

Owing to a ruling some years back by the then senior puisne judge, it is evident that as the Act now stands the Commissioner of Police does not have sufficient control over people carrying placards or notices on city roads. This is not desirable, and thus an amendment is sought to give him such power. It might be thought by some that such amendment should be made to section 96; but this section appears in Part VII of the Police Act, a part which does not have any force or effect if a local authority enacts by-laws or regulations for effecting a similar object. For this reason the amendment is sought by the provision of a new section to follow section 59.

On motion by Mr. Brady, debate adjourned.

House adjourned at 8.2 p.m.

## Legislative Assembly

Wednesday, the 7th September, 1960

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The SPEAKER took the Chair at 4.30 p.m., and read prayers.

### QUESTIONS ON NOTICE

#### TRAFFIC EDUCATION CLASSES

##### Attendances

- Mr. GRAHAM asked the Minister for Transport:
  - How many traffic offenders have attended the traffic education classes since their inception?
  - How many persons have voluntarily attended those classes?

##### Traffic Breaches of Those Attending

- How many of the traffic offenders committed offences relating to driving behaviour as distinct from parking, absence of windscreen sticker, and suchlike?
- How many of those referred to in No. (1) have since been charged for subsequent traffic offences?
- How many of those referred to in No. (3) have since been charged for subsequent traffic offences relating to driving behaviour?
- How frequently are the traffic education classes held?

Mr. PERKINS replied:

- 4,021.
- 452.
- 2,010.
- 288.
- 144.
- Lectures are held every alternate Tuesday evening, public holidays permitting.

## GOVERNMENT AID FOR CHILD MIGRANTS

### *Effect on Decisions of Grants Commission*

2A. Mr. GRAHAM asked the Premier:

- (1) Which does he regard as being the more important to the State—child migrants or cinema operators?
- (2) Is it a fact, as stated by the Minister for Child Welfare, that the State was being penalised £58,000 by the Grants Commission on account of payments made on behalf of child migrants?
- (3) If not, what is the position?

Mr. BRAND replied:

- (1) I do not consider that the relative importance to the State of such totally different classes of persons can be accurately determined.
- (2) Yes.
- (3) Answered by No. (2).

## CONCESSIONS TO MOTION PICTURE EXHIBITORS

### *Effect on Decisions of Grants Commission*

2B. Mr. GRAHAM asked the Premier:

- (1) What does he consider will be the attitude of the Grants Commission towards the payment of £53,000 to cinema operators?
- (2) Are there any reasons—and if so, what are they—for believing the Grants Commission will not penalise the State for the concession granted to cinema operators?

Mr. BRAND replied:

- (1) I am not in the position to assess what the attitude of the Grants Commission may be.
- (2) It has been pointed out that payments made by the State on behalf of child migrants are in excess of the average of the standard States and in consequence we suffer an unfavourable adjustment in the determination of our special grant. In the case of entertainments tax, and after allowing for the concession granted cinema operators, our net collections are above the level of the average of the standard States and therefore there could be no question of an unfavourable adjustment on this account.

Mr. Graham: That's what you think!

## WORKERS' COMPENSATION

### *Travelling Expenses for Injured Workers*

3. Mr. NORTON asked the Minister for Labour:

- (1) When it is necessary for an injured worker to be transferred to Perth from a country area for specialised hospital and medical treatment, are such expenses covered by the Workers' Compensation Act; and if so, to what amount?
- (2) Under what schedule are such expenses allowed?
- (3) When it is necessary for an injured worker to have an escort when being transferred from the country to Perth, is any provision made in the Workers' Compensation Act for any expenses so incurred; if so, under what schedule and for what amount?

Mr. PERKINS replied:

- (1) Yes, to the following extent:
  - (a) Medical expenses—£116.
  - (b) Hospital expenses—£174.
  - (c) Travelling—All reasonable fares and expenses incurred.
- (2) First schedule.
- (3) No specific provision is made for escort, but it would be included in the above allowances.

### *Medical and Hospital Expenses*

4. Mr. NORTON asked the Minister for Health:

- (1) What is the daily bed rate charged at Royal Perth Hospital for—
  - (a) a person who is not a member of a hospital benefit scheme;
  - (b) a person who is a member of a hospital benefit scheme;
  - (c) a worker who is being treated under the Workers' Compensation Act when such charges are paid by an insurance company;
  - (d) a worker who is being treated under the Workers' Compensation Act but whose hospital expenses have exceeded the statutory amount allowed under the Act?
- (2) Can a worker who is being treated under the Workers' Compensation Act, and whose medical and hospital expenses have exceeded the statutory amount allowed under the Act, claim on a hospital benefit scheme for such expenses as are in excess of the amount allowed under the Act if he is a member of a hospital benefit scheme?

- (3) If the answer to No. (2) is "No," is the worker legally responsible for any hospital and medical expenses which may have occurred in excess of the amount allowed under the Act?

Mr. ROSS HUTCHINSON replied:

- (1) (a) 56s. per day.  
 (b) 56s. per day.  
 (c) 70s. per day—the maximum fixed by the Workers' Compensation Board.  
 (d) 56s. per day.  
 (2) Yes.  
 (3) The worker is legally responsible.

### KALGOORLIE LAW LIBRARY

#### *Provision of Law Reports*

5. Mr. EVANS asked the Attorney-General:

- (1) Is he aware that the law library in the Magistrate's Chamber, Kalgoorlie Courthouse, does not contain law reports such as English Appeal cases, King's Bench, Chancery Division Reports later than 1905?  
 (2) In view of the fact that Kalgoorlie is one of the major magisterial districts, in which four firms of legal practitioners are situate, and that Kalgoorlie is the centre for Court of Sessions hearings, would he please consider the stocking of this library with those reports which are not available, but which are considered necessary, so as to improve the library in question?

Mr. WATTS replied:

- (1) Yes.  
 (2) I am advised that the cost of supplying these reports, if procurable, would be approximately £1,000 apart from annual subscription costs.

At the present time All England Reports are supplied, which give a satisfactory coverage of present-day decisions. Where other reports are required, they can be supplied without delay on request to the Crown Law Department in Perth. This is considered in the circumstances to be satisfactory.

### KEROSENE

#### *Danger of Green Colouring*

6. Mr. EVANS asked the Minister for Health:

- (1) Is he aware that an oil company is marketing a green variety of power kerosene?  
 (2) Is it considered by his department that green kerosene, being similar in colour to cordial or aerated

water drinks, could be a dangerous innovation through children mistaking the contents of a bottle?

Mr. ROSS HUTCHINSON replied:

- (1) Yes. This has been on the market for many years. It is used by the oil company concerned to distinguish power kerosene from lighting kerosene. It is sold only in large drums.  
 (2) As it is not sold in bottles the danger of its being mistaken for cordial or aerated waters is small. Children who drink kerosene are in the vast majority of cases so young that colours and label warnings mean nothing to them. Prevention of kerosene poisoning in children is a matter of educating parents in the safe storage of kerosene.

