyage to Wyndham which approximates in journey a time of 13 days or $26.10 for a return ticket valid for six months. From the same port a concessional return rate for women residents of the north is increased by $13.05.

(2) The freight rates have remained unchanged for two years, the last increase having been approved in September, 1966.

Since that date increased cost factors over which the commission has no control have had impact on outgoing expenditure, principally wage rises under Federal awards of the maritime industry (seagoing and shore) together with stevedoring industry levy which increased during the period, from 33c to 80c per man hour. (Whilst the levy, as such, became no longer operative in March, 1968, the equivalent is still present in the overall cost involved in the permanency of waterside labour scheme adopted at Fremantle in the same month.)

Increase in fuel cost also had impact.

The total cost factors which have occurred to date, including the recent rise granted waterside workers and the interim increase of $2 per week granted seagoing personnel by the Commonwealth Conciliation and Arbitration Court, pending final hearing of the logs of claims of the various unions, constitutes an impact of $590,000 per annum. This has been partly offset by the service endeavours to economise by adopting a reduction of the M.V. *Kabbarli* to cargo vessel status. Interest and depreciation has risen by $134,000 per annum.

27. *This question was postponed.*

KELMSCOTT PRIMARY SCHOOL

Use of Police Department Land

28. Mr. RUSHTON asked the Minister for Education:

(1) Has his department acquired the surplus land of the Kelmscott Police Station from the Police Department?

(2) If so, when will this land be brought into use for the Kelmscott Primary School?

Mr. LEWIS replied:

(1) No.

(2) Action is proceeding to finalise acquisition.

EDUCATION SCHOLARSHIPS

Number Available

29. Mr. RUSHTON asked the Minister for Education:

(1) What number of educational scholarships (Commonwealth and State), in separate categories, are available in Western Australia for 1969?

(2) How many educational scholarships of all kinds were relinquished prior to full utilisation for the years 1966, 1967, and 1968?

(3) Is there provision for the reallocation of balance of scholarships not utilised?

Mr. LEWIS replied:

(1) (i) Commonwealth scholarships—The number for 1969 for this State is not yet known. As a guide the 1968 figures are given.

(a) University—572 available in 1968. (A further 1,500 are to be awarded for the whole of Australia in 1969 but exact figures for individual States are not known.)

(b) Advanced education (for tertiary other than in (a))—71 available in 1968 with a further 500 for the whole of Australia in 1969.

(c) Secondary (post Junior)—735 available in 1968—expected to remain the the same in 1969.

(d) Technical—181 available in 1968—expected to remain the same in 1969.

(ii) State scholarships—District superintendents' recommendations—up to 100 per year.

(2) The Department of Education and Science is unable to supply figures of Commonwealth scholarships relinquished prior to full utilisation. State Education Department records show no scholarships relinquished in 1966, 1967, or 1968, apart from cases where eligibility has ceased due to change of domicile.

(3) No reallocation of either Commonwealth or State scholarships is made.

DOMESTIC WATER SUPPLIES

Extension in Geraldton Area

30. Mr. SEWELL asked the Minister for Water Supplies:

When is it expected that water will be supplied for domestic purposes to the following areas—

Drummond's Cove,
Glenfield,
Waggrakine, and
Moonyoonooka?

Mr. ROSS HUTCHINSON replied:

Funds have now been provided this financial year to enable a commencement to be made on the reticulation of the Glenfield-Waggrakine area.

Reticulation of other areas will be listed for consideration in future works programmes.

QUESTIONS (5): WITHOUT NOTICE

POSTPONED QUESTIONS

Availability of Replies

1. Mr. GRAHAM asked the Premier:

In view of the fact that when the House rises this evening it will not meet again for nearly a fortnight, will the Premier and his Ministers endeavour to obtain, during this afternoon, replies to the many questions where no answers were available during question time?

Mr. BRAND replied:

With respect to question 27, I was especially asked to postpone this one because the information was not available—or the officer concerned was not able to prepare it in time.

I think the question asked by the Deputy Leader of the Opposition is fair enough. If any Minister can arrange to get the answers to the questions which have been postponed, so much the better. However, as I think everyone would appreciate, only the morning is available to prepare the answers to the questions. When a question requires a lot of research for a reply, there is not always time to produce the answer during the morning.

Mr. Graham: That is appreciated in some cases, but quite a number of the questions are comparatively simple.

The DEPUTY SPEAKER: Order!

Mr. BRAND: The questions have been postponed because the answers were not available.

Mr. Graham: Stir up the departments.

BARGE-CARRYING SHIPS

Effect on Service to the North

2. Mr. RIDGE asked the Minister for Transport:

(1) In consideration of a Press report that the Government hopes to purchase two barge-carrying type ships for the State Shipping Service, will the Minister advise if a feasibility study has been undertaken in an effort to determine the possible effects that barge-carrying type ships would have on the service generally and the people and industries in the north?

(2) If "Yes," who conducted the study and were the findings indicative of—

(a) a significant reduction in the losses presently being incurred by the service; and

(b) a favourable improvement in the time taken for delivery of freight from Fremantle to northern ports?

Mr. O'CONNOR replied:

(1) Yes.

(2) Initially by the executive personnel of the service and later by Professor Bowen of the University of Western Australia.

(a) Yes.

(b) Yes, by a reduction of at least 40 per cent.

Freight Rates Prior To Delivery

3. Mr. RIDGE asked the Minister for Transport:

(1) Considering that living costs in the north will be further escalated as a direct result of the proposal to increase shipping freight rates, is it considered that the spiralling trend in State Shipping Service charges will continue between the present time and the date of delivery of the barge-carrying type ships that it is hoped to purchase?

(2) Will the Minister resist imposing any additional burdens on the people in the north by way of further freight rate increases prior to the delivery of the barge-carrying type ships?

Mr. O'CONNOR replied:

(1) This is difficult to prognosticate as it is always a problem to forecast trends in wage cost increases to personnel in the maritime industry, particularly when two years or more could be involved. It is of course hoped that the freight rates from the 1st October this year can be contained.

(2) Currently, logs of claims are before the Commonwealth Conciliation and Arbitration Court for wage increases, and, though the service is constantly active in endeavours to improve its operations and revenue earning to ameliorate the impact of expenditure burdens arising against its resources, I am unable to give such an unequivocal assurance.

WOOL

Rail Freights

4. Mr. STEWART asked the Minister for Railways:

Will he advise—

(1) The rail freight on wool per bale for 250 miles?

(2) The rail freight on wool per ton for 250 miles?

(3) The charges per bale for similar distances on—
(a) Commonwealth Railways;
(b) railways of other States?

Mr. O'CONNOR replied:

(1) Based on 7¼ bales to the ton—$2.04 per bale.

(2) $14.82.

(3) (a) $2.50.

(b) South Australia—$2.57.
Victoria—$3.00.
New South Wales—$3.98.
Queensland—$3.51.

JETTY AT DERBY

Replacement of Gate

5. Mr. RIDGE asked the Minister for Works:

(1) Is the Minister aware that at present a gate is positioned approximately 1,200 feet from the abutment to the Derby jetty and when the port facilities are not being worked this gate is locked?

(2) As the present situation causes considerable inconvenience to townspeople, tourists, and small boat owners, will he give consideration to having the existing gate removed and replacing it with barriers at the actual jetty abutments?

(3) If "Yes," can he give an indication when the resiting of the gate will be effected?

Mr. ROSS HUTCHINSON replied:

(1) Yes.

(2) and (3) Yes; as soon as practicable it is proposed to replace the present gate with two alternative gate barriers—one at the abutment of the north neck of the jetty and one on the road leading up to the abutment of the south neck.

MEDICAL ACT AMENDMENT BILL

Second Reading

Debate resumed from the 17th September.

MR. JAMIESON (Belmont) [2.57 p.m.]: I cannot see anything to take exception to in this proposal. As a matter of fact, it seems a sensible and real proposition to put forward. American serving service personnel doctors are available at North West Cape and on occasions they can assist the local medico; but it seems that because of the legal position at this stage those doctors cannot be of such assistance.

I would suggest it is possibly high time that the English-speaking medical schools got together and negotiated some system whereby there could be complete reciprocity. I realise this could not apply to medical schools where English is not spoken, without the passing of an examination in English. Nor could it apply to Australian medicos going to a country where all the transactions and the communications and the medical science were dealt with in a different language, if the Australian medico did not know that language.

However, I feel the English-speaking medical schools should try to get some reciprocal agreement whereby a standard may be set to avoid special exams. The Minister pointed out that as far as Australia was concerned, some 55 per cent. of the members of the medical profession have passed an examination which allows them to be registered in the United States of America. No doubt such an examination would allow them to be registered in a number of other countries where English is the language spoken.

Surely the standards in the medical schools throughout the world would be on a reasonable level of parity. There would not be a great difference in the qualifications required, and it seems to me real and proper that the authorities should pursue the aspect of obtaining complete reciprocity.

Although the Bill is to deal with the Exmouth area, this might be, of necessity, a condition which would apply to serving personnel of foreign countries such as, say, South Africa. So long as such people were able to handle a situation or an emergency, they should be able to do so even if they do not speak our language.

I believe this position should be covered by the Medical Act and where an emergency occurs, even if a person has only a smattering of English, but is fully qualified, he should be allowed to take whatever action may be required. If a boat is in port and there is a fully-qualified medical practitioner on board then surely the right thing to do, if an emergency arises and a local doctor is not available, is to permit that foreign doctor to do what he can to assist. To that extent we have to ensure that everything possible is done to cover the position, particularly in the remote areas where medical assistance is not always readily available.

It seems ludicrous that we should have a 15-bed hospital, complete with an operating theatre, delivery suites, and the like, at Exmouth with only one local doctor available to do the necessary work. If that doctor needs assistance he should be able to call on the other doctors who are at the base. The oath the doctors take requires them to render assistance to save lives or to alleviate suffering, so none of them would want to stand idly by and not do anything simply because the law says they cannot practice in a particular area.

Such a position is stupid and should be corrected. As a matter of fact, I think the provision in the Bill could be extended to other areas, because one does not know where United States Navy personnel will be operating from, and a doctor in the United States Navy should be able to offer his services wherever he may be. Generally speaking, I think the Minister should be able to give automatic registration to these people to enable them to assist wherever necessary.

There could be times, too, when the local doctor at Exmouth would be called away because of an emergency, and then, if medical assistance were required in the town at Exmouth, the doctors from the American base should be permitted to do what was necessary. To me that would seem to be part and parcel of the association between the two countries concerned wherever there is a joint venture.

During the war years certain license was given in this connection. I well remember an incident concerning a young child who was knocked down near the Guildford Grammar School. At that time the school was used as an American hospital and a neurosurgeon from the American base, at the request and with the permission of the parents, performed an operation which saved the child's life. To me the circumstances should decide the issue and if people have the ability and are qualified to carry out certain functions they should not be hamstrung by the law. If they are, we should correct the law, and I see no reason for our not doing so on this occasion.

The fact that the people concerned at Exmouth are fully qualified doctors in the American forces should indicate that they have the necessary qualifications to practise in this country. I am sure they would have to be well qualified before they would be accepted by the American services and therefore they should be given the right to assist our own local doctor, or to practise on their own, to save life or alleviate suffering. I do not see anything wrong with the proposition put forward in the Bill and I have a great deal of pleasure in supporting it.

MR. NORTON (Gascoyne) [3.5 p.m.]: It is with a great deal of pleasure that I support the Bill. As the member for Belmont and the Minister said, the measure has particular application to Exmouth. Actually, the position in that area now is ludicrous because there is a million-dollar hospital at Exmouth and it is equipped with all the facilities necessary to carry out any medical treatment that may be required. Yet, because there is only one Australian doctor there, all serious cases, or those where an operation is required, have to be flown out of the town by the Royal Flying Doctor Service. However, there are two highly-qualified medical officers stationed at the American Navy base at Exmouth who are only too willing to assist wherever possible; but they are not permitted to do so under the law that exists at present.

Also, as the member for Belmont said, there are times when the local doctor is called away. He has to make regular trips to the Onslow hospital and this means that he is absent from Exmouth for a day at least. If a serious accident occurs while he is away nobody can carry out the necessary medical treatment. I understand that the American doctors could, if it were a matter of life and death, take some action, but that to me seems to be a very poor set-up. There are two qualified doctors at the American base but they are not permitted to assist if an emergency arises. That is just ridiculous.

The American Navy has a hospital in the barracks for the hospitalisation of the single American servicemen and women, but in the town there is a large number of married U.S. Navy personnel—American nationals—who will be treated at the Exmouth Hospital. However, as I understand the position at present, the American doctors there are not permitted to practise at the hospital, but with the passing of this Bill they will be able to do so, and also assist our own local doctor.

Since the hospital has been established at Exmouth, great difficulty has been found in retaining the services of a doctor there for any long period. The doctors seem to

stay for only a short time and then move on. Perhaps this is understandable, because at present I believe they would not be occupied for more than five hours a day on medical work as they cannot carry out surgery and other intensive treatment on their own. Because of this there is not much incentive for a doctor to stay, particularly if he is young and wants to make his way in the profession.

In the history of Exmouth there have been some serious accidents and at times it has been a matter of life and death, and lives have been saved only because it has been possible to get the patients out of the area quickly. We have to remember that a distance of 250 miles is involved and, in addition, there is the time taken up in waiting for an aircraft to get to Exmouth. So it is not reasonable to deny people in the area a service to which they are entitled, particularly when it is realised that the Commonwealth and the State Governments have, between them, spent large sums of money on building a hospital. In addition, nurses' quarters costing almost $100,000 and a residence for the doctor bring the total cost of medical services for the town to well over $1,000,000. In spite of that, only one doctor is permitted to practise, but if the American doctors who are stationed there are permitted to assist, the position will be quite different.

With respect to foreign doctors practising in Australia, we should look at the Act more closely to ascertain if there is some way by which we can achieve reciprocity between this country and others to enable foreign doctors to practise in the Commonwealth. Over the past 10 or 12 years five doctors who were trained in a foreign country have practised in the town of Carnarvon, and with all sincerity I can say that every one of them has been well qualified and has given excellent service. One doctor named Dr. Hertz, and another, Dr. Fetwadjieff, were probably the best medical practitioners we have had in the district over the years. It is with pleasure that I support the Bill.

MR. BATEMAN (Canning) [3.11 p.m.]: In speaking to this measure I do not want to weary the House unduly, because I support everything that has been said by the two previous speakers. The amendment in the Bill is quite straightforward and, in fact, refers mainly to North West Cape where the American doctors in residence are allowed to treat only American people employed by the American organisations operating at the cape.

Those American doctors, because of our laws, are not allowed to treat any person, or even assist another doctor by administering an anaesthetic, because if they did they would be liable to prosecution. I am sure no member of this House would like this to happen in the event of an emergency arising and one of these doctors being called upon to assist. The same law applies to doctors who visit this State in company with overseas friendly forces. If they were to treat a person who had been injured as a result of a road accident, they, too, would be liable to prosecution. I am certain that, as far as we are concerned, this would be most unsatisfactory.

The Bill, therefore, attempts to correct these anomalies and clarify the existing situation and, because of this, I support it.

MR. ROSS HUTCHINSON (Cottesloe—Minister for Works) [3.13 p.m.]: I greatly appreciate the unqualified support given to the Bill by the three speakers who have spoken to it. It is refreshing and encouraging to find such support being afforded to legislation of this kind. At times in this House I am afraid criticism of legislation is made when no criticism is actually warranted, and in this respect I do not think any of the parties in the House are clean-skins.

When, however, support of legislation of this nature is given without any reservation or qualification, simply because it is a good piece of legislation, I think we are making progress. In any case, I want to record my appreciation of this trend, or atmosphere, that is being created. I agree with the member for Belmont that reciprocity between the United States of America and Australia on medical matters, and also on other matters, is most desirable. One would think steps would continue to be taken by those responsible in each country to try to bring about a situation whereby reciprocity would prove to be an advantage to the peoples of both nations. In a way I think the experts in these fields meander along the road towards the eventual solution of reciprocity, but to many of us it seems the road is too winding and too long.

I believe the Bill has its merits, and I commend it to the House.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

TRUSTEES ACT AMENDMENT BILL

Second Reading

Debate resumed from the 17th September.

MR. T. D. EVANS (Kalgoorlie) [3.17 p.m.]: The Bill seeks to amend an Act which was re-enacted in 1962—an Act in which you, Sir, took a very active interest. I refer to the principal Act, the Trustees Act No. 78 of 1962. This Bill purports to effect three distinct amendments to the Act. The sections which will be subject to amendment are 16, 30, and 98.

Section 16 deals with the fields in which a trustee may invest trust moneys which are given to him subject to his trust. The first amendment seeks to widen the scope of authorised investments. With this amendment it is proposed that the common trust fund of a trustee corporation will become an authorised investment for the purposes of the principal Act.

As you well know, Mr. Speaker, there are two trustee companies in this State, each constituted by a private Act of Parliament, but nevertheless, each of those private Acts is a Statute. We also have the Public Trustee who is a corporation sole; and the two trustee companies and the Public Trustee maintain a common fund.

As I have said, this amendment seeks to authorise trustees generally to invest trust moneys in their possession by placing them into a common fund of either the two trustee companies or that of the Public Trustee. The Minister stated this amendment was recommended by the President of the Law Society. I can see no objection to it, but at the same time I cannot see any great need for it. I just wonder why the Law Society has concerned itself with this recommendation.

In introducing the second reading the Minister stated that although at present section 16 of the Act does not authorise a trustee to invest his trust moneys in the common fund of one of the trustee corporations, at least one of the trustee companies has been welcoming and inviting investors, and to this end it has offered a return of 7 per cent. It would seem to me that an investment in the common fund of either of the two trustee companies should certainly be classed as a blue chip investment. I feel there is little risk attached to such an investment; but the question arises, in the making of a blue chip investment in the expectation of obtaining a 7 per cent. return, how is the recipient of such moneys—that is, the trustee company into whose common fund the money is being invested—to invest the funds, to maintain its conservative attitude towards investments, to minimise the risk, and yet to obtain a return greater than 7 per cent.?

The Minister intimated that it was felt by the Law Society that trustees generally could feel some trepidation, from an administrative point of view only, in lodging trust moneys for investment in the common fund of one of the trustee companies. I repeat that I see no objection to widening the scope of the authorised investments, because since 1951 both of the trustee companies have been empowered to invest their trust moneys in only those fields of investment which are authorised by the existing Trustees Act. I see no risk arising from an extension of this authorised field of investment, but at the same time I cannot speak with any great deal of enthusiasm for the innovation. I leave the matter at that.

The next amendment in the Bill purports to effect a clarification of the wording in paragraph (k) of section 30 (1) of the Act. Section 30 deals with powers that may be exercised by a trustee in respect of trust property; and paragraph (k) deals with the right of a trustee to appropriate part of the trust property in or towards satisfaction of any legacy payable thereout. Then the words "or any share thereof" appear.

For some time there has been a doubt in the minds of those who have had a great deal of experience in the operation of this particular section of the Act as to the meaning of the words "or any share thereof." The ambiguity that is suggested arises from the question as to whether any share thereof means "any share, or any part of a share of a legacy" or whether the words could relate to the interest of a beneficiary to any part of the trust estate. It is the purpose of this amendment to clarify the position and, as I understand it, to make it clear that such meaning as I have suggested is to be the intention of the legislation.

Section 30 provides that where a trustee is to appropriate a part of the trust property to meet a share or part of a share of a beneficiary he shall, before making the appropriation, give notice to every person of full capacity and age of his intention; and, in cases where there is an infant beneficiary, he shall give notice to the guardian or parent of such infant beneficiary. Apparently when the Act was re-enacted in 1962 it was not considered that in many instances a trustee could be the parent or guardian of an infant beneficiary who is interested in that particular trust. Where that is the case, paragraph (k) of section 30 (1) now requires the trustee to give notice to himself in the capacity of being the parent or guardian of the infant beneficiary.

Members will readily understand that in one instance it would be ridiculous for the trustee to do this, and possibly in another instance it would suggest a weakness in the provision. It is intended that in such cases no longer will a trustee be required to give notice to himself in another capacity, as being the parent or guardian of an infant who is the beneficiary of an estate; the trustee will merely have to obtain an order of the court to approve of the appropriation concerned. I think this is a reasonable amendment, and one which should be effected.

Finally comes the proposed amendment to section 98 of the Act. This seeks to clarify the position whereby a trustee can apply to the court to authorise payment to the trustee of the remuneration for his services in respect of administering the trust or the trust property.

It seems strange that a doubt has not arisen previously, because this Act has been in operation for almost six years, and every trustee administering a trust property would, at some stage or other, have cast his eyes over section 98, which deals with the question of remuneration to trustees for their services. If there has been a doubt as to what a trustee is entitled to receive in remuneration, and as to when a trustee is entitled to receive it—whether it be in a lump sum or in periodical instalments—it would seem strange that the Act has not been brought back to Parliament in those six years.

I am quite sure that the position of a trustee is an onerous one, particularly in the case of a person administering several trusts. I would be the last to suggest that a trustee who administers his trust property well does not earn the remuneration which is due to him. I think this particular amendment in clause 3 will clarify the position as to just what a trustee is entitled to receive, and when he is entitled to receive it; and this amendment has not come before Parliament too soon.

I feel I cannot contribute any further to this debate. I hope I have analysed the Bill for the benefit of those members who are interested; and I indicate that the Bill receives support from those on this side of the House.

MR. COURT (Nedlands—Minister for Industrial Development) [3.30 p.m.]: I thank the honourable member for his support of the legislation. Two points call for special comment, the first being his reference to the instigation of an amendment by the Law Society. Personally I think this is a good thing. I would like to feel that Governments encourage those who are actively working in the practical atmosphere of legislation to come forward with their suggestions based on practical experience. It is then up to the Government and its advisers to study the requests and make a decision as to whether they should be adopted. I might say that a lot of suggestions come forward from bodies, but are not adopted, including some from the Law Society.

However, as a vigilant and responsible body, that society has a duty and should be encouraged to submit its ideas. As a matter of fact, I wish responsible people who are in the middle of the every-day practice of various professions and in the conduct of industry would more often come forward with suggestions to Governments based on their practical experience. For instance, if those in both the legal and accountancy professions, as well as those in industry and commerce itself, who are very interested in the practice of company law were to come forward more frequently with suggestions based on their own experience and good practice, I think we would have a better company law. It would be more in tune with the desirable practices of practical men.

However, what happens is that we have something of a crisis in some of these matters such as we had with the Companies Act about three or four years ago when we had the great mass of collapses. Then the Government bought into it with a sledge hammer and not always with a lot of practical experience.

However, when people like those in the Law Society see fit to come forward with suggestions, it is a good thing; and on this occasion one would agree, as has the member for Kalgoorlie, that it is a good practical suggestion. Personally I think it is very desirable that trustees should be able to invest in these common funds. It is a very simple, easy, and reliable form of investment, and will not involve a lot of administrative difficulties.

I am glad the honourable member supports this amendment even though he did have a query as regards the percentage quoted in my colleague's speech. I would not take that too literally. The common funds of the two trustee companies in our city are very closely watched and I personally would feel quite confident if I was a trustee and I invested in one of these common funds.

The other point raised by the honourable member concerned the method of assessing the trustee's commission. It is true that for many years most practitioners and trustees have assumed that the position is as we now want to make it clear. I do not think it has ever been seriously questioned, but the fact is that the point has now been raised, and it was felt desirable to clarify the position beyond any doubt; otherwise we would have a situation in respect of, say, an estate which was almost bankrupt, or at least very heavily encumbered, when we would be battling to get a trustee to take on the job. Paradoxically, estates of that sort need the best trustees and involve the most work.

This amendment, therefore, is a precaution to ensure there is no doubt about this particular question of the assessment of the trustee's remuneration. I am glad the honourable member has accepted the amendment, because he has had practical experience in the matter.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

POLICE ACT AMENDMENT BILL

Second Reading

Debate resumed from the 17th September.

MR. BRADY (Swan) [3.38 p.m.]: This is a Bill which has a two-fold purpose, the first to amend a section of the Act which deals with prostitution, and the second to deal with opium and dangerous drugs. Both the amendments are set out clearly and the first is to meet the requirements of the Commonwealth and State Attorneys-General. In this regard I will quote the Minister as follows:—

> At the last meeting of the Standing Committee of Commonwealth and State Attorneys-General, the question of extending our law to meet the requirements of the International Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others was discussed and, as a result, the Commonwealth has requested all States to take this action so that Australia may accede to the Convention.

The other amendments deal with prohibited plants and specific drugs which will be brought under section 94A subsection (2) (c) of the Police Act. This is necessary because these drugs and plants were brought under the Poisons Act last year and therefore they must come under the Police Act.

As this is a House of responsible members of Parliament, and as I think the proposed amendments are in keeping with the times in which we live, I consider there should not be any opposition in regard to any of the amendments.

I would like quickly to refer to section 76G of the Police Act, which deals with summary proceedings against persons connected with prostitution. In the past, every male person who—

(a) knowingly lives wholly or in part on the earnings of prostitution; or

(b) in any public place persistently solicits or importunes for immoral purposes,

has, of course, been subjected to heavy penalties. However, the word "male" in that section is deleted by this amending Bill, and any person, male or female, will be subject to the appropriate fines.

In regard to part VIA of the Police Act, which deals with opium and dangerous drugs, the Minister seeks to add to the interpretation of opium and dangerous drugs the word "cannabis." This is a plant better known as marijuana which, in recent years, has come in for a lot of publicity, particularly in some overseas areas—Europe, and some of the South-East Asian countries—where "pot" parties are held from time to time.

There is another amendment in the Bill which refers to the interpretation of the words "prohibited plant." This amendment will add these words to the interpretation of section 94A of the Act, and the opium and dangerous drugs part of the Act as we know it will be altered to include this amendment and the other suggested amendments.

It is proposed to amend section 94B of the Act to provide that cannabis, in addition to opium, will be covered. This section at present provides that if any person person manufactures, sells, or otherwise deals in prepared opium—and the words "cannabis or" are to be inserted prior to the word "opium"—shall be guilty of an offence. This amendment will be made to four subsections in section 94B with a view to specifically covering this prohibited plant. This will remove any doubt about that plant being covered under the opium and dangerous drugs part of the Act.

As I said earlier, as far as I am concerned there can be no objection to these amendments. Over the last three or four years in this House some very major additions have been made to the Poisons Act, and it seems only right and proper that cannabis, which is now becoming quite well known, should be added to that section of the Police Act which provides heavy penalties for the use of dangerous drugs. The eighth schedule of the Poisons Act includes the word "cannabis" as being one of the poisons which are drugs of addiction.

Under the circumstances, and because this drug is becoming popular with people who wish to run pot parties at which cannabis is added to cigarettes that are passed around, it seems right that we should be preparing for what could happen in this State. There is an old saying that an ounce of prevention is better than a ton of cure, and with this Bill we are preparing for the future.

I hope the Police Department will never have to make any prosecutions under this section of the Act, but there is nothing like being prepared and having the authority available should the Police Force have to move in this direction. I have much pleasure in supporting the second reading.

DR. HENN (Wembley) [3.44 p.m.]: Mr. Speaker, the member for Swan has explained very clearly to the House what these amendments seek to do. I will not cover the ground he has already covered.

Sitting suspended from 3.45 to 4.5 p.m.

Dr. HENN: The Bill contains two amendments. The first deals with prostitution, and it is interesting to see it seeks

to amend section 76G of the Police Act. I say it is interesting because section 76G commences—

Every male person who—

whereas the previous section—76F—commences with—

Any person who—

Section 76F deals with summary proceedings against keepers, etc., of premises for the purposes of prostitution, whereas section 76G deals with the summary proceedings against people connected with prostitution. They appear to be similar, but on reading both sections closely one finds that section 76F deals with any person who—

(1) keeps or manages, or acts, or assists in the management of any premises for purposes of prostitution; or

(2) being the tenant, lessee, or occupier of any premises, knowingly permits such premises, or any part thereof, to be used for purposes of prostitution.

But section 76G deals with every male person who—

(a) knowingly lives wholly or in part on the earnings of prostitution; or

(b) in any public place persistently solicits or importunes for immoral purposes.

This is rather interesting to me. I do not know why section 76F commences with the words, "Any person who", whereas section 76G commences with the words, "Every male person who." The amendment, of course, proposes to delete the word "male" in the first line of section 76G, apparently to make that section uniform with the wording contained in the previous section.

We have been told that the reason for the amendment is that the Commonwealth Government would like the State to fall into line with convention. However it may be that the Commonwealth Government, to some extent, is putting the State on a spot, because in conjuring up brothels I always think of the madams in charge of them. I speak about this subject, because I know there is a brothel in a place on the goldfields. I also speak as one who supports the law; and, on this occasion, brothels are illegal.

Therefore, I consider the amendment to section 76G will deal with the madams as well as the ladies concerned in the profession. In speaking about this profession, Mr. Speaker, I want you and the House to appreciate that I am not speaking from practical experience, but as a result of an—

Mr. Graham: Come on!

Dr. HENN: —interview I had with a madam some 18 months ago. She telephoned me and asked me to interview her as she had something to tell me. I did interview her and I can assure the House the interview was most interesting and most educational.

Mr. O'Connor: What did she tell you?

Dr. HENN: If I told the honourable member it would take me three-quarters of an hour and I do not have the time to do that. This interview did give me an insight into this business. I would not have shown any interest in it, but I knew there was a brothel in the State somewhere and that it was operating illegally. Any other information I gained about this profession came as a result of my acting as a *locum tenens* at a practice in Newcastle Street and from ladies who operated in Roe Street at the time. On this occasion I did see many of them and I gained some knowledge of their life which, I might add, is very interesting and not as sordid as one would imagine.

I do not speak in any derogatory terms of these girls. It is their wish to do this and, in the main, it is their business. I feel, however, that this amendment will reflect largely on the madams who, as we all know, act as a sort of school master. They look after the girls, and see they behave themselves properly while they are not on duty and misbehave themselves properly while they are on duty. It is a very important function.

I can assure the House that these madams take their business very seriously. I do not think it can be said that they themselves operate in the business; they are there as overseers of a sort.

Mr. Bickerton: A nineteenth man.

Dr. HENN: That is not a bad analogy. The madams look after the premises and conduct them in an orderly manner. I hope the approach to these elderly ladies —the madams—will not be any more active than it is at present. I am only thinking that if they are run off the roads, and the girls are left to themselves, the houses will not be conducted quite so well.

I want to finish my comments on this aspect by saying that under the existing law we should not tolerate, for one moment, what is going on in this town on the goldfields; because I can visualise that some of the towns in the north-west will increase enormously in population in the next five years, and if this town on the eastern goldfields is permitted a brothel, why should not the towns in the north-west have them?

Mr. Bickerton: Hear, hear!

Dr. HENN: I am not suggesting that I agree with this, but I am supporting the law, and I would like to see penalties inflicted every week, because there is no doubt it can be done. It is cant and humbug for any Government—and I am not referring to this Government in particular,

because it happened with the previous Government, which completely ignored the position—to say it cannot be eradicated, because it can.

These people can be fined for being rogues and vagabonds, and any person who conducts one of these houses can be sent to prison for 12 months. These are some of the penalties that can be applied, if we are to carry out the law; because it is not as though there are hundreds of these brothels; as far as I know, there is only one. Accordingly, the law could be enforced. If the law is not to be carried out there is another alternative, though I will not bring that up at the moment.

The other part of the Bill refers to drugs and, as other speakers have said, it merely adds marijuana to opium as being a drug of addiction. I think this amendment is designed to catch the people who deal in these drugs, not so much the people who take them, smoke them, eat them, or whatever they might do with them. It is to catch those who are peddling the drugs.

I have no doubt that the purpose of the amendment is to uncover and stop this dastardly trade which plays on the weaknesses and emotions of people who find themselves in difficulty, perhaps temporarily; they might be down mentally or physically, or be confronted with some anxiety state which might be the cause of their depression.

Such people, unfortunately, taste the stuff, smoke it, or take it in some other way and thus become addicted. The Minister knows more about this aspect than I do, but I feel sure he will agree that the purpose of the amendment is to catch and restrain the people who are buying and then selling these drugs at an enormous profit; those who are playing on the weaknesses of less fortunate people.

We should spare a thought for those who are addicted to drugs, just as we should spare a thought for those who take too much alcohol, because the tempo of our life today is becoming faster and faster, and I do not know how some people can keep up with the pace.

It seems to me that a number of people today are seeking outlets to comfort themselves in moments of great anxiety and, of course, the aspect to which I have referred concerns marijuana and opium, which are possibly the worst soporifics which one can take.

With those few words I would like to congratulate the department, which is really stepping out well in advance in this State to catch up with people from the Eastern States or from other countries, who deal in drugs such as marijuana and opium. I support the Bill.

MR. O'CONNOR (Mt. Lawley—Minister for Transport) [4.16 p.m.]: I thank members for their comments. It is quite obvious that the member for Swan and the member for Wembley have taken a good deal of trouble to examine the Bill, because they know its contents thoroughly.

I am pleased that members accept what has been agreed by the Attorneys-General and requested for the International Convention. I daresay that members of this House have seen, directly or indirectly, by means of television the overwhelming and disastrous effects that marijuana and other drugs can have.

As the member for Wembley pointed out, we are possibly a little premature with this Bill, but I do believe that this is the time to move in this direction in an endeavour to provide the necessary legislation to cover this field in Western Australia. I thank members for their comments and their support of the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

JUSTICES ACT AMENDMENT BILL

Second Reading

MR. COURT (Nedlands—Minister for Industrial Development) [4.19 p.m.]: I move—

> That the Bill be now read a second time.

The Bill provides for certain new provisions in the parent Act and rectifies certain outmoded references which appear in it. Since the Stipendiary Magistrates Act was enacted in 1957, all appointments to the magistracy have been made, and will continue to be made, under the provisions of that Act.

Some consequential amendments to various sections where duties or powers are given to magistrates are now inserted in the Justices Act, so that reference will be to stipendiary magistrates and not to officers such as resident and police magistrates.

Section 4 of the Justices Act defines certain duties of clerks of petty sessions but does not provide for their appointment to that office. Some amendment is therefore necessary to remove doubts which might arise with respect to the validity of duties undertaken by those officers.

There is an amendment requiring that warrants of execution or commitment shall not issue, except with the leave of a magistrate, where a period of 12 months

has expired since the final date of hearing of cases. This amendment has been recommended by stipendiary magistrates, because they consider that, in such instances, complainants should show cause why the issue of the warrants was so delayed and give reasons for their enforcement at such later stage. Members will appreciate that so late an issue without leave could give rise to complaint that the threat of its issue was being held over the head of a person as a threat for an inordinate period of time.

Consideration has been given to providing better security over persons awaiting appearance before the court, following the recent mass escape of prisoners from the Supreme Court. The procedure up to date has been for all persons on bail to surrender, in accordance with their recognisances—it is much easier to pronounce this word in the Gilbert and Sullivan way—on the first day of each criminal session. In many cases, a date for their trial has to be set by the trial judge and agreed by counsel with subsequent extension of bail.

It is proposed, in such cases, that the recognisance given these persons will only require them to surrender on the day fixed for the trial. This will reduce the number of persons required to be held in custody on the opening days of each criminal session to the benefit of both the limited accommodation available and to security.

The next amendment relates to proceedings against young persons. It will revaluate hearings where complaints are heard against juveniles in the belief of the court that, at the material time, the offender was over the age of 18 years. The Child Welfare Act, in relation to most of such cases, provides that a children's court has exclusive jurisdiction and, therefore, the conviction by a court of petty sessions is beyond jurisdiction and any sentence or penalty imposed under the previously explained circumstances is unlawful.

There are several reasons why juveniles misstate their age, such as a wish to avoid their parents knowing of the offence; to avoid the disclosure of their proper ages to co-offenders; or to avoid appearing before a children's court, before which they had previously appeared and been informed that future offences would be treated seriously.

At present when an error in age admission is discovered, it becomes necessary under the Act to treat the conviction as void, to remit the penalties imposed, and to commence fresh proceedings in the Children's Court. This is not always possible as not infrequently the correct age is discovered after a period of six months has elapsed from the date of the commission of the offence so that, for a simple offence, it is not possible to remit the matter. The proposed amendment will enable the court of petty sessions to set aside such convictions and order rehearings when considered necessary.

In the matter of rectification of certain orders by justices, there has been a considerable increase in recent years in the number of statutory provisions which call for fixed minimum penalties. These vary, depending on whether the offence was a first or subsequent one. As a result, in a number of cases, sentences or penalties have been imposed, which are contrary to, or not authorised by, law.

Under existing Statute, the irregularity may be corrected only by an application to a Supreme Court judge for an order to review. This procedure is cumbersome and costly and, also, inappropriate where the only question for determination is the correctness of the penalty or sentence. It is proposed in this Bill that a court, which imposes a sentence not permitted by law, may either of its own motion or, on the motion of either party to the case, review the penalty by imposing a correct penalty in lieu of the penalty previously imposed.

An amendment is required concerning the scale of imprisonment for nonpayment of money, to remedy defects in the existing legislation by allowing justices imposing penalties to order that any sentences in default of payments may be served cumulatively with any other penalties, which defendants may be serving, or, at the times of conviction, are liable to serve.

Further, there is an apparent anomaly whereby a default of three days is provided where a warrant is under $4, but, in other cases, the default is one day for each $2. Therefore, if the amount of the warrant is under $4, default is three days but only two days is required to be served if the warrant is exactly $4. It is proposed to delete the provision requiring three days to be served where the warrant is under $4.

And, finally, a new concept is contained in the re-enacted section 135 to obviate the necessity of numerous police officers standing by to give evidence in traffic cases, then to find defendants plead guilty or fail to appear when called.

This amendment will permit police evidence to be made by affidavit when a defendant fails to appear. Evidence by affidavit will be admissible only in the absence of the defendant. If the defendant appears and pleads not guilty, the case will be adjourned to enable the police officer to appear, for the Bill only provides that, in the absence of the defendant, the court may accept evidence in writing submitted by the police. This new procedure will greatly benefit the more efficient running of the Police Force, by drastically curtailing the amount of time wasted at

present by police officers being present under statutory requirement, when there is no certainty that the person charged will put in an appearance in court to plead his case.

Debate adjourned, on motion by Mr. T. D. Evans.

WESTERN AUSTRALIAN MARINE ACT AMENDMENT BILL

Second Reading

Debate resumed from the 17th September.

MR. TONKIN (Melville—Leader of the Opposition) [4.27 p.m.]: I find myself in the most unusual position of being able to inform the Minister that I approve of all the provisions in the Bill. Two of the provisions are to make it possible for the ratification of conventions. One is the International Labour Office Convention which deals with the employment of persons under 16 years of age, and this provides that if such persons are employed and are not on a vessel upon which their families are engaged, then their employment has to be registered.

There is ratification of a further convention—the Safety of Life at Sea Convention—which was passed in Geneva in 1960. The only query that arises in my mind is why it has taken so long to ratify this, seeing the convention was passed in 1960. I would hope that it would be possible to give earlier attention to matters of this kind. Obviously this was entitled to be approved, and I think more expedition in giving approval throughout Australia to conventions which we accept ought to be possible.

Without knowing the reason, it seems to me hard to justify the delay of eight years. If a thing is desirable and a convention has been agreed upon, and certain proposals are accepted, then one would hope that Governments which are signatories to the convention should show reasonable expedition in giving effect to the convention. Apparently that has not been so in this case, and this aspect requires to be looked at in order to see if greater expedition can be given in future.

There is also a provision to remove the exemption which previously applied in connection with engineers' certificates being required on ships operating north of the 27th parallel. The Minister explained, and I agree, that because of increased activity in shipping there, it is desirable this exemption should no longer apply and engineers who are engaged on vessels should be fully certificated.

The worry which arises in my mind, at this point, is that this Government has shown a disposition to exempt favoured parties from the conditions of the Western Australian Marine Act. So, although we are putting this in an Act for general application, it will not apply to those fortunate people who have been specially exempted by the Government from the provisions of the Western Australian Marine Act. I would like to hear some pronouncement from the Government that there is no intention of exempting anybody from the provisions of the Act. I have never agreed with this principle. When a law is passed by Parliament setting down certain standards for general application, what justification is there for saying that the law shall not apply to certain persons or organisations, but it shall apply to everybody else? I find it hard to justify distinctions of that kind when very definite provisions are included in the Statute to safeguard a certain situation.

Here we are providing that engineers shall be fully certificated, but we are doing this in the knowledge that some regulations have already been promulgated which exempt certain organisations from the provisions of the Western Australian Marine Act. So what we are doing now will not apply to them at all. They will still be free of them. I think it is time we removed these exemptions as they especially apply to ships under flags of convenience. We read from time to time of these ships being well below standard with regard to lifesaving requirements and the like, but these are the ships which get exemption from the provisions of the Act. That is only by the way. This amendment is desirable and, in my opinion, should have general application, with no exemptions at all.

The Bill also provides for increased penalties. This seems to be in line with general practice these days, because money has been reduced in value compared with what it was when these penalties were put into this Statute. It is considered desirable by the Government to increase the amounts so the penalties will be more or less comparable. I do not complain about that. I say it is justified, because otherwise we would have penalties which would be no deterrent at all and therefore would not fulfil the purpose for which they were included in the Statute.

There is another provision which makes it obligatory for certain persons in certain circumstances to go to the assistance of distressed ships or aircraft. I think that, in matters of life and death, it is desirable there should be some obligation upon people who otherwise might be disposed to treat the matters lightly and disregard any need for assistance. The provision in the Bill will place an obligation upon coast-trade vessels to proceed to the assistance of distressed ships or aircraft.

There is one other provision with which I also agree; that is, to ensure that certain boats shall be equipped for boat safety. The measure now brings in rowing boats. I suppose there would be some people who

would say there is no danger from a rowing boat because those who use them do not travel a great distance and they do not take many risks. Unfortunately, experience shows us otherwise. Some use them who do take risks. It would depend upon the weather remaining fine. If a sudden blow occurs, they get into difficulties and other people may have to risk their lives in order to rescue them. So it is to be required, under the Statute, that certain boats which are not equipped at all with certain safety devices shall be so equipped. I agree with that provision.

As I said at the outset, I am able to support this Bill in its entirety and I recommend its passage to the House.

MR. DUNN (Darling Range) [4.36 p.m.]: I wish to say a few words in support of this measure and, in doing so, place on record my congratulations to the Harbour and Light Department in regard to the film which it had prepared. I understand this film will be made available for public exhibition. I particularly support the portion of this measure which deals with the requirements for rowing boat operators to make certain that their boats are equipped with minimal requirements to ensure safety for the occupants. There are many cases on record where, had these boats been equipped with minimal requirements, the possibility of lives being saved would have been considerably enhanced.

It is very encouraging to know that the Harbour and Light Department is moving with the times and appears to be seizing every opportunity to ensure we have on our Statute book sufficient laws to enable that department, and others, to protect, in many cases, ignorant people against themselves. It will also protect their families and friends as well as people who, from time to time, may be required to go to their assistance.

The tendency today is to produce more craft which, in operation and steering, are similar to a motorcar. It is quite simple, in the best of conditions, for people without any experience to obtain a full measure of enjoyment at comparatively little risk. Unfortunately, all too often, the vagaries of the weather are not taken into consideration. A craft can set out in ideal conditions, but this is often the forerunner of a major tragedy. As more and more craft are using the river and the coastal waters, the responsibility is going to fall more and more on those charged with the policing of the regulations.

I am sure that the effort by the Harbour and Light Department to make it known to people who are using our waterways that the rules will be stringently enforced will have a material effect on the safety of those enjoying the use of our waterways.

I want to place on record, too, my own personal appreciation of the very courteous manner in which the inspectors from time to time have gone about their work and helped and advised the many ignorant people with whom they are confronted when they make their snap inspections of boats going out of the harbour. I am quite sure that this spirit of co-operation and understanding will continue and will have a beneficial result by encouraging people to realise that the sole purpose of the inspection is to ensure their own personal safety and the safety of those with whom they enjoy their sport.

This is a very important matter, and I am quite sure that those of us who do enjoy sailing and other boating sports are encouraged indeed that these amendments are to be made, and I am sure the Bill will get the full support of all those concerned.

MR. ROSS HUTCHINSON (Cottesloe—Minister for Works) [4.42 p.m.]: Thursday, the 19th September, 1968, in my political calendar will go down as something of a red-letter day, because the Leader of the Opposition has given unqualified support to the provisions in this Bill amending the Marine Act.

Mr. Graham: A pity you could not get his support on another matter last night!

Mr. ROSS HUTCHINSON: In an earlier debate on another matter this afternoon I also made reference to the support I received from three members of the Opposition. The legislation concerned was non-controversial and non-political, and I said then it was refreshing to have quite a clear straightforward view of the merits of the legislation rather than have any mistrust or misunderstanding deliberately read into it for political reasons. I think I said on that occasion that progress is being made, and I think further progress is being made on this legislation.

I am very pleased that the provisions of this Bill are being accepted *in toto* and without reservations of any kind. I do agree with the Leader of the Opposition that when conventions of the type held on safety at sea arrive at certain conclusions which are obviously in the public interest and safety, those conclusions should be implemented as soon as possible. The only thing I would like to add, so far as I am concerned, is that as soon as it was brought to my notice that these matters required attention, I took steps to bring them before this Chamber.

The Leader of the Opposition referred to the fact that one exemption is being deleted from the Act, and he also queried exemptions generally. He suggested that a law should be adhered to by everyone and under all circumstances. I think the fathers of legislation must be somewhat careful in framing legislation, and at

times it is of very great importance that we should not make harsh, unbending laws, the implementation of which could make a community try to achieve impossible things.

This is particularly so in developing countries, and in remote areas, and in situations which perhaps cannot be envisaged off the cuff. Therefore, legislation is quite frequently framed to cater for such situations, and I believe that we will continue to include this type of clause in our legislation.

I am indebted to the member for Darling Range for his contribution and I was happy to have his support. I was particularly glad to have his personal understanding of the problems relating to boat safety. I have pleasure in commending the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

WESTERN AUSTRALIAN INSTITUTE OF TECHNOLOGY ACT AMENDMENT BILL

Second Reading

MR. LEWIS (Moore—Minister for Education) [4.50 p.m.]: I move—

That the Bill be now read a second time.

The Western Australian Institute of Technology is now in its second year as a statutory authority independent of the Education Department. During this time the interim council has found that some small amendments to its Act are necessary. This Bill is designed to give effect to these amendments and also to provide statutory authority for the creation of an official organisation of the student body of the institute.

Before proceeding to explain the provisions of this rather short Bill, I do not think it would be amiss to dwell for a few moments on the progress of the institute since it was proclaimed a corporate body. When the interim council took over the control of the institute last year student enrolments totalled approximately 2,800. This year has seen a remarkable increase. Enrolments have jumped by almost 30 per cent. to 3,600.

The institute has introduced external studies tuition for professional courses and is progressively revising and improving its techniques of tuition. This year, for the first time, it has granted its own awards. These went to 263 students studying such widely varying fields as chemistry and pharmacy, architecture, engineering, accountancy, administration, art, science, and home economics.

Last year the institute was forced to rely to a very considerable extent on the academic staff of the technical division of the Education Department to man its classes, but by the time lectures commenced this year the institute had appointed its own academic staff and was fully self contained. There are now some 180 academic and 200 non-academic members of the staff.

The complex at Collier is expanding rapidly. The new administrative block has been completed and the erection of a new building for the Department of Architecture is under way. A contract has recently been let for extensions to the Department of Pharmacy building. Detailed planning is proceeding on a major library building, the construction of which is due to commence early in 1969, and planning is well advanced for the Department of Art to move to Collier not later than mid 1971.

There is ample evidence that the institute is meeting a substantial need for the type of tertiary education it is providing. This is well demonstrated by the increase in enrolments to which I referred earlier and also by ready acceptance of the institute courses both by the professional and business community of the State.

At this point, I would draw the attention of members to a committee which has recently been set up by the Federal Government to inquire into the question of the nomenclature of the awards given by colleges of advanced education and to the related question of comparability of standards. Following on the presentation of the committee's report it is hoped that it will be possible to adopt uniform nomenclature and standards in all colleges throughout the country.

Turning back to the Bill, consideration is presently being given to the preparation of Statutes and by-laws for the control and management of institute land. There is power under the Act to make these by-laws for institute land vested in the council. However, a problem has arisen in that the institute is at present being administered by the interim council and under the terms of the Act the council cannot be constituted before the 26th May, 1969. I will return to this particular matter shortly. This situation has created something of an impasse which I am advised can best be overcome by amending the Act as proposed in this Bill to vest the land in the institute, which is a corporate body, instead of in the council as at present.

The second amendment is in relation to the institute's power to charge tuition fees. It appears that in the strict legal sense the Act may not permit the institute to charge these fees. It was never the intention that the institute should provide free tuition and, indeed, it raised such fees even

prior to its separation from the technical division of the Education Department. This Bill will amend the Act to eliminate any possible doubt about the matter.

Earlier in this speech I informed the House that under the present provisions of the Act the full council cannot be constituted before the 26th May, 1969; that is, at least two years and no more than two years and three months from the date of proclamation of the Act. Meanwhile, the development of the institute and the management of its affairs have been placed in charge of a much smaller and less representative interim council.

The interim council now feels that the growing complexity of the institute's affairs requires the benefit of the larger numbers and wider range of representation of the full council and has recommended its appointment earlier than at present stipulated by the Act. The Bill therefore seeks to amend the Act to permit the appointment of the full council not earlier than the 1st January, 1969, and not later than the 31st March, 1969.

The final provision of the Bill will permit the creation of a student body. Several separate student organisations already exist and it is expected that they will affiliate with the new body which, it is proposed, will be a corporate body responsible for the overall organisation and development of student activities on the campus. It will be expected to take a leading part in student government and to be the point of contact between the students and the institute administration. In a later stage of its development it is probable that the guild will be made responsible for the control of certain institute buildings and equipment provided for extra curricular affairs; for example, the cafeteria.

Most tertiary institutions have similar officially recognised bodies, one of the prime purposes of which is to indicate a spirit of citizenship and responsibility among the students themselves. It is proposed that the body will be formed early in 1969.

Before concluding I think I should make special mention of the very valuable services which have been freely given by the members of the interim council. I have already outlined the progress of the institute in the bare 18 months of its existance, and much of this highly creditable achievement is due to the time and energy devoted to the task by the members of the interim council, and, I might add, most of these services are given in an honorary capacity.

Debate adjourned, on motion by Mr. Davies.

TRAFFIC ACT AMENDMENT BILL

Second Reading

MR. O'CONNOR (Mt. Lawley—Minister for Transport) [5 p.m.]: I move—

That the Bill be now read a second time.

This Bill contains a number of amendments to the Traffic Act and introduces measures designed to give more effective control of traffic and manpower resources.

Clause 2 provides for the operation of the Act to take effect at various stages as the operation of some of the amendments can only take effect when regulations have been prepared for gazettal.

Clause 3 is a substitution for the interpretation of "district" already in the Act. It is necessary, because it has been found that where regional traffic councils are formed under the Local Government Act there is no accompanying authority for the council to appoint traffic inspectors. At the moment they have to be appointed by the Minister, which is unsatisfactory as inspectors appointed by him are not subject to the authority of the Regional Traffic Council. Regional traffic councils, constituted under the Local Government Act, are not, at the present time, recognised under the Traffic Act, and this amendment will rectify an anomaly which has caused some difficulty in the appointment of traffic inspectors.

Another amendment in this clause is to the definition of "vehicle." The existing definition casts some doubt as to whether machinery which is not used for conveying passengers or goods is, in effect, a vehicle within the scope of the Traffic Act. This being so, and acting on legal advice, it is designed to clarify what is a vehicle, so that all types of objects using or likely to use public roads come within the scope of the Traffic Act.

Clause 4 is necessary because, at the moment, once fees are paid for the transfer of a vehicle under the Traffic Act, the transfer must be effected. Licensing authorities, however, are compelled to collect stamp duty under the Stamp Act and should not effect the transfer until this duty is paid. The amendment will give them the required authority to refuse to effect the transfer under the Traffic Act until the duty, required under the Stamp Act, is forthcoming. In other words at the present time a member of the public who requires a transfer of a vehicle can obtain this by paying the requisite fee; but, at that stage, he can avoid the stamp duty. I think it is quite relevant and reasonable that this should be brought in under this particular amendment.

Clause 5 re-enacts section 25A of the Traffic Act and will empower the Commissioner of Police to issue, in special circumstances, learners' permits to learner drivers under the age of 17 years.

In the first instance, a person who has reached the age of 16 years can be issued with a learner's permit for a period of 12 months to take part in a driver-education course conducted by the National Safety Council. This amendment was requested by the executive of the National Safety Council as a means of extending its youth-driver education courses to a wider range of young persons.

It is expected that the National Safety Council's high schools driver-training scheme will progressively cover a much greater number of young drivers than it has done in the past. Many students at the moment cannot undertake a full course in driver training, because they have not reached the qualifying age of 17 years.

I think it will be generally recognised that the time to teach safe driving methods is when the pupils are at an age receptive to instruction, and also that the courses conducted by the National Safety Council are of the highest quality and will, if they can be extended to as many students as possible, have a beneficial effect on road safety in the future.

At the moment, while under-age students can be taught on private property, they cannot go out on public roads even when accompanied by qualified instructors, unless they are licensed to do so; and this also, of course, affects insurance policies such as third party insurance. This provision, I feel, is one of great importance and is strongly recommended for adoption.

Consideration was given to making the age 16½ years, but after further reflection it was agreed the students should have driver tuition throughout the full 12 months of the last year of their schooling, and not have it squashed into the last few months when they are studying for other examinations.

An additional provision in the clause is to enable persons having attained the age of 16 years and nine months to take out learners' permits for the three months prior to their seventeenth birthday when they will be eligible for a driver's license.

These permits will be confined to instruction by qualified professional driving instructors and it is felt that this measure will encourage student drivers to take advantage of the best available instruction. The age at which a person can obtain a learner's permit for instruction by a private person will remain at 17 years of age, as at present.

Private persons desiring to be instructors will need to have had at least four years of driving experience before they can give such instruction. This is not different in any way from what has taken place in the past, because all new drivers are now on probation for three years and still have to drive an additional 12 months before they are considered experienced enough to pass on instruction to learner-drivers. It is considered only reasonable that those on probation should not have the opportunity, or should not be in the position, to teach new people to drive.

Clause 6 increases the penalty for refusing information under section 34 of the Traffic Act. The penalty at the moment for a first offence is a fine not exceeding $50, and for any subsequent offence a fine not exceeding $100. It is proposed to increase the penalty to $100 and $200 respectively.

This amendment is a result of representation from the Shire Council's Association because of three cases brought to its notice in the country recently which involved serious traffic offences wherein the owners of the vehicles refused to give the names of the drivers at the time of the offence. The owners were subsequently charged with failing to give the information and fined amounts up to $30. They did not lose their licenses and the real culprits escaped punishment completely. If this practice grows, it could lead to a serious situation with, perhaps, chronic traffic offenders escaping just punishment.

It is hoped that by increasing the penalty for refusing to give information on demand, this practice of refusing information will be deterred and so enable the proper offender to be brought to court and dealt with according to law.

As members will see, under the law as it stands at present an offender, by adopting the measures that have been suggested here, and that have been taken in the past, can quite easily avoid a serious penalty, which should justly be imposed, and be fined a maximum of $30.

Clause 7 and 8 deal with an amendment to that part of the Act entitling persons visiting this State to drive on a license issued in their home State or country.

The present weakness of both sections 35 and 36 is the ambiguity in the term "temporarily within this State." It was felt that the original intention of these provisions was for the benefit of holiday visitors and tourists. These days, however, there are many people on working holidays, exchange duties, students, army personnel, American servicemen, and others who come on a temporary basis and stay for one, two, three, four, and even more years. While they are apparently temporarily in the State, there is no requirement for them to take out Western Australian drivers' licenses and so demonstrate their ability to control a vehicle and have a good knowledge of Western Australian traffic laws.

It is felt that there should be some limit to the time which a person can stay in this State without taking out a W.A. driver's license, and therefore, it is proposed to amend both sections to provide

that an out-of-State license is valid only for the term of its currency or 12 months, whichever occurs first.

I do not think it is realistic that people who come from other States to work, perhaps, in the northern areas on the mining fields or in other areas and who have a license which is taken out for five years in Queensland or somewhere else should be given the opportunity to retain that license and not have to take out a local license.

As far as clause 9 is concerned a serious situation has arisen in respect of traffic court cases. On an appeal in the Supreme Court recently, the Honourable Justice Jackson ruled in effect that where, for example, a motorist is stopped by a police officer and gives his name and address, and later the police officer does not identify him in court, then the statement of name and address given by the driver of the vehicle cannot be used in evidence against the defendant who is charged, even though the name and the address coincide.

Two results follow on from this decision. The first and most important is that, if a defendant chooses to appear not in person but by counsel and cannot be identified—for the obvious reason he is not there—the prosecution could never prove identity; because, in His Honour's view, the statement that the driver of the vehicle made concerning his name and address could not be used against the person charged.

The same result follows where the police officer cannot identify a person actually present in court. This is an extremely frequent occurrence in traffic prosecutions because most police officers see the driver of the vehicle only briefly, sometimes in bad light, and it would be a rare case where, perhaps three months later in the courtroom, he could identify that driver again.

The police officer, on afternoon shift, particularly, might well submit up to 15 traffic briefs during that shift. Additionally, he might warn about the same number of offenders. This presents the officer with an insurmountable problem of identification when the cases are heard in court at a later date.

The situation is even worse in respect of the officer taking traffic reports. He may take up to 20 to 30 reports and he witnesses the person's signature, but he cannot be expected, in three or four weeks' time, to identify that person in the court as the one making the report and as the one who was the driver of the vehicle which had been involved in an accident.

The amending clause provides that there should be a presumption, rebuttable by evidence to the contrary, that the person named in the complaint is, in fact, the person who gave that name at the time, or shortly after, the offence was committed. It is known that similar provisions exist in the traffic laws of other States.

Clause 10 will give power to introduce a statutory fixed penalty and an infringement notice scheme which will have a far-reaching effect on the availability of police to spend more time on the road on enforcement duties. One of the greatest problems we have at the moment is to make the most effective use of the manpower that is available.

A brief description of what these provisions will achieve may be shown as follows:—

(a) Relieve courts of the duty to hear many trivial offences.

(b) Reduce the time lapse between the date of the offence and completion of the action.

(c) Still preserve the right of any defendant to have his case heard in court as it is today.

(d) Eliminate the need for police and traffic inspectors to spend an unnecessary amount of time at court;

(e) Effect a saving in clerical work.

In other words, apart from gaining the benefit of their performing less work in this regard, it will permit many traffic officers to spend more time on the roads. At times there have been as many as 20 traffic police officers attending court for the purpose of giving evidence in those cases where the defendants plead not guilty.

A wide range of traffic offences are intended to be covered by this procedure and penalties will range from $2 up to $40 according to the nature of the offence. At the end of my speech I will hand in a note of the number of statutory penalties involved. I know members will be interested in perusing them.

There could be a great deal of dispute or discussion over the amount involved in each or all of the penalties, but I believe that what we want at this stage is to try to implement the proposal, because I believe the penalties suggested should be given a trial, at least for the time being, to see if they bring about the benefit we think will be gained. In effect, what will happen is that, when an offender is apprehended, he will be given an infringement notice which will describe the offence and the penalty appertaining to the offence, and, if he so desires, he may pay that penalty within a certain period or, alternatively, choose to have the matter dealt with by a traffic court in the normal way.

Minor parking infringement notices may be addressed to the registered owner of the vehicle where the driver is not ascertained at the time. In fact, it is a common custom now for many firms to pay

employees' parking fines without the driver being involved. If the money is not paid within a prescribed time, then action will ensue to bring the offender to court, and the fine then, of course, will be at the discretion of the magistrate.

In a way, the new proposal is an extension of the existing minor offence regulations, but covers a much wider range of offences and with appropriately higher penalties. It is intended that it will apply throughout the State and will be operated by country traffic authorities as well as by the Police Department in the metropolitan area.

The offences and penalties will be prescribed by regulation; and, for those members interested in examining in detail what is proposed, I have several copies available of a schedule which has been drawn up and which will eventually be incorporated in the regulations. The offences do not include any of those carrying mandatory suspension of licenses.

Similar schemes operate in other States and I have been advised that their introduction has meant a great saving in police time and enables better use to be made of police personnel. As a matter of fact, I was interested to read in an American paper recently where a similar scheme introduced in New York has saved one of the police departments in that city 17,000 man hours over a matter of a few months.

With the use of streamlined report forms and modern techniques used in processing, it has been reported from one source that the actual time police can spend on patrol has been doubled.

The amendment in clause 11 is to enable the introduction of a points demerit system. It is operated successfully in many States of America and also in Queensland. Members may recall that the Premier, during his election policy speech, mentioned this and said it was his intention to bring such a system into operation in this State.

The essential feature of this scheme is that traffic offences are graded, usually according to their likelihood to produce accidents, and each offence is assigned a certain number of points. A person who commits any of those offences is debited with the prescribed number of points and these accumulate on his record. When the total reaches certain levels—it has been suggested that the total number be 12—he is warned or disqualified automatically. A person can also reach the stage that, when he has accumulated a certain number of points he is warned, and then, when he reaches a total of 12 points, he automatically has his license cancelled.

I believe the introduction of a method such as this will help considerably to make drivers more traffic conscious and aware of their responsibility on the roads. A driver will realise that if he has already accumulated a certain number of points the addition of a few more will place him in the position where he will automatically have his license cancelled. This will have the desired effect to bring into line those who deserve such restriction.

A schedule of offences and points allocated to each offence has been prepared and will ultimately be promulgated by regulation. For those members interested in seeing one of these schedules, I have a number of copies available for distribution.

After a period of three years, some points accumulated will be automatically deducted from the total score. In other words, the points will be counted over a three-year period and when a driver gets into his fourth year, the points for the first year will be dropped, and he will be charged only with those points he has accumulated during the three-year period.

Mr. Davies: Are you going to have these recorded on a computer?

Mr. O'CONNOR: They will be worked out by computer at the Police Department and will be recorded on the driver's license. From time to time he will be informed as to the number of points he has accumulated over a certain period.

Mr. Toms: You had better ensure you obtain the address of any person who commits an offence as well as his name, because some people have similar names, and the wrong person could be charged.

Mr. O'CONNOR: There may be problems in this regard, but any person will be granted the opportunity to refute a charge against him. I believe in any action taken on traffic offences the same problem will arise, but I also believe that this is a scheme we should introduce because it will assist, to some degree, in solving some of the problems we have on the roads today.

In regard to the points system, I would continue to point out that if a person accumulates six points, he will receive a warning letter from the Commissioner of Police. On accumulating nine points he will receive a second letter of warning, and, on accumulating 12 points, the automatic suspension of the license for three months will take effect. Points will not be recorded against a driver for offences which carry automatic suspension of a license.

Examples from the proposed schedule are as follows:—

	Points
For the offence of failing to stop after an accident, the score will be	9
Exceeding the speed limit by 30 miles or more	5
For exceeding the speed limit by more than 10 miles but less than 30 miles	3
Failing to yield right-of-way—	
(a) if an accident occurs	4
(b) if no accident occurs	2

A driver will be given written advice when first debited with points and the progressive total of points will be shown on his driver's license. Thus, he will always be aware of his position in relation to his convictions and his points score. The purpose behind this, of course, is to make him conscious of his responsibilities and the action that will follow if he continues to accumulate points.

I firmly believe this scheme will be an important deterrent to the potential traffic violator. It is, perhaps, one of the best measures for the promotion of greater road safety that has so far been put forward in this State. All in all, the Bill contains steps that I regard as of great importance to countering the tragic state of affairs on our roads today.

I am sure that not only is the Government concerned, but that every member here is concerned, with the tremendous toll taken by traffic accidents, which appear to have risen considerably this year. I am certain the unfortunate incident at Kambalda shocked every one us, and it makes one wonder just how much one can do in an effort to reduce the road toll.

In some cases it is very difficulty to apportion the blame, but some blame must certainly fall on the individual concerned; he must be educated to accept greater responsibility. If a person is travelling at 90 or 100 miles an hour his chances of survival are slim should he meet with an accident. If a man has consumed large quantities of liquor and then goes out and drives a motorcar, his chances of being involved in an accident are certainly very great.

Speed and alcohol are the greatest dangers with which one must contend. We must, of course, take any action we can which will help reduce the accident toll on the road, and I believe this Bill is a step in that direction.

In commending the Bill to the House I would ask permission to table papers concerning the statutory penalties and the points system.

The papers were tabled.

Debate adjourned, on motion by Mr. Graham (Deputy Leader of the Opposition).

CRIMINAL CODE AMENDMENT BILL

Second Reading

MR. COURT (Nedlands—Minister for Industrial Development) [5.23 p.m.]: I move—

> That the Bill be now read a second time.

The purpose of this Bill is to amend the law concerning three main categories of offences. The first of these deals with unlawful demands by written threat, attempts at extortion, and the procuring of the execution of deeds by threat. The relevant sections of the Criminal Code are 397, 398 and 399.

Section 397 provides a sentence of imprisonment with hard labour for 14 years, and limits prosecutions to written threats. If no written threats are made, action is taken under section 396 for the offence of demanding property with intent to steal—the maximum penalty being imprisonment with hard labour for three years. An oral threat can, however, be of an equally serious nature as extortion by a written demand.

With the intention of strengthening the law in the matter of extortion by oral threat, existing laws in England were examined and also those applying in the State of Queensland. The amendment in this Bill was influenced by the Queensland Code, which provides a similar penalty of imprisonment with hard labour for 14 years in respect of either written or oral extortion.

Also, victims of these crimes are often reluctant to come forward for fear of publicity. It is desirable to encourage such persons to report offenders. It is now proposed that they be protected by a requirement that there shall be no publicity in such cases, except as permitted by this Bill; that is, publicity either of the proceedings, or of the fact that such proceedings have been initiated under appropriate sections of the Criminal Code.

Clause 4 of the Bill, which deals with a restriction on publication of certain proceedings, has been modified since being introduced in another place by the Minister for Justice. The Press was apparently of the opinion that we were going to have justice in the dark. But the whole purpose behind the clause is to protect the name of the person who is being blackmailed, subjected to extortion, or put under pressure by threat, or whatever the case might be. The clause was amended on the basis that there would be a restriction on publication in respect of matters other than those set out in the Bill.

If evidence were published in the Press, then undoubtedly the association of events that would be brought out by the evidence could lead to the fact that a particular person was involved. I would like to make it quite clear that in the lower court there will be a prohibition against publicity in any case. The Press will not be able to publish the preliminary proceedings in the lower court. Were the magistrate in the lower court to give permission to publish anything that happened in that court, the judge of the Supreme Court would then find himself in an impossible position.

So it is obvious proceedings in the lower court should not be published. Therefore, apart from those matters mentioned in the Bill which can be published, nothing

else can be published without the permission of the court. It is possible the court, in the public interest, might permit the publication of the whole of the proceedings or the publication of some of the evidence. But that must be left in the hands of the court.

There is nothing new about the withholding of publicity. It is not new in principle. The Married Persons and Children (Summary Relief) Act provides that evidence will not be published, although under that Act it is permissible to publish names.

The SPEAKER: Order! There is far too much talking in the Chamber.

Mr. COURT: There is also a similarity with the Matrimonial Causes Act, which is a Commonwealth measure. The reason for this is obvious. It is undesirable to publish the sordid details which may be brought out in evidence in connection with cases under those Acts.

It is agreed that we should not shelter the accused person in the case of extortion, and certainly not a blackmailer, and if the amendment now proposed in this Bill is accepted it will go a long way towards bringing about a measure of protection for the good name of the victim being blackmailed.

It may be helpful in the understanding of the terminology of the clause if I explain that the words "particulars" refers not to particulars of the case as generally speaking, but to particulars of the case as required by the court rules, in such cases to be presented to the court.

The next amendment refers to peculiarities in the drafting of section 403, in respect of the breaking and entering of different types of buildings. This section at present creates a difficulty in framing indictments, because of new types of buildings these days, such as the drive-in theatre, which possibly may not fall within the types mentioned in the section. It is required that the type of building be clearly defined in the indictment.

Therefore, clauses 5 and 6 provide for the offence of breaking and entering any building, thus rendering later additions to the list unnecessary. Although this covers a dwelling house dealt with in section 401, it is only the breaking and entering of a dwelling house at night which attracts a greater penalty. Another amendment repeals sections 405 and 406, having reference to the breaking and entering of churches. These offences will now be covered by the new sections 403 and 404.

The next amendment clarifies a false pretence. Section 408 defines the offence of false pretence but relates it only to matters past or present. The definition does not cover a false promise; that is, something undertaken as a commitment of the future. It has been suggested that false promises are becoming more prevalent now than false pretences, and therefore it is desirable to define a false promise. The limitation placed by the requirement that the false representation must be a matter of fact which is either past or present has led to offenders limiting their false pretences to future conduct.

Victims of false pretences are just as effectively deceived by such promises and the amendment in this Bill, which is drafted along the lines of section 426 of the Queensland Code, is considered to be in the interests of the community. With a changing pattern of commerce, obtaining of credit by a false promise is quite as serious an offence as obtaining actual goods. The present provisions do not adequately cover this situation.

The next amendment deals with indictable offences which may be dealt with summarily. Where the value of property does not exceed $100, persons charged with certain indictable offences may elect to be dealt with summarily, in which case the penalty may be imprisonment with hard labour for six months or a fine of $100. In some cases offences are not established within the prescribed period of six months. Section 426 of the Code is to be amended to extend the period in which a complaint may be brought, so avoiding cases being heard in the Supreme Court. The amendment will enable more such offences to be dealt with summarily. Members will find a consequential amendment in clause 2 of the Bill, and it should be noted that the thing stolen must be worth more than $300 in lieu of $100 as at present restricting summary conviction under section 426.

Sections 429, 430, 431, and 465 cover offences analagous to stealing, and the view is taken that each should provide a like penalty. A reason for this is that while these sections are not related to the stealing offence, in a matter of degree they acknowledge the step in an enterprise culminating in the offence of stealing. For this reason, there should be no differentiation, and a like penalty of $500 is to apply.

The next amendment deals with persons not liable to civil proceedings. Section 468 contains unusual provisions excluding civil actions where a fine has been paid, as provided by section 465, or, conversely, excluding prosecution where civil proceedings have been brought. As there is no provision for the fine to be paid to an owner of damaged, killed, or maimed property, the force of this section is hard to see and it is to be repealed to permit appropriate redress in courts of law.

The amendment in paragraph (a) of clause 17 provides for a circumstance where a jury is unable to say whether a person stole or received, knowing the

article to be stolen. Under this amendment, if a jury in future finds that the person charged has either stolen the property or received it, knowing it to be stolen, he may be convicted of the offence carrying the lesser punishment. At present, if the jury cannot say which of the two offences the person is guilty of, he is entitled to be acquitted. Paragraph (b) of clause 17 deals with joining charges.

It had been held that a charge of receiving could not be joined with a charge of breaking, entering, and stealing. This caused considerable practical difficulties, as in certain types of cases it is not quite clear whether an accused person was the one who actually broke and entered, or whether he merely received the stolen property.

To overcome the difficulty, a new subsection (4)(a) was added to section 586 in 1954 and this was, at the time, thought to correct the anomaly. However, on a very strict interpretation of the section, it has recently been held that the amending subsection (4)(a) only allows a joinder of a charge of receiving with a charge of breaking and entering with intent to commit a crime. In other words, as the subsection does not specify the crime of breaking, entering, and stealing, the words must be given their literal meaning and be limited to the relative charge of breaking and entering with intent. The amendment now presented in this Bill will achieve the purpose which the 1954 amendment attempted but failed to achieve.

In commending this Bill to members, I would comment that its main provisions are aimed at removing some disabilities, which have arisen in recent years in the administration of justice and concerning several types of crimes and offences which have become troublesome.

Debate adjourned, on motion by Mr. Tonkin (Leader of the Opposition).

THE WEST AUSTRALIAN TRUSTEE EXECUTOR AND AGENCY COMPANY LIMITED ACT AMENDMENT BILL

Second Reading

MR. COURT (Nedlands—Minister for Industrial Development) [5.34 p.m.]: I move—

> That the Bill be now read a second time.

I hasten to add this is not a very momentous Bill, but unfortunately it is necessary for me to go through this procedure. The Bill before us was introduced in another place by the Minister for Justice as a formal measure necessary to enable the parent Act and its several amendments to be incorporated in a reprint. The parent Act is out of print.

The need for this Bill is occasioned mainly because an amending Bill passed in 1923 was drafted in a manner which precluded the consolidation of the Act in the normal style. In the reprinting of the Act, there will be no alteration in its substance in any way, as the provisions in this Bill merely provide the legal machinery by which clear copies of the existing Statute may be printed.

Debate adjourned, on motion by Mr. Bertram.

POISONS ACT AMENDMENT BILL

Second Reading

MR. ROSS HUTCHINSON (Cottesloe—Minister for Works) [5.36 p.m.]: I move—

> That the Bill be now read a second time.

Drugs of addiction and certain specified drugs are subject to special controls under both the Poisons Act and the Police Act. The special value of the latter is that it provides for control over illicit trafficking in these substances.

The term "drug of addiction" applies to the so-called hard drugs, such as morphia, heroin, cocain, and pethidine; and the term "specified drug" was devised in order to cover the so-called lesser drugs of addiction, such as the amphetamines and barbiturates.

The existing definition of "specified drug" in the Poisons Act is "any substance that the Governor by Order in Council declares to be productive, if improperly used, of effects of substantially the same character as a drug of addiction."

This definition involves certain difficulties with the control of L.S.D. and other hallucinogenic drugs in that they are not at present believed to be true drugs of addiction, nor are their effects of substantially the same character as drugs of addiction. Further, it is more than likely that other preparations which might necessitate strict control will be developed in the early future.

The simplest way to provide for effective control over the hallucinogenic drugs and others that are likely to be developed soon is to amend or broaden the present definition of "specified drug" under the Poisons Act along lines recommended by the Poisons Advisory Committee. The definition of "specified drug" would read "means any substance that the Governor in Council declares to be a specified drug for the purposes of this Act."

The Mental Health Committee of the State Health Council and the Poisons Advisory Committee agree that hallucinogenic drugs should be controlled in the same way as drugs of addiction, and this amendment will meet the situation.

It was originally intended that a provision for an increase in the penalty for the illegal sale or supply of drugs of addiction or specified drugs to $1,500 or

three years' imprisonment should be implemented under the Police Act. The Police Act, however, is concerned essentially with possession, rather than supply. Further, certain categories of persons—pharmacists, doctors, dentists, and veterinarians—are already authorised under section 23 of the Poisons Act both to possess and to supply these drugs. The existing penalty for unlawful supply under the Poisons Act is $100.

In the opinion of the Parliamentary Draftsman, while it is appropriate to deal with the illegal possession of these drugs within the Police Act, it would be more appropriate to deal with the unlawful supply of them under the Poisons Act. The Minister for Police agrees in this regard, as does the Poisons Advisory Committee.

The amendment to increase the penalty for the unlawful sale or supply of drugs of addiction and specified drugs to $1,500 or three years' imprisonment will bring the Poisons Act into line with the penalties under the Police Act for illegal possession of these drugs.

Certain categories of persons—for example, doctors, dentists, veterinarians, and pharmacists—are authorised under the Poisons Act to procure, possess, or prescribe drugs of addiction. From time to time in the past, circumstances have arisen which have justified the withdrawal of this authority for specified periods. Legal advice on the matter is that there is no power within the Act to withdraw this authority. The matter was considered by the Poisons Advisory Committee and it is its recommendation that provision be made to enable the Commissioner of Public Health, when necessary, to impose such conditions, limitations, or restrictions, for such period or periods as he considers necessary, to restrict these persons in manufacturing, possessing, using, supplying, selling, or prescribing for others any or all drugs of addiction or specified drugs. Clause 6 of the Bill has been inserted for this purpose.

The necessity to acquire authority for the control of hallucinogenic and other dangerous drugs is indicated in the matter of "specified drugs" previously mentioned. Supplementary powers are essential if these drugs are to be effectively controlled. To attempt to do so by special regulations for each particular substance among the many in the seventh schedule already, and others which are bound to come forward in the future, would involve complicated administrative machinery and result in a comparatively inflexible series of separate regulations which would present considerable administrative problems. It is therefore proposed to deal with the problem in a flexible manner to enable the Commissioner of Public Health to impose particular restrictions for particular circumstances. This will be done by providing that substances in the seventh schedule to the Act may not be sold, supplied, used, or possessed except by special permission of the commissioner and in accordance with such conditions, limitations, and restrictions as he imposes. The Poisons Advisory Committee has also recommended this provision.

I commend the Bill to the House.

Debate adjourned, on motion by Mr. Davies.

ADJOURNMENT OF THE HOUSE: SPECIAL

MR. BRAND (Greenough—Premier) [5.42 p.m.]: I move—

> That the House at its rising adjourn until Tuesday, the 1st October.

Question put and passed.

House adjourned at 5.43 p.m.

Legislative Council

Tuesday, the 1st October, 1968

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

ACTS (11): ASSENT

Message from the Lieutenant-Governor and Administrator received and read notifying assent to the following Acts:—

1. Cremation Act Amendment Act.
2. Coal Miners' Welfare Act Amendment Act.
3. Rural and Industries Bank Act Amendment Act.
4. Dried Fruits Act Amendment Act.
5. Road and Air Transport Commission Act Amendment Act.
6. Artificial Breeding Board Act Amendment Act.
7. Commonwealth and State Housing Agreement Act Amendment Act.
8. State Trading Concerns Act Amendment Act.
9. Geraldton Port Authority Act.
10. Esperance Port Authority Act.
11. Liquid Petroleum Gas Act Amendment Act.

MEDICAL TERMINATION OF PREGNANCY BILL

Rejection: Petition

THE HON. J. DOLAN (South-East Metropolitan [4.35 p.m.]: I desire to present a petition from the residents of Western Australia praying for the rejection of the Medical Termination of Pregnancy Bill, 1968. There are 27,589 signatures attached to it, and the petition bears the Clerk's certificate that it conforms to the Standing Orders. I move—

> That the petition be received and read and ordered to be laid on the Table of the House.

Question put and passed.