

Mr. T. D. EVANS: When dealing with Council's amendment No. 11 the Committee accepted an amendment by the member for Wembley. It has now been drawn to my attention that the amendment suggested by the member for Wembley was unnecessary. I seek leave of the Committee to reconsider the Legislative Council's amendment No. 11.

The CHAIRMAN: Is there any dissentient voice? As there is no dissentient voice, leave is granted.

Mr. T. D. EVANS: I move—

Delete the word "or" previously added to amendment No. 11 made by the Council and that the original amendment No. 11 stand.

Question put and passed; the Council's amendment agreed to.

Report

Resolutions reported, the report adopted, and a message accordingly returned to the Council.

House adjourned at 11.59 p.m.

Legislative Council

Thursday, the 2nd November, 1972

The PRESIDENT (The Hon. L. C. Diver) took the Chair at 2.30 p.m., and read prayers.

QUESTIONS ON NOTICE

Postponement

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [2.38 p.m.]: Mr. President, I ask permission for questions on notice to be taken at a later stage of the sitting.

The PRESIDENT: Permission is granted.

PARLIAMENTARY COMMISSIONER ACT

Rules: Assembly's Message

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

LAND DRAINAGE 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.

FIRE BRIGADES ACT AMENDMENT 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.

LIQUOR ACT AMENDMENT BILL

Assembly's Message

Message from the Assembly received and read notifying that it had agreed to amendments Nos. 1 to 14 and No. 16, and that it had agreed to amendment No. 15 made by the Council subject to further amendments.

COAL MINE WORKERS (PENSIONS) ACT AMENDMENT BILL

Second Reading

THE HON. R. H. C. STUBBS (South-East—Minister for Local Government) [2.41 p.m.]: I move—

That the Bill be now read a second time.

It has become apparent that the following amendments are necessary to the Coal Mine Workers (Pensions) Act, 1943-1971; namely—

- (1) Section 2—An amendment to cover the definition of "consultants" employed in the industry.
- (2) Section 9—Child allowance—
 - (a) To make the child allowance a trustee payment to the parent or guardian; and
 - (b) to extend the payment of child allowance, at the Coal Mine Workers' Tribunal's discretion, in order that the child may be assisted in obtaining a higher education.

A difficulty has been experienced through companies engaging workers and classifying them as "consultants". Instead of these people being employed in the normal duties one would expect of a consultant they are, in fact, carrying out the duties of men who would normally be engaged as permanent employees within the industry.

This has enabled the companies and the "consultants" in this category to avoid contribution to the pensions fund and, furthermore, has avoided the responsibility to terminate the services of a "consultant" at the compulsory retirement age of 60 years as stipulated in the Act.

This situation has had the effect of creating a certain amount of ill feeling among the employees and, undoubtedly, should be corrected.

The amendment extends the definition of "mine worker" to include any person employed as a consultant in or about a coal mine after a period of two months of such employment.

Under the Act as it exists at present, payments for child allowance are considered as income when social service benefits are being computed, and because of this the social service entitlements of the parent are minimised.

It is felt that this procedure is unjust and, therefore, an amendment is proposed to section 9 of the principal Act so that

the payment of child allowance becomes a trustee payment to the parent or guardian.

A further amendment is proposed to sub-section (4) of section 9 of the Act so that the payment of child allowance may be extended for a child over the age of 16 years beyond the present discretionary limit of 18 years of age. This will encourage children to attain a higher level of tertiary education.

The other amendments proposed relate to sections 10A and 21(2). These amendments are consequential to the amendments proposed respectively to sections 9 (1) (b) and 2 (1).

The amendment to section 10A excludes all monies paid "on trust" in the assessment of a pensioner's income and it takes into consideration an increase in social service benefits from \$17 to \$34.50.

Section 21 (2) is amended to make it obligatory for both the mine owner and the "consultant" to comply with the contributory sections of the principal Act.

I commend the Bill to the House.

Debate adjourned, on motion by The Hon. T. O. Perry.

GOLD BUYERS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 31st October.

THE HON. A. F. GRIFFITH (North Metropolitan—Leader of the Opposition) [2.45 p.m.]: This is a small Bill containing only two clauses, the effect of which will be to amend the proviso to section 7 of the principal Act. At the present time the proviso reads as follows:—

Provided that no certificate or license shall be issued to any Asiatic or African alien, nor to any person of Asiatic or African race claiming to be a British subject, without the authority in writing of the Minister first obtained, nor to any manufacturer of jewellery or other manufacturer of gold.

The deletion of the words contained in clause 2 of the Bill will mean that the proviso will read as follows:—

Provided that no certificate or license shall be issued to any manufacturer of jewellery or other manufacturer of gold.

That is the simple effect of the amendment and, as the Minister who introduced the Bill indicated, Australia has signed the International Convention on the elimination of all forms of racial discrimination. That convention was signed in 1966 and the Minister asked us to recall that Parliament had recently repealed native citizenship rights, which became redundant upon the Aborigines being given drinking rights under the Liquor Act.

The Minister also pointed out certain aspects of discrimination against Asiatics and Africans which—and I repeat the word he used—persisted in the Mining Act and which are to be deleted by the amending Bill presently before Parliament.

I realise I cannot foreshadow legislation which is to reach this House, and I do not propose to do that, but on the question of discrimination I do intend to remind members that I introduced a Bill in 1963 in an attempt to remove racial discrimination. You, Mr. President, might recall that Bill. It was a five-clause Bill to amend the Mining Act, and clause 5 read as follows:—

Section two hundred and ninety-one of the principal Act is repealed.

It must be remembered that section 291 of the principal Act reads as follows:—

Any Asiatic or African alien found mining on any Crown land may, by order of the warden, be removed from any goldfield or mineral field, and whether such person has or has not been convicted of an offence against the last preceding section; and no Asiatic or African alien shall be employed as a miner or in any capacity whatever in or about any mine, claim, or authorised holding without the authority, in writing, of the Minister first obtained and any such authority granted may be revoked by the Minister at any time.

I am interested to observe the change in attitude of the present Government. I questioned the discrimination against Asiatics and aliens. For raising that question a decade ago, I endured—and I use the word advisedly and repeat, I endured—probably some of the strongest criticism I have ever had to put up with in the 22 years I have been in this Parliament.

The criticism at the time was such that I think no less than 12 Labor members spoke on that Bill. The remarks of The Hon. F. J. S. Wise are recorded at page 754 of the 1963 *Hansard*; those of The Hon. J. Dolan are recorded at page 933; the late Hon. J. D. Teahan's remarks are recorded at page 397; The Hon. E. M. Heenan's remarks are recorded at page 939; the remarks of The Hon. D. P. Dellar—the father of Mr. Dellar who is at present a member of this House—are recorded at page 939; the remarks of The Hon. R. H. C. Stubbs, the Minister who introduced the Bill we are now discussing, are recorded at page 940.

The Hon. Clive Griffiths: It would be interesting to hear what he said on that occasion.

The Hon. A. F. GRIFFITH: The remarks of the late Hon. J. J. Garrigan are recorded at page 941; those of the late Hon. H. C. Strickland are recorded at page 942; the late Hon. F. R. H. Lavery's remarks are recorded at page 945; The

Hon. R. Thompson's remarks are recorded at page 947; and the remarks of The Hon. Mrs. R. F. Hutchison are recorded at page 948. The only remarks I could not find were those of the present Leader of the House; I do not think he had anything to say on the Bill.

I took a mighty thrashing over that Bill, the purpose of which was to remove discrimination to allow some Japanese who were likely to invest money in our country at the time to enter mines to look to their investments and the like. It will be recollected I was accused of making a deal with the Japanese to bring thousands of Japanese to this State to take jobs away from our own people.

Yesterday afternoon, with one ear on another debate that was in progress, I amused myself by going through the 1963 volumes of *Hansard* which I had in front of me. It was amusing to go over what was said in 1963 and reconstruct in my mind the concentrated balderdash that went on at the time. Mr. Dolan will remember his remarks. He said he did not qualify as a miner but he had taught children on the goldfields and thought therefore he ought to have a swing at me.

The Hon. J. Dolan: Not literally.

The Hon. A. F. GRIFFITH: No, not literally. Mr. Stubbs' remarks at page 940 were very interesting. He said—

I too am a little concerned about this subject, representing as I do a mining area. I can understand the Minister wanting the Japanese or the Asians to protect their own interests. These people are investing money, and they have to protect their interests. I can quite understand that. But I hope we can get over this difficulty in some way or other without letting them into the mining industry.

There is not much left for me to say about this measure, because Mr. Dolan, Mr. Heenan, and other members have covered it. It looks as though it has been introduced primarily in connection with the iron ore and copper mines of the north.

Then the Bill went to another place and—goodness gracious me!—the extravagant claims that were made there as regards my activities as a Minister have to be read to be believed.

Mr. Stubbs and Mr. Ron Thompson might be interested to read the remarks they made at the time.

The Hon. R. Thompson: I can recall what I said and I can recall what the Bill was about, too. It was totally different from this one.

The Hon. A. F. GRIFFITH: It was not different from this one. It aimed simply to remove the discrimination against

Asians and Africans. In the words of the Minister when introducing the Bill that is now before us—

Certain aspects of discrimination against Asiatics and Africans which have persisted in the Mining Act are to be deleted by the Mining Bill presently before Parliament.

Mr. Ron Thompson, with his good memory, will remember how he persisted at the time.

I merely want to draw attention to the fact that one Labor member after another—12 in all, and there were 13 Labor members in this Chamber at the time—criticised the Bill that was introduced in 1963. They were the days when people were elected to this Chamber on a restricted franchise. While I know it would be more appropriate to make a speech on the franchise in this Chamber on another occasion, I recall the time when the franchise was restricted and the Labor Party had 13 members; now it has 10 members. Every one of those speeches was aimed at the same thing right down the line.

Now, nine years later, and in less than a decade, the Labor Party changes its views in relation to the arrangements made and entered into by the previous Government, fulfils the contracts and arrangements made and the agreements put forward to Parliament by the previous Government, and brings down a little Bill of two clauses to remove from the Gold Buyers Act any discrimination against Asians and Africans.

The Hon. D. K. Dans: Would you not agree we were a progressive party, as regards our opinion on Red China?

The Hon. A. F. GRIFFITH: I agree. The Labor Party is going one step forwards and two steps backwards. Before long I think the backward steps will be more frequent than the forward steps. If the honourable member would like me to tell him the story about Red China—

The Hon. D. K. Dans: No.

The PRESIDENT: Order! The honourable member will confine himself to the Bill.

The Hon. A. F. GRIFFITH: Yes, Sir. The interjection has nothing to do with the Bill. I support the Bill because I believe Australia should be doing what the Bill sets out to do. As has been recorded, Australia has signed the convention and some delay has occurred in putting it into effect, but the belief I have in respect of removing the proviso from the Gold Buyers Act is no different from the belief I had in 1963 when attempting to remove the restriction in the Mining Act at that time.

I take the opportunity to point out that in less than a decade the Chief Secretary makes a simple, short speech telling us

what the Government intends to do, while the volumes of *Hansard* nine years ago are full of objections by the same political party to what the Government of that day wanted to do in exactly the same circumstances. I like to see this change of face, and I support the Bill.

The Hon. R. J. L. Williams: Before you sit down, Mr. Leader—

The PRESIDENT: Order! The Chief Secretary.

THE HON. R. H. C. STUBBS (South-East—Minister for Local Government) [3.00 p.m.]: I thank the Leader of the Opposition for what he has said about the Bill. He pointed out what it contained and also indicated what would remain in the legislation after the relevant portion is deleted. I agree there was some consternation in 1963.

The Hon. A. F. Griffith: Is that what you call it?

The Hon. R. H. C. STUBBS: Yes. We simply did the same as may have been done by the honourable member in his line of business—we played politics. We did so for the simple reason that the people in the goldmining areas were very disturbed in the light of events at the time. It is, of course, a different proposition now.

The Hon. F. D. Willmott: You mean it took them nine years to catch up with us.

The Hon. R. H. C. STUBBS: Not necessarily, but it may take the Opposition nine or ten years to catch up with us. The important thing is that we agree there should be no discrimination. My colleague, the Minister for Police, recently did something to remove discrimination in connection with Asiatics being able to license guns.

Most of the people in the mining industry and particularly those on the goldfields contacted us at the time. In the light of events, however, we have found that things have not been quite as drastic as we thought they might have been. If we are big enough to admit this what is wrong with it?

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (The Hon. F. D. Willmott) in the Chair; The Hon. R. H. C. Stubbs (Minister for Local Government) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Section 7 amended—

The Hon. A. F. GRIFFITH: I am constrained to make some comment on the words uttered by the Chief Secretary to the effect that "We over here played politics with the Bill that you introduced in 1963."

This, of course, is an admission that every Labor member in this Chamber at that time had no intention whatever of considering the Bill on its merits—they were merely playing dirty, cheap, politics.

The Hon. R. H. C. Stubbs: I did not say "dirty, cheap, politics".

The Hon. A. F. GRIFFITH: The Minister said cheap politics; we will delete the word dirty if he wishes. I still recall the manner in which the members of the Minister's party in another place derided and reviled me at the time. This is recorded in *Hansard*.

The Hon. R. H. C. Stubbs: Did I or any other member do so to that extent?

The Hon. A. F. GRIFFITH: The Chief Secretary obviously knows the extent to which I was reviled in another place. It is very interesting to hear a Minister of the Government say that cheap politics were played.

The Hon. R. H. C. Stubbs: I think the word "cheap" is yours.

The Hon. A. F. GRIFFITH: I recall the allegations and assertions of dishonesty that were levelled against me, and I commend the *Hansards* to the Chief Secretary and suggest that he read them again. It is possible he may feel sorry for having made such a remark; that the allegations made against my honesty merely constituted cheap politics. The Chief Secretary ought to be ashamed of himself.

The Hon. R. H. C. Stubbs: You put in the word "cheap".

The Hon. A. F. GRIFFITH: We will leave out the word "cheap" if the Minister wishes, because it is of no value at all.

It disgusts me to think that a political party will descend to this level and nine years later a Minister of the Crown will get up and say "We were playing politics." This is just too much.

For my part, the Bill, for what it is worth can go. I hope I do not hear anything like that again in this Chamber; I hope I do not hear a Minister of the Crown say, "All we were doing was playing politics. We did not have any regard for the fact that the Bill contained an amendment to an Act which was restrictive." It looks as though Mr. Dolan wants to have a go.

The Hon. J. Dolan: I told my colleague I would like to speak before he does.

The Hon. A. F. GRIFFITH: Nine years later the Government is prepared to bring down a Bill and say "We did not mean any of that; we were just playing politics." I would like the Chief Secretary to be a little more dinkum and not make a confession like that.

The Hon. J. DOLAN: The Leader of the Opposition was inclined to insinuate that I made reference to his personal integrity

and so on. If he finds any words of mine in *Hansard* to that effect I will tear them up and eat them. I never make insinuations about any member in this Chamber or anywhere else.

The Hon. A. F. Griffith: I said members in another place had said this. You are protesting too much.

The Hon. J. DOLAN: The Leader of the Opposition referred to the fact that we are playing politics here. If I remember correctly I took the adjournment and was the first speaker on our side.

The Hon. A. F. Griffith: I do not think you know.

The Hon. J. DOLAN: I related some of the unhappy history of the Asiatics in our goldfields and said we were not happy at the prospect of what would happen in the north. That was because of the matters that developed before 1963.

I make no apology for what I said on that occasion because I treated the Bill on its merits.

The Hon. R. F. Cloughton: It was a proposal to bring these people into the north.

The Hon. A. F. Griffith: It was nothing of the kind.

The Hon. G. C. MacKinnon: That was a fairy story you made up.

The Hon. J. DOLAN: I am not a dirty debater. I suppose there is nobody in this House who is less political than I am. I would not like the Leader of the Opposition to even think that I would say anything derogatory or talk about playing politics.

The Hon. A. F. GRIFFITH: If the Minister for Police will have a look at the remarks I made he will find that I referred to the manner in which I was spoken about in another place.

For Mr. Cloughton's benefit the Bill that was introduced had nothing whatever to do with bringing in Asiatics into this country. It merely sought to repeal a particular clause and to remove discrimination—which this Bill would remove—from the Gold Buyers Act.

I will say no more except to repeat that it is not very pleasant to hear a Minister of the Crown get up and say, after nine years, that his colleagues in another place were just playing party politics when they were impugning my honesty.

The Hon. R. THOMPSON: In 1963 the Act that was up for amendment was the Mining Act and, if I remember correctly, the passage deleted from that Act was that which excluded Asiatics working in close proximity to a mine. At that time progress was just beginning to be made in the north.

We had just passed through a recession and we had a great deal of unemployment throughout Australia. It was honestly thought, by people responsible for the employment of Australian workers, that we could return to the indentured labour that had been prevalent in the north-west in the early years of this century. It was with that thought in mind that opposition was raised against the Bill at the time; not because the person concerned was an Asiatic or of some other nationality; it was because of the circumstances we had experienced at that time.

The amendment in this Bill seeks to do very little more than allow an Asiatic to be a gold buyer. In 1963 it was sought to remove the restriction imposed on an Asiatic to prevent him from working in a mine. I support the Minister in this amendment because it follows on and allows an Asiatic to become a gold buyer.

The Hon. G. C. MacKINNON: I wish to quote some remarks that were made in 1963 by a member of this House, because it is difficult to match them with the remarks that have just been made by Mr. Ron Thompson. I quote from page 935 of Vol. 1 of the 1963 *Parliamentary Debates* as follows:—

I suggest to members that the section of the Act in question was placed there in the first instance because of the danger that experience had shown is associated always with Asiatics on mining fields. I feel we owe a deep debt of gratitude to the legislators in those far-off days who realised the danger and who put that section into the Act.

That quotation is taken from a speech made by Mr. Dolan in that year.

The Hon. J. Dolan: Keep going.

The Hon. G. C. MacKINNON: He does not refer to unemployment, but to the danger of Asiatics being employed on the goldfields. In the same speech, Mr. Dolan went on to say—

I believe it in no way hinders the interests those people have in the mining section of our north. I would not like to be a party to anything which could in any way hinder the advancement or the development of our State. However, I believe that a section of this nature must remain in the Act as a safeguard.

In referring back to what Mr. Dolan had said previously, the safeguard was, "the danger that experience had shown is associated always with Asiatics on mining fields." This was straight out racial intolerance.

The Hon. Clive Griffiths: Was not that the Bill in regard to which the then Government was asked to resign?

The Hon. G. C. MacKINNON: Everyone had a shot at it, and one can quote similar extracts from the speeches that were made during the debate at that time. I emphasise that what I have just quoted does not square-up with what Mr. Ron Thompson has said.

The Hon. A. F. GRIFFITH: I have obtained my satisfaction from this debate. All I wished to point out was how seriously the Labor Party considered the legislation that was introduced previously, and I am grateful to Mr. Clive Griffiths for reminding me that the then Government was called upon to resign over that legislation. Therefore, it was not only a matter of playing politics by the Labor Party at that time, but the Government of the day was also called upon to resign by the member whom I succeeded as Minister. I refer to Mr. Arthur Moir who said in another place, "The Government should resign."

Therefore new members in this Chamber will gain some idea of what takes place on occasions. We have a series of events; a Bill being introduced, and the members of the Labor Party adopting an attitude towards it—this is on record in *Hansard*—and saying many things against it, including a call upon the Government to resign. Then, nine years later we have a Minister of the present Government saying, "We did not mean all that; we were only playing politics." When I attended another place nine years ago and heard what was said by the members in that Chamber, to me they did not appear to be playing politics. If they were, it was a fairly harsh sort of game. However, I will let the matter go at that. I have had the satisfaction of calling to the minds of those who have been in the Chamber for some years, that the Minister has openly and frankly admitted that it was merely a question of playing politics.

The Hon. R. H. C. STUBBS: All I want to say is that when I said the then Opposition was playing politics I meant it in the light in which it was said. What I meant was that at that particular time goldmining was not very prosperous and we were receiving objections, principally from unionists, from all over Australia. We were concerned and we brought the matter up, in the manner that is adopted by the present members of the Opposition when submitting protests made to them on particular issues. A short time ago the Leader of the Opposition spoke of standing up and taking punishment. I have taken my punishment also, and I am not squealing about it.

The Hon. A. F. Griffith: I am not squealing; I am merely defending.

The Hon. R. H. C. STUBBS: I am merely telling the members of the Committee what happened. We had to do a job for our electorate in the way we thought was right at the time. With the passing of time we have realised the posi-

tion was not as serious as we first thought. I make no apology for what I said on that occasion, because I thought I was doing the right thing.

The Hon. A. F. Griffith: You said you were playing politics.

The Hon. R. H. C. STUBBS: Yes, in the same way as the present Opposition plays politics.

The Hon. A. F. Griffith: The Japanese were very upset with your playing politics at the time.

The Hon. R. H. C. STUBBS: So they might have been, but they have made inroads into mining generally. I make no apology for what I said at the time. We on the goldfields were very concerned about the position and we only did what would have been done by any goldfields member.

The Hon. Clive Griffiths: Are you concerned about this Bill?

The Hon. A. F. GRIFFITH: The Chief Secretary knows that at the time the Labor Party was concerned about the intention to repeal section 291 of the Mining Act so that the Government of the day could allow Japanese to enter Australia to work in our mines. In *Hansard* it is recorded that some members said, "We do not want these people taking away jobs from our fellows."

The Hon. R. H. C. Stubbs: That was the thought at the time.

The Hon. A. F. GRIFFITH: At the time I tried my level best to point out that this was not the intention behind the proposal to repeal that section. It was simply to allow the people concerned to participate in the investments they were making by permitting them to enter a mine to supervise the work being performed. At the time, and unbeknown to me until I learned about it subsequently, there were a couple of Japanese who were employing themselves in a mine in the north, but there was no intention on the part of the then Government to introduce anything here that would jeopardise the employment of any other person. I now know that the Opposition at that time was only playing politics, but I wish I had known that nine years ago.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by The Hon. R. H. C. Stubbs (Minister for Local Government), and passed.

STOCK (BRANDS AND MOVEMENT) ACT AMENDMENT BILL

Second Reading

Debate resumed from the 31st October.

THE HON. J. DOLAN (South-East Metropolitan—Minister for Police) [3.21 p.m.]: I thank those members who contributed to the debate; that is, Mr. Heitman, Mr. Syd Thompson, and Mr. Wordsworth. Some general statements were made and several questions asked the answers to which I undertook to obtain.

First of all, Mr. Syd Thompson asked whether there was a definition of the word "run". It is defined in the Act under the definitions, but I obtained the following more thorough explanation from the department:—

One owner needs only one brand for all properties. However, if his properties are in different districts, it is advisable to have a branding instrument on each property.

The department gives a reason, the wisdom of which will be appreciated. It reads—

It is not desirable for him to carry branding equipment around in a vehicle as he may be asked some embarrassing questions as to his intentions. However, should the properties or runs be in the near vicinity of each other, this problem would not be encountered.

So the honourable member need have no worry whatever.

The Hon. S. T. J. Thompson: I was not talking about the brand.

The Hon. J. DOLAN: The honourable member need not worry. No matter how many runs or properties an owner has, it is quite all right and one brand is considered sufficient.

From the speech of Mr. Wordsworth we gleaned he had two queries. The first relates to horses his daughters were riding and he wanted to know about the problems. The following is the reply of the department:—

Section (2) of regulation 20 reads as follows:—

"The types of stock prescribed for the purposes of section 46 of the Act are cattle, sheep and pigs."

Therefore, horses are exempt.

So Mr. Wordsworth need have no worries whatever. The next query concerned neighbouring lots and I think I said that neighbours are not necessarily those who live in adjoining properties. The department's explanation is as follows:—

Neighbouring lots are not necessarily adjoining properties but refer to properties in the near vicinity.

I was interested of course in the opening query Mr. Heitman raised about brands. He said the important thing was that they should be legible. I agree that this is the main requirement. However, the department can run into difficulties if the brands vary in size. For the sake of uniformity it is much better for the brands to be a

certain size, and the question of legibility is also of importance. The idea, of course, was to give a little flexibility to the department to deal with any difficulties that may be experienced, as was the case under the amendments.

The Hon. J. Heitman: Did they give any idea of what they thought would be a correct size?

The Hon. J. DOLAN: No. The officers would use their discretion, and their judgment would be based on the representations made by individual farmers.

I doubt whether I can say much more of value. I suppose we will have a similar Bill presented to us in a couple of years. It is something like the Dog Act and the Local Government Act. Amendments to these Acts are always before Parliament for consideration.

I think it was Mr. Syd Thompson who referred to the difficulties inspectors have on three-tiered trucks, particularly on a wet day. They would be disinclined to be over-zealous when the rain was pouring down and they were soaking wet. I raised a similar point when we discussed a Bill a few years ago. I was in the Opposition at the time. As a matter of fact, Mr. Loton whom most of us will remember, had me out of bed at first light to view the operations at Midland. He pointed out all the disadvantages and difficulties to which I referred subsequently in the House. Some of those difficulties are still with us but, as time goes by, they will be resolved under our legislation. I doubt whether the Act will ever be perfect, but if that day is reached we will send copies of it to the other States to help them reach our state of perfection.

I again thank those members who contributed to the debate. As I consider the Bill will improve the Act, I commend it to the House.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by The Hon. J. Dolan (Minister for Police), and passed.

RESERVES (UNIVERSITY LANDS) BILL

Second Reading

Debate resumed from the 31st October.

THE HON. A. F. GRIFFITH (North Metropolitan—Leader of the Opposition) [3.29 p.m.]: I can support the second reading of this Bill, but in doing so I would like to make one or two comments and ask the Minister in charge of the Bill a couple

of questions. In the first place, as the Minister said, the purpose of the Bill is to excise from the endowment lands of the University of Western Australia an area of land to be made available to the Murdoch University.

Once again, this carries on the foundation of the Murdoch University from the time it was proposed by the previous Government.

The Minister also said the Bill provides for the University of Western Australia to retain its interest in the pine trees planted on the land. I wish to ask two questions in relation to this measure. The technical description of the proposed site is recorded in the schedule to the Bill. However, I believe a plan was tabled in another place which indicated to members of that Chamber exactly where the land was situated. At some stage—not necessarily before the Bill has completed its second reading—would the Minister be kind enough to table that plan in this Chamber so that members may study it?

The other point I raise is related to the question of the University of Western Australia being able to retain its interest in the pine trees planted on the land, as set out in a deed of agreement between the University of Western Australia and the Forests Department. Clause 4 of the Bill states—

(1) Notwithstanding anything contained in this Act, The University of Western Australia shall continue to be entitled to receive a portion of revenue arising from the marketing of timber planted by the Conservator of Forests on the land excised by the operation of section 2 of this Act.

Subclause (2) states—

(2) Unless otherwise agreed between The University of Western Australia and the Conservator of Forests, the revenue referred to in subsection (1) of this section shall be apportioned in the manner specified in the agreement referred to as Agreement "C" in an agreement made on the 5th December, 1933 between The University of Western Australia and the Conservator of Forests.

It would seem that the Conservator of Forests is the person who will have the say. The Conservator of Forests is subject to the Government, but he does have considerable power on his own account in relation to the forests of our State.

I wish to know the details of that agreement. Is Parliament expected to agree to something, the details of which are not known? The speech notes merely state that the university is to retain its interest. Unless it is otherwise agreed between the University of Western Australia and the Conservator of Forests, the revenue referred to shall be apportioned in the manner specified in the agreement.

I would like to see the agreement and perhaps this could be arranged when the Bill is read a third time, or at some other stage the Minister may choose. Otherwise, we should be told what is in that agreement and what is the basis of the apportionment between the University of Western Australia and the Conservator of Forests.

These are the only two points I raise on this measure. To reiterate, I ask that we be allowed to look at the plan of the land. I also ask that we be allowed to see the agreement or be told the details of the apportionment between the University of Western Australia and the Conservator of Forests, which is mentioned in clause 4 of the Bill.

I see no necessity to delay the Bill, but at some stage between now and the third reading, I would like these questions to be answered. With those remarks, I support the Bill.

THE HON. J. DOLAN (South-East Metropolitan—Minister for Police) [3.35 p.m.]: The Leader of the Opposition has raised two queries. His first query relates to a map and, in this connection, I would like to state what the Minister for Education said when replying to the Bill in another place.

The Minister for Education talked in general terms about the sale of timber, without specifically referring to the agreement. However, in connection with the map he said—

I also indicate that at the Committee stage I shall table the map showing the land concerned, as requested by the Deputy Leader of the Opposition. At that time members will be able to marry the pictorial plan with the written description in the Bill, and I hope there will be a happy union.

I will not proceed with the third reading today. I will secure that map and lay it on the Table of the House.

I will also seek details of the agreement from the Minister in another place. As a matter of fact he gave many details in connection with this because, I understand, a good deal of the timber must be cleared from the site before the building can be erected. Consequently, revenue will be derived from this clearing. In connection with the apportionment between the University of Western Australia and the Forests Department, this may depend upon an agreement between the two.

The Hon. A. F. Griffith: But there is an agreement.

The Hon. J. DOLAN: I realise this, but there may still be some bargaining between the two parties.

The Hon. A. F. Griffith: The clause is quite clear. It states that, unless otherwise agreed, they shall receive their apportionment. I would like to know what is the apportionment.

The Hon. J. DOLAN: Very well. I will do my utmost to find out from the Minister in another place what is the apportionment and what are the details of the agreement. In this way, the Leader of the Opposition will be able to see the details, or else I will table them in the House. With those comments, I commend the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

GUARDIANSHIP OF CHILDREN BILL

Returned

Bill returned from the Assembly with amendments.

PARLIAMENTARY SALARIES AND ALLOWANCES ACT AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by The Hon. J. Dolan (Minister for Police), read a first time.

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

Second Reading

Debate resumed from the 1st November.

THE HON. V. J. FERRY (South-West) [3.41 p.m.]: This legislation gives us the opportunity to take stock of ourselves and to decide just where we are headed as a community. By what standards of behaviour will we abide? What degrees of tolerance will be allowed in social behaviour? What methods and degrees of correction should we employ against those adjudged to have offended against community standards?

I venture to suggest that community standards can be described as those which are generally accepted by the majority of people in a given situation. I believe this is a case of majority rule, with the emphasis on reasonable behaviour.

Whether we are speaking of a nation, a community of nations, a State, a province, or individuals, this is a major problem of long standing. I say this because I believe from time immemorial the difficulty has arisen as to where we should draw the line in respect to punishment.

In my opinion the most serious provision in the legislation before us is the abolition of the death penalty. This is probably a simplification of the Bill because it also deals with a number of situations where punishment has to be meted out under certain circumstances.

It is probably true to say that we in this State, as a community of people, enjoy a degree of freedom to go about our learning, our work, our pleasure, our family affairs, and our sporting pursuits. We have the freedom to enjoy participating in sporting activities or to enjoy sport as spectators. However, in recent years in this State we have had some very ugly scenes where a minority group has endeavoured to impose its views on a majority group in a sporting situation. So perhaps this freedom is being a little reduced in our community.

In all the activities in which we engage, we are subjected to laws, regulations, proclamations, and even simple rules. My main purpose today is to debate the ultimate penalty—that of death. It may be that the whole structure and range of our guidelines for society should be reviewed, and this may be true of the whole range of penalties. However, I suggest this would be a tremendous task. It is a task beyond the ability of any person or any one nation to undertake. I believe it is an impossible task, important though it is. We should review our conduct in life and the penalties imposed on those who offend against society in the changing circumstances. The death penalty is but one penalty and this legislation refers to others.

We need to rethink our attitudes in many ways. I am in full accord with progress and the aim towards enlightenment. In fact, we should be an enlightened State and an enlightened nation, but I wonder what this term actually means. Does it mean enlightenment in one direction and retrogression in another? We must be very careful in deciding how enlightened our community should be, because what may be a desirable step in one direction may upset the balance in many others.

Sitting suspended from 3.46 to 4.04 p.m.

The Hon. V. J. FERRY: I find it difficult to understand the attitudes of some people. There are those who, at times, favour the abolition of capital punishment; on the other hand, at other times they tend to be in favour of abortion on demand. To me there appears to be some conflict inasmuch as in each case we are dealing with human life. I make the comment in passing because I believe it has relevance to the way in which we think or do not think in respect of the taking of life.

As I said earlier, there are various forms of offences against society. Let us consider for a moment the origin of law and order. Let us consider law and order in the most primitive days of civilisation upon earth—maybe it was not civilisation; definitions of what is civilised and what is not could vary. I believe it is a basic instinct in human beings—as it is in every living thing, be it animal, insect, bird, or

whatever—to have the right to defend oneself. If in defending oneself it means taking a course of action, or changing courses of action, until nothing else remains but the instinct to maintain one's own life, then one must kill—or murder—one's attacker in order to maintain one's life and the principles one holds dear.

It may be the principle of defending the right of a village to maintain its form of communal living; or it may, in fact, be the right to defend one's country against aggressors from another country. However, if in adopting that line of defence one is obliged to kill, that constitutes taking life. Yet in these circumstances, as I understand it, there is license to do so. I have said it is basic to all living things to have a license to kill, if necessary, to defend their own lives or whatever they hold dear as being true and correct in their society.

The exercise of that right to kill, of course, involves all the nations of the world. When we consider the global scene—and I do not believe we can consider the abolition of the death sentence in isolation from the rest of the world—we must draw comparisons and try to understand what has gone before and what are our hopes for the future. Therefore, when we are discussing the measure before us at the moment, we are not discussing what we in Western Australia will or will not allow in isolation, because our attitudes must be coloured to some extent by what has been the position throughout the ages, and what has been the situation between nations for a very long time.

We must have regard for international law, as it has been proclaimed from time to time. Speaking of international law and crimes against humanity, generally, one calls to mind very readily the open conflict between nations or groups of nations—and there have been many over the centuries during which man has been on earth. I suppose, unfortunately, there will be many more to come. I trust not, but knowing human nature I would hazard a guess that strife will occur from time to time.

When we are speaking of taking life in this context, it is interesting to study what has happened in more recent times. I refer particularly to the World War II situation.

The term "war crimes" has never been successfully defined. However, after World War II three categories of offences against the law of nations came to be recognised. Those were: crimes against peace; war crimes, also called conventional war crimes; and crimes against humanity.

In the first place, crimes against peace include planning, preparing for, initiating, or waging a war of aggression, or a war in violation of international treaties,

agreements, or assurances; or participating in a common plan or conspiracy for the accomplishment of any of those things.

War crimes may be defined in these terms: Actions such as violations of the laws or customs of war, such as murder, ill-treatment, or deportation of the civilian population of occupied territory; murder or ill-treatment of prisoners-of-war or persons on the seas; killing hostages, or the plunder of public or private property; wanton destruction of cities, towns, or villages; or devastation not justified by military necessity.

Crimes against humanity comprise murder, extermination, enslavement, deportation, and other inhumane acts committed against any civilian on racial or religious grounds in execution of, or in connection with, any other war crime. I will refer again to those three definitions.

However, before doing so I would like quickly to give one or two instances of what has happened in the way of trials of a national or an international nature in by-gone days. I refer firstly to trials of individuals for specific violations of the laws or customs of war. The so-called conventional crimes have a long history. It is recorded that the Scottish national hero, Sir William Wallace, was tried in England in 1305 for the war-time murder of civilians. He allegedly spared neither age nor sex, monk nor nun.

When the American Civil War ended in 1865, a person by the name of Henry Wirz, who was a former Confederate officer, was tried and convicted by a Federal military tribunal, and was executed, for murdering and conspiring to ill-treat Federal prisoners-of-war confined at a prisoner-of-war camp in a place called Andersonville. Apparently Henry Wirz was the commandant of that camp. He was found guilty of murdering prisoners-of-war and was executed.

I now refer to the trial of Nazi leaders in more recent times in what we have come to know as the Nuremberg trials. Before these trials commenced a great deal of negotiations and discussions took place between nations regarding what action should be taken against those who offended against humanity in World War II. A small group of nations joined together, and they were joined by others later. In August, 1945, representatives of the United States of America, the United Kingdom, the U.S.S.R., and the provisional Government of France signed what was—and still is—known as the London Agreement. That agreement included a charter for an international military tribunal.

The purpose of this tribunal was to try major Axis war criminals whose offences had no particular geographic location,

bearing in mind this was a global conflict and therefore it was difficult to designate any one particular area in which any one particular crime may or may not have been perpetrated.

I have mentioned that the representatives of the four major countries came together, but later some 19 other Governments joined in and adhered to this agreement. It was from that agreement that the categories of crime were defined, and I mentioned the various categories earlier in my address. It was as a result of these nations coming together and establishing standards by which they were able to try their fellow men who had offended against society on earth that the Nuremberg trials were held. It is history that the Nuremberg trials lasted almost 12 months, and I think they were conducted in four languages.

It is interesting to read the proceedings, the findings, and the results of those trials. It is my understanding that 22 individual defendants ultimately remained. Of these three were acquitted, three were sentenced to life imprisonment, four were sentenced to terms of imprisonment ranging from 10 to 20 years, and 12 were sentenced to death by hanging.

I believe the result achieved by this tribunal is in keeping with the Bill before us, because the Bill contains provisions, among other things, relating to the death penalty and other forms of punishment. It will be seen that this international tribunal, comprising the bulk of thinking people of the world, came up with a standard by which the defendants were tried. There were quite a number of acquittals before the last 22 defendants were dealt with. In the ultimate only 12 of them were adjudged to receive the death penalty by hanging.

They were not all hanged, because at least one of them took his own life before the law could take it from him. So, there is a point somewhere along the line where men have to take a stand, and apparently this is the standard which is acceptable to the majority of thinking people on this earth. I say "apparently" because I do not know whether it is true, but I believe it to be true for the very reason that man has a right to defend himself; and if all else fails he is entitled to take life.

During the course of this debate we have heard of specific cases where certain criminals have murdered, been imprisoned, been released, and murdered again in society. There would be no guarantee that the 12 men sentenced to death by the Nuremberg tribunal would not have offended against society in later years upon their release. Apparently the tribunal was satisfied at the time there was no assurance that these people would not offend

again. The tribunal found the crimes were too hideous altogether and against all laws of decency to allow the offenders the right to breathe air for very much longer.

We have only to think of the types of murders that were perpetrated during those years when millions of people, innocent and otherwise, were murdered. Those who caused these murders deserved to die, because we have to abide by the standards by which society lives.

In Western Australia we have to draw up laws and abide by those laws in order to protect the community. If in the ultimate through the process of law and proper trials, it is found that those offending against the law do so to such a degree that they are no longer regarded as acceptable beings in the community, then they should be hanged.

I believe there are certain peoples on this earth, in particular one race, who it is alleged indulge in capital punishment. One form is referred to as pointing the bone. I suppose this practice has an effect and the person against whom the bone is pointed dies ultimately. In fact, this is capital punishment in another form. This is the policy and the practice of a particular race of people, and they have applied that practice for a long time. I understand they have existed in Australia for a very long period.

So, there is nothing new in capital punishment. It is a basic human value that one should have the right to defend oneself, either personally, collectively, as a nation, or as a community of nations. If there is no other course open one is entitled ultimately to take life.

Throughout the ages there has been a history of law and order. It has been recognised, and it has been said in this debate, there are some people in the world who have no regard whatsoever for the value of human life. I need not dwell on that aspect. It has been proved that there are people who have no regard for human life.

In very recent times we are able to recall instances where people have placed explosives in aircraft for no reason other than to further their selfish interests. These people had no regard for the deaths or injuries they might cause. This is just one incident I can recall, but there are others.

I believe there is a real need to retain the death penalty in Western Australia. In support of that we know the police officers and the prison officers take the view that the retention of the death penalty is necessary. Who are we to deny these people—those who protect the members of the community—their own right

to protection? If we take away their protection we cannot expect full co-operation and protection from them in the enforcement of the law. If for no other reason, I believe it is right and proper that the retention of the death penalty should remain for cases where a police officer is murdered in the course of his duty. If the murder is proved beyond all reasonable doubt then the convicted person should be hanged.

I take the view which some other people have taken: I believe that the retention of the death penalty in the Criminal Code is a deterrent. However, no-one can prove it is, but I believe it to be a deterrent.

Knowing something about human compassion and the faults and frailties of human beings I cannot help feeling that somewhere along the line there are people who would take advantage if capital punishment were abolished. They will say, "I will take the risk. The worst that can happen to me is that I will be sent to gaol, but I will retain my life. I will take the life of another because I can only be sent to gaol." That sort of attitude should not be encouraged in our community.

If we abolish the death penalty I wonder where society will be heading? Will we be destroying ourselves? I refer to my earlier remarks about the basic right of a human being to defend himself until death. If we do not maintain this right how are we to maintain the standards by which society lives? We must use a full-stop somewhere. I wonder how society in general will feel if we allow people to murder innocent baby-sitters who may be sitting in a lounge. There was such a case when a baby-sitter was shot through the head for no reason except that she happened to be sitting in the lounge and the murderer took it upon himself to take her life. The murdered person had no chance whatsoever. It was a premeditated and a cold-blooded murder. No-one has the right to take life in such circumstances.

That sort of crime has occurred in our community, and it may occur again, though I hope it does not. When the murderer is tried and sentenced to death he should not be allowed to live and enjoy life, when he has denied life to another.

I believe this Government is negating its responsibilities to the people. I take the view that an elected Government has the right and privilege to govern for the benefit of the people as a whole. By people I mean all people of all races, creeds, and religions.

It is our duty to give the people the most complete protection possible, but by advocating the abolition of the death penalty I believe this Government is negating its responsibilities. It is not prepared to protect all the citizens. It is more

concerned with the showing of sympathy and mercy to the wrong-doer. I, for one, would have the greatest compassion for a wrong-doer, and would give him or her every chance to prove his or her innocence.

The Hon. R. Thompson: You are missing one point. The law does not hang the people; it is the Cabinet that hangs people.

The Hon. V. J. FERRY: If the death penalty were abolished in this State by legislation there would be no alternative but to reprieve a murderer and impose a term of imprisonment. Such a person would be eventually released into society, and he might again commit murder.

The existing provisions in the Criminal Code appear to be reasonable; and they are available to be used. If the circumstances of a crime are serious enough to warrant the imposition of the death penalty then it should be imposed. However, provision is made for the showing of mercy and for the exercise of the Royal prerogative. That is not a bad provision.

We allow flexibility in this law. If we abolish the death penalty there will be no means by which capital punishment can be meted out where it is warranted. I do not believe that the existing provisions should be deleted; they are better left as they are.

I repeat that compassion and mercy may be applied, and an opportunity is given for the exercise of the Royal prerogative. If the Government negates its responsibilities it will leave the people of this State unguarded.

THE HON. D. K. DANS (South Metropolitan) [4.29 p.m.]: I rise to support the Bill, because it relates to a subject that concerns me deeply. I thank Mr. Williams for putting up a very excellent case on behalf of the retention of the death penalty. Probably he has canvassed all the views that are available in this State. I wish to thank Miss Elliott for putting up a very complete case on behalf of those who agree with the abolition of the death penalty. I also thank Mr. Medcalf who, with his deep knowledge of the law, came in on a very low key and gave us certain views to ponder over.

I was particularly disappointed with the speech made by Mr. Logan, as I was with some of the terms he used. He referred to liquidation and suggested that God had not spoken to him. In a most unparliamentary manner he said, "Yes" that he would hang a man. I wish Mr. Logan were in the House at the present time. I do not wish to imply any sense of injustice against him, but I do not think that what he had to say had anything to do with the abolition of the death penalty, or was a case for its retention.

I agree that no matter what case is put forward it is difficult to sway a person who has very firm views one way or the other. I am of the opinion that the question of the death penalty is one which is really outside the political arena.

The Hon. V. J. Ferry: It is a Government Bill.

The Hon. D. K. DANS: There would be an equal number of people in each politically represented party who would be pro or anti, and to suggest anything different would be attempting to mislead the House. If, on the other hand, we say that the death penalty, to some extent, does deter murderers then we must disagree with the case put up by Miss Elliott. If, on the other hand, we say the death penalty does not deter murders we are brought to the situation that the only reason to impose the death penalty is one of vengeance. It would not be vengeance by all the people; but by a certain selected few who would be sent by their masters to perform this grisly act in the privacy of the hangman's gallows. So, in fact, we inflict vengeance on the victim, but the rest of the community goes merrily by, many people not even aware that a hanging is taking place. Of course, there are many who do not care and they would not know if they were asked what was happening.

I am not convinced, of course, that a hanging occurs because of vengeance. If one looks at the rest of the civilised world—and I refer to the western world as the civilised world—we find there are only two countries which retain the death penalty. I refer to Spain where they inflict the very sophisticated execution by way of the garrot; and to France where, of course, the guillotine is used. Whilst the guillotine may appear to be very grisly I think it is the most effective and humane manner, on the face of this earth, by which to carry out an execution.

One can only come to the conclusion that whilst Britain, Germany, Italy, Holland, the majority of the States of America—38 countries in all—are wrong, our small segment of Western Australia is the most civilised community on the face of the earth and we are right. On the other hand it could be said that we are wrong and the rest of our country of Australia is right. I am referring to the other States of Australia—New South Wales, Tasmania, and South Australia. Whilst hanging remains on the Statute book in Victoria, it is unlikely another hanging will occur in that State.

The Hon. W. R. Withers: But we have a lower rate of crime *per capita* than the other countries mentioned.

The Hon. D. K. DANS: I am not concerned with statistics; I am concerned with putting a man to death—murder by

order of the State. That is the issue. In our own country of Australia we are probably the only State which is likely to use the death penalty. That, of course, brings us down to another very important aspect of this grisly method of execution. I will refer to the words of a very prominent Melbourne barrister, Frank Galbally. When dealing with this matter some years ago he said that the law is mostly a matter of luck. It is more a matter of luck when it comes to capital punishment than it is when it relates to any other crime committed by mankind.

Let us examine the situation which exists in Australia. We adopted Federation many years ago. No-one will be hanged in the State of Queensland and despite the Country Party-Liberal Party Coalition, no-one has ever sought to reintroduce hanging. No-one in New South Wales has ever suggested that hanging be reintroduced. Because of the widespread public disturbances at the time of the last execution in Victoria it is most unlikely that another hanging will occur in that State. Tasmania has not used this method of execution for many years. However, a hanging did occur in that State in 1948 under a Labor Government. A Labor Government is in power in South Australia, so the death penalty will not be imposed in that State.

We then come to our own State, and it worries me to think that hanging in this State depends on which Government is in office. The Labor Government may continue for some years, perhaps as long as 15 years.

The Hon. J. Heitman: That is stretching it a bit.

The Hon. D. K. DANS: Well let us be realistic. If Labor remains in office then no-one in this State will suffer the supreme penalty. If, on the other hand, there is a Liberal Government or a non-Labor Government in power a person may then suffer the supreme penalty. This is the element of luck because it is not sufficient to say that a person will always be hanged for wilful murder.

The Hon. W. R. Withers: Is the honourable member saying that the policy of the Labor Party will not change at all?

The Hon. D. K. DANS: I am assuming that it will remain humane for many years. I cannot decide what our policies will be in the future, but perhaps the honourable member opposite would like to come to our next party conference. I am assuming that we will not change our policy so this is one of the elements of luck.

Let us proceed a little further. The first and greatest element of luck is whether or not one is apprehended. In

almost every case of a serious crime in this country, and indeed overseas, the apprehension of a person who sets out to commit a wilful murder is least effective. The man who murders in a fit of temper is usually apprehended very quickly, sometimes even at the scene of the crime. Another person, not quite so brutal, may run away but usually the police are able to apprehend him without much effort. These are the elements of luck which determine whether a man is, in fact, to pay the supreme penalty.

Of course, into the element of luck intrudes some very good and sincere legal advocates. If we check the history of crime in Western Australia we will find that although the majority of the people sincerely believe that certain people were guilty of murders, because of the eloquence and skill of their barristers they have been set free. I admit, on many occasions people are set free because of the impact on the jury.

Whilst this element of luck remains I could not support the retention of capital punishment. A number of other matters were introduced during the debate, and I refer to the question of drug pushers. Of course, drug pushers are reprehensible people but I do not think I would go so far as to say they should suffer the death penalty. It seems to me that many people who talk about drug pushers do not know very much about them. I realise that most people do not know what a drug pusher is and that they have never seen a genuine pusher. I am referring to the pushers of heroin, morphia, and other hard drugs. However, no-one mentions those who supply the drugs to the pushers. That is where the big business lies.

Press reports show that even diplomats have been arrested and deported for trafficking in drugs. I recently had the opportunity of having lunch in this House with a prominent Catholic Priest from Sydney. He is an expert on drugs and he told me that the police in New South Wales are convinced that drugs come into this country through very reputable business houses organised by people beyond the management. I have not been able to verify those remarks.

Of course, drug pushers should be punished but let us also consider the drug suppliers. In my experience drug pushers are usually very weak people; they usually take drugs themselves. They are driven to pushing drugs in desperation so that they may continue their own filthy habit.

It has always been suggested that the death penalty should apply to terrorists. I suppose that one could safely say that a terrorist today could quite likely be a patriot tomorrow. People have been talking about the terrorists in Munich and

I would agree that a terrible crime occurred in that city. I think that in the heat of the moment I would have had no trouble in shooting those terrorists myself. However, let us examine how this all began.

I am sure that members in this House will recall the activities of the Stern gang not many years ago. Let me say quite definitely I support the cause of Israel. However, it was the Stern gang which was shooting British soldiers in the back and which hanged Sergeant Davies in an olive grove. The same gang also blew up the King David Hotel and killed more than 100 people. The world branded the Stern gang as terrorists, but today the State of Israel brands them as patriots. The point I am making, of course, is that violence begets violence, and the people who have been driven out of Palestine and raised in the refugee camps are now branded as terrorists. However, that does not mean that at some time in the future, and even now in some parts of the world, those people will not be regarded as patriots.

The Hon. W. R. Withers: Marx and Lenin made the same comments.

The Hon. D. K. DANS: I have never read the publications of those two gentlemen. However I have read the works of an Italian writer on the same subject. What I have said is a fact of life and I do not think anyone can deny the truth of my statements. The facts are there for all to see.

If we go further and look at the question of executions we have to examine where it begins. Because of the excellent contributions made to this debate by Mr. Williams and Miss Elliott it is very difficult to convince people. We now see on our television screens Nigerians tied to sand-filled oil drums; we see them being publicly executed by firing squads for the crime of armed robbery. That does not deter others because six or seven offenders are being shot each week. And so it goes on.

If we examine the question of an eye for an eye, a life for a life, and a tooth for a tooth, we come back to ancient Hebrew law. It was a very good law. However, it did discriminate against women because for the crime of infidelity a woman was driven out of her village and stoned to death by all the residents of the village. It was a community action involving all the people of the village because it was a crime against the laws and the religion of the Jewish people; that everyone had to take part and witness the punishment. A person was not put to death privately.

So, many questions are left unanswered. Mr. Ferry mentioned the Nuremberg war trials. Since those trials were conducted,

and certain men were convicted and hanged, legal minds all over the world have argued the value and the justice of that action.

The world cried for vengeance, and vengeance it had to have. People were mistaken in thinking that by hanging the people who were thought to be—and no doubt were—guilty of crimes against humanity they would prevent these heinous acts being committed again. Of course, the same situation occurred in Japan. Ever since the hanging of General Yamashita, people have argued the same case—that in fact General Yamashita was quite a decent guy. I am not concerned whether or not he was a decent guy, but his hanging has not stopped war.

We are just witnessing the ending of a war in Vietnam which has been probably the most barbaric and inhumane war ever perpetrated on the face of this earth, and during which bombs disguised as field dressings and toy dolls were dropped and picked up, exploding in the hands of children. This is a good illustration of the fact that putting an individual to death never changed a thing. One could go on.

I, for one, do not support a system which, firstly, demands the apprehension of an individual who, because of political differences, may or may not hang; and, secondly, leaves it to a Cabinet or Executive Council to decide, depending upon the hour, the day, the time, and the way it feels, whether or not a person may be reprieved.

I am concerned that the people of my country should have acquired the name of "the red necks of the southern hemisphere." After hearing one of the speeches made here yesterday, I am not surprised that we have acquired that name. We do not even seem to be able to give our people the right and the opportunity to find out just what is meant by "capital punishment."

I do not know who writes the editorials in *The West Australian*. I usually refer to him as "the oracle of Western Australia" because he seems to be an expert on everything. Not so long ago I read an editorial in *The West Australian* which stated that the majority of the people in this State are now against capital punishment. I do not know whether that is true and there is no way in which I can find out. However, almost every country in the world—including New Zealand and certain States of America—that has dispensed with capital punishment has seen fit to take this question out of the political arena and put it in the hands of the people who are most capable of conducting an inquiry. A retired judge of the Supreme Court or the High Court of Australia could go out among the people, conduct an inquiry, and submit to Parliament a report

which would enable every member of both Houses of Parliament to make an evaluation and form an opinion. I support the Bill.

The Hon. W. R. Withers: What punishment would you mete out instead of capital punishment?

The Hon. D. K. DANS: I am discussing the question of doing away with capital punishment. Perhaps I could deal with the other matter on another occasion.

The Hon. W. R. Withers: You have no answer?

The Hon. D. K. DANS: I have an answer.

THE HON. D. J. WORDSWORTH (South) [4.49 p.m.]: This Bill seeks to repeal sections of the Criminal Code which prescribe the death sentence for treason, piracy, wilful murder, and murder, and also sections which prescribe the punishment of whipping.

During this session we have had a series of interesting debates. The first of these dealt with contraception, in which we debated family planning and the dissemination of information regarding the prevention of pregnancy. The second was a debate on abortion issues relating to the right to live and the right to conceive. We are now discussing the twin subjects of preventing the taking of life and the penalty for the crime of taking life.

In these three debates one comes back to one's basic philosophy of life. I wonder what actually governs one's basic philosophy. Perhaps it is governed by one's family background and upbringing, and even one's schooling. Indeed, the post-school period has some influence according to one's occupation or whether one has been to a university. On reaching maturity we seem to be fairly fixed in our ideas, particularly as regards the death penalty, and I think our ideas often reflect our political outlook.

In some countries the overpowering aim is to survive, particularly in the Asian countries where not everyone can be guaranteed sufficient food on which to live or the money with which to obtain the essentials of life. I think this gives the overcrowded Asian countries a philosophy which is completely different from the Australian philosophy.

I often wonder whether the Australian philosophy is governed a little by our theories of "populate or perish", and immigration at any cost. I wonder whether this causes us to place too high a value on life. In more populous countries, when it comes to capital punishment, it is a matter of behaving "or else" because there is another man waiting to take one's place. In

Australia, few of us have had to fight for survival as the people in Asia have had to do, and we therefore have a different philosophy.

I think most of us are striving for some personal achievement in life. Some people seem to be satisfied with earning money. Others are endeavouring to leave the world a better place in which to live, and I think that is perhaps the basic philosophy of most members of Parliament; they are endeavouring to make better laws and to remove injustices. Basically, many farmers do not necessarily want to make money, they want to supply more food to the world, in the same way as doctors are endeavouring to improve the health of people. A large section of our population has fought for the country, and many of them regard that as one of their main contributions to their country.

With this in mind, I have strong feelings about removing the death penalty for treason. After all, why should any man have the right to destroy the security for which many people have died? Why should he live and be cared for by the country against which he has committed treason? I admit that perhaps in the future it will be much more difficult to decide what is treason. In the past, treason has been a matter of the interests of one country *versus* the interests of another, but in the future I think it will be a matter of philosophies—perhaps just a matter of communism *versus* capitalism.

I do not agree with Mr. Dans that treason includes terrorist activities. I think terrorist activities are completely different from treason. Treason is an act against one's country. If one accepts Australia as one's country and regards oneself as an Australian, one must not carry out acts of treason against Australia. Terrorist activities are generally carried out against another country.

"Piracy" is rather an old-fashioned description, but as more and more aircraft are being hijacked perhaps the definition of "piracy" could be amended to include hijacking. I think hijacking is a serious matter because those who hijack aircraft usually do so wilfully as those who commit preconceived murder, and usually for financial gain. I do not believe we owe anything to the person who hijacks an aircraft.

Perhaps we could brainwash such people and reform them by spending a lot of money in sending them to psychiatrists and hospitals and extending our prisons, but I hold that this country has better uses for such resources. They should be used in the prevention of crime rather than the curing of it. If our community were perfect, perhaps we could spend more time in trying to reform murderers, but in my opinion there are enough in-

justices amongst the law-abiding people in the country to keep us busy. For instance, we have not yet wiped out poverty and sickness.

I—and no doubt every other member in this House—received from the New Era Aboriginal Fellowship an invitation to go to the races. The invitation reads—

Buy a ticket and help New Era funds to extend medical, legal and accommodation services to Aborigines in our community.

Obviously, there are deficiencies in the Aboriginal community. A criminal receives all those services, particularly if he is a murderer. I think it would be far better to do something about the injustices that already exist amongst our law-abiding citizens.

I agree with what Miss Elliott said about the background and upbringing of potential criminals. I think we should spend more money in this field than in trying to reform convicted criminals. Miss Elliott said, "I think all they want is love." She might be right.

The Hon. L. D. Elliott: I did not say that.

The Hon. D. J. WORDSWORTH: Miss Elliott said it was one of the things they required. Perhaps "attention" would be a better word. I certainly think our psychologists, prison guards, and expenditure would be better employed in seeking a cure. I have been speaking generally and my remarks cover murder and wilful murder. Undoubtedly, there are many murderers with whom we could have the greatest sympathy but, as Mr. Medcalf said, provision is made for clemency in such cases. We have the safeguard of the Royal prerogative, which is usually exercised.

Accordingly, to my mind the debate on this Bill resolves itself entirely into a matter of principle, and I consider the principle to be that a man cannot expect to be given the right to live, if he has removed that right from others.

I am afraid I cannot agree with what was said by Mr. Dans, that the matter depends on the State in which one lives, or on whether one has a good lawyer or is caught or not. I feel that in passing this legislation we are laying down principles, and we are establishing that the Government in power should not carry out these principles.

Included in the Bill is also the provision which seeks to delete whipping. Once again whipping is seldom used in Western Australia; indeed I cannot recall when whipping was last carried out. I do feel, however, that we should do some soul searching on the question of corporal

punishment. When I come to think of it I have never actually carried this out on my own children, though that does not necessarily mean it is wrong. I recall that a few weeks ago my son told me he had been caned while at school, but this did not cause me any horror. I recall I was caned on many occasions while I was at school.

The Hon. J. Heitman: You must have been a naughty boy.

The Hon. D. J. WORDSWORTH: I must have been, but I am sure it did me no harm; on the contrary I feel it has done me a lot of good. Mr. Baxter went to some length to describe the birch, and it seems to me that it is equivalent to a cane which is about 3ft. long and a half an inch thick; the type of cane which is used in schools.

The Hon. J. Dolan: As long as it is not a piece of 3 x 2.

The Hon. R. Thompson: Did you get the cane at school?

The Hon. D. J. WORDSWORTH: Yes.

The Hon. R. Thompson: I did not.

The Hon. D. J. WORDSWORTH: Perhaps that is half the honourable member's trouble. I do feel we should consider this aspect as it relates to juveniles. We appear to go to no end of trouble to try to tell these young people what the law is all about; that they should obey the law; not always with a great deal of success. I am now thinking particularly in terms of those who carry out gang bashings and the like and who cause physical harm to others. I do not think we should remove this particular provision when we have juveniles who are prepared to cause such bodily harm.

I think it is high time we reviewed our entire system of punishment in Western Australia. We seem to have the highest incidence of gaol occupancy in Australia, and I often wonder whether our system is really working successfully by enforcing fines on people, or by placing them in gaol and thus depriving them of their leisure. Accordingly I do not think it is opportune to remove punishment by whipping from our Statute book at this point in time.

Perhaps it is a great pity that the idea of stocks has been done away with, because this would help people identify those who are offending against society. I say that jokingly, of course, but I do think we should have some means to indicate who it is that is committing the various offences.

Provision has been made in this State—as is the case in America—whereby people are sent out to clean up any litter they

may throw around the place. To carry this a step further I think it would be quite a good idea if those who committed traffic offences were required to carry a sticker on their car to show that they have committed these offences. We should devise some means to identify those who commit offences against society.

Some review should be made of the provisions of the law as they relate to carnal knowledge and to the age at which cases can be heard in the Children's Court. We have reduced the age at which young people can vote, as we have the age of majority, and I do feel these other aspects of our law could also be reviewed.

I oppose the Bill and support the retention of the punishment of death and whipping.

Debate adjourned, on motion by The Hon. J. Heitman.

MARRIED PERSONS AND CHILDREN (SUMMARY RELIEF) ACT AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by The Hon. W. F. Willesee (Leader of the House), read a first time.

QUESTIONS (4): ON NOTICE

1. PASTORAL LEASES

Change of Ownership

The Hon. R. J. L. Williams for the Hon. G. W. BERRY, to the Leader of the House:

- (1) How many pastoral leases in the Kimberley area have changed ownership since the 1st January, 1970?
- (2) Will the Minister provide a list of the properties which have changed ownership since the 1st January, 1970, giving the names of the former owners and the names and addresses of the present owners or shareholders?

The Hon. W. F. WILLESEE replied:

- (1) Lands Department records disclose that 14 registered transfers have been made since 1st January, 1970. Registration is a Titles Office function.
- (2) A list is presented hereunder, but this excludes transactions involving share transfers of which the Lands Department keeps no record.

STATION NAME	FORMER OWNER	PRESENT OWNER
BEDFORD DOWNS	QUILTY, Olive Marion QUILTY, Patrick James QUILTY, Thomas John	QUILTY, Olive Marion QUILTY, Basil John QUILTY, Patrick James QUILTY, Roderick Thomas Quilty Bros. c/o Bedford Downs Station, WYNDHAM
BOHEMIA DOWNS	RIVER DOWNS PASTORAL CO. PTY. LTD.	BOHEMIA (AUSTRALIA) PTY. LTD. Bohemia' Aust.) Pty. Ltd., c/o 3 Ben- nett Street, PERTH.
LOUISA DOWNS	LOUISA DOWNS PASTORAL CO. PTY. LTD.	LOUISA (AUSTRALIA) PTY. LTD. Louisa (Australia) Pty. Ltd., c/o 3 Ben- nett Street, PERTH.
SAUNDERS CREEK	GREEN, Mona	WILSON, Thomas Mr. T. Wilson, c/o Saunders Creek Station, Box 31, HALLS CREEK.
SPRING VALE	QUILTY, Thomas John QUILTY, Basil John QUILTY, Olive Marion	QUILTY, Thomas John UNDERWOOD, Basil John UNDERWOOD, Olive Marion P. J. Quilty, c/o Spring Vale Station, KUNUNURRA 6743
CARLTON HILL & NINGBING	NORTHERN AUSTRALIAN ESTATES LIMITED	HOOKER ESTATES LIMITED Hooker Estates Ltd., Box 3630 G.P.O., SYDNEY, N.S.W. 2001
HOME VALLEY	MacNAMARA, Harold William Mark	STANSBY, Kevin John K. J. Stansby, Home Valley Station, via WYNDHAM 6740
MITCHELL RIVER	1. WHITELY, Thomas Patrick WHITELY, Leo Charles WHITELY, William George 2. MORAN STATION PTY. LTD. 3. MITCHELL RIVER STATION PTY. LTD.	AMAX MEADOWLARK FARMS (AUSTRALIA) INC. Amax Meadowlark Farms (Aust.) Inc., c/o 66 Dalkeith Road, NEDLANDS 6009
MILLIEWINDIE	DRISCOLL, Desmond Michael	TILATTI, Neonisio N. Tilatti, c/o 74 Bondi Street, MT. HAWTHORN 6016
DAMPIER DOWNS	GREY, Maria	DE-LONG, Petau Petau De-Long, c/o Dampier Downs Station, via BROOME 6725
KILTO	GARVEY INTERNATIONAL (AUST.) PTY. LTD.	KILTO PASTORAL COMPANY PTY. LTD. Kilto Pastoral Co. Pty. Ltd., c/o 3 Ben- nett Street, PERTH 6000
PANTER DOWNS	DOWLING, Samuel Theodore	PANTER DOWNS PTY. LTD. Panter Downs Pty. Ltd., c/o R. R. Rowell, 156 St. George's Terrace, PERTH 6000
ARDJORIE	STAFFORD, Howard Hastings	LE LIEVRE, Phillip Crawford Ardjorie Station, via DERBY

2. *This question was postponed.*

3. LAMB MARKETING BOARD

Commencement of Operations

The Hon. N. McNEILL, to the Leader of the House:

- (1) Is it correct that the Lamb Marketing Board will come into operation on the 2nd December, 1972?
- (2) If so, when is it anticipated that the regulations covering the operations of the Board will be laid on the Table of the House?
- (3) Who are the authorised agents of the Board?
- (4) (a) Which abattoirs have nominated to slaughter lambs for the Board; and
(b) what is the stated capacity in each case?

The Hon. W. F. WILLESEE replied:

- (1) Yes.
- (2) It is intended that the regulations will be published prior to the Act coming into operation and the regulations will be laid before the House in accordance with the provisions of the Interpretation Act.
- (3) Dalgety Australia Limited.
Elder Smith Goldsbrough Mort Ltd.
Western Livestock Ltd.
Westralian Farmers Co-Operative Ltd.
- (4) (a) and (b) —

Abattoir	Annual Sheep Capacity Millions
Export Works—	
Metropolitan:	
Anchorage54
Midland Junction	2.7
W.A.M.E.	1.25

Country:

Thos. Borthwick & Sons495
Bunbury Beef Exports675
Green & Sons022
Narngulu29
Wesfarmers (Lynley Valley Meats)56
Southern Meat Packers Pty. Ltd.56

Stated
Capacity
Lambs
Per Year

Non-Export Abattoirs—

Chester Butchers Pty. Ltd.	30,000
Dardanup Butchering Co.	17,000
J. L. Gardiner & Son ..	23,000
B. T. & M. F. Garstone	5,500

Grieves K. & Reid	9,000
Iwankiw R. & I. Kal-goorlie Abattoirs	13,000
Hagan, M.	11,000
Kojonup Abattoirs	5,500
Manjimup Producers Abattoirs	10,000
Midwest Abattoirs	6,000
Eastern Districts Abattoirs	5,500
Payne Ross & Co.	30,000
Roediger Bros	16,000
Russell, Reg. & Son	10,000
Tip Top Abattoirs	18,000
Merredin Central Dist. Abattoirs	5,500

4. MANJIMUP CANNING CO-OPERATIVE

Finance

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

- (1) What was the operating profit or loss of the Manjimup Canning Co-operative for the—
 - (a) 12 months ended the 30th June, 1972; and
 - (b) canning period, the 1st February, 1972 to the 30th June, 1972?
- (2) Has any plant been written off in recent months?
- (3) If so—
 - (a) what was the nature of the plant written off; and
 - (b) what was its value?
- (4) Is it envisaged that further plant and equipment will have to be written off?

The Hon. W. F. WILLESEE replied:

- (1) (a) Operating loss to 30th June, 1972 was \$124,113.85 but this figure is subject to audit.
(b) Figures not available.
- (2) No.
- (3) Answered by (2).
- (4) Not known.

House adjourned at 5.11 p.m.

Legislative Assembly

Thursday, the 2nd November, 1972

The SPEAKER (Mr. Norton) took the Chair at 11.00 a.m., and read prayers.

PIONEER QUARRIES (W.A.) PTY. LTD.

Residents of Herne Hill: Petition

MR. MOILER (Toodyay) [11.02 a.m.]: I have for presentation to the House a petition from the residents within Herne