Pairs

Ayes	Noes
Mr. Bickerton	Dr. Dadour
Mr. Davies	Mr. O'Connor

Question thus passed.

Bill read a second time.

In Committee, etc.

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

ADJOURNMENT OF THE HOUSE: SPECIAL

MR. J. T. TONKIN (Melville—Premier) [11.05 p.m.]: I move—

That the House at its rising adjourn until 2.15 p.m. tomorrow (Wednesday).

Question put and passed.

QUESTIONS ON NOTICE

Statement by Speaker

THE SPEAKER (Mr. Norton): I wish to advise members that questions will be answered at 2.15 p.m. when the House sits tomorrow and that questions for Thursday will be received up till 3.45 p.m. tomorrow afternoon.

House adjourned at 11.07 p.m.

Legislative Council

Wednesday, the 4th October, 1972

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

BILLS (8): ASSENT

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

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

QUESTIONS (5): ON NOTICE

1. INDUSTRIAL DEVELOPMENT

North-West Light Industrial Areas

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

(1) In view of the Minister's comments on development and its relationship to caravans and caretakers' quarters in light industrial areas, will the Minister agree to a personal tour of the light industrial area and a meeting with the settlers at Karratha and South Hedland in company with the Liberal Member for North Province and the Commissioner or Councillors, plus any other interested members?

(2) If the answer to (1) is "Yes", will the Minister nominate the dates suitable to him so that arrangements can be made?

(3) If the answer to (1) is "No"—

(a) does the Minister realise that a young family commencing a small business, such as joinery or plumbing, with the services of a caretaker, will require a capital expenditure of $48,000 to $50,000 if they are to meet the Minister's demands, and at the same time live in a house;

(b) does he realise that this situation will limit the development of the North?

The Hon. R. H. C. STUBBS replied:

(1) No.

(2) Answered by (1).

(3) (a) No. This would depend on the type of business but I do not condone sub-standard accommodation as a means of reducing cost. Health By-laws must not be relaxed in the interests of economy.

(b) No.

2. *This question was postponed.*

3. PILBARA REGION

Plan of Development: Service Industries

The Hon. W. R. WITHERS, to the Leader of the House:

(1) In view of the Premier's comments on the huge industrial complex for the Pilbara in *The West Australian*, where he is quoted as saying "For the first time, offers private industry a chance to proceed with the major projects in remote locations without having to cope with burdensome infra-structure costs"; does the Premier realise that service industries are necessary beams of infra-structure in any industrial

complex, and that this Government has jeopardised the development of service industries in the very town that he has quoted as the nucleus of the proposed huge scheme in the Pilbara?

(2) If so, what action will he now take to correct the unreasonable restrictions and their associated high costs that are placed on settlers in the light industrial area of Karratha?

(3) If the answer to (1) is "No", will the Premier agree to a public meeting with the Minister for Local Government, the Minister for Development and Decentralisation, the Karratha Chamber of Commerce, and the Liberal Member for North Province, for the purpose of correcting the present created problems?

The Hon. W. F. WILLESEE replied:

(1) Existing service industries operating in the area would not be jeopardised by the proposed industrial complex. If the proposals are implemented, the opportunities for existing developers will be considerably expanded.

(2) Answered by (1).

(3) Answered by (1).

4. LAND

Walpole-Nornalup National Park

The Hon. V. J. FERRY, to the Leader of the House:

(1) Does the Walpole-Nornalup National Park include beach areas down to the low water mark?

(2) If not, at what point does the authority of the National Parks Board terminate in the beach area?

(3) Are there any restrictions on the movement of vehicles along the beach between the boundary of the Walpole-Nornalup National Park and the low water mark?

(4) If so, what are the restrictions, and under whose authority are the measures authorised?

The Hon. W. F. WILLESEE replied:

(1) Yes.

(2) Answered by (1).

(3) Yes.

(4) Restrictions as authorised by the National Parks Board and its by-laws under the Parks and Reserves Act.

5. ABORIGINES

Derby Centre: Furnishings

The Hon. W. R. WITHERS, to the Leader of the House:

(1) Was a consignment of furniture shipped to Derby from a Government Department for the purpose of furnishing the Aboriginal Community Centre during August 1972?

(2) If the answer to (1) is "Yes"—

(a) who was the consignor;

(b) who was the consignee;

(c) who released the furnishings at Derby, and under what authority;

(d) where were the furnishings taken;

(e) where are the furnishings now;

(f) was any action taken to correct any error that might have been made between the 26th August and the 26th September; and

(g) has any action been taken since the 26th September?

(3) If the answer to (1) is "No"—

(a) will the Minister advise why the Public Works Department addressed some furnishings to a Department of Native Affairs in Derby;

(b) does the State administer a Department of Native Affairs?

The Hon. W. F. WILLESEE replied:

(1) Yes. It arrived in Derby on 26th August.

(2) (a) At the request of the, then, Native Welfare Department the Public Works Department requisitioned Government Stores on 29th June. Government Stores placed the order with Superfurn who delivered the furniture to Government Stores, Fremantle, on 18th August.

(b) The furniture was marked DNA (PWD)

DY

(DNA is the shipping mark for Department of Native Welfare.)

The consignment note was addressed to the Officer-in-Charge, Community Welfare Department, Derby and was posted on 21st August.

Furniture for the Derby District High School was also consigned on the same voyage.

(c) The State Shipping Service at Derby released the furniture to the Derby District High School, via a local carrier—Mr. D. Archer.

(d) Derby District High School.

(e) The furnishings were transferred to Bundja Wulan Nuga (Derby Aboriginal Community Centre) on 21st September.

(f) The furniture arrived on 26th August during the school holidays. The headmaster was contacted on 19th September. The furniture at the school had to be re-arranged, transport arranged, and was transported to the Centre on 21st September.

(g) No further action has been necessary, since the furniture was delivered on 21st September.

(3) See answer to (1) which is in the affirmative.

DAYLIGHT SAVING BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by The Hon. R. H. C. Stubbs (Chief Secretary), read a first time.

MINING ACT

Disallowance of Regulations: Motion

Debate resumed, from the 3rd October, on the following motion by The Hon. W. R. Withers:—

> That regulations made under the Mining Act, published in the *Government Gazette* on the 3rd December, 1971, and laid on the Table of the House on the 9th December, 1971, be, and are hereby disallowed.

Ministerial Statement

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [4.46 p.m.]: Mr. President, I seek leave of the House to make a statement concerning the motion.

The PRESIDENT: The Leader of the House seeks permission to make a statement. There being no dissentient voice, permission is granted.

The Hon. W. F. WILLESEE: Members will recall that when I was concluding my remarks yesterday the Leader of the Opposition asked me a question, and as I did not have sufficient information available to me I could not reply. I hereby reply to his query in the statement that follows.

The opposition to the new rentals for mineral and dredging claims is based solely on the assumption that relinquishments have occurred because of the increased rentals, despite the fact that withdrawals and surrenders have shown 100 per cent. increase from year to year since 1969; although rentals were not increased before the 1st January, 1972, except for new claims lodged in December, 1971.

An analysis of rentals received for the nine months ended the 30th September, 1972, and the nine months ended the 30th September, 1971, shows $4,079,591, as compared with $4,027,606, an increase during 1972 of $51,985.

The rentals just quoted do not relate solely to mineral claims and dredging claims, as entirely separate figures are not kept for these items.

However, the figures quoted do not include rents paid in respect of leases. It is estimated that rents in respect of mineral and dredging claims account for well over 90 per cent. of the amount stated.

Debate (on motion) Resumed

THE HON. W. R. WITHERS (North) [4.48 p.m.]: I thank the Leader of the House for his statement because I feel it supports my case. In his statement the Leader of the House said that there was an actual increase of income in 1972 of $51,985. I consider that indicates the Treasury is losing money that it should be gaining, because if we refer to answers given in another place to questions concerning the amount of claims that have been relinquished, we find that if we apply the old rental of 25c to the relinquished claims there would be a loss of $3,104,160.

I think it would be unreasonable to claim that all of that money would have gone into the Treasury, because in normal circumstances, and without the fear of extra rentals, some claims would be relinquished. I consider that a large part of the $3,104,160 that would have been lost would be the direct result of the increase in rentals.

It has been mentioned by the Minister that 30 companies were approached and asked to present a case, so that the Minister could reconsider the rentals. He said that these 30 companies had not presented a case. I suggest there is good reason for this; and one need not go beyond the motion before us to find that reason.

It is quite obvious that if a Liberal member puts up a case for a reduction in rentals when the Liberal Party has been claiming that this Government has increased the cost of living throughout the State—which I believe it has done, and this is just another instance—it is reasonable to expect that many members of this House will vote for the motion. So, I suggest these companies withheld from putting up a case, because they felt they were being justly represented by the members in this House. There are some people, from all political parties, who may not agree with this.

The Hon. A. F. Griffith: I am afraid I may be one of them.

The Hon. W. R. WITHERS: I said that, because the Leader of the Opposition has indicated he could not agree with this. I hope the motion will be passed. If we do not agree to it and allow the regulations to remain, then we will be agreeing to an increase in the cost of living.

When the rentals were determined at the rate of 2s 6d per acre in 1904 it applied largely to mining claims; and at the time

these were generally goldmining claims. In those days it was said there would be a maximum of 84 acres to a claim, and this represented a fairly large goldmining area.

The Hon. J. L. Hunt: Where did the 84 acres come in?

The Hon. W. R. WITHERS: That is the maximum for a goldmining claim. The honourable member should know that. We are both fairly closely connected with the mining industry. The maximum size of a goldmining claim was 84 acres, and the maximum size for any other mineral claim was 300 acres. When we take this into account we find that although a person might discover gold and be able to make a living on an area of much less than 84 acres, in modern-day mining a much larger area than 84 acres is required.

The Hon. A. F. Griffith: It would depend on how much gold there was in such a small area.

The Hon. W. R. WITHERS: That is correct. I pointed out that a good living could be made from an area of less than 84 acres. However, today we face a different situation altogether. A person who goes out to propect for other minerals needs to peg a much larger area than 84 acres, in order to have a saleable claim.

If a person goes prospecting and finds traces of copper which, say, assays at 3 per cent. to 4 per cent., he needs a large area. Usually he would not peg less than 1,500 acres. In fact, even this would be a fairly small claim.

However, when we take into account the rental on the 1,500 acres we find it amounts to $750 per annum; and this is a great deal of money to a prospector. In other words, the action of this Government in increasing the rentals has cut out the small prospector—the prospector we knew during the term of office of the previous Liberal Government. The Government's action has enabled the large mining companies with a great deal of finance to continue pegging mineral claims. I object to this.

Even the large mining companies have been placed at a great disadvantage, because now they will have to pay double the previous rental imposed by the Liberal Government. It may sound as though I am playing party politics, in mentioning the Liberal Government and the Labor Government, but I can do little else except refer to the increase in the cost of living. This Government has increased the rentals by 100 per cent. I object to such a steep increase, and I hope the House will support the motion.

Question put and a division taken with the following result:—

Ayes—13

Hon. G. W. Berry	Hon. N. McNeill
Hon. V. J. Ferry	Hon. I. G. Medcalf
Hon. A. F. Griffith	Hon. R. J. L. Williams
Hon. Clive Griffiths	Hon. W. R. Withers
Hon. J. Heitman	Hon. D. J. Wordsworth
Hon. L. A. Logan	Hon. F. D. Willmott
Hon. G. C. MacKinnon	*(Teller)*

Noes—15

Hon. N. E. Baxter	Hon. T. O. Perry
Hon. R. F. Claughton	Hon. R. H. C. Stubbs
Hon. D. K. Dans	Hon. S. T. J. Thompson
Hon. S. J. Dellar	Hon. J. M. Thomson
Hon. J. Dolan	Hon. F. R. White
Hon. Lyla Elliott	Hon. W. F. Willesee
Hon. J. L. Hunt	Hon. R. Thompson
Hon. R. T. Leeson	*(Teller)*

Question thus negatived.

Motion defeated.

FISHERIES ACT

Amendment of Regulations: Motion

Debate resumed from the 20th September, on the following motion by The Hon. T. O. Perry:—

> That the Regulations made pursuant to the Fisheries Act, 1905-1969, as published in the *Government Gazette* on the 21st September, 1971, and laid upon the Table of the House on the 5th October, 1971, be amended as follows—
>
> > To insert after paragraph (a) of subregulation (2B) of regulation 3AA, a new paragraph to stand as paragraph (aa) as follows:
> >
> > (aa) is in receipt of a pension under the provisions of the Coal Mine Workers (Pensions) Act, 1943-1971;

THE HON. G. C. MacKINNON (Lower West) [5.01 p.m.]: I want to say a few words on this motion for two reasons. Firstly, I will speak in support of the action taken by Mr. Perry and, secondly, I will speak in support of Mr. Perry.

I will explain that statement in a little more detail, because it possibly sounds a little like double Dutch. Firstly, Mr. Perry has been accused of jumping on the bandwaggon and all sorts of other things have been said which I happen to know are not true.

Another member for the district represented by Mr. Perry was asked to do something about this particular matter and for reasons best known to himself—which might be quite justifiable in his mind, he did not see fit to take the action that was requested. Mr. Perry was approached and he saw fit to take such action. The action taken, both by the people who approached Mr. Perry and by Mr. Perry himself, was perfectly legitimate and proper. The assertion that Mr. Perry was getting on to the bandwaggon is quite incorrect.

The reason I wish to support Mr. Perry is that certain statements have been made which I just happen to know are not true. Apart from that, they are not in keeping with Mr. Perry's character.

As I have already said, I desire personally to support the motion. When the regulations, the subject of this motion, were introduced a few nasty things were

said about them. I desire to remind members that the purpose of the introduction of the regulations was to protect marron in the various streams in our State. At the time of the introduction of the regulations there was very little objection here because members understood the situation. The Department of Fisheries and Fauna was anxious to obtain knowledge about the body of people which was actually trying to catch marron.

A considerable sum of money had been spent by successive Governments on the establishment of trout in our streams.

However, there were probably no more than 100 trout fishermen in Western Australia. Although practically no money had been spent on marron it was estimated that there were probably 11,000 or 12,000 marron fishermen in Western Australia. That seemed to be out of all proportion.

When the regulations were introduced the previous Government did not see fit to exempt children or pensioners from the requirement to obtain a license, although an assurance was given that such people would not be fined and, indeed, they were not. The Department of Fisheries and Fauna is not large, and it is always short of money. Its purpose is not one of social welfare and if consideration were to be given to pensioners then it should come from some other department. Another point is that exemptions would upset the figures of the analysis regarding the number of people attempting to catch marron.

The present Government saw fit to exempt pensioners and, for the life of me, I cannot understand how the Chairman of the Parliamentary Labor Party (Mr. Jones) overlooked the inclusion of pensioners under the Coal Mine Workers (Pensions) Act. I can understand that the Director of Fisheries and Fauna could be ignorant of the fact that a special class of pensioner does exist in Collie; namely, a coalmine pensioner. The director would have considered that all pensioners were covered.

I think that Mr. Jones, as chairman of his party, should have drawn the matter to the notice of the Minister for Fisheries and Fauna at the time and should not have made the comments concerning Mr. Perry; and other members were also involved in those suggestions. I am positive it was an oversight by the Department of Fisheries and Fauna and the department did not appreciate that a special class of pensioner lived in Collie.

I have no doubt that now the matter has been drawn to the attention of the department—by the enthusiasm shown by Mr. Perry for his electorate—something will be done. I am still mystified as to how anyone who is as vocal as Mr. Jones could have overlooked this point.

I sincerely hope that the Leader of the House, has good news for the coalmine pensioners of Collie, and that he will agree to the motion.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [5.06 p.m.]: First of all, I think we should deal with the question which has arisen between the two representatives of the area involved at Collie. May I say at the outset that I regret the situation which has developed. However, Mr. Jones has been hurt, personally, by the remarks made to the effect that he was not doing anything about the situation. I believe it is on record that he, as the member for Collie in the Legislative Assembly, directed several questions to the Government shortly after the license fee was imposed in December, 1969, to ascertain whether or not the Government of the day was prepared to allow some form of easement in respect of pensioners. He did not receive a favourable reply and, as a result, he moved for the disallowance of the regulation which imposed a license fee.

The purpose of the motion moved at that time by Mr. Jones was to establish the right of a pensioner to catch perch and cobbler without a license. His motion was defeated. I have been advised that he was about to move a further motion on this matter last year just at the time when the Speaker, the late Mervin Toms, died. On that occasion Parliament was prorogued.

Mr. Jones then took the matter up with the Minister for Fisheries and Fauna and, on the 4th September, he received a reply from the then Minister (Mr. Bickerton) as follows:—

> Dear Mr. Jones,
>
> I refer to your approach regarding the amending of Regulation 3A.A. of the Fisheries Act Regulations.
>
> After discussions with the appropriate officers of the Fisheries Department, I find that I am in agreement with my predecessor, the Hon. Ron Davies, M.L.A., who earlier gave his approval for the moving of this amendment.
>
> Approval is conditional on you securing Party and Parliamentary support.
>
> Yours faithfully,
> (A. W. Bickerton)
> Minister for Fisheries and Fauna.

It is clear at this stage that there has been some misunderstanding on the matter. I hope that the record is now clear.

I have no objection to the motion moved by Mr. Perry. A similar motion has already been passed in another place and I can see no reason to object to this motion. The amount of money involved in the issue of a license is only $2 per annum. It could

be argued that people should be able to afford a fee of $2, but we must remember that those concerned are pensioners. The total sum of money involved will not affect the Treasury to any great degree.

With those remarks I support the motion moved by Mr. Perry.

THE HON. T. O. PERRY (Lower Central) [5.10 p.m.]: I wish to thank Mr. MacKinnon for his support and for his remarks on this motion. He has cleared up several matters, I think, on which there was some doubt. I also thank the Leader of the House for his support of the motion, and for his explanation.

I do not think it is clearly understood by everybody that I was accused of jumping on the bandwaggon. I wish to make it quite clear that I was approached, in Collie, on the 2nd September and requested to move a motion or make an approach to the Government to ease the situation for coalmine pensioners.

Members will recall that on the 6th September, by way of a question, I asked whether the Government of the day would consider allowing a concession to coalmine pensioners.

The Hon. G. C. MacKinnon: The honourable member had some difficulty in getting a reply to that question, did he not?

The Hon. T. O. PERRY: I gave notice of the question on the 6th September. I was absent from the House on the 7th September and the question was asked, on my behalf, by Mr. Baxter. However, the reply was postponed. When I asked the question no motion had been moved in another place, and I had no knowledge that a motion was likely to be moved. It has been suggested that had I been honest I would have allowed the matter to be dealt with in another place. I rather take exception to the suggestion that I was not honest in my approach to this matter.

No-one in Collie aproached me until the 2nd September, and on the 6th September, by way of question, I requested the Government of the day to give consideration to the granting of a concession to the holders of coalmine pensions.

Once it became known that I had asked that question a motion similar to the one which I have moved was put on the notice paper in another place. I was a little concerned that the reply to my question was postponed on the 7th September, and again on the 12th September. On the 13th September my question was answered and I was told that the Minister concerned preferred not to answer the question.

I was not asking whether the Minister would give consideration to this matter. I was asking whether the Government would give it consideration. However, all is well that ends well. I think that everybody in this House is sympathetic towards pensioners of any description, whether they be old age pensioners, war service pensioners, or coalmine pensioners.

I again thank Mr. MacKinnon for his support, and I also thank the Leader of the House. I trust all members will support the motion.

Question put and passed.

ALUMINA REFINERY (MITCHELL PLATEAU) AGREEMENT ACT AMENDMENT BILL

Second Reading

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [5.14 p.m.]: I move—

That the Bill be now read a second time.

The Bill before us today has been framed to ratify an agreement reached between the Government, the Amax Bauxite Corporation, and Alcoa of Australia Ltd. The agreement serves to provide two main objectives: The first, a definite extension of time for the commencement of construction on the Mitchell Plateau project to replace the uncertain deferment provisions of the existing agreement and, the second, to bring about the immediate expansion of capacity at Alcoa's Pinjarra refinery.

Agreement with the companies was reached following a request from Amax for a definite "stay of proceedings" with respect to the Mitchell Plateau project. This became necessary because of vastly changed economic conditions since the conception of the project which make it quite impossible for the company to proceed with its proposed development at this stage.

A number of factors influencing the development combined to give the company sound reasons for taking this course of action, and for deciding against an early decision to commence development of the proposed Mitchell Plateau project.

Perhaps the biggest single influencing factor has been the marked fluctuations in the values of currencies of the major nations throughout the world. These movements have combined to inflate considerably the cost of establishing the bauxite mining and alumina refining facilities planned for the Mitchell Plateau.

Ranking almost equally with these considerations is the international marketing position for alumina. World consumption is currently growing at a rate well below the long-term average level and while the market growth pattern will eventually recover under a well-established cyclic pattern, the present market climate has prevented members of the development consortium from attracting further consumers.

Member companies of the development consortium have, in fact, made strenuous, continuing efforts to attract additional alumina consumers to provide the only feasible alternative to a delay in the start of construction.

Because of the international currency fluctuations the consortium was obliged to carry out a thorough re-estimation of capital and operating costs. This study showed that at the originally planned capacity of 1,000,000 tons of alumina a year, the project is just not viable.

It can only become a viable proposition if economies of scale are achieved through an increase in design capacity to an output of at least 1,500,000 tons of alumina a year. This would make the project a commercial proposition on revised costs and returns related to today's currency values and project construction costs.

The companies which joined with Amax in the conception and development of this project right up to the stage where construction can commence at any time it becomes economic, did not envisage a project of the size which has now become necessary. They did not plan to share the higher capital cost which is now necessary, and neither will their alumina requirements absorb anything like the 1,500,000 tons a year needed to produce economies of scale.

So, when efforts to attract additional partners to share the higher costs and absorb the revised output were unsuccessful, there was no practical alternative to delaying a start on the project until after conditions have changed for the better.

The PRESIDENT: Order! Apart from the Minister's speech there are five other conversations taking place and I ask members to pay due respect to the Leader of the House while he is reading his speech.

The Hon. W. F. WILLESEE: Thank you, Mr. President. The provisions in the Bill before us serve to ratify the agreement reached with Amax which was for a basic extension of time of eight years, with provision for a further extension of four years if this becomes necessary because of lack of secure marketing and financing arrangements at the expiration of the original term.

This extension was agreed only after all known market factors had been taken into account and had been used to provide projections into the future based on current conditions.

However, because it is not impossible that these conditions will change sooner than can currently be predicted, the Government has taken certain steps to ensure that construction of the project will begin just as soon as is economically possible.

The company has agreed to review the status of the project annually with a view to commencing construction as soon as the project becomes a commercial proposition. To this end the company will, at its expense, continue to maintain the airport which serves the project site, all roads and existing port facilities. This will allow potential participants in the project to inspect the site, to carry out any necessary pre-construction work and will also facilitate a rapid resumption of full-scale development as soon as this is possible.

That the continuing maintenance of on-site facilities will allow inspection by potential new participants is a significant point. Other companies with requirements for alumina have taken care of their near-term requirements based on current market conditions; but in the case of their longer-term needs they have been able to base forward planning on the Kimberley project which will be able to supply heavier tonnages of alumina when these will be needed to meet world demand. This will help to increase the number of secure markets for initial capacity to a level sufficient to allow the operation to proceed on an economically viable basis.

In association with this maintenance work the company is continuing studies of water supplies at the Mitchell Plateau in order to plan properly for the requirements of the ultimate development. This work involves the measuring and recording of rainfall and stream flows in order to establish volumes and the degree of reliability of supplies.

The continuing cost of maintenance of facilities is one of the built-in conditions encouraging the commencement of construction as soon as this is feasible. However, there are others. The company has a scale of leasing fees for the five temporary reserves covering the bauxite reserves on which the project is based. And these fees have been made progressively higher on a sliding scale committing the company to steadily rising expenditure until the commencement of mining.

Under the provisions of the amending legislation the original leasing fees of only $250 a year will be increased to $5,000 a year for the first three years; and if the required development is unable to proceed by that time, to $10,000 a year for the following three years, then to $15,000 a year to the end of the ninth year when an annual rental of $25,000 will apply until the lease is issued and mining begins.

It is also fair to point out that the company has engaged in other activities which demonstrates its continued interest in the Mitchell Plateau and its desire for an integrated development.

Amax intends to proceed independently of the mineral extraction and processing operations with the establishment of a 1,350,000 acre pastoral project near the bauxite deposits. This virgin land is being

fenced, provided with watering points, subjected to pasture improvement and stocked with substantial numbers of cattle. Already about 400 head of stock are on site.

I have dealt so far with the effect of the agreement on the Mitchell Plateau project, but I point out now that all of the provisions of this Bill have been made consequential to Alcoa of Australia giving notice of its undertaking to rapidly increase both the capacity and the output of its alumina refinery at Pinjarra.

This has been achieved through an agreement under which Amax, during the interim period until alumina is available from the Mitchell Plateau project, will meet its shortfall in alumina requirements by purchasing additional amounts from Alcoa.

Construction of new alumina capacity at Pinjarra will provide employment for a construction work force building up to a total of 1,000 men next year. Once the new capacity comes on stream, further employment will be created for an additional 250 men who will have to be added to the permanent work force at Pinjarra.

The Government's advice on this definite alternative development in the interim period is that Alcoa will commence construction before the end of this year, increasing the pace of construction steadily until a full-scale building programme is under way during the following 12 months.

Alcoa will bring a second alumina refining unit into production at Pinjarra. This will increase annual capacity to 420,000 tons a year. In addition, Alcoa will also begin a two to three-year construction programme costing at least $25,000,000 to increase the capacity of the refinery to a minimum of 800,000 tons of alumina a year.

The same international market conditions which altered the construction time scale of the Mitchell Plateau project were also preventing Alcoa from proceeding with the early development and expansion of its Pinjarra refinery. It would have been equally impossible for Alcoa to have proceeded with this expansion had it not been for the changed circumstances this Bill has been framed to meet.

Alcoa has been placed in a position where it can proceed immediately with expansion plans as a direct result of the decision to delay a start on the Mitchell Plateau project and through Amax's additional requirement for alumina in the interim period.

The Hon. A. F. Griffith: I can understand that.

The Hon. W. F. WILLESEE: What this agreement means, is essentially that the Government has successfully negotiated a major development which will take place now, when it is prudent and indeed essential for large-scale projects to lift Western Australia out of its temporary slow-down in development.

The alternative course of action of holding the Mitchell Plateau consortium to a shorter development time-span would, by contrast, have been totally imprudent. Had the Government chosen this latter course there would have been no development for a considerable period in either of the major projects to which I have referred, combined with the extreme likelihood of this State losing completely the consortium of companies which proposes to develop the Mitchell Plateau alumina project.

Whereas previously there were two alumina projects facing adverse world price and demand situations; both having no immediate alternative to indefinite deferment of development of their projects; this agreement has guaranteed that one project will expand quickly at Pinjarra without in any way jeopardising ultimate development of the second project at Mitchell Plateau.

In fact, the Mitchell Plateau project has been given a planning period during which time it will become substantially bigger than was originally envisaged and yet the time-scale is still a reasonable one for a project worth $350,000,000 bearing in mind its remote location.

The Government's decision to vary the Mitchell Plateau, Agreement to allow the original consortium to proceed at a later date with its planned development takes account of the work already carried out by members of the development consortium.

Member companies have already spent $7,600,000 on exploration, planning and preliminary development and they will want to proceed with the planned development as soon as they possibly can, because this is the only way they can begin to recoup the considerable capital investment they have already made in the project.

The Hon. A. F. Griffith: I am not surprised they are prepared to pay a few hundred thousand dollars to hang onto the deposit for another long period of years.

The Hon. W. F. WILLESEE: The development work and planning already carried out by Amax and its partners has left the original consortium in the best position to proceed rapidly with the development once increased world demand for alumina allows the project to go ahead as planned. For these reasons it is equitable that the Government vary the original agreement to allow development to proceed according to the new time-scale.

Debate adjourned, on motion by The Hon. A. F. Griffith (Leader of the Opposition).

CRIMINAL CODE AMENDMENT BILL (No. 3)

Second Reading

Debate resumed from the 3rd October.

THE HON. D. K. DANS (South Metropolitan) [5.28 p.m.]: I intend to support Mr. Claughton's Bill. I am, however, in somewhat of a quandary as to the legal implications of the measure, because of the points raised by Mr. Medcalf.

Perhaps it could be said I am having 20c each way but, in all fairness, I cannot support a Bill that does not give abortion on request—as I am sure Mr. Claughton intended his Bill should do—and at the same time, if Mr. Medcalf is right, allow medical practitioners to carry out illegal abortions and to permit backyard operators to continue to operate.

What I am trying to do, of course, is to clarify my position. I was hopeful that before the debate resumed the legality or illegality of Mr. Medcalf's contribution would have been proved or disproved. However, for the record, I would point out at this point of time I propose to support Mr. Claughton's Bill.

In the first place I can understand the hesitancy and reluctance on the part of certain members—both on this side of the House and on the other side—to support the Bill.

I hold a private view on abortion because of experiences in my earlier life, and perhaps this view is still with me as an individual. However, I always consider that I should examine my own conscience on my own behalf and I do not want to be in the position of imposing my moral standards on other people.

It would be correct, of course, at this stage, to pay tribute to the late Dr. Hislop who had the courage to introduce a private member's Bill on this subject in this Chamber a few years ago. At that time the issue was much more controversial than it is today. However, I wish to go on record as paying tribute to Dr. Hislop.

I must also pay tribute to Mr. Claughton who has introduced this Bill. I know some of the pressures to which he has been subjected. However, at no stage of his fight to liberalise the abortion laws has he succumbed to any of those pressures.

It has been said that the Bill sets out to provide abortion on request. In the minds of some members of the House, this appears to be a bad thing. I do not say it is a bad thing; I say it is a logical approach to a very vexed question. I will not go into the pros and cons of the Criminal Code, but I wish to speak on the right of the individual woman to decide issues which affect her personally.

Mr. Abbey made a very good contribution to the debate last night when he said that 50 per cent. of the voters are women. It does seem strange to me that we have a Chamber of men, with the exception of Miss Elliott, of course, debating this very personal subject, the question of whether a woman should be granted the right to an abortion performed under proper clinical conditions if she chooses. Surely this decision should be made by the woman and her doctor.

We continually say that we are living in a permissive society—a society which recognises the rights of the individual. However, as we peel back the covers, we too often find that this is the very thing our society does not do—it does not give people the right to decide certain basic issues which are private to themselves. No matter how many family-planning clinics we establish, how many modes of contraception are made available to the public, or what kind of advertising campaigns we indulge in, there will always be some women who need to seek an abortion at some stage.

This is a simple operation today when it is carried out under hygenic and clinical conditions, and the right to have this operation should not be denied to women who want it.

Of course, I see some difficulties with this legislation. If Mr. Medcalf is right, I cannot see how the Bill can be amended. Perhaps people with more legal knowledge than I may see a way out of the dilemma, as otherwise the Bill will have to be abandoned or defeated and substitute legislation introduced.

If we examine the whole social structure in regard to the legalising of abortion on request, we find this problem is interwoven with a number of other social problems in our community. In a certain strata of our society, women have no problem in obtaining an abortion carried out by a qualified medical practitioner, and I do not think these medical practitioners break the law. However, it would be true to say that other doctors do break the law by carrying out abortions. We can only estimate the number of abortions in this State by comparison with the other States.

There is a group of people in our community, deserted wives, unwed mothers, etc., which our very intelligent society seems to think should be lumped together in housing settlements. I could take members to places not very far away where poor unfortunate girls are living in difficult circumstances because of the lack of opportunity in our society, lack of education, and lack of understanding. In most cases these girls will never escape from their problems.

Many of the girls would have had a much better future to look forward to had they received proper advice in the first place, or abortion if they desired it. The problem does not end with this generation of deserted wives and unwed mothers; it goes on and on. Social studies throughout

the world have shown that once this process gets under way it is self-perpetuating. Then eventually, almost from a position of arrogance, we, the legislators, have to find massive sums of social welfare money to correct the ills we have created. Every day we say, "How can we overcome the drug problem?" We ask ourselves about every other problem, but we never seem to get down to looking for the original cause. I do not think this is a question of whether we believe in abortion or not. It is a question of what the people think—I do not know what the members opposite are laughing at.

The Hon. G. C. MacKinnon: Just a thought.

The Hon. A. F. Griffith: We were not laughing at you. I beg your pardon.

The Hon. G. C. MacKinnon: Do not let us put you off.

The Hon. D. K. DANS: The question is the right of the individual woman to decide this for herself. Sooner or later the Government of the day, irrespective of party, will have to possess the courage to put this Bill before Parliament as a Government. Irrespective of our attitudes in Australia, if we do not enter the 20th century of our own volition, we will have to be dragged into it. If we continue in our present manner and deny women the simple solution to unwanted pregnancy, we are compounding the problem.

This Bill is for abortion on request, and not, as many people, including some very close to me, fondly believe, abortion by compulsion. I feel some people have a mental picture of a giant paddywaggon running around the streets, picking up likely women and taking them away to be forcibly aborted. I do not say this is the viewpoint of any member of this Chamber, but I have relatives of a certain religious persuasion who hold this view.

The Hon. A. F. Griffith: The Legislative Council made a decision on this matter and sent it to another place where it was shot out the window.

The Hon. D. K. DANS: Let me say that I hope this Chamber will make the same decision and again send the Bill to another place.

The Hon. A. F. Griffith: It will have to be a better Bill than this one.

The Hon. D. K. DANS: Let us deal with this Bill at the moment.

I would like to conclude by saying the longer we delay on social questions —and this is the biggest social problem we have today—the harder the solution will be. Members will note I do not say there is an urban crisis. These are urban problems that will become an urban crisis in the future. The sum of money involved in sinking the railway is nothing compared to the money we will have to expend to correct our social ills in the not too distant future.

THE HON. G. C. MacKINNON (Lower West) [5.40 p.m.]: I am glad I am able to follow Mr. Dans because some of his comments were very interesting. I feel he got closer to a number of the problems which are confronting us than have the other speakers who have supported the Bill.

I was also interested in his comments because, strangely enough, there are only six members of this Chamber whose fundamental and basic attitude with regard to the rights of women is unknown, or was unknown before the introduction of this Bill. Those members are Miss Elliott, Mr. Dans, Mr. Hunt, Mr. Dellar, Mr. Leeson and Mr. Wordsworth.

The Hon. R. J. L. Williams: And me, thank you very much.

The Hon. G. C. MacKINNON: And Mr. Williams—I am gradually catching up. These are only a few members. On two occasions this House has expressed a view on the subject under discussion and many members made worth-while speeches.

Strangely enough, the issue which worries a number of reasonable people has not been mentioned yet—that is, we cannot consider this particular question without also considering the right to life. Irrespective of the views held by each of us, this question must be taken into account.

When deciding this issue, a person's belief will be affected by the way in which he has been brought up, the beliefs he imbibed at his mother's knee, and the way he has lived his life. A devout Jew believes that life starts when the baby first cries. A devout Roman Catholic believes that life starts at the moment of conception. People of other religions believe that life starts at the moment of quickening. Legally it was held that life commences at the 28th week of pregnancy, but this has been altered to the 22nd or 23rd week.

I would like to refer to Mr. A. P. Herbert who was in the wonderful situation of being a university member in the House of Commons. He could hardly be thrown out and it did not worry him if he were. He introduced the original divorce legislation to the House of Commons. I would like to refer to the remarks made at the time by Archbishop Lang, I think it was. A very devout Anglican member of the House may know the gentleman I mean.

The Hon. R. J. L. Williams: Cosmo Lang.

The Hon. G. C. MacKINNON: I thank the honourable member. The Archbishop supported the legislation in the House of Lords. At this time the Anglican Church was completely opposed to divorce. Like the Roman Catholic Church today, it did not recognise divorce at all. However, the Archbishop supported the legislation on the

grounds that he would, as a church dignitary, oppose divorce, his church would not accept divorce, but he thought that an individual had a right to divorce if that individual did not hold his own beliefs. I believe that the various pieces of legislation which have been brought to this House allow members the same choice. However, problems have been brought to light by technological development.

Some comment has been made of the fact that Mr. Claughton's Bill allows a self-administered termination of pregnancy, and I think, in this connection, it is probably necessary for such a provision to be in a piece of legislation that is considered in the future by a private member or any Government. I was a little surprised that Miss Elliott did not spend more time on this aspect last night instead of on the "baby bashing" syndrome and other aspects she mentioned.

At the moment a substance called prostoglandins is being developed. This, in effect, is an abortive pill. We see it referred to in the newspapers as the "morning after" pill. Of course, if it is effective, the pill will stop a pregnancy that has commenced, bearing in mind that every relationship does not result in a pregnancy. Indeed, I think statistics show that only one in 30 relationships results in a pregnancy. If in fact the sperm does enter the fallopian tube, the taking of a prosto-glandins pill will prevent the pregnancy from proceeding. This, in effect, is a self-induced termination of pregnancy. Again, although it is not known for sure, it is possible that I.U.D. does precisely the same. That is, when pregnancy does take place in the fallopian tube, the action of the I.U.D. prevents the pregnancy from proceeding because it does not allow the embryo to contact the uterus and as a result the pregnancy is halted. It is therefore an abortive instrument.

Prosto-glandins is not yet on the market, and probably will not be for four or five years, but vacuum aspiration is, and vacuum aspiration is more or less an inducement of a late menstruation. At present the law demands that a woman must go to a doctor to determine whether she is pregnant, which means that she must wait about 12 days before the decision is made. A woman has to wait a certain time even if she uses the type of kits that are illustrated in the newspaper this morning. When a woman finally knows she is pregnant she then has to proceed through the normal procedure to have her pregnancy terminated.

With vacuum aspiration a woman can, in effect, go to a doctor and say, "I am two or three days overdue. I am generally very regular. Will you do something about it?" And the doctor can terminate the pregnancy there and then; it is not a question of going to bed for several days. Various problems arise with a self-induced termination of pregnancy, even though it may be of one or two days' duration. I have already mentioned the principle of the right to live in which different people believe. Therefore the requirements of a Bill of this nature become more complex because of these advances in technology.

Yet, strangely enough, I can see that this Bill—and Mr. Dans touched on this aspect—will accomplish very little for the very people who want it, because they comprise the young girls about whom Miss Elliott spoke; that is, those who find themselves with unwanted pregnancies. It does not matter to whom those girls turn, it is very difficult for them to do anything. If such a girl does not have the understanding, the love and compassion of her parents in her home to make it possible for her to speak to them about her condition, she is greatly disadvantaged. If she goes to a doctor he can do nothing for her, because he is obliged to consult with her parents. He cannot touch her, because, technically, that constitutes assault. He cannot lay a hand upon her even if she begs him to do so. The doctor must contact her parents.

Therefore it can be seen that life can be difficult for a young unmarried pregnant girl. How much more difficult is it for a girl such as the one referred to by Mr. Logan? He instanced the case of a girl of low mental capacity who was the product of a broken home, and who had spent a lifetime in various institutions. When she became pregnant she had no-one who loved her to turn to other than the people who looked after her in the institutions.

Many people place great store on a Bill such as this which, of course, was introduced by Mr. Claughton. Similar measures have been introduced in the past by the late Dr. Gordon Hislop, and yet I doubt the ability of such measures to assist those who need help most. Sad as the position may be, I doubt whether a measure such as this could help those who need it most, because if a woman is intelligent and affluent—I do not mean very rich, but comfortably off—it is always possible to arrange termination of a pregnancy. It is perhaps even more possible if the woman has some histrionic ability, especially if the case is the subject of litigation, and the woman in question pleads psychological problems.

However, I doubt whether the very people the late Dr. Gordon Hislop aimed to help, whom Mr. Claughton aims to help with his Bill, and whom people in the various organisations want to help, will be assisted with this legislation. In fact it will make it easier for those who can help themselves now to have a pregnancy terminated, but it will do little for those poor, and less mentally capable, people who seek a termination of pregnancy. It could be

that this fact being well known may make it easier for those who are on the fringe to terminate a pregnancy, but in the main I do not think it will help those who need it as much as most people expect.

Twice in the past I have voted for a Bill of this nature, and I put forward my reasons for so doing. On this occasion I have spoken in general terms about some of the modern requirements of any legislation that deals with the termination of pregnancy, but there is one aspect I have not raised and which I believe is essential in any measure of this type. It would not be possible to put the provision I have in mind into a measure of this sort—and the provision is not in this one—but it should be properly incorporated in the measure before this Bill is passed. I believe everybody has the right to live according to his or her religion. I believe, just as implicitly, that people have no right to interfere with the way in which other people wish to live provided that the activities of the other people do not interfere with anybody else, and, most certainly the termination of a pregnancy by one person would not interfere with the activities of other people.

The point I am making is that if a nurse, a qualified sister, or anybody else is ordered by a matron of a hospital to perform a clinical procedure such as the termination of a pregnancy, she must have the right to refuse. Of course, there are cases which present some problems where the termination of pregnancy is essential in order to save the mother's life. In such instances it does not matter whether the doctor or the nurse is a devout Roman Catholic, either he or she would run a legal risk if a refusal to perform the operation were made; and professional people understand this.

However, with normal procedures a person must always have the right to refuse to perform something that is abhorrent to him. Such a principle should not only apply to a Christian person. For example, a Mohammedan believes that if he loses a limb he will go through eternity with that limb lost. In many Mohammedan countries it is quite a common occurence for a person to have a limb severed, and this is much worse to him than it appears to us, because such a person, according to his belief, proceeds through eternity with the loss of that limb. That is why so many Mohammedans would rather die than lose a limb even if they knew that the limb was gangrenous. What I am trying to point out is that it would be just as bad to ask a Mohammedan to take part in an operation to sever a limb; that is, if a religious requirement of fundamental and deep significance has to be observed, the doctor or the nurse should be able to opt out in the performance of any such surgical procedure.

I have expressed myself at some length on similar Bills in the past, and on this occasion I have serious doubts about the Bill as presented to us, not only in regard to the aspects I have mentioned, but also I believe it is essential that a woman should have the right to conduct her own termination of pregnancy, because modern advances have been made which make the procedure more simple. The Leader of the House also expressed some doubts about the Bill. He was fairly perspicacious in regard to the requirements of the measure and his speech was made valid by the one made by Mr. Medcalf who raised very grave doubts about the Bill.

For those reasons, and because I cannot see much protection being afforded for the individual who finds such a procedure abhorrent, on this occasion I cannot give an assurance that I will support the Bill. Indeed, at the present moment, my natural inclination would be to oppose it.

THE HON. J. DOLAN (South-East Metropolitan—Minister for Police) [5.58 p.m.]: I explained my views on this subject very fully when the Bill dealing with termination of pregnancy was debated in this House in October, 1968. These views will be found recorded on pages 1678 to 1685 in volume 2 of the 1968-69 *Parliamentary Debates*.

It is not my intention to cover the same ground again, but from my point of view it is desirable to bring before the House developments associated with abortion which have occurred since that date. South Australia has passed legislation dealing with abortion since then and it is almost identical, within its wording, with the British legislation, apart from the unrealistic residential restrictions that have been imposed in South Australia, and which are not imposed in Britain. The South Australian Act became operative in January, 1970, and Parliament and its expert advisers expected there would be about 800 legal abortions a year.

The actual number of abortions in the first year was 1,330, and the latest calculations indicate that about 2,200 abortions will be performed in this, the second year; and this in a State which has about 23,000 births annually. I would be surprised if South Australia has that number of births in a single year again unless a complete change takes place in the thinking of its people.

I was a little surprised when I heard one speaker this afternoon talk about abortion and it led me to the thought that he does not know as much about the subject as he thinks he knows. It is about time the House learned what abortion really is. I concede that a great number of people are in favour of abortion, but it is also quite obvious that very few of those people know what is really involved. They imagine the patient goes into a hospital

or clinic pregnant and after a short time comes out again not pregnant. What could be neater and tidier than that—a very simple operation? In other words it is implied that modern science is solving not only a medical, but also a social problem with safety and efficiency. However, that is not the case.

What really happens is something entirely different, and the essence of the problem is what happens in the hospital, and I am referring to an ordinary hospital where legal abortions are performed. People must face up to the horror associated with an abortion. I do not want to harass the feelings of anyone by detailing just what does occur, but if anyone likes to privately ask the doctor in another place he will tell the exact truth.

To many people the word "abortion" is a distasteful word. It is a synonym for "miscarriage" which is a more acceptable term to most people. Accidental miscarriages occur in about 10 per cent. of all pregnancies. These do not pose any moral problems to me. They represent one of life's misfortunes which must be accepted philosophically.

In this legislation our problem is that of an induced abortion, whether legal or illegal, surgical or medical; that is, the removal of a child from the womb at a maturity at which it could not possibly survive.

The techniques employed may be read on pages 7 to 10 of a pamphlet entitled *What's Wrong With Abortion?* It was printed on the 10th May, 1972, and if any member desires to read it, I will readily make it available.

The author is Dr. H. P. Dunn, Senior Obstetrician and Gynaecologist at the National Women's Hospital and the Mater Hospital, Auckland, New Zealand. He is a Fellow of the Royal College of Surgeons of England; a Fellow of the Royal Australasian College of Obstetricians and Gynaecologists; and a Fellow of the Royal Australasian College of Surgeons. He can surely be regarded as an expert and as being knowledgeable in his field.

The Hon. W. R. Withers: Except that he has not had a baby.

The Hon. J. DOLAN: But he has delivered many thousands of them and in that respect I believe he would know more than the honourable member.

The Hon. W. R. Withers: I should hope so.

The Hon. J. DOLAN: His factual accounts of pregnancy terminations at the various lengths of pregnancy—from three to five months, and five to seven months—should be read by everyone who seeks the truthful answer to the question, "What is abortion?". As I said, I will make the pamphlet available to anyone who desires to read it. It is a published pamphlet which can be purchased.

I believe implicitly—and I have been brought up to hold this belief which I still hold most dearly—that the life of a child begins, as Mr. MacKinnon said, at conception. He did not signify that this was his belief, but he used the expression when referring to people of my faith.

The Hon. A. F. Griffith: As a matter of fact I think he said that some people believe that.

The Hon. J. DOLAN: That is right. I accept that and I make it perfectly clear.

I find it quite contradictory of Parliament to remove the right to life of an unborn child, but at the same time, defend the child as a legal entity. In other words, a child can do several things before it is born. It can inherit if the father dies before it is born. That is British law. It may sue through either the mother or guardian if it suffers injury as a result of drugs used by the mother, as a result of a trauma, or as a result of a motor accident which occurs during the mother's pregnancy. I read in our local papers only a few months ago of a case in which a woman received quite extensive damages because her baby was injured while still in her womb.

The Hon. A. F. Griffith: But if an unfortunate miscarriage of the type about which you spoke takes place, that child does not inherit anything.

The Hon. J. DOLAN: The child would not of course be in existence.

The Hon. A. F. Griffith: Is not that the whole point?

The Hon. J. DOLAN: An even greater paradox is that of doctors moving into the abortion field at the same time as the new science known as foetology has been introduced as a result of the revolutionary work of Professor Liley. The account of this work may be found in the *British Medical Journal*, in the 1963 Volume 2, at page 1107. In Auckland this gentleman made a dramatic breakthrough in the management of Rh affected babies. Of course members have heard of that. He worked out an ingenious technique in which babies can be given blood transfusions whilst still in the womb as early as six months' maturity. This emphasises the concept of the unborn baby being treated as a patient by a doctor. Consequently before the baby is born it has legal rights and it also can be treated by a doctor as a patient by its being given a complete blood transfusion.

The Hon. J. Heitman: At six months?

The Hon. J. DOLAN: Yes.

The Hon. J. Heitman: What about at 22 weeks? That is the law, is it not? It gives life to a foetus at 22 weeks.

The Hon. J. DOLAN: I could not say. Professor Liley is a courageous surgeon who accepted the post of the first President

of the Society for the Protection of the Unborn Child. In other words he believes implicitly that the child has rights while it is still in the womb.

Sitting suspended from 6.08 to 7.30 p.m.

The Hon. J. DOLAN: Prior to the tea suspension I said that many reasons have been given for a requirement for abortion. Almost every disease in the book has, at one time or another, been considered a justification for this. The so-called noxious influence of pregnancy has been disproved so often that it can be confidently stated there are no medical indications for therapeutic abortion.

I shall give a few examples. First of all, let us consider heart disease. Reference to my remarks will be found in the *Journal of Obstetrics and Gynaecology* of 1967 in chapter 29 at pages 560 and 570. Dr. L. C. Chesley was associated with the late Dr. Gorenberg in the largest series of pregnant cardiac patients ever recorded. There were 1,500 cases and two died during pregnancy. The doctors considered these two would have survived had they been better managed. No therapeutic abortions were performed. For many years afterwards Dr. Chesley followed up 137 of the worst cases and concluded that pregnancy had had no ill effects on the natural progress of the disease.

Now let us consider malignancy. In the cancer patient pregnancy is often thought to have a serious accelerating influence, but this is not the case. I quote as my authority Sir Stanford Cade whose observations will be found again in the *Journal of Obstetrics and Gynaecology* of the British Commonwealth at chapter 71 on pages 341 to 348. Sir Stanford Cade is a foremost British authority on cancer and after a series of investigations extending over many years were carried out he said that the course of the majority of malignant tumors is not directly affected by pregnancy. He also said the problem is not a dilemma of mother *versus* child.

Let us consider chronic renal disease. It is commonly assumed that diseased kidneys cannot stand the stress of pregnancy but, once again, this is not the case. I quote another authority in Dr. Oken, who, in 1966, in his review of the subject which is to be found in the *American Journal of Obstetrics and Gynaecology* at chapter 94 on pages 1023 to 1043, presented a very extensive view of the problem in the United States. He found no specific indications for therapeutic abortion.

The final one to which I shall refer is psychiatric disease. In all Western countries this has become the main difficulty in the struggle against abortion. I should like to refer to the remarks of Dr. Ingram and his colleagues, Drs. Treloar, Thomas, and Rood, whose comments are to be found once again in the *American Journal of Obstetrics and Gynaecology* of 1967 at chapter 29 on pages 251 to 258. Dr. Ingram has this to say—

> In the past three decades interruption of a pregnancy for psychiatric reasons has progressed from being a rarity to the commonest cause of abortion in the United States of America.

Why should this increase be so? Is psychiatric disease more widespread? Are psychiatrists, in spite of the dramatic advances in their specialty, unable to cope with pregnancy without surgical intervention or is it that, with the decreasing dangers of other illnesses, the onus for this serious decision is left with them more frequently in cases which are determined to be aborted?

I mentioned Dr. Myre Sim when I spoke to a similar debate in 1968. His article, "Abortion and the Psychiatrist" will be found in the *British Medical Journal* of the 20th July, 1963, at pages 145 to 148. Dr. Myre Sim of Birmingham is a man with no specific religious affiliations. Perhaps he could be described as an atheist. He studied 213 patients with puerperal psychosis; in other words, a mental condition associated with childbirth. He caused a sensation amongst the phsychiatrists of his day when he stated quite boldly that there were no psychiatric grounds for the termination of pregnancy.

That was his attitude and, may I remind members that in the 1971 figures which are available for legal abortions in South Australia, 86 per cent. of the cases were operated on for psychiatric indications. This implies that there is something wrong either with the patients or else with the psychiatrists. It strikes me that we can take our pick. Are the patients or the psychiatrists at fault?

The Hon. J. Heitman: You are not saying that pregnancy does not cause some stress on a woman?

The Hon. J. DOLAN: I am not saying that at all. I have said that 86 per cent. of the cases which were legally aborted in South Australia were for psychiatric reasons. Surely it is a remarkable factor that the position has changed to that extent.

I referred earlier to Dr. Dunn and said that if anybody wants to read what abortion really means he should read a few pages of Dr. Dunn's book. This gentleman has offered a prize of $200 in New Zealand to any doctor who can produce records of three consecutive personal abortions in which the medical indications were incontrovertible. The amount of $200 is waiting but I understand there have been no takers; no people wishing to claim the prize.

Let us consider unwanted children. It is often claimed by certain organisations, which there is no need to name, that their

activities would rid the world of a fair percentage of children whom they claim are unwanted and grow up to be delinquents. I would concede that a fair number of pregnancies are unwanted and probably have been since earliest times. For centuries wives and perhaps husbands, too, have felt certain pregnancies to be unwanted.

I remind members that the unwanted child grows up. At some stage it may be unwanted but at another stage it is probably well and truly wanted. If so, this theory falls flat.

I have known women associated with my own family who have had peculiar ideas during pregnancy. In fact I would say that at some stages they are not even normal. Then, of course, that stage passes and there is a period of satisfaction and bliss. Even in the Bible we find that women suffered to a certain extent during pregnancy but when the child was born an amazing change took place and the child became desirable.

The Hon. A. F. Griffith: You have referred to people whom you said had queer ideas. Do they ever think your ideas are queer?

The Hon. J. DOLAN: I know many who think some of my ideas are queer.

The Hon. A. F. Griffith: You said that people closely associated with your family had had queer ideas and I merely wondered whether they thought your ideas were queer.

The Hon. J. DOLAN: We are a close knit family and they think I am wonderful. At this stage I would like to mention a personal observation. My wife and I looked after some of our grandchildren for a few days while my daughter was in Sydney. Last Sunday we went for a barbecue in the hills. As they were playing, a couple of magpies dive-bombed them. In fact, it was really one particular magpie that was in a nest. It occurred to me then the magpie was not defending fledglings in the nest but defending future fledglings. The birds were aware that life existed in those eggs and that a fledgling would emerge. It seems that birds are prepared to protect their future young and they certainly seem to know that the egg contains life. Probably the instinct is present from the moment they lay their eggs and realise they are fertile. I wonder whether members have seen a duck sitting on a clutch of eggs. After the duck has been sitting for some time it will push certain eggs out of the nest because it realises the eggs are not fertile.

The Hon. J. Heitman: I have seen a gobbler sit on 20 or 30 eggs for three months and it did not know that the eggs were not fertile.

The Hon. J. DOLAN: I thought I would mention that experience so that people can think on the matter.

The Hon. S. T. J. Thompson: Do you eat eggs?

The Hon. J. DOLAN: Yes, I am very fond of them.

The Hon. J. Heitman: See what you are doing to birdland.

The Hon. J. DOLAN: Many of the eggs we buy nowadays are not fertile.

The Hon. S. T. J. Thompson: How do you know?

The Hon. J. DOLAN: I know what is required to make an egg fertile and if the honourable member does not I will tell him.

The Hon. A. F. Griffith: Every time you eat an egg you might kill a little chicken.

The Hon. J. DOLAN: That is a possibility, and if the chickens grow up to be big chickens I am sure the Leader of the Opposition would be one of those who would also eat them.

The Hon. A. F. Griffith: I eat them, but not with the same outlook as you.

The Hon. J. DOLAN: I come to the next stage. It is folly to believe that abortion can be controlled once the law has given it the green light. Some people have indicated they believe it can be controlled, but I will not go along with that suggestion. It is a completely false notion. I have figures to prove that every country which has legalised abortion has experienced a tenfold increase in the first year and the numbers climb progressively thereafter. The only figures we have available in Australia are those for South Australia and I have already given these to the House. To put the problem into figures, a base line is provided by Sir Norman Jeffcoate, who is the President of the Royal College of Obstetricians and Gynaecologists in England. In an important article in the *British Medical Journal* on the 27th February, 1960, he had this to say—

> . . . the need for therapeutic abortions is nowadays probably not higher than one per 1,000 pregnancies.

I would debate that figure and say it is nil. However, Sir Norman Jeffcoate is an authority who has given that figure, and I will use it for the purpose of my argument.

In the table accompanying the article the incidence of legal abortions per 1,000 births is given.

The Hon. R. F. Claughton: It is a variable figure, though.

The Hon. J. DOLAN: It may vary. I will give the figures I have, together with the years, so that they can be checked. I am not putting anything across. These figures can be found in the *British Medical Journal*.

Sir Norman Jeffcoate said that prior to the passing of the British Abortion Act in 1967 there was approximately one abortion per 1,000 births. In English-speaking countries prior to that time the incidence was two to three abortions per 1,000 births. Since that time, in Britain there were 41 abortions for every 1,000 births in 1968; in 1969 the number had jumped to 68 per 1,000 births; in 1970 it had jumped to 100; and in 1971 it had increased to 127 abortions per 1,000 births.

In South Australia the incidence of abortions in 1970 was 60 per 1,000 births, and in 1971 it was 96 per 1,000 births. In the rest of Australia and New Zealand there were five abortions per 1,000 births in 1970. If any move is made to provide abortion on demand in other parts of Australia, that number can be expected to increase at least tenfold.

The Hon. C. R. Abbey: Would it not be fair to say that, when it becomes legal, abortions are registered, whereas previously they were unregistered abortions performed by backyard abortionists?

The Hon. J. DOLAN: I doubt that the question of fairness comes into the matter. I can only quote figures that are available. Other figures are only surmises, and I do not know that one can place any credence on them.

In Denmark in 1964 there were 14 abortions per 1,000 births. In the same year in Sweden there were 36 and in Poland 500 abortions per 1,000 births. In Japan the figures were even—1,000 abortions for every 1,000 births. In Hungary in 1964 the figure was 1,300 abortions for every 1,000 births.

In 1968 and 1969 I opposed the Termination of Pregnancy Bill and I gave many reasons for my opposition to it. Those reasons have been strengthened over the last few years, and it is my intention to oppose the second reading of this Bill.

THE HON. W. R. WITHERS (North) [7.49 p.m.]: I rise not to take up the time of the House in lengthy debate but to make my position clear. I believe reform is necessary in regard to the termination of pregnancy. I would like to see such reform come about, but I cannot vote for this particular Bill.

I am of the opinion that the Bill now before us would allow the legal termination of pregnancy by unqualified people. However, I am still awaiting legal guidance on this point. I do not like this Bill. I have looked at the Bill presented by the late Dr. Hislop on the 24th March, 1970—not the Bill presented in the 1968-1969 session. Dr. Hislop's second reading speech is recorded on pages 2817 to 2819 of volume 3 of *Hansard* for 1969-70.

I would like to declare my position now. If the Bill now before us is not passed, and the honourable member would care at a later date to present the Bill initially put forward by Dr. Hislop—

The Hon. R. F. Claughton: Can you tell me why you prefer that one to this one?

The Hon. W. R. WITHERS: I feel there are too many loopholes in this Bill.

The Hon. R. F. Claughton: Could you explain where you think those loopholes are?

The Hon. W. R. WITHERS: I would rather not do so because I am still waiting for legal clarification. Last night we heard one member of the legal fraternity in this House.

The Hon. R. F. Claughton: Let us assume he is wrong. Where else does the Bill fail?

The Hon. W. R. WITHERS: I cannot comment on the legal aspects because I am not legally trained. However, on my interpretation of it the Bill worries me. The interpretation I place on Dr. Hislop's Bill does not worry me, and it appears to me to be a very good Bill. I understand it was passed in this House. I was not here at the time.

The Hon. F. R. White: After amendment.

The Hon. W. R. WITHERS: I like the Bill that was presented by Dr. Hislop, and I give my word to Mr. Claughton that if he would care to present again the Bill that was submitted in 1969-70 I would vote for it; but I cannot vote for this one.

THE HON. CLIVE GRIFFITHS (South-East Metropolitan) [7.52 p.m.]: I, also, do not intend to take up much time in this debate, but I wish to say this is the third time I have had an opportunity to debate a Bill on this subject. My comments on the Bill presented in 1968 are recorded on page 1763 of volume 2 of *Hansard* for 1968-69. My comments on the Bill presented in 1970 are contained in volume 4 of *Hansard* for 1969-70.

On each of those occasions I expressed the view that I believed there was room for clarification of the present law in regard to abortion. I supported the measures that were before the House on those occasions insofar as they clarified the situation. I stated on those occasions that I was not prepared to support a Bill that would permit abortion on demand. In 1970, particularly, Mr. Claughton took strong exception to the term "abortion on demand" and went to some lengths to suggest it was a misinterpretation of the situation. However, whether it is abortion on demand, abortion on request, or whatever other name it is called, on those previous occasions I was not prepared to support the Bills presented by Dr. Hislop if that was what they meant.

Previous speakers have cast doubts on the legal aspect of the present Bill, but if it is legally sound I believe it provides for abortion on demand. Therefore, it certainly will not receive my support. On the other hand, if it is legally unsound, obviously it would be pointless for any member of the Chamber to support it.

Mr. Claughton was present during the two previous debates, and if he had carefully read all the contributions to those debates I feel sure the Bill he presented to this House would have followed the thoughts expressed by members on those occasions. I looked forward to the time he would present his Bill to Parliament but I was somewhat amazed when we were informed of the nature of it. If the Bill achieves what he suggests he wants it to achieve, it does nothing more nor less than provide for abortion on request or on demand, and under those circumstances I have no option but to indicate I intend to vote against the second reading.

THE HON. R. J. L. WILLIAMS (Metropolitan) [7.56 p.m.]: One of the speakers in this debate said that as men we cannot talk about abortion, which is apparently the preserve of females only. After listening to the debate in this House—

The Hon. D. K. Dans: I do not think you are ever likely to have an abortion.

The Hon. R. J. L. WILLIAMS: After listening to the debate, I am sure the majority of members in this Chamber realise what a sensitive and emotive subject this can be. Perhaps because we are men we cannot become quite as emotive as would the opposite sex in a debate of this kind. I think the debate hinges entirely upon the legality of the amendments that will be made to the Criminal Code.

There are no unmarried men in this House. I have every reason to believe that every male member in this House has a family and has accompanied his wife through pregnancies. Some members have been fortunate enough to become grandparents. I do not think we can be accused of not knowing what pregnancy is all about. I cannot be accused of not knowing what abortion and miscarriage are all about, or of not being able to differentiate between the two; and I do not think any member of this House can be accused of these things. I think we all have the same tender feelings towards the opposite sex at such times, but that does not alter the fact that we must not be blinded by those matters when dealing with legislation to improve the conditions for therapeutic abortion. Therapy does not imply only physical therapy; it also implies mental therapy.

The Minister for Police spoke about the stress of pregnancy and the change that occurs in the mental pattern of pregnant women. These changes are more marked in some women than in others, and perhaps the reason for there being psychiatric grounds for 86 per cent. of the therapeutic abortions in South Australia is that psychiatry is the newest science and it is only now being realised that during pregnancy not only physical defects are apparent.

The employing of a psychiatrist in harmony with a doctor to examine a woman to ascertain whether she should have a therapeutic abortion is a very necessary thing. One must ascertain whether the fear of pregnancy which grips a woman at a particular point in the ninth-month curve—and it does not occur at a constant point—is a temporary fear or a sustained fear. If it is a sustained fear then there is every reason to believe that at the time of birth the woman could be in grave danger of her life, because fear can paralyse the muscles, and it can paralyse all those muscles which are needed for the safe delivery of the child and for the well-being and life of the mother.

We in this Chamber do not find it necessary to be involved in motorcar accidents in order to pass legislation either to prevent accidents or to provide for compensation for those who are involved in them. I think the question has been very well debated in this Chamber. However it comes back to this point: My learned colleague has said that there appear to be grave deficiencies in the amendments proposed to the Criminal Code. I think the House has rightly expressed itself in this regard.

We must pass good, workable legislation, and if any member of the House raises a doubt about the legislation before us, no matter to which party he belongs, then the legislation becomes suspect until such time as it is proved otherwise. Ministers, finding themselves in difficulty with Bills from time to time, often seek an adjournment of the debate in order that they may seek advice. We—and I for one—certainly cannot allow this legislation, necessary though it is for the therapy of the individual, to be passed until each one of us is convinced that the amendments intended to be made to the Criminal Code leave no loophole whatsoever for any illegal operations—be it in a backyard or in a hospital.

One must seek expert advice. I am led to believe that the member who introduced the Bill has sought expert advice and that he will clarify the matter when he replies to the debate. However, I say now that if we find that this is a mistake we could be foisting upon the community a Bill which could be so horrific in its content and which could lead to so many malpractices that we would end up indeed a sorry House. For the sake not only of womanhood, but also for the whole of society, it

is necessary that we have legislation such as that which is proposed. I only hope the member who introduced the Bill has adequate answers to convince every one of those members who have stated their opposition to allow the legislation to be passed. I cannot support it in its present form.

THE HON. V. J. FERRY (South-West) [8.05 p.m.]: I will not take up a great deal of the time of the House. However, I would care to comment upon one or two points. In particular I would like to make special mention of the fact that this House has on a number of occasions devoted a great deal of time and a considerable amount of thought to the subject of similar Bills presented to it during the last several years. So it cannot be correctly said that the House has not adopted a responsible attitude towards this type of legislation.

In fact, it is well known that in 1970 we in this Chamber gave considerable attention to a similar measure. As we know, that Bill was severely amended here before it was duly passed and transmitted to another place for consideration. Unfortunately, at that time the measure was not acceptable to the other House for technical reasons. So it cannot be said that this House is irresponsible.

Indeed, I believe the House, as is customary, has exercised a great deal of responsibility and has shown a great awareness of the need for social change in this regard. It has demonstrated that not only in respect of the matter before us, but in respect of a number of issues over a long period.

I believe there is a degree of muddled thinking amongst the community on this subject. I do not say that unkindly; I think the muddled thinking arises out of a certain amount of ignorance. I would like briefly to refer to some letters I have received on the subject and to quote some extracts. I have received correspondence from a number of people as, I am sure, have other members. I merely wish to illustrate the type of thinking in the community. I will not mention names, because I am sure the writers of the letters are well-meaning people, and I respect their views. I quote the first extract—

> If you cannot vote for the reforms, then I ask you to refrain from voting altogether—so that this matter has a chance of proper discussion in Parliament.

That is a most peculiar statement. I believe the person who wrote the letter was completely sincere in her wish to have the legislation thoroughly discussed in Parliament.

The Hon. R. F. Claughton: Perhaps she meant that she wanted the legislation to pass this Chamber so that it may be debated in another place.

The Hon. V. J. FERRY: That is a very good point. I believe the legislation before us should not have been introduced in this House on this occasion, for the very reason that this Chamber has over a period of time devoted an enormous amount of responsible consideration to similar measures. However it is rather odd to suggest that if a member refrains from voting the measure will have a chance of proper discussion in Parliament. I believe that statement arises from a degree of ignorance, rather than anything else.

I will quote another extract, again without mentioning the name—

> A politician out of office is not much good to anyone, but if he has to stay there at the cost of the suffering of hundreds of women, then he ought to truly re-examine his conscience.

That statement borders closely upon contempt of this House. I do not desire to take any action in respect of it, except to say that here again I think it was made in good faith but in ignorance of the situation. I believe that person is, in fact, saying that if a member does not vote for the measure he should not be a member of Parliament.

The Hon. A. F. Griffith: Did the Minister for Police receive that one?

The Hon. V. J. FERRY: I think during the debate it has been amply demonstrated —and I hope my comments have helped to clarify the situation—that Parliament has had many opportunities to discuss the matter, and that it has been discussed with good reasoning and with great sincerity on the part of all all those who have participated.

In respect of the Bill before us, I come back to this point: I do not believe the measure is acceptable to this House in its present form; in fact, I do not believe it is acceptable to the Parliament.

I am a little surprised—and I agree with the thoughts expressed by Mr. Clive Griffiths in this respect—that in the light of our previous examination of measures such as this we should be presented on this occasion with the Bill in its present form. It is rather extraordinary to find the measure produced in the way it is for our consideration, in view of the history of the subject in the Parliament.

The Hon. R. F. Claughton: Would you have supported Dr. Hislop's Bill?

The Hon. V. J. FERRY: If the honourable member cares to check on the debates which took place at the time he would realise that I did record my support.

The Hon. R. F. Claughton: I was wondering whether you would care to say why you want to draw lines and to say this person can and that person cannot.

The Hon. V. J. FERRY: May I say that in my view there is a vast difference between the Bill which left this Chamber to be considered in another place in 1970 and the Bill we are now discussing.

The Hon. R. F. Claughton: You are quite right.

The Hon. V. J. FERRY: In the main I do not believe the present Bill provides sufficient safeguards for the community in many respects, and particularly in the area of public health and the protection of the public. I suggest it would be more advantageous for all concerned if the legislation were thoroughly discussed in another place. For that reason, quite apart from the fact that this Chamber has already debated the matter at length on a number of occasions and has taken appropriate action, it would be more appropriate to present such legislation in another place accompanied by interlocking complementary Bills to amend certain Acts. Again, I refer to the Health Act, and probably there are others. Such Bills may well impose a charge upon the State.

The Hon. R. F. Claughton: In other words, you are saying the legislation should be introduced by the Government and not by a private member?

The Hon. V. J. FERRY: Indeed, it would be preferable that it be introduced by the Government.

The Hon. A. F. Griffith: If I remember correctly Dr. Hislop's Bill passed the second reading in this Chamber on the voices. Therefore, everybody agreed with the second reading.

The PRESIDENT: Order!

The Hon. V. J. FERRY: I am endeavouring to point out—and I hope Mr. Claughton will take it in the spirit in which it is offered—that I find myself in the situation of being unable to support the measure for the reasons that follow. I think it would be more proper if in the future measures such as this were introduced in another place in case a charge is imposed upon the State by the very nature of the legislation. Secondly, this would allow the 51 members of that House to make a thorough examination of the subject, possibly along the lines of the examination this House has made of it. For those reasons I feel I am unable to support the second reading.

THE HON. N. E. BAXTER (Central) [8.13 p.m.]: I believe almost every member of the Chamber knows my views on this subject. I strongly supported the Termination of Pregnancy Bills presented by the late Dr. Hislop. I will not go into the pros and cons of the whole matter because all I have said in past years is recorded in *Hansard*.

From listening to the debate which has taken place on this occasion one would believe that the Bill is not very well framed, and that it will throw the whole matter wide open. In other words, as one member said, it will pull down all the fences. I have studied the measure fairly closely and, despite the fact that, unlike Mr. Medcalf, I am not a lawyer, I do not agree with what he said the other night in relation to section 199 of the Criminal Code. I have studied quite a few Bills in the time I have been here, and in my opinion the effect of the amendment is that any person who is not registered as a medical practitioner or who is not acting under the direct instructions of such a practitioner who, with intent to procure the miscarriage of a woman, unlawfully administers to her any poison or other noxious thing, or uses any force of any kind, or uses any other means whatever, is guilty of a crime. That means a medical practitioner and anybody acting under his instructions is the only one who is permitted legally to carry this out.

The Hon. R. F. Claughton: Will you read out section 361 of the Criminal Code?

The Hon. N. E. BAXTER: I will do so. This section deals with defamation of members of Parliament. It states—

> Any person who, not being a member of either House of Parliament, unlawfully publishes any false or scandalous defamatory matter . . . is guilty of a misdemeanour.

The Hon. A. F. Griffith: That is not the appropriate section.

The Hon. N. E. BAXTER: It may not be, but it is analogous to section 199 of the Criminal Code. I am comparing the wording of section 361 with the amendment in the Bill.

The Hon. A. F. Griffith: You have the wrong section of the Code.

The Hon. N. E. BAXTER: Apparently the honourable member does not understand the analogy between the two references. At this stage I will not attempt to explain it to him. I would prefer that he look at section 361 himself, and compare it with the amendment in the Bill. If he does so he will see that those two provisions run parallel with each other.

I consider the amendment to section 199 to be in order. It provides that the only person legally entitled to bring about a termination of pregnancy is a medical practitioner or a person acting under his direct instructions.

What we have to consider is whether or not this is a desirable amendment to make. I say it is, in view of the large number of illegal terminations of pregnancies carried out in this State and in the other States, with the exception of South Australia.

Are we in Western Australia to continue introducing Bills to attempt to cover the existing situation, because we have reached

the stage where nothing has been done about the matter? The attempt to bring about reform in the termination of pregnancy law commenced with the introduction of a Bill by the late Dr. Hislop in 1966. This measure was allowed to remain on the notice paper to enable the people to express their feelings. Later in 1968 he introduced a second such Bill, followed by another in 1970.

It was unfortunate that those Bills were not passed.

I do not see a great deal wrong with the amendment to section 199. Let me pass on to the second amendment in the Bill which proposes to repeal section 200 of the Criminal Code. This section provides for a penalty of imprisonment with hard labour for up to seven years for any woman who with intent to procure her own miscarriage, whether she is or is not with child, unlawfully administers to herself any poison or other noxious thing, etc.

The Hon. L. A. Logan: How can a woman procure a miscarriage when she is not pregnant?

The Hon. N. E. BAXTER: That is the wording of section 200 of the Criminal Code, and this provision has been in the Code for many years. However, I shall not argue on the point raised by Mr. Logan. Instead, let me deal with the situation from the woman's point of view. After a woman becomes pregnant she may for health reasons, or through marital circumsances, desire to terminate the pregnancy. Under the present law if she does anything to procure a miscarriage she is liable to imprisonment with hard labour for seven years.

I suggest that in such a situation it is the right of the woman herself to make the decision. If she is compelled to bear the child or to put up with privations, she may be adversely affected; but if she terminates the pregnancy she is liable to imprisonment.

I do not believe that we should say to any woman, "You have to bear the child whether or not you like it. If you do something unlawful you will be dealt with under the Criminal Code."

I now turn to the amendment in clause 4 of the Bill which seeks to repeal section 201 of the Criminal Code. This section states—

> Any person who unlawfully supplies to or procures for any person any thing whatever, knowing that it is intended to be unlawfully used to procure the miscarriage of a woman . . . is guilty of a misdemeanour.

It might be a case of a person obtaining something for a woman who is either married or unmarried to enable her to bring about her own miscarriage. In these days when a woman can be forced to bear a child against her will, is it such a terrible thing to permit her to terminate the pregnancy?

I do not think the Bill will throw the gate wide open and bring about abortion on demand; it will merely remedy a harsh provision which has appeared in the Criminal Code for many years. I believe the Bill is welcomed by the majority of the people; and on those grounds I intend to support the measure.

Debate adjourned, on motion by The Hon. R. Thompson.

FISHERIES ACT

Amendment of Regulations: Motion

The PRESIDENT: Prior to proceeding to the next item on the notice paper it is necessary to return to the subject matter of item No. 3—amendment to regulations under the Fisheries Act—which was passed earlier this evening. It was thought at that time a similar motion had been passed in another place. However, this is not so, and it is now necessary in accordance with section 36 of the Interpretation Act for a message to be forwarded to the Legislative Assembly seeking its concurrence. I therefore call on the mover of the motion, The Hon. T. O. Perry.

Request for Assembly's Concurrence

THE HON. T. O. PERRY (Lower Central) [8.23 p.m.]: I move—

> That the resolution of this House concerning the amendment to regulation under the Fisheries Act be transmitted to the Legislative Assembly and its concurrence requested therein.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [8.24 p.m.]: In seconding the motion I would point out I made the statement that the motion had been passed in another place. However, that is not so. I took note of the fact that the Minister in another place had supported the motion, and on that basis I assumed it had been passed.

Question put and passed.

LAND AGENTS ACT AMENDMENT BILL

Assembly's Message

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

CITY OF PERTH PARKING FACILITIES ACT AMENDMENT BILL

Second Reading: Defeated

Debate resumed from the 20th September.

THE HON. J. DOLAN (South-East Metropolitan—Minister for Police) [8.25 p.m.]: I think Mr. Logan suggested this Bill ought to be returned to the Perth City Council for its further consideration. The

council approached me almost 12 months ago with a proposal that a Bill of this nature should be introduced. The council brought to my office the members of its parking committee; it also directed its legal advisers to prepare the draft of a Bill.

The Perth City Council submitted a copy of the draft Bill to me. I had it examined carefully, after which I called the members of the council to a conference. We discussed all the details of the draft Bill, and arising out of that we eventually came up with the Bill which is now before us.

Even before the debate on the Bill took place certain people were very unhappy about the fact that the Perth City Council was to be given the power to direct what fees the parking stations and facilities should charge.

The Hon. A. F. Griffith: There is a clause in the Bill which gives the council the right to fix the fees.

The Hon. J. DOLAN: The consideration is that this right is subject to the approval of the Minister. Any party affected has a right of appeal against the charges or the conditions laid down by the Perth City Council. Eventually it is the Minister who will have to decide whether or not the appeal be upheld. In those circumstances the Perth City Council felt that the Bill being presented was completely fair to all parties.

I would point out that a number of applications for the establishment of parking facilities have been made by various firms. In each case the application was approved by the Perth City Council and forwarded to me for ratification; and in each instance I ratified the approval granted by the council.

I regard the Perth City Council as a very responsible local authority. I think it has every reason to be proud of its record and of the way it has administered the establishment of parking facilities in this city. It is very jealous of the standards it has set.

Apart from one or two amendments over the years, this is the first occasion on which any real attempt has been made to look at the legislation and to give the council the power to safeguard the car parks and the parking facilities in the city.

I have referred the comments that have been made by the various speakers in this debate to the Acting Town Clerk, and I have asked him whether he would submit to me the comments of his council. He has done so, and I propose to read the comments so that members will know the views of the council. They are as follows:—

> The Hon. R. J. L. Williams dealt at some length with the question of the issue of a licence for a period not exceeding 12 months and suggested that the City of Perth may act in an irresponsible way and not renew a licence or perhaps require conditions deemed to be unreasonable.

Well, of course, I could not go along with the idea that the Perth City Council would act irresponsibly.

The Hon. R. J. L. Williams: Did I use the word "irresponsible"?

The Hon. J. DOLAN: Well, the honourable member used some words not in accord with his usual self. He used words such as "odium" and "aspersions". I am not accustomed to hearing those words from the honourable member. I think that is what might have happened. If he did not use the words I will apologise. To continue—

> There are conditions that should be reasonably imposed to guarantee that parking facilities are provided and maintained to proper standards. Some of these would be:—
>
> 1. Number of vehicles that may be parked at any one time.
> 2. Number and size of parking bays.
> 3. Width of manouvering aisles.
>
> The Hon. L. A. Logan remarked that these matters were already provided for in the Uniform Building By-laws. That is not disputed but he has overlooked the fact that the Building By-laws do not apply to the very many car parks constructed at ground level.

That was a point which they think Mr. Logan overlooked.

The Hon. L. A. Logan: Does the Minister believe that a person who has spent $750,000 should receive only a 12 months' lease at a time?

The Hon. J. DOLAN: Would the honourable member give me an example. I will refer to his $750,000 car park later. To continue—

> Other matters that may need to be considered when dealing with an application to establish a car park are:—
>
> 1. Condition of the surface of the car park.
> 2. Drainage.

It should be noticed from the comments that the Perth City Council is concerned with open areas where facilities are not provided.

The Hon. A. F. Griffith: Why not limit the regulations to those areas instead of trying to control all buildings for which the Perth City Council has already issued permits?

The Hon. J. DOLAN: I am trying to give the views of the Perth City Council. During the Committee stage members can

refer to the points on which they require information. To continue—

3. Erection of fences and barricades (all of these aspects are particularly important in relation to ground level car parks).
4. Restricted points of ingress and egress.
5. Hours of operation.

At least two points could be particularly important, having regard to the intensity of traffic, one-way street systems and the capacity of the road system. For example, it may be necessary to regulate the times during which vehicles may exit from a parking facility to avoid traffic congestion occurring.

It would be possible to redraft proposed Section 15 (1) (b) to include the matters referred to, but this action is not considered desirable because the design of car parking buildings will be largely dictated by the peculiarities of the site being developed.

As Mr. Logan said (Page J5) . . . "to write everything into an Act is an impossibility".

We would finish up with an Act which would be so large it would have very little value, and would be very difficult to sort out. To continue—

Adequate, properly constructed and maintained parking facilities is the Council's aim.

I accept that remark as being completely honest. To continue—

To ensure that car parks are maintained to acceptable standards, it is necessary to exercise a measure of control over the establishment and continued operation of these facilities.

It is difficult to imagine that the City of Perth would act other than with complete propriety, but in any event it seems that Mr. Williams has overlooked the fact that the Minister has the overriding superintendence of licence conditions and renewal.

First thing this morning I again went through Mr. Williams' speech and I noticed reference to the fact that the Minister had a control which would be unassailable. However, the Minister would exercise his prerogative in the correct manner. To continue—

This provision should remove any doubt that the Council could lay down unnecessary stringent restrictions on its competitors.

Another aspect concerning Mr. Williams is Sub-section (4) of Section 15 of Clause 4, which gives discretionary powers to the Minister when dealing with appeals lodged in consequence of Sub-section (3), and in his explanation on this point (Page H2), Mr. Williams stated that the Council may refuse a transfer of a licence. There seems however to be some confusion because it is Sub-section (5) that applies to transfers.

As with the granting and renewal of the license, the Minister also has overriding powers to approve or, presumably, refuse a transfer.

The Bill does not depart significantly from the original Act, as Sub-section (3)of Section 15 enables the Minister to exercise discretion in either granting or refusing a license.

The intention of Mr. Williams' suggested amendment to Sub-section (9) of proposed section 15 appears to be to protect existing car park operators. Such a move would be unfortunate as there exists a number of sub-standard car parks established at ground level, the condition of which motivated the Council to ask for the Parking Facilities Act to be amended.

I have some photographs with me which I will make available to Mr. Williams. They have been provided by the Perth City Council, and they indicate the state of some of the car parks around the City of Perth. Some of them are still in existence and I would say they are not a credit to the City of Perth. I go along completely with the desire of the Perth City Council to exercise control over them in order to bring them to the required standard.

The Hon. L. A. Logan: We agreed to that proposal.

The Hon. J. DOLAN: To continue—

Only two multi-storey car parks (Park Towers and Mt. Newman House) have been constructed by private developers since the Council's car parking policy was first published in 1966. It is noteworthy that both of these facilities occupy the lesser area of the floor space of the two buildings concerned.

It is true that there are fee paying car parks for use by the public in other multi-storey structures but these were not originally established or designed specifically for the purpose. In general they were office developments and the parking bays were those approved under the building by-laws and car parking policy for use by tenants—they are not open to the public generally. Because, however, of the oversupply of office accommodation all the parking space was not immediately required for this purpose and the Council, with the approval of the Minister, allowed the surplus bays to be used by the public on payment of a fee. This reflects a responsible attitude by the City of Perth to the need for parking within the City centre to be provided in co-operation with private enterprise.

The tenant occupied car parking in these particular buildings and similarly occupied space in the numerous commercial developments in the City are properly classified as private garages.

Only parking facilities or parking stations for use by the public generally on payment of a fee come within the operation of the City of Perth Parking Facilities Act.

The removal of paragraph (b) from proposed Section 15 of Clause 5 of the Bill would not concern the Council. The paragraphs were inserted by the Parliamentary Counsel. There would appear to be adequate authority in Paragraph (b) of Sub-section (1) of proposed Section 15 of Clause 4 of the Bill to impose conditions, without the necessity of having by-law making powers for the purpose.

Insofar as the speech of the Hon. L. A. Logan is concerned, the foregoing comments apply to most of the points he raised. As already mentioned, proposed Section 15 (1) (b) could be redrafted but it is thought preferable to retain the provisions in the Bill. After all, the Council is required to obtain the Minister's approval, and rights of appeal exist.

The Hon. A. F. Griffith: Did the Minister not tell us that the Perth City Council's own lawyer prepared the draft of this Bill?

The Hon. J. DOLAN: The original, yes.

The Hon. A. F. Griffith: Then why blame the Parliamentary Draftsman?

The Hon. J. DOLAN: I am not blaming him. The Parliamentary Draftsman suggested these matters should be included for the future, and the Perth City Council went along with the suggestion. I think that two heads are better than one. The Perth City Council and the draftsman have agreed and I think that is desirable. I do not know whether I might be considered to be peculiar but in those circumstances I feel the situation is most desirable. To continue with the comments of the Perth City council—

Mr. Logan questions the Council's right to interfere with the management of a business. It hardly needs saying that the City of Perth would not seek to interfere with a business in the manner implied.

The Hon. L. A. Logan: Then why is the provision contained in the Bill?

The Hon. J. DOLAN: Continuing—

The context in which the words "conduct and management" are used in the Bill relates to compliance with the conditions that may be specified in a license. For instance, the number of vehicles parked at any one time, keeping manoeuvring lines clear, and complying with operating hours, form part of conducting and managing a parking station or facility.

Legal interpretation of the difference between a parking facility and a parking station is by no means clear, and some amendment may be necessary.

Another point raised, or question asked, related to the operation of car parks by the developers. Generally speaking, the parking is leased to a car park operator.

One final comment is that the Bill is the first significant change in the legislation since the inception of the City of Perth Parking Facilities Act in January, 1957. The fundamental intention of the City of Perth is to ensure as far as possible that privately operated car parks are located in strategic positions and operated to standards that encourage their continued patronage, thus developing an attractive and economically viable capital City.

I think it would also be desirable if I read to members the fees which are charged by privately-operated car parks in the city. The charges were ascertained on Friday, the 29th September, and they are: Park Towers, $30 a month; first half hour 20c; one hour 40c; two hours 60c; three hours 75c; four hours 90c; five hours $1.05; six hours $1.20; and from seven to 12 hours $1.40. Those figures are somewhere in line with the views predicted by Dr. Nielsen when he stated that $1.40 could be the charge for parking in the 1980s. It seems to a fair rate.

The Hon. I. G. Medcalf: Is the Minister saying that the car parks are overcharging?

The Hon. J. DOLAN: I have read the scale of fees.

The Hon. I. G. Medcalf: Is the Minister saying that the car parks are overcharging?

The Hon. J. DOLAN: By comparison with other facilities, yes.

The Hon. I. G. Medcalf: Do you want to reduce them?

The Hon. J. DOLAN: No, not at all. If the Perth City Council considers that fees should be lower representations will be made to me and I will examine the position.

The Hon. I. G. Medcalf: The Minister will cut down the tenure of the buildings to 12 months.

The Hon. J. DOLAN: I will not.

The Hon. I. G. Medcalf: You certainly will.

The Hon. J. DOLAN: No fear.

The Hon. A. F. Griffith: Does the Minister consider that $4 a day is too much to pay for parking a car?

The Hon. J. DOLAN: I think it is.

The Hon. A. F. Griffith: Well, by golly, that is what your Trades Hall building will charge, I believe.

The Hon. J. DOLAN: Do you believe that?

The Hon. A. F. Griffith: That was in the correspondence which the Premier was kind enough to make available for me to scrutinise. I am glad you think it is too much.

The PRESIDENT: I would like members to refrain from interjecting and allow the Minister to get on with closing the debate. During the Committee stage members will have every opportunity to debate the Bill clause by clause.

The Hon. J. DOLAN: Thank you, Mr. President. The fees charged by Canterbury Court are $19.50 a month, and 20c per hour. Members will notice a difference there. The charge at Canterbury Court is 20c an hour while at Park Towers the charge is 20c for the first half hour, and 40c for an hour. This is double the charge at Canterbury Court.

The charge at International House is $26.50 per month, and 20c per hour. At Murray Street—Wilson's—the charge is $24.50 a month, and in the open area opposite the charge is 20c per hour. At Hamersley House the charge is 20c for the first hour and 10c for each additional hour in the open area. The charge for undercover parking is 25c for the first hour; 50c for two hours; 70c for three hours; 90c for four hours; and $1 for five hours.

The Hon. A. F. Griffith: Has that one been licensed?

The Hon. J. DOLAN: I understand so.

The Hon. A. F. Griffith: I have a letter from a man who has been asking for the license for a long time, and he has not even had a reply from the council. I refer to King's Park Parking Company Pty. Ltd.

The Hon. J. DOLAN: What date was that?

The Hon. A. F. Griffith: The 29th September, 1971, when the Bill was first mooted. I wonder whether it has been licensed since.

The Hon. J. DOLAN: I would think so. This refers to the position which existed 12 months ago. The parking fee at Lombard House is 50c a day and 20c for one hour. I felt I should indicate to members just what the position is so far as the Perth City Council is concerned. I think it is most desirable that the amendment proposed in the Bill should receive the approval of the House.

The Hon. A. F. Griffith: Before you sit down would you explain the amendment on the notice paper?

The Hon. J. DOLAN: Does the honourable member mean the one that refers to fees?

The Hon. A. F. Griffith: Yes. I communicated with the Perth City Council and it said times have changed and it did not want it now.

The Hon. J. DOLAN: I was approached by Mr. Williams who secured the adjournment of the debate. He told me that people with whom he had discussed the Bill —and I take it these were the private operators—said they were happy about the matter; that despite the fact the Minister had complete control they should be allowed to impose fees.

I contacted the Perth City Council and asked the council what it thought about the matter. It said it was satisfied if it was removed from the Bill. I saw Mr. Williams about this. He agreed, and accordingly brought in amendments.

The Hon. A. F. Griffith: I communicated with the people concerned and I was told by the council that it wanted the right to fix fees a year or so ago but that the need was not great now and it wanted the matter dropped. I asked the council whether it had communicated with the Minister.

The Hon. J. DOLAN: I beat the council to the gun.

The Hon. A. F. Griffith: I saw them before Mr. Williams spoke to the Bill.

The Hon. J. DOLAN: The council is quite happy to relinquish control of the fees and since it was quite happy to do so I was quite happy to take the necessary action. This is not a Government Bill.

The Hon. A. F. Griffith: It is a Government Bill.

The Hon. J. DOLAN: It has been asked for by the Perth City Council and I have acceded to its wishes. That is why the Bill is before the House.

Question put and a division taken with the following result:—

Ayes—8

Hon. R. F. Claughton	Hon. R. T. Leeson
Hon. S. J. Dellar	Hon. R. H. C. Stubbs
Hon. J. Dolan	Hon. W. F. Willesee
Hon. J. L. Hunt	Hon. D. K. Dans
	(Teller)

Noes—17

Hon. C. R. Abbey	Hon. I. G. Medcalf
Hon. N. E. Baxter	Hon. T. O. Perry
Hon. G. W. Berry	Hon. S. T. J. Thompson
Hon. V. J. Ferry	Hon. J. M. Thomson
Hon. A. F. Griffith	Hon. F. R. White
Hon. Clive Griffiths	Hon. R. J. L. Williams
Hon. J. Heitman	Hon. W. R. Withers
Hon. L. A. Logan	Hon. F. D. Willmott
Hon. N. McNeill	*(Teller)*

Pairs

Ayes	Noes
Hon. R. Thompson	Hon. D. J. Wordsworth
Hon. Lyla Elliott	Hon. G. C. MacKinnon

Question thus negatived.

Bill defeated.

FACTORIES AND SHOPS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 6th September.

THE HON. R. H. C. STUBBS (South East—Chief Secretary) [8.52 p.m.]: I wish to thank Mr. Ferry and Mr. Medcalf for their contributions to the debate on this Bill. As members know Mr. Ferry brought several matters to the notice of the House.

The Hon. A. F. Griffith: Could the Minister kindly speak up? I can barely hear him from here. Get annoyed at me; shout at me!

The Hon. R. H. C. STUBBS: I would rather shout the Leader of the Opposition a drink! I will, however, try to speak a little louder. I wish to thank Mr. Medcalf for his contribution, particularly in reference to clause 10 which deals with the repeal and re-enactment of section 93C.

The subject covered by the Bill concerns public holidays, the appointment of inspectors, and the definition of an "exempted shop".

The item which appears to need clarification is that concerning "exempted" goods which may be sold at all hours.

Section 85 of the Factories and Shops Act requires that shops remain closed before 8.00 a.m. and after 6.00 p.m. on Monday to Friday and before 8.00 a.m. and after 1.00 p.m. on Saturdays, an exception being Mandurah which observes the half holiday on Wednesday.

Section 86 of the Act prescribes that the closing provisions of the Act do not apply in the case of shops of a certain description and which are known as "exempted shops".

As the Act stands at present these shops are described as confectionery, cooked provisions, fruit and vegetable shops, booksellers and newsagents, restaurants and fish shops; and goods appropriate to each type of shop are prescribed.

The section also allows of a shop which is by reason of its stock a combination of these shops to be regarded as an "exempted" shop. The basis of qualification as an exempted shop is the range of stock, and the amendment is designed to simplify the method of determining whether a shop does or does not come within the category.

Instead of having the goods listed under the heading of particular shops, the amendment will allow of the list of goods common to all types of exempted shops at present being prescribed by regulation.

The tendency these days is for shops to diversify their stocks and as long as this diversification keeps to prescribed exempted lines the shop may trade uncontrolled hours.

The Retail Trade Advisory and Control Committee which comprises a member representing the purchasing public, a member representing the retail trade with the Secretary for Labour as chairman has among other things the function of making recommendations to the Minister on matters concerning the types of goods which may be sold in shops during extended hours, and it will, with the amendment proposed in clause 6 of the Bill, be able to extend the range of "exempted" lines to meet current needs. For example instead of adding a new category of exempted shop, such as a garden centre and prescribing goods appropriate thereto, the range of goods is extended.

Other than simplifying procedure and clarifying to shopkeepers what goods are or are not exempt there is no change in the trading-hour provisions in shops.

Exempted shops which stock nonexempt goods will still be able to obtain permits to trade extended hours in exempt goods by locking off or segregating other goods in a manner which makes them inaccessible outside the normal closing hours. Without such a permit the shop would have to observe normal trading hours. The practice of allowing these "privileged" shops has operated for many years. This approach to the matter of exempting goods rather than categories of shops will eliminate the likelihood of the Act providing a trading advantage to any particular shop or class of shop. The point has been raised that motor service stations will be able to sell goods other than motor fuel and accessories such as fertilisers.

If such goods are prescribed as "exempted" then they may be sold during any hours which the legislation permits a shop to be open. In the case of service stations exempted goods can be sold from 7.00 a.m. to 7.00 p.m. on Monday to Friday and from 7.00 a.m. to 1.00 p.m. on Saturdays, and at any time the station is on roster.

In recommending what goods should be available during extended hours the Retail Trade Advisory and Control Committee has regard to the requirements of the public and the equitable distribution of the trade without advantage being confined to any particular type of business.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (The Hon. N. E. Baxter) in the Chair; The Hon. R. H. C. Stubbs (Chief Secretary) in charge of the Bill.

Clauses 1 to 5 put and passed.

Clause 6: Repeal and re-enactment of section 86—

The Hon. I. G. MEDCALF: The question was raised by some members of my constituency as to where they would stand in relation to this clause which changes the position of exempted shops and exempted goods.

Previously a storekeeper could sell exempted goods after hours. This has caused a considerable amount of difficulty to the people administering the Act and as a result of this, the Minister for Local Government has introduced an amendment. However, the question was raised as to what will happen if this legislation is passed. Will it not mean that the person with an exempted shop will have to stock his shop entirely with exempted goods?

We all know that at the present time the exempted shop may sell exempted goods and nonexempted goods, and may trade after hours in the nonexempted goods. If we provide that the shops may only trade after hours for the sale of exempted goods, we will be cutting down the service which the shops provide to the public.

I raised this question the other day with Mr. Burgess of the Department of Labour and he has supplied me with a list of exempted shops and the goods which they are able to sell. The Department of Labour has great difficulty in policing the old section because of the variety of shops involved. The list includes confectioners, fruit and vegetable shops, refreshment and cooked meat shops, tobacconists' shops, restaurants, fish and oyster shops, booksellers' and newsagents' shops, and chemists and druggists. Particular goods are exempted, but the shops may stock other goods provided they are not sold after hours. If a shop is trading after hours, it may sell only exempted goods.

The list of exempted goods is not to remain static. In other words, the Minister will reserve the right—and this is quite proper—to add to the list. This allows flexibility.

Mr. Burgess pointed out to me that section 87 of the Act will still apply. This section allows for privileged shops whereby the Minister permits certain shops to set up a screen across the nonexempted goods whilst continuing to sell the exempted goods after hours. This provision will continue to be administered by the department. I believe that this explanation is given in good faith, and I have accepted it. I hope the application of this section of the Act will prove successful, and if it does not work out successfully, we will obviously hear more about it from the trade concerned.

Clause put and passed.

Clauses 7 to 9 put and passed.

Clause 10: Repeal and re-enactment of section 93C—

The Hon. R. H. C. STUBBS: I wish to move to delete clause 10.

The CHAIRMAN: The Minister for Local Government cannot move to delete the clause. He may ask the House to vote against the clause.

The Hon. R. H. C. STUBBS: I ask the House to vote against this clause. Mr. Medcalf has highlighted certain features of the clause, and on his advice we decided to attempt to delete the clause.

The Hon. I. G. MEDCALF: I support the Minister, and state that I appreciate his attitude. Members will have noticed that I had an amendment on the notice paper, but this has now been removed. The object of the amendment was to provide that the Press and the media be given the opportunity to report events they considered newsworthy in the normal course of events. They should not be prevented from doing this by the undue restrictions of the clause.

I believe it is relevant for me to say that we should only pass legislation that we intend to enforce. I feel there were certain provisions contained in this clause which the department may not have intended to enforce. The department had not enforced this provision in the past, but nevertheless, I do not think Parliament should pass laws it does not intend to enforce. A law should be not only enforceable, but enforced. If it is not enforced it should be repealed. I am indebted to the Minister for appreciating my point of view. Indeed, I found that he and his department are most reasonable. I understand that at a future date a further amendment will be introduced in an attempt to tidy up the effects of this section in respect of censorship. I support the Minister and I trust the Committee will do the same.

The Hon. V. J. FERRY: I would like to express my appreciation to the Minister for his attitude. I was not happy with this clause when I first saw the Bill, and after discussions with a number of people engaged in commerce, I realised that there were difficulties associated with the clause as printed. I support the Minister.

Clause put and negatived.

Clauses 11 and 12 put and passed.

Title put and passed.

Bill reported with an amendment.

CITY OF PERTH PARKING FACILITIES ACT AMENDMENT BILL

Parking Fees: Personal Explanation

THE HON. A. F. GRIFFITH (North Metropolitan—Leader of the Opposition) [9.10 p.m.]: Mr. President, I seek the permission of the House to make a personal explanation.

The PRESIDENT: There being no dissentient voice, leave is granted.

The Hon. A. F. GRIFFITH: A matter has arisen which I feel I should hastily move to explain. When the Minister for Police was closing the debate on this Bill, it will be recalled that I asked him whether he thought $4 a day—and I think I said "a day"—was too much to

charge for a parking lot. He said he thought it was, and I then indicated that from information in the file made available to me by the Premier, the administration of the Trades Hall building intended to charge that fee. On re-examination of the matter, I find that I am quite incorrect and the fee to be charged is $4 a week. I apologise to the Minister and to the House. I do not deliberately mislead, and on this occasion my error is very much regretted.

THE HON. J. DOLAN (South-East Metropolitan—Minister for Police) [9.11 p.m.]: I would just like to say, Mr. President, that I appreciate the remarks of the Leader of the Opposition.

PUBLIC AND BANK HOLIDAYS BILL

Second Reading

Debate resumed from the 19th September.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [9.12 p.m.]: Mr. Ferry dealt with this Bill in some detail and has some amendments on the notice paper which he referred to in his second reading speech. I thank him for his contribution to the debate.

He mentioned that the legislation had, as its main purpose, the rationalisation of the administration of all public and bank holidays and the placing of it under one authority. With that summation of the Bill I would concur.

The honourable member broached the matter of an oversight regarding Friday banking hours which appears in clause 6 of the Bill. He mentioned the amendments standing in his name on the notice paper were as a consequence of his becoming aware that through this oversight bank officers would be disadvantaged. The advice I have on this matter is that when the Bill was prepared, the wording, as it appeared in clause 6 (2) would alter the closing hour of banks on the last day of trading before a Saturday when a bank holiday preceded a Saturday, for example on the Thursday before Good Friday.

The normal hours of trading of banks are 10.00 a.m. to 3.00 p.m. Monday to Thursday, and 10.00 a.m. to 5.00 p.m. on Friday. When Friday is a holiday, banks still close at 3.00 p.m. on the Thursday. Inadvertently, the wording in the Bill would require the banks to be open until 5.00 p.m. on the Thursday. This was not intended and it would alter the position from that currently appearing in section 4 of the Bank Holidays Act which will be repealed.

The Acting Minister for Labour was advised of this on the 29th August last, the Secretary of the Associated Banks in W.A. having drawn attention to the matter.

The Senior Assistant Parliamentary Counsel then drafted an amendment which appears in my name on the notice paper, to provide that the current bank closing hour on the work day preceding a bank holiday before a Saturday is not altered.

Mr. Ferry also raised the question of a bank holiday on Perth Royal Show day. It has been customary under the Bank Holidays Act over past years to proclaim this day as a bank holiday and it was proclaimed this year for the 27th September, 1972. The Associated Banks in W.A. makes application each year for this day and it has been the practice to recognise it.

With regard to country agricultural shows, special days, etc., additional bank holidays for a particular town or district have been proclaimed under the Bank Holidays Act in the past after application has been made by the Associated Banks in W.A. It is then assumed that banks as a whole are in favour of the holiday.

In addition, such public holidays are also proclaimed under existing provisions of the Factories and Shops Act when applied for by all shopkeepers jointly, or a local Chamber of Commerce, or other body representative of such trades. The effect of this proclamation under the Factories and Shops Act is also to close the shops on the occasion.

Representatives of the various banks and associations mentioned by Mr. Ferry have been advised of the nature of the reference to bank holiday and bank half-holiday in the Bill. The general consensus of opinion seems to be to leave the term "bank holiday" and exclude "bank half-holiday".

These representatives have not had time to discuss the matter fully with their associations, but the general feeling seemed to be to leave undisturbed what currently applies in the Bank Holidays Act of 1970.

In drafting the legislation it was seen that in some country towns a public half-holiday was often given, which meant that shops were closed for half a day only. Provision was therefore made for a bank half-holiday should it be so requested at any time by the banks.

In 1965 the Associated Banks in W.A. did request two half-day holidays at Carnarvon, but this could not be approved as there was no appropriate provision in the Act. The Crown Law Department had ruled that it was not possible to grant a half-day bank holiday and only a full day could be given when the application was approved.

Other States of Australia make provision for bank half-holidays in similar legislation.

The Department of Labour has no objection to the deletion of "bank half-holiday." It was placed there with good intentions for any occasion where the banks may request only a half-day and not a full day holiday.

However, I am quite willing, should the House so desire, to move to delete the reference to "bank half-holiday" in both the Public and Bank Holidays Bill and the Interpretation Act Amendment Bill.

It was Mr. Wordsworth, I think, who raised the question of Commonwealth awards and in this respect I am advised that the allowance of public holidays without loss of pay is a feature of all awards. In most cases the holidays which the employer is required to allow his employees are specified in the relevant award, but in some awards provision is made for the observance also of any public holiday which is proclaimed under any State Act —for example, the Bank Holidays Act or the Factories and Shops Act. It should be noted, however, that unless a provision of the nature to which I have referred appears in the award, these proclaimed holidays are not observed as award holidays.

The foregoing remarks apply generally in both Federal and State awards.

It is worthy of mention, I think, that except for special public or bank holidays and half-holidays—and the power of the Governor to alter a day appointed for a public or bank holiday is contained in clauses 7 and 8 of the Bill—unless it is otherwise expressely provided, any provision of any award, order, or industrial agreement made under the Industrial Arbitration Act, 1912, prevails over any provision of, or under, the proposed Public and Bank Holidays Act to the extent of any inconsistency therewith.

It follows that only a provision of a proclamation made under clause 7 or 8 prevails over any provision of any award, order, or industrial agreement made under the Industrial Arbitration Act, 1912, to the extent of any inconsistency.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (The Hon. N. E. Baxter) in the Chair; The Hon. W. F. Willesee (Leader of the House) in charge of the Bill.

Clauses 1 to 5 put and passed.

Clause 6: Saturdays as bank holidays—

The Hon. V. J. FERRY: Firstly, I wish to say that I appreciate the comments made by Mr. Willesee when replying to the second reading debate. Members will note that there are amendments to this clause on the notice paper under both my name and the name of the Leader of the House. In effect, my amendments and the one proposed by the Leader of the House have the same objective. I would be prepared to forgo the amendments listed under my name so that the Leader of the House may move the amendment standing in his name for the reason that I believe the wording of his amendment is appropriate to meet the needs of the situation which are to clarify the closing times of banks at the moment preceding a bank holiday on a Friday. I believe the amendment proposed by the Leader of the House will achieve this.

The Hon. W. F. WILLESEE: I thank Mr. Ferry for his remarks, because this clarifies the situation for the benefit of the Committee. Therefore, I move an amendment—

> Page 2, lines 19 and 20—Delete the words "the last day that is not a bank holiday before every Saturday" and substitute the following words:— "every Friday that is not a bank holiday".

Amendment put and passed.

Clause, as amended, put and passed.

Clause 7: Special public or bank holidays and half-holidays—

The Hon. V. J. FERRY: Members will observe that I have placed on the notice paper an amendment to delete the clause. During my comments on the second reading debate I foreshadowed that I did not intend to proceed to move this amendment when the Committee stage was reached. My reason for placing the amendment on the notice paper was to alert those in the banking industry, and those interested in bank holidays in general, to the situation that will be created when this legislation becomes law.

I am glad of my action, because it engendered a great deal of discussion, particularly among members of the banking fraternity. I have communicated a great deal with representatives of the Associated Banks in W.A. and their employees' association which is called the Australian Bank Officials Association. I have also been in touch with the Commonwealth Banking Corporation Group at managerial level and its employees' association is called The Commonwealth Bank Employees Association.

As a result of the discussions I have had with the representatives of these bodies, I am pleased to say the Government is in a position, as indicated by Mr. Willesee, to consider deleting, from this clause, the reference to a bank half-holiday. The reason for this is that if the provision in this clause were agreed to it would disadvantage the banks. They consider the provision is worthy of retention, because in the Bank Holidays Act of 1970, it is clearly stated that a bank holiday shall be a full day's holiday.

The provision in the clause we are now discussing allows for a full bank holiday or a bank half-holiday, speaking of banks in particular. The clause also refers to public holidays and public half-holidays. However, I am referring particularly to the provision that deals with banking hours.

The Hon. L. A. Logan: What did they want the provision inserted for in the first place?

The Hon. V. J. FERRY: It was inserted in good faith. It has been the custom in this State for many years for banks to have a full day's holiday and they have considered the situation at all levels during the past week and my information now is that they would be content to allow the existing situation to continue rather than have a provision in the legislation for a bank half-holiday. The reason is that in the banking industry a half-day of work is most uneconomical and inconvenient in all respects; both from the point of view of customers and the staff of any bank. Therefore, on balance, the banks feel it is preferable to adhere to what exists at present.

In view of this I do not propose to move the amendment in my name on the notice paper. Its purpose has been served, and I accept the intimation of the Leader of the House that he will be prepared, accordingly, to delete certain words in the clause which will remove the provision for a bank half-holiday.

The Hon. W. F. WILLESEE: I have been caught here to the extent that whilst I said I would be prepared to accept the amendment, I was under the impression that it would be moved by the honourable member.

The Hon. V. J. Ferry: I will move it if the Leader of the House so wishes.

The Hon. W. F. WILLESEE: I think it may be as well, and then I can move the amendment which I have clearly indicated.

The Hon. V. J. FERRY: In order to regularise the procedure in regard to this clause, I move an amendment—

> Page 3, line 8—Delete the passage "or bank half-holiday, or both".

The Hon. W. F. WILLESEE: I have just been shown a *pro forma* amendment which, for some reason, was not placed on the notice paper. The proposed amendment reads as follows:—

> Page 3, line 8—Delete the passage "or bank half-holiday, or both".

Amendment put and passed.

The Hon. V. J. FERRY: I move a consequential amendment—

> Page 3, lines 13 and 14—Delete the passage "or bank half-holiday, or both".

Amendment put and passed.

The Hon. W. F. WILLESEE: I move a further amendment—

> Page 3, line 19—Delete the words "one week" and substitute the words "three weeks".

I understand an undertaking was given in another place that this amendment would be made. I have not gone into any details, but have accepted the Minister's advice on the matter.

The Hon. V. J. FERRY: I support the amendment as I believe that three weeks' notice in the *Government Gazette* is more reasonable and practical.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 8: Power of Governor to alter day appointed for a public holiday or bank holiday—

The Hon. W. F. WILLESEE: I move a consequential amendment—

> Page 3, line 33—Delete the words "one week" and substitute the words "three weeks".

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 9 and 10 put and passed.

First and second schedules put and passed.

Title put and passed.

Bill reported with amendments.

INTERPRETATION ACT AMENDMENT BILL

Second Reading

Debate resumed from the 20th September.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [9.42 p.m.]: The comments made on the previous Bill are relevant and applicable to this one. All the material raised by Mr. Ferry was answered in the comprehensive report on the previous legislation. Two amendments will be necessary to the Interpretation Act Amendment Bill following the amendments made to the previous Bill. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (The Hon. R. F. Claughton) in the Chair; The Hon. W. F. Willesee (Leader of the House) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Amendment to section 4—

The Hon. W. F. WILLESEE: I move an amendment—

> Page 2, line 6—Delete the word "interpretations" and substitute the words "an interpretation".

This is also the result of an undertaking given in another place.

Amendment put and passed.

The Hon W. F. WILLESEE: I move an amendment—

Page 2, lines 7 to 10—Delete all words commencing with the words "Bank half-holiday" down to and including the figures "1972:"

The Hon. V. J. FERRY: I support the amendment moved by the Leader of the House. As the Minister explained, it is consequential on the amendment made to the previous Bill, the Public and Bank Holidays Bill. It has my support.

Amendment put and passed.

Clause, as amended, put and passed.

Title put and passed.

Bill reported with amendments.

INHERITANCE (FAMILY AND DEPENDANTS PROVISION) BILL

In Committee

Resumed from the 21st September. The Chairman of Committees (The Hon. N. E. Baxter) in the Chair; The Hon. W. F. Willesee (Leader of the House) in charge of the Bill.

Clause 4: Interpretation—

The CHAIRMAN: Progress was reported on the clause to which The Hon. I. G. Medcalf had moved the following amendment:—

Page 3, line 6—Insert after the word "Act" the passage—

"other than for the purposes of section 7 (1) (e) hereof".

The Hon. I. G. MEDCALF: On the last occasion we considered this matter I explained my object in inserting this as an amendment. I do not think it is necessary to take up any more than the minimum time on the matter, but my object in including these words concerns the next amendment to clause 7. It really refers to a parent of the deceased. It is to prevent the situation of a person, who is a parent of the deceased, claiming on the ground of illegitimacy other than *bona fide* illegitimacy.

The Attorney-General has indicated that he agrees to the amendment and I do not think I need weary the Committee by going into the matter at great length, although I would be glad to do so if any member has any questions.

The Hon. W. F. WILLESEE: On the last occasion the Bill was discussed in Committee I reported progress at this point because, in essence, I did not understand the connection between subclause (4) and the next amendment to clause 7.

Since then I have read the honourable member's remarks and can now relate them quite clearly. I have no objection whatever to either amendment.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 5 and 6 put and passed.

Clause 7: Persons entitled to claim—

The Hon. I. G. MEDCALF: I move an amendment—

Page 5, line 4—Insert after the word "deceased" the passage—

"who at the time of death of the deceased was being wholly or partly maintained by the deceased or whose parent the child of the deceased had predeceased the deceased" .

The effect of clause 7 will be to extend the number of people who can claim against a will of somebody who has died. In other words if somebody dies and does not leave his grandchild provided for, under this provision that grandchild can go to court, upset the will, and be included as one of the beneficiaries even though he is not named in the will.

In addition, if the grandfather dies without leaving a will, the grandchild can move to change the laws of intestacy to ensure he receives some share of the estate as well as the other relatives who are allowed for by Statute.

A grandchild, merely because he is a grandchild, should not have the right to upset a will or the laws of intestacy; that is, the laws laid down by the State for the administration of a will when a person dies without making one.

For a grandchild to be able to upset a will, he must be able to show that he was formerly maintained by the deceased, wholly or partly, or if he was not maintained by the deceased, that one of his own parents is dead—in other words, his father or his mother being the child of the deceased—and he therefore needs some assistance from his grandfather's estate.

It has been said this is not fair because, if the father or the mother is alive and neglecting the child, the grandchild should still have an opportunity to come in. Unfortunately, we cannot cater for all the hard cases and we must draw the line somewhere. This seems proper and it is fairly in line with the recommendations of the Law Society. The Attorney-General has agreed that this is a fair and reasonable proposition.

It is for these reasons that I have moved we should qualify paragraph (d) in the manner suggested.

The Hon. W. F. WILLESEE: It is difficult at any time to understand legal Bills and certainly this measure is more difficult than most. Paragraph (d) will now read—

a grandchild of the deceased who at the time of death of the deceased was being wholly or partly maintained by

the deceased or whose parent the child of the deceased had predeceased the deceased living at the date of the death of the deceased, or then *en ventre sa mere.*

I agree to the amendment.

Amendment put and passed.

The Hon. I. G. MEDCALF: I move an amendment—

Page 5, line 9—Insert after the word "otherwise" the passage—

", where the relationship was admitted by the deceased being of full age or established in the lifetime of the deceased".

The object of this amendment is to prevent a fraudulent parent from claiming on the estate of his illegitimate child. This seems to be a remote possibility, but it would be possible for a parent to claim on the estate of his illegitimate child.

We have already indicated that one of the ways of establishing illegitimacy is for the parent to admit that the child is his illegitimate child. If a father says, "This is my illegitimate child" and that child dies, it would be quite unfair for the father—simply because he had admitted it was his child—to be able to upset the will of his illegitimate child.

The purpose of the amendment is to make it possible for the father to claim only in cases in which the relationship was admitted by the illegitimate child, when he was of full age, or established during the lifetime of the child. In other words, it has to be proved during the child's lifetime that the parent who is claiming to upset his own child's will was the *bona fide* illegitimate father of that child. I used that phrase the other day and was taken to task.

The Hon L. A. Logan: It was taken out of *Hansard.*

The Hon. I. G. MEDCALF: So I believe.

Amendment put and passed.

The Hon. I. G. MEDCALF: I move an amendment—

Page 5, line 10—Delete the word "person" and substitute the words "de facto widow of the deceased".

Briefly, the object of this amendment is to provide that the person who has a moral claim to upset the will must be a *de facto* widow of the deceased. As the clause now stands, a person could upset the will merely by proving that he, or she, was at the time of the death being wholly or partly maintained by the deceased and a member of the deceased's household, and that there is some moral responsibility to make provision. I suggested earlier that the provision could include a multitude of people including housekeepers, their children, and other people who might be in the household of the deceased at the time of the death.

I know it is possible for the deceased to have had more than one household, and for a number of people to fall into that category. I realise that there are *bona fide* cases in which housekeepers should be left something but are not. However, on the other hand there are cases where legitimate beneficiaries of the deceased are excluded by somebody who ingratiates herself with the deceased during his dying weeks, and excludes what one might call rightful beneficiaries.

I have moved my amendment in order to protect the position of what one might call the more regular relatives. The effect of the amendment is to restrict the right to the *de facto* widow of the deceased. I know there are difficulties about how one proves that a person is a *de facto* widow; but it will be up to the court to make the decision. I cannot think of a fairer method than to leave it to the court. I have not included a *de facto* widower. I have restricted the amendment to persons who can claim that not only are they *de facto* widows, but they have lived in the household. The amendment has the approval of the Law Society and the Attorney-General.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 8 to 21 put and passed.

Schedule put and passed.

Title put and passed.

Bill reported with amendments.

House adjourned at 10.05 p.m.

Legislative Assembly

Wednesday, the 4th October, 1972

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

APPROPRIATION BILL (CONSOLIDATED REVENUE FUND)

Message: Appropriations

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

QUESTIONS (54): ON NOTICE

1. UNIVERSITIES

General Practitioners: Training

Mr. HUTCHINSON, to the Minister for Education:

(1) Is he aware of the concern expressed by Dr. M. Kent-Hughes (*The West Australian,* Saturday, 30th September) that universities