7. *This question was postponed.*

### RAILWAY FREIGHTS

#### *Effect of Increase on Dairy Farmers*

8. Mr. HAWKE asked the Minister for Lands:

Is he aware that the president of the Dairy Section of the Farmers' Union (Mr. J. P. Depiazzi) is reported, in *The Farmers' Weekly* of the 18th August, as having said in connection with the proposed increase in railway freights:

"The dairy farmer, to keep abreast of modern trends in farming, has a constant need for continuous development and any added charges to a very limited income are a cause of great concern and extreme regret?"

Mr. BOVELL replied:

Yes,

#### *Effect of Increase on Meat Production*

9. Mr. HAWKE asked the Premier:

Is he aware that the president of the Meat Section of the Farmers' Union is reported, in *The Farmers' Weekly* of the 18th August, as having said, in connection with the proposed increase in railway freights:

"The increase would also have the effect of lowering returns to producers, for butchers made allowance for freight when bidding at country sales. This allowance would now rise because of the increase in rail freights. In addition, meat producers would suffer with farmers generally because of increases in these rates?"

Mr. BRAND replied:

I have read the Press report from which this quotation is taken. No doubt similar views were held in regard to the Hawke Government's 1953 increase of 25 per cent. on livestock freights—double the recent 12½ per cent adjustment.

Government members: Hear, hear!

### VIOLET VALLEY

#### Value of Improvements

10. Mr. RHATIGAN asked the Minister for Native Welfare:

Further to my question of the 25th August, with reference to Violet Valley, and his reply—

- What was the itemised value of the buildings, yards, wind-mills, wells or bores, and fencing on the property at the time it was leased?
- Are any of the above on the property at the present time?
- If so, and taking into consideration deterioration of nearly 20 years' lease, what is the present itemised value?

#### Lessee and Conditions of Lease

- Who is the lessee of Violet Valley and what are the specific terms of the lease?
- Does the lessee hold any other properties in the Kimberleys; if so, what is the acreage of those properties?

#### Visit by Minister and Commissioner

- Is it his intention to have the Commissioner of Native Welfare accompany him on an examination of Violet Valley in relation to an over-all plan for the future education etc. of the natives?

Mr. PERKINS replied:

- List of fixed assets at Violet Valley—

	Valuation.
	£
House and kitchen ....	30
Workshop ....	10
Saddle room ....	10
Native hut ....	5
Stock yard (post and rail) ....	276
Wire yard (8 mile) ....	5
Goat yard (stakes) ....	10
Garden Well:	
5 ft. mill—old; 3,000 gallon tank; piping to house; garden fence; Well—12 ft. deep ....	25

Stock well, 15 ft. deep (no supply); 4,500 gallon tank; 12 ft. Alston mill; troughing ....	50
One-mile well, 25 ft. deep, dry; mill, 8 ft.; 2,000 gallon tank; troughing (all poor condition) ....	20
9-mile well, 28 ft. deep, no supply; mill, 10 ft.; 6,500 gallon tank; troughing ....	50

(b) and (c)—

Stock yard (post and rail)—Old but in use. Value in 1956—£250.

Wire yard (8 mile)—Non-existent. To be replaced by lessee.

Garden well—Mill and tank remain, but of no practical value.

Stock well—4,500 gallon tank; 12 ft. Alston Mill; troughing. No value.

One mile—No equipment and well is dry.

Nine-mile well—Mill has been wrecked in gale. Tank and troughing on site. Value not known.

- Lease for 21 years to William Francis Naughton and Reginald John Mason both of Melbourne, Victoria. Lease dated the 29th December, 1941.

Specific terms of the lease are:

- To pay to the commissioner at his office Murray Street, Perth aforesaid the premium and the rent hereby reserved on the due dates for the payment thereof as aforesaid.
- To pay all rates and taxes and other Government or local authority impositions now or hereafter charged or imposed or assessed upon and payable in respect of the said demised premises.
- To keep and maintain the buildings and other improvements on the said land and additions thereto in good and substantial repair order and condition reasonable wear and tear and damage by fire storm and tempest at all times excepted and to yield and deliver up to the demised premises in such good and substantial order and condition reasonable wear and tear and damage by fire storm and tempest at all times excepted upon the expiration or sooner determination of this lease.
- To permit the commissioner and/or his servants and agents at all reasonable times

to enter and view the state of repair of the buildings and improvements erected on the said land.

5. To insure in some reputable public insurance office to be approved by the commissioner and keep insured against loss or damage by fire the buildings erected on the said land to the full and insurable value thereof in the name of the commissioner and the lessees and to pay all premiums payable to keep such insurance in force and to deposit the policy with the commissioner and produce to the commissioner the receipt for each premium as it becomes due and is paid.
6. To use the demised premises exclusively for the purpose of grazing stock and/or horses mules and donkeys.
7. Not to remove any of the existing improvements erected on the said land or to erect any additional structures thereon without the consent of the Commissioner in writing having been first had and obtained.

Indenture varied on the 26th May, 1947, as follows:—

Indenture shall be hereby varied by deleting from the first line of Clause 3 the words "buildings and other" and inserting immediately following the word "improvements" appearing in such first line the words "(other than building)" to the effect that the first line of the said Clause 3 as amended shall read "To keep and maintain the improvements (other than buildings) on the said land."

And that the said Indenture shall be further varied by deleting from the third line of Clause 4 thereof the words "buildings and". Otherwise the said Indenture bearing date the twenty-ninth day of December One thousand nine hundred and forty one shall remain in its original form notwithstanding any implication to the contrary.

- (e) The records of this department do not disclose this information.
- (f) I had planned, and had made appropriate air bookings to represent the Government at the Boab Festival at Derby at the end of September.

I then proposed to use departmental transport, accompanied by the local native welfare officer, but not necessarily the Commissioner of Native Welfare, and to invite the

member for Kimberley to accompany me to travel from Derby to Hall's Creek and Wyndham, inspecting departmental facilities and activities.

The Commissioner of Native Welfare within recent weeks has been in both Wyndham and Derby and there seems no point in his revisiting the Kimberleys at this stage. A native hostel similar in type to that in course of construction at Onslow seems to be required at Hall's Creek, but certain policy decisions are involved and further action must await ministerial inspection and report to Cabinet. I must now cancel this trip unless the Opposition is prepared to grant me a pair for the week or more that I would be absent from Parliament.

Unless this trip is done in the next few weeks, it seems impracticable to attempt it until about next May, after the wet season; and it would then be impracticable to plan and construct any buildings previous to the wet season of 1961-62.

Unless I am able to make this inspection before the coming wet season, I think it must be May, 1962, before any building of a native hostel can take place at Hall's Creek; and for Violet Valley to be fitted into plans for educating and improving the way of life of natives in the East Kimberley area.

## CALINGIRI WATER SUPPLY

### *Calling of Tenders*

- 11A. Mr. LEWIS asked the Minister for Water Supplies:

When will tenders be called for the provision of a water supply for Calingiri?

Mr. WILD replied:

In about two months' time, subject to the provision of funds by the Victoria Plains Road Board.

## WUBIN WATER SUPPLY

### *Provision*

- 11B. Mr. LEWIS asked the Minister for Water Supplies:

Is it intended to proceed with the provision of a water supply for Wubin during the current year?

Mr. WILD replied:

The year's programme has not been finalised, but Wubin is included in the draft loan programme.

## MILING WATER SUPPLY

### *Commencement and Completion of Reticulation*

12. Mr. LEWIS asked the Minister for Water Supplies:

- (1) When is it expected that work will commence on reticulation of water at Miling?
- (2) When is it expected that the above work will be completed?

Mr. WILD replied:

- (1) About the beginning of November, subject to funds being made available by the Moora Road Board.
- (2) Within two months of commencement of the work.

## MIGRANTS

### *Nominations and Entries*

13. Mr. MAY asked the Minister for Immigration:

- (1) How many migrants were either nominated or made application through his department for the years 1958, 1959 and 1960?
- (2) How many migrants entered this State through the Commonwealth Migration Department for the years 1958, 1959 and 1960?

Mr. BOVELL replied:

- (1) Migrants nominated—  
1958—2352  
1959—2059  
1960—Figures incomplete.
- (2) Total British and foreign migrant arrivals through Commonwealth—  
1958—650  
1959—631  
1960—Figures incomplete.

## DISCOLOURED WATER

### *Cause and Source*

14. Mr. JAMIESON asked the Minister for Water Supplies:

- (1) Is the recent discolouration of the reticulated water in the south-of-the-river suburbs due, as a recent correspondent to the daily Press suggested, to the supply from the new Serpentine Dam?
- (2) If so, how long is it estimated that the water from this dam will contain this discolouration?
- (3) What is the cause of such discolouration?

Mr. WILD replied:

- (1) No.
- (2) Answered by No. (1).
- (3) The prime cause of discolouration is corrosion of service pipes. However, small quantities of colloidal clay and biological sediments do settle in the reticulation

system during winter and periods of low velocities. These then circulate in the system, particularly in springtime, when velocities increase. Flushing of the reticulation pipes is carried out in such circumstances.

## GUILDFORD MENTAL HOSPITAL

### *Preparation of Plans*

15. Mr. BRADY asked the Minister for Health:

- (1) What is the latest development in regard to the proposed mental hospital at Guildford?
- (2) Have plans been prepared to enable the early construction of the hospital?

Mr. ROSS HUTCHINSON replied:

- (1) and (2) Plans for this and other health matters are now under review by a special committee and also the State Health Council. Action will follow as early as possible after the report has been finalised.

## QUESTIONS WITHOUT NOTICE EGGS

### *Yolk Colouring*

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

- (1) Is the yolk colouring of eggs received by the W.A. Egg Marketing Board from country producers satisfactory?
- (2) If so, can he give the results of any survey that may have been recently made in respect of such eggs?

Mr. NALDER replied:

The honourable member gave me some notice of this question and enabled me to get the replies. They are as follows:—

- (1) Generally speaking, for about nine months of the year country eggs are well coloured due to the general practice of free-ranging flocks.

It is a recognised fact that country eggs do have a good colour; and no doubt the amendment before the House, if passed, will be of distinct advantage to country producers.

- (2) Fremantle and Perth floors only were included in the 1959 survey, but a large proportion of the eggs checked at the Fremantle depot would have been from the country.

**"ANAPHYLACTIC SHOCK"***Definition*

2. Mr. LEWIS asked the Minister for Agriculture:

In answer to question No. 2, yesterday, asked by the member for Murray concerning pasteurilla vaccine and bracken-fern poisoning, the Minister used the term "anaphylactic shock." Would he explain just what that term means?

Mr. NALDER replied:

I might explain that this question was asked by many members yesterday afternoon; and had it been directed to me then, I would probably have referred it to you, Mr. Speaker; but not having the opportunity, I now give the House the meaning of the term. It is an allergic reaction which can occur with any vaccines in both humans and animals. It usually occurs with animals that have been sensitised by previous vaccinations. The respiratory system is violently affected, and a quick death usually follows.

**LOCAL GOVERNMENT BILL***First Reading*

On motions by Mr. Perkins (Minister for Transport), Bill introduced and read a first time.

**BILLS (3)—THIRD READING**

1. Coroners Act Amendment Bill.

On motion by Mr. Watts (Attorney-General), Bill read a third time and transmitted to the Council.

2. Radioactive Substances Act Amendment Bill.

On motion by Mr. Ross Hutchinson (Minister for Health), Bill read a third time and transmitted to the Council.

3. Legal Practitioners Act Amendment Bill.

On motion by Mr. Watts (Attorney-General), Bill read a third time and transmitted to the Council.

**DEATH PENALTY ABOLITION BILL***Second Reading*

MR. GRAHAM (East Perth) [4.54]: I move—

That the Bill be now read a second time.

It is very seldom that members of this Parliament are called upon to make a decision with regard to a matter that has

literally the effect of life or death for a citizen of the State. Because this is such a Bill, it is my fervent hope that the measure will be treated with the seriousness it deserves; and that, in accordance with what prevailed on earlier occasions when similar Bills were before the Legislative Assembly, members will be free to determine their viewpoints on the merits of the case, and the Bill will not be made a party one.

I desire to be perfectly fair and point out that at an Australian Labor Party conference held in Perth in the year 1919, abolition of capital punishment was written into the platform of that party; so members of the Labor Party are bound by that platform. But, so far as I have been able to ascertain, those who constitute the members of the parties supporting the Government are free to exercise their wish and will in connection with the exercise of their vote on this matter.

During my remarks in submitting this Bill, it is not my intention to criticise any Government for any previous action, or to express an opinion with regard to any individual case. What has occurred has occurred, and the purpose of this legislation is to lay down a new course to operate from the year 1960.

Before proceeding to outline some of the events which were predecessors to this Bill, might I issue a warning to members, if I might be so presumptuous, not to allow their judgment to be swayed or influenced by a particular case that may have occurred either within the Commonwealth of Australia or elsewhere. I think it will be agreed that in various parts of the world where it has been the procedure to inflict the death penalty, and similarly where the death penalty has not been inflicted for up to 100 years, particularly heinous offences have been committed from time to time. Therefore the principle which I am submitting, and which I trust this Parliament will accept, should be judged because of its own value and substance, and not because of a particular incident.

My studies regarding this Parliament have shown me that in the year 1927 Mr. Harry Mann, the then member for Perth and a non-Labor member of Parliament, introduced a Bill the effect of which virtually was to abolish capital punishment for the crime of murder. I say that because the basis of his legislation was that an offender was somehow mentally unbalanced to the extent that he proceeded with this most anti-social and inhuman act. The Bill passed the second reading in the Legislative Assembly without a division being taken; in Committee certain amendments were made by the sponsor himself; and the Bill subsequently was introduced into the Legislative Council where it was debated on several occasions and then, for reasons I am unable to ascertain, was not further proceeded with.

The next occasion was in 1941 when Mrs.—now Dame—Florence Cardell-Oliver, the then member for Subiaco, introduced a Bill which is practically word for word with that which I submit to the Legislative Assembly tonight, and identical in effect and application. In this Chamber, in 1941, that Bill was agreed to on the voices and passed through Committee without any debate or amendment whatsoever. At that time there were six members in the House who now comprise part of the Opposition and there are three who are still with us and who are sitting on the Government side of the House who were present when the Bill passed through this Chamber, in its entirety, without a division being taken. I refer to the present Attorney-General, the member for Murray, and the member for Avon Valley.

During the second reading debate, the present Attorney-General, if any estimate can be made from words appearing in *Hansard*, spoke strongly and feelingly in support of the abolition of the death penalty in the State of Western Australia. The Bill, after passing through this Chamber, went to the Legislative Council; and the members of that Chamber, for some unaccountable reason, by a 1-vote majority, rejected the legislation at the first reading without giving the sponsor an opportunity to explain its provisions.

In 1952, I introduced a Bill, the purpose of which was to remove the death penalty from the Criminal Code in the case of murder, as distinct from wilful murder, my feeling being then, as a comparatively young and new member of this Assembly, that a step part of the way might be a reasonable approach. At the same time, I believed implicitly and fervently—as I still believe implicitly and fervently—that the deliberate taking of a life by the State is something abhorrent to Christian principles, to finer feelings, and is something which has no place in a modern so-called civilised State. In this Chamber my Bill was not defeated in the strict sense of the word; but an amendment was moved by the then Attorney-General to the effect that the Bill should not be proceeded with “until the report of the Royal Commission appointed by the British Government to inquire into this subject is available to this House”. I have used the exact words which were then submitted and agreed to.

I have subsequently ascertained that the Royal Commission in Great Britain was never given the task of determining the question of the abolition of capital punishment. I can do no better than to quote paragraph 13 appearing on page 3 of this lengthy document of almost 500 pages. It reads as follows:—

By our Terms of Reference we are required to consider “whether liability under the criminal law in Great Britain to suffer capital punishment

for murder should be limited or modified.” The natural construction of these words precludes us from considering whether the abolition of capital punishment would be desirable; and the Prime Minister (Mr. Attlee) stated in the House of Commons that they were intended to have this effect.

Therefore, that Royal Commission was not appointed to examine the merits of the proposition which I introduced in 1952. However, again that is now a matter of history; and while suffering disappointment at the time, I have no recriminations in connection with it. Once more, it is a matter of ascertaining what the position is and what should operate from now on.

In this State the law provides for the death penalty for murder, for wilful murder, for treason, and for piracy. In respect of the two last-named, they could be regarded as being archaic or museum pieces, as it were; and, indeed, even in a sovereign country such as Great Britain itself the law is invoked on these two charges to the extent of the extreme penalty in exceptional circumstances only and, almost invariably, in time of war. Therefore, I think the debate should be based upon the crimes to which we refer as murder and wilful murder.

This Bill seeks to abolish entirely the death sentence as a penalty and to substitute for it life imprisonment with hard labour, the sentence to be imposed by the court in those cases where it finds the person guilty. Here let me add that it is not intended to interfere with the Royal Prerogative which conforms with the procedure followed by the member for Subiaco in her Bill in 1941. It also conforms with the report of the British Royal Commission on Capital Punishment; and the decision of the British Government, and, indeed, the British Parliament itself—notwithstanding the considerable relaxation made in that country—that, in all cases, the Royal Prerogative shall remain.

It should not be thought for one moment that those who propose the abolition of the penalty of death for a person found guilty of certain offences have necessarily any sympathy with the person found guilty. But, as indicated earlier, it is an indication of their abhorrence of a form of punishment which, in my considered view, and in the view of a whole host of authorities, should find no place in modern civilisation.

Capital punishment is surely a relic of barbarism. The taking of human life, with the sanction of the law, was rife in every country of the world; and the more savage and uncivilised the country, the more this inhuman procedure was practised, and the lives of people could be taken for the most trivial offence.



To illustrate this, perhaps I can do no better than to quote some of the offences as set out in the words of the then member for Subiaco when she introduced her Bill in 1941. She referred to an earlier period of history and said—

I believe there were some 200 counts at that time—

She was speaking of the period round about the time of King Henry VIII—

—for which capital punishment could be inflicted: the felling of a tree, the stealing of a sheep, the robbing of a rabbit warren or stealing from a dwelling goods to the value of 5s. or upwards were crimes sufficient to incur the infliction of capital punishment. Even children were not immune. A boy of 13 was hanged for stealing a silk handkerchief and a child of nine was condemned to be hanged for stealing two pennyworth of paint from a broken shop window. When Sir Samuel Romilly endeavoured to abolish capital punishment for these trivial offences the then Solicitor-General said in no uncertain voice, that there would be no protection for the public.

It is certainly a far cry from those days; but just as in the year 1960 we view with abhorrence any suggestion that there should be such an extreme penalty—or a penalty of that nature—for the commission of a crime, I am certain as I stand here that in the years to come, those who read history will damn us in almost equal terms for the fact that a State—with all due solemnity and dignity—should go through the process of taking a human life, which surely those who have even a nodding acquaintance with Christian principles regard as the ultimate, so far as the universe is concerned. I think we could say that of the human being. With enlightenment, and with the progress of civilisation, these practices have gradually been eliminated; but there are still remnants here with us, in the State of Western Australia; and this Bill seeks to do away with them.

In the years gone by, there were many forms of the taking of human life on the part of the State. The member for Brown Hill-Ivanhoe, as he was then—unfortunately he left us only a few days ago—had this to say when speaking on the Bill moved by the then member for Subiaco—

When one recalls the various methods by which capital punishment has been inflicted—the burning, the hanging, the drawing and quartering, the breaking at the wheel, crucifixion, drowning, precipitating from a height, dragging behind the chariot, beheading, stoning to death, sawing asunder, flaying alive, throwing to wild beasts,

burying alive, the iron coffin, impaling on swords, lethal gas and electrocution—the depths to which human passion bent on punishment can descend stand out in bold relief.

I am mentioning these to indicate as vividly as I can that there is today a different concept, entirely, from that which existed only a few years ago; and I feel it is our bounden duty to proceed along the paths of progress in this most moral and ethical issue.

Capital punishment—that is to say, public hanging—was abolished in Great Britain less than 100 years ago, in the year 1868. People attended in their thousands, and even paid for seats of privilege to witness the spectacle. We cannot imagine that today; but I would remind you, Mr. Speaker, that less than eight years ago I introduced a Bill into this Chamber for the purpose of removing from our Criminal Code the right which could be exercised by the Governor that a person who was an aboriginal could be publicly hanged in Western Australia. That was less than eight years ago.

So I repeat that over the years, bit by bit and step by step, some progress has been made. But there is still the death penalty in existence; and that is irksome and repugnant to very many sentient beings in our midst.

Mr. Crommelin: Some of them are not human beings; they are inhuman beasts.

Mr. GRAHAM: Who are they?

Mr. Crommelin: Some of the murderers.

Mr. GRAHAM: We can deal with that presently; but at this stage I would point out, that the member for Claremont has said that they are inhuman—

Mr. Crommelin: Beasts.

Mr. GRAHAM: —and yet, judging by the tenor of his interjection, he nevertheless believes they should be treated as human beings; as though they were aware of the seriousness of the crime they had committed.

Mr. Crommelin: Many of them are.

Mr. Andrew: He would not know.

Mr. GRAHAM: I do not know how the member for Claremont would be in a position to determine that. For his edification, however—and perhaps for the edification of others—I would point out to the member for Claremont that it is not my intention—nor is it the intention of those who seek to move in connection with this matter—that there should be an entire forgiveness of the murderer; or that he should escape a penalty—and a severe penalty.

Mr. Wild: Would you forgive the persons responsible for killing that poor little boy in the Eastern States recently?

Mr. GRAHAM: I do not want to deal with the merits or demerits of the case; because, if I did so, I feel we would get away from the broad principles on which this matter should be determined. But no doubt some things I will say should have some bearing on the interjection of the Minister for Works.

Mr. Bovell: The broad basis does not eradicate those inhuman acts.

Mr. GRAHAM: I would like, on a matter of such intense importance and implication, to be permitted to submit my case; and perhaps in reply, or in Committee—if the Bill reaches that stage—I can deal with any objections that may be raised by members, irrespective of the side of the House on which they sit.

I have already indicated there is a process throughout the world of gradually eliminating the death penalty in respect of very many offences, including the offence of the commission of murder. It may be of some interest to note what appeared in the *Australian Law Journal* of the 23rd June, 1960. I quote—

Today the death penalty survives in only four countries of Western Europe—Britain, the Irish Republic, France and Spain—and in practice it is invoked by increasing rarity both in the United States and in the States of the Commonwealth.

Apropos of that, the last execution carried out in Queensland was in the year 1913. The Government of Queensland abolished capital punishment in the year 1922. It is rather interesting, incidentally, to note that the rate of murders based on a per million of population basis has actually declined in Queensland since the last execution; that is to say, since the Government of the day—and indeed the Governments of the day—decided that there should be no further executions; and since the power to impose this penalty was removed by statute in the year 1922.

In New Zealand the date of the last execution was 1935. Capital punishment was abolished there in 1941; although, for reasons I am unable to ascertain, it was restored in 1950. In Belgium there have been no executions since the year 1863—save one, and that was during the 1914-18 war. In Denmark the last execution was in 1892; for 40 years they carried on, until 1933 when the death penalty was entirely abolished. In Italy, the last execution took place in 1876. The death penalty in that country was abolished in 1890; it was restored in 1931; and it was again abolished in 1944. In the Netherlands, the last execution was held in 1860. The death penalty was abolished in 1870 in that country.

In Norway, the last execution took place in 1876, and capital punishment was abolished in 1905. In Sweden, the last

execution was held in 1910, and the abolition of the death penalty took place in 1921. In Switzerland, the last execution took place in 1924, and the abolition of the death penalty occurred in 1942.

We find that the British Royal Commission, which spent the period from 1949 to 1953 inquiring into capital punishment not only in Britain, Europe, the U.S.A., and the southern American States, but also in other countries including the British Commonwealth of Nations, came to the following conclusion on page 23 of its report:—

The general conclusion which we have reached is that there is no clear evidence in any of the figures we have examined that the abolition of capital punishment has led to an increase in the homicide rate; or that its reintroduction has led to a fall.

So we can surely conclude that from time to time there will always be individuals who, for a whole host of reasons or lack of reasons, go berserk and take the lives of others. Whether the penalty includes some of the atrocities which I mentioned were perpetrated by the state only a few generations ago; whether the penalty is execution; or whether the penalty is imprisonment where capital punishment does not apply, in the words of the British Royal Commission, after it had made world-wide inquiries, the death penalty itself has no effect upon the rise or fall in the tide of murders committed in any country. The significance of that conclusion should be appreciated by every one of us.

I want to refer to the remarks of Professor Sellins, a famous professor of criminology and social questions from, I think, Switzerland—but I would not be sure—when he commented on the position in the U.S.A. where the death penalty was entirely abolished in many states, but was reinstituted in others as a result of a particular situation created by a wave of feeling—this would not be new to us as members of Parliament—when some legislators in that country, in order to play up to public opinion, introduced capital punishment again, and the other legislators were afraid to oppose it. This is what the professor said—

The important thing to be noticed is that whether the death penalty is used or not, or whether executions are frequent or not, both death-penalty states and abolition-states show rates which are conditioned by other factors than the death penalty.

It is not my intention to weary the House, although I can give very many examples where eminent authorities—not expressing their own opinions, but after examining the position which obtained in various parts of the world and, indeed, including practically every part of the world—have come to the same conclusion. I

therefore submit there is no warrant for us to retain the penalty of death as a form of punishment in Western Australia.

The conclusion to be drawn from those analyses and investigations is that the death penalty is not a deterrent. If that be the case why then should we retain this relic of barbarism on our statute book? If it can be demonstrated beyond any doubt that such a penalty is having a deterrent effect and is protecting society, then there may be some argument by the proponents of capital punishment. Let me make it clear: Even in those circumstances I would not agree with it as a principle.

I have already indicated that world authority and experience prove that the death penalty is not a deterrent. If it were, those countries which still have it on their statute books would apply it on every conceivable occasion; but they do not. If it had the effect of deterring many persons, who otherwise might have committed the foul deed of murder, then perhaps it would be the bounden duty and responsibility of the Government—as long as this law lasted—to allow the death penalty to be invoked. But Governments do not do that, either in Australia or in other parts of the world. This indicates there is a gradual process of enlightenment in the minds of legislators throughout the world. Here I am asking that Western Australia should join with Queensland in taking this progressive step forward.

It will be appreciated that more and more countries are doing away with the death penalty. In others, where the penalty is retained, Governments are becoming more and more reluctant to allow it to be carried out. It appears that not only here, but everywhere throughout the world where a death sentence is about to be carried out there is inevitable public concern and reaction. I give not individual cases, but members will recall such cases in this State and in other parts of the world. On the other hand, when the Royal prerogative of mercy is exercised and the dread sentence is commuted to one of life imprisonment with hard labour, there is no outcry by the public; it is accepted by them.

Mr. Bovell: What about the outcry when the felony is being committed?

The SPEAKER: Order! Earlier this afternoon two Ministers passed in front of another Minister when I called him to order, and they have been carrying on a conversation and interjecting more than other members of this Chamber. The member for East Perth asked specifically not to be interrupted. Most members have respected his wishes. I would like the two Ministers to whom I have referred, in view of their earlier behaviour, to refrain from interjecting.

Mr. Bovell: I take it, Mr. Speaker, you are referring to me.

The SPEAKER: Order! The honourable member cannot make an explanation now and so interrupt the speech of the member for East Perth.

Mr. GRAHAM: This public outcry which I have mentioned, and which is familiar to all of us, is usually associated with prominent members of our society—leaders of churches of various denominations; persons prominent in our seats of learning; many well-respected organisations of womenfolk and menfolk; and, indeed, thoughtful people from all walks of life.

We find, for instance, that on a recent occasion in Western Australia even the father of the murdered person was one of those who signed the petition for the reprieve of the offender who had been condemned to be hanged. We also find that one person, who was a member of the jury which heard this case, stated publicly that had he thought for one moment he would either directly or indirectly be involved in the taking of another person's life, he would not have adopted the attitude which he did adopt when he was serving on the jury.

These cases surely should cause us furiously to think. If it can be demonstrated, as it can, that the death penalty is not a deterrent, but that it has a most disturbing effect upon persons in all walks of life as against a placid acceptance of an Executive Council decision to commute a death sentence to one of life imprisonment with hard labour, should not we, as a responsible Parliament—as a group of legislators—have some regard for public conscience?

I have already stated that because we do not believe in this particular form of penalty, it is not to be construed that we have an undue sympathy for a person convicted of a capital charge. We feel the taking of a life deliberately by the State is not the proper course. We believe it is not in accordance with the true concepts of Christianity and religious teaching. I think we are all aware, to a very great extent, that the bases of our laws are the ten commandments and the teachings of the Bible.

The old mosaic law of an eye for an eye, and a tooth for a tooth, surely has been replaced by the concept, "Thou shalt not kill." For the State deliberately to set out to take the life of a person as a punishment surely conflicts with the religious and Christian concepts which I have mentioned. After all, if we believe—and no doubt to a greater or lesser degree all of us believe—in religious teachings, we believe in reformation; in repentance; and in redemption.

If the State is to calculatingly take the life of a person who has committed an offence, then surely we are thumbing our noses at those concepts, because we are allowing no opportunity for those things

to come to fruition if there is any prospect of that whatsoever. My feeling is that our endeavours should be in the direction of doing something about that poor soul who committed the shocking crime which he did; namely, the taking of another human life, or possibly several human lives, in perhaps, the most diabolical circumstances.

I think we deny the very basis of our Christian religion unless we give some thought to what I have, however crudely, endeavoured to outline. In other words, I believe we should have more confidence in ourselves, and in our ability to effect a cure and do something for the hapless soul of whom I have spoken. One of the unfortunate things with regard to the retention of the death sentence and the carrying of it into effect is that, unfortunately, there is a revulsion of feeling on the part of the public, and we have what amounts to almost sympathy for the convicted person.

So repugnant to many persons with finer feelings is this matter of the State taking another's life that, instead of their having the attitude towards the guilty person that they should, they tend to have sympathy for him because of the ordeal he is about to go through. We should surely retain our sympathy for the victim of the crime and for the family of the victim of the crime. I repeat: Sympathy in many cases seems to shift to the condemned man because capital punishment is nauseating to so many people. In my view, capital punishment has no place in the laws of a modern society.

I have endeavoured to indicate the attitude and abhorrence of the public to the State taking another person's life; and how, arising from that, perhaps, the sympathy can be in the wrong direction. But there are other factors to be considered. Of what avail is it to put the murderer himself to death? Does that, in itself, achieve anything? I think not. We must always remember that he has a family—perhaps a mother and a father; perhaps brothers and sisters; perhaps a wife and children. They are the ones who suffer untold agonies; the ones who go through life with a distorted mental picture of what the State did to someone near and dear to them. I am having full regard for the terrible deed perpetrated by that person himself when he took the life of another.

Mr. Brand: Would not that be the case in respect of life imprisonment?

Mr. GRAHAM: If any member has been to Fremantle gaol, as I have been, and seen the death cell—let me hasten to add that I was escorted as a visitor—

Mr. Roberts: We wondered!

Mr. GRAHAM:—and the place of execution and the paraphernalia in connection with it, I think he would agree with me

that there is an atmosphere pertaining to it which is exceedingly distasteful. Persons are sentenced to terms of imprisonment of varying degree and extent for the commission of many offences. Unfortunately I am afraid that, to a very great extent, we adopt the attitude of "out of sight, out of mind." We put them away for a period without concentrating our efforts sufficiently to endeavour to reform them so that they might return and become useful members of society.

As I have said, people who have committed all sorts of offences are imprisoned for greater or lesser periods. However, whether the term be short or long, I do not think that the distress felt by the family of a person in those circumstances can compare with that of the family of a person who has been a victim of the gallows. In the same way, a person who was the victim of the murder is not restored to life with the taking of another life. No purpose is achieved by the taking of the life of a victim's slayer.

What are the reactions of the family and the dependants of the victim of a murderer? As I have already indicated, the father of a man who had been murdered signed a petition for the reprieve of the murderer—no doubt some time after the shock of the offence had been overcome. He felt that the person responsible for the death of his own son should not be dealt with by the State in this terrible manner of hanging by the neck until he was dead.

It is stated by many, not only overseas but here, that prison officials who are required to be in attendance, or even within the precincts of the place where a hanging is to be carried out, are affected. I add no more in that regard than to recall to members' minds the case I instanced several weeks ago of one who was required as part of his duty to witness one of the hangings. He found it necessary thereafter to take drugs in order to steady his nerves; and, whilst under the influence of those drugs, he fell and hit his head, and has since departed this life. That, as I say, occurred because he was compelled, on account of the nature of his duties, to witness the taking of a life by the State.

He may have been a rare exception; he may have been affected in an aggravated form. To a greater or lesser degree I should say that all human beings, who can be called human, would suffer to some extent.

Perhaps I need not say anything with regard to the executioner and his assistant. It is beyond my comprehension entirely that any person should voluntarily offer himself to carry out the duties pertaining to the hanging of another person.

I am informed—I do not know first-hand from my own experience—that about the time an execution is to take place, there

is an atmosphere that can hardly be described which pervades the precincts of the prison and affects anyone and everyone there, whether such persons be officials or otherwise.

Juries have been known to make decisions contrary to the evidence because of the penalties imposed. Mrs. Cardell-Oliver used examples which I can quote.

Mr. J. Hegney: What book is that you have?

Mr. GRAHAM: *Hansard* of 1941. I quote from page 453 as follows:—

The reluctance of juries to convict was illustrated by Lord Suffield, when speaking in the House of Lords in 1833.

That was over 100 years ago. To continue—

He said:—

I hold in my hands 555 perjured verdicts delivered in Old Bailey over 15 years for the single offence of stealing from dwellings. The value of the goods stolen was estimated to be 40s. and the verdict returned by the juries was that the value was 39s. When legislation raised the capital indictment to goods of the value of £5, the jury raised their verdict to £4 19s.

Those perjured verdicts were returned with absolutely one object, and that was to save life. The convicted persons knew full well that they had a hundred-to-one chance of being acquitted and therefore thefts were common. But juries took a very different view after capital punishment was abolished and life was consequently not at stake. The convictions became sure and it was then that crime decreased.

And so, because of the nature of the penalty, we run the risk of juries arriving at decisions contrary to the weight of evidence. There is the instance to which I have already referred within the last 10 years when a jurymen publicly declared—goodness knows how many other jurymen have stated the same thing privately—that had he known the death penalty was to be carried out, his decision in the jury room would have been different. So, perchance, we are encouraging many otherwise honourable persons, because of their abhorrence of the death penalty, to err on the side of generosity.

It is true that even Governments show a nervousness with regard to the death penalty; and I do not blame or criticise them for it. It will be noticed that as a general rule we are told that "Executive Council has agreed to the law taking its course"; or words to that effect. The public statement is not submitted by the Premier or a Minister of the Crown, but is left

as a bold statement that "Executive Council has decided." This is because no Minister, including myself if I happened to be Minister for Justice, would relish having his name associated with the decision to carry out this penalty. Therefore it can be seen that wherever we look no good purpose is served by the carrying out of the penalty; but very many of us—from Cabinet Minister to ordinary citizens in the community—are disturbed.

It is my belief that persons who commit serious anti-social crimes which, of course, include murder, are persons with some degree of insanity, even if that insanity be not obvious. Apropos of that, I can commend certain portions of the speech given by the late H. W. Mann, then member for Perth, when speaking in the year 1927. He told us of the anti-social actions of several families over the years, from generation to generation. He said it was no wonder that the present generations were proceeding along the same lines.

Many who are driven to extreme action, take such action in fits of sudden fury and frenzy, being temporarily insane. There are many of them who suffer from some inherited weakness. I have made no great study of this subject, but I have heard of zymes, enzymes, and genes, and such-like which, as I remember, are those little factors that create a physical likeness of a person today with perhaps a grandfather or a great-grandfather; and not only physical likeness, but facial similarity and perhaps also that of stature, personality, character, and so on. These things are handed down, not necessarily from the immediate forebears but perhaps from many generations past.

Who knows, Mr. Speaker, but that you and I, or our children, may have an inherited weakness from some generation past, and will, in the course of years, be found guilty of performing a most diabolical, anti-social act? It was perhaps as sure as night follows day that because of circumstances 100 years ago—and I say this without being a fatalist, because I am not one—there was every prospect of progeny some generations later committing a most serious offence.

Many people have deficient consciences, and that reveals itself in several ways. Many who commit these serious offences have uncontrollable impulses, and self-control which is weak. We see that exemplified by persons who have no moral virtues, persons who are unable to withstand the fascination of alcohol, and so on. In one way or another the frailty of human nature is demonstrated; and all of the talking and sermonising, the inflicting of penalties, and so on, apparently do not have any effect. How many of us have made personal attempts to persuade members of Parliament to mend their ways in a particular direction, and yet the members of Parliament who suffered a certain

affliction—a certain weakness—were unable to follow the advice or to accept the assistance which was offered by so many, because of a self-control which was weak on account of some mental deficiency in regard to a certain particular.

The mind is not particularly well understood. Perhaps we should, as indicated earlier, give more attention to the matter of reforming, of treating people. If an individual is sufficiently tormented and tantalised, he can be driven to excess, perhaps even to the excess of taking another person's life. In certain circumstances—and this has happened, of course—where a man has found his wife in an adulterous situation with another man, he has gone berserk and taken the life of the adulterer, and perhaps of his wife as well.

I am mentioning these things to indicate that there are times, perhaps, in the lives of all of us when for a period, however short, we are not properly mentally balanced; and there are other unfortunate persons who have periods of hours, days, or weeks, or who for the better part of their lives are similarly mentally unbalanced. They are people who go their own way for, perhaps, lengthy periods without coming into serious conflict with the law. But sooner or later, perhaps, something does happen.

Circumstances and conditions could have the effect of influencing people in their outlook and causing them to lose control of their better instincts. After all, we were all born in the image, all innocent little babes; and because of circumstances—the environment of the home, the impact of certain affairs—one person becomes an upright, honest citizen and another commits the most diabolical deeds. We should perhaps express our thanks that, as far as we are aware, we are in the more fortunate category; although it was said—I think by the present Deputy Leader of the Opposition and others—in the year 1941, before I was a member of this Parliament, that there are men who tomorrow morning will stand before their mirrors and shave; but who, before the night is out, will be murderers. But they are unaware of it at the time.

I have endeavoured to point out that what we call the planned and premeditated murder—that is, one committed by a person, who for reasons of gain or for reasons not fully understood has this mental weakness, this anti-social, this inhuman outlook to the extent of taking another person's life—is the culmination of circumstances over a lengthy period of time.

We all lose control over ourselves from time to time, even in this Chamber—not to the extent of committing a capital offence, but of saying and doing things, of behaving in a certain manner, which we would not say and do in our more rational moments.

So I say that those who have committed the shocking crime of murder are, surely, cases for sympathy; for psychiatric treatment; and for detention for the term of their natural lives if it is found that scientific and medical treatment is unable to effect a cure—detention in order to protect the public.

I therefore make these statements, clearly and definitely, that no questions are answered and no problems are resolved by the State taking another person's life. Inflict punishment, a penalty, yes; and Western Australia will not be pioneering in the world, or in the British Commonwealth, or in the Commonwealth of Australia, if we abolish the last vestige of the taking of life by the Crown.

A common question hurled at one who endeavours to state the case for the abolition of capital punishment is: What would you do if a person committed some shocking or fatal crime against your wife, your child, your mother, or someone near and dear to you? To date I have been spared an actual experience of that; but it is possible—in my case and in the case of all of us—that if confronted with a situation such as that, we might go berserk for a moment; our better judgment, our upbringing, our moral teaching, and the rest of it, would be forgotten. Mentally distraught, completely irresponsible, we could be driven to taking the law into our own hands.

But that is not the basis upon which Parliament should legislate—the feelings of a person when confronted with a terrifying spectacle. I wonder what the father of the murdered man whom I instanced, thought when he identified his son, if in fact he did that. Some time later he was prepared to look at the over-all picture and he decided that no good purpose would be served by taking the life of another, albeit the person responsible for the death of his son. Any one of us, if he became unhinged on seeing something, could do the irresponsible.

I have already indicated that the death penalty, no matter what might be said, is not a deterrent, as has been proved by world-wide experience. If we believe in deterrent measures, then, as I stated before, in the case of every wilful murder a life should be taken, and we should keep on doing this as often as we can because it would have a greater deterrent effect on would-be murderers. Similarly, if a person maliciously poked out the eye of another person with a stick, the penalty on the offender would be to poke his eye out with a stick. But we do not believe in those things. Unfortunately, we still retain this life for a life concept; and if we do not watch our step, we will be right behind in the world move over the years to abolish the legal sanction for the taking of another's life.

I have been interested, in my studies of the report of the British Royal Commission on Capital Punishment, to learn that the commission is of the opinion—and it quoted authorities in support—that it is impossible to distinguish between different degrees of murder. Therefore, it is so much poppycock to talk of murder in the first degree and murder in the second degree. It is not my intention to proceed further or elaborate on that, but it can be found in this report in many places.

Because of its charter, the Royal Commission did certain things and removed the death penalty in the great majority of cases, but left it in some because, as already indicated, its members had no authority to recommend to the Government of the day that the death penalty should be abolished.

It is interesting to recall that in 1955 or 1956 the British House of Commons, notwithstanding the express wish of the Government, agreed by a majority of votes to a resolution, and also a Bill, that the death penalty should be completely abolished. Unfortunately, it was rejected by the House of Lords. On the 12th March, 1955, the House of Commons passed, against the advice of the Government, by 286 to 262, the Death Penalty (Abolition) Bill. It was introduced by a member of that Chamber, Mr. Silverman, whose name, I think, is pretty well known to many of us.

The world trend is towards the abolition of the death penalty. I submit that the death penalty violates the spiritual, ethical, and moral laws of a civilised community. For the offence of murder, and indeed other numerous types of offences, the more savage, barbaric, and uncivilised the race, the more frequent is the death penalty inflicted; and with the more enlightened, the tendency is for the number of executions, or inflictions of the death penalty, to be reduced and ultimately abolished entirely.

I submit, too, that history shows that the taking of life by the State has a brutalising effect upon the public. I have stated, and I state it again, that it can be proved, and has been proved, that the death penalty has not been established—I think I can say in any part of the world—as a deterrent; and I have heard no submission, reason, or excuse other than that for the retention of the death penalty. Therefore, the case for its retention on that score falls to the ground.

We are exceedingly fortunate that we have the experience of so many other parts of the world which were pioneers, and which made the decision believing that they were right, or that they would be right; but we know from actual experience, in countries of different economic

circumstances, and of different stock, temper, and natures, that in the words of the Royal Commission—

There is no clear evidence in any of the figures that the abolition of capital punishment has led to an increase in the homicide rate or its re-introduction has led to a fall.

If that be the case the other argument, which is a full brother to it—the protection of society—also is without substance.

The reduction in crime which is apparent throughout the world, as compared with earlier days, has been brought about by the ever-increasing efficiency of crime detection by our police forces. The greatest deterrent is the certainty of being discovered. But there will always be a certain number of cases in Western Australia, unfortunately, and in other places where, because of mental instability, some of these dreadful crimes of taking the lives of others will be perpetrated. But whatever was provided for by the law—burning at the stake, or being slowly tortured, or anything else—persons of that ilk would proceed with their nefarious business, because it simply does not register with their minds; or, because of the weakened state of their minds, they believe that there is no chance or prospect of the law catching up with them.

I conclude by appealing to members to judge the circumstances of this Bill on its own merits. Might I be pardoned for saying this: I had a discussion with a prominent member of the Government parties in connection with this matter. I said to him that if there was some personal prejudice against me as an individual, or if there was a feeling anywhere that the Government or some of its supporters would prefer that a member of the Opposition be not one to promote this Bill, I was prepared to stand down as an individual member; and, in the second instance, I was prepared to appeal to my party if there was somebody from the other side of the Chamber who was prepared to introduce it.

Apart from the pledge which members of the Labor Party have signed, all those who sit opposite me are free to vote according to their individual consciences. Earlier, in my opening remarks, I instanced Bills which had been introduced to achieve either the identical result sought by this Bill, or something very close to it; those Bills were introduced by Liberal or non-Labor Party members. Party politics did not enter the issue. Not even a division was called for on the second reading stage, the Committee stage, or the more or less formal third reading stage which took place subsequently. It is my prayer that a similar attitude will be adopted by the House on this occasion.

The public is unquestionably aroused—whether in great numbers or small is a question on which we can draw our own

conclusions or have our own opinions—on every occasion when there is a possibility of a hanging in Western Australia. However, it is obvious that the public have accepted the fact that the death penalty is generally commuted to a term of life imprisonment. Therefore, we will not be offending against public conscience by agreeing to this piece of legislation. As history has shown, the elimination of this uncivilised and inhuman penalty is gradually taking place as a general rule, and therefore the abolition of capital punishment is inevitable, anyway.

Mr. Brand: Why did you not introduce this legislation over the past six years as a private member?

Mr. GRAHAM: My last comment is: What is wrong with this House taking action in 1960 instead of leaving it until 1970 or 1980, or some other time? I cannot give any authoritative reply to the question of why the Bill was not introduced by a previous Government; but I do not think the question of what took place or what did not take place during the regime of the previous Government should affect our judgment when considering this Bill. I appeal to the Premier not to provoke, but to speak in a spirit that I have endeavoured to inculcate.

Mr. Brand: I hope you will always adopt that attitude.

Mr. GRAHAM: I hope that, on a serious matter such as this, that will be my principle and my guide. I have no authority for saying it, but it could have been that the Government of the day felt that it was not allowing the death penalty—

Mr. Brand: I said you, as a private member; I did not say the Government.

Mr. GRAHAM: A private member is left to his own devices to introduce such a Bill.

Mr. Brand: Well, why did you not do it?

Mr. GRAHAM: I plead guilty. I was remiss for not doing so, perhaps. But I know that I did introduce a Bill in 1952 to take a half-way step; and, perhaps a few years later, to take a further step.

Mr. Nulsen: In any case, on all counts, we commuted the sentence of death.

Mr. GRAHAM: That is so. However, I do not think we should get down to the basis of—"Why did your Government not do this?" or, "Why did your Government not do something else?" or, "Why did an individual member not do something?" If we start from that point there will be continual accusations about the actions of Governments in the past, and I have studiously avoided the introduction of such circumstances into this debate.

Mr. J. Hegney: Did you support the Bill brought down by Dame Florence Cardell-Oliver?

Mr. GRAHAM: I was not here then. Parliament, no doubt with keen anticipation, waited for my arrival some two years later! For reasons indicated earlier, the members of the Labor Party are bound to support the abolition of the death penalty, because it is a plank of their platform which has existed for just over 40 years, and one which I think was moved by the late W. D. Johnson at a Labor Party conference.

Nevertheless whilst we, as a party, are so committed, it is my hope that there are sufficient members on the other side of this House, and in the Legislative Council, to give a majority vote to the proposals in this Bill; or, in other words, to remove completely and entirely from the statutes of Western Australia any reference to the State itself, by decision and by calculated effort, taking the life of another person irrespective of the heinous and abhorrent manner in which the person found guilty committed his offence.

There is, I believe, another way; so let us have the honour of being members of a Parliament which took the step the other way.

On motion by Mr. Watts (Attorney-General), debate adjourned.

*Sitting suspended from 6.15 to 7.30 p.m.*

## LICENSING ACT AMENDMENT BILL

### *Second Reading*

Debate resumed from the 31st August.

MR. WATTS (Stirling—Attorney-General) [7.30]: This is one of those little Bills to amend the Licensing Act that we have seen on more than one occasion. I think that when the previous Bill dealing with the question of allowing the sale of bottled beer on Sundays in hotels in the goldfields area came before the Legislative Assembly, I was sitting on the opposite side of the House, and I classified the Bill as one that tinkered with the Licensing Act; and I expressed the opinion that it should not become law.

The situation, of course, is that it did become law; and, because it did become law, as I see the position, the Bill that is now before the House has been introduced. It is a remarkable thing, in my view, that this area which is described as the "Goldfields district", and which was defined by the original Act some 40 years ago, has, in many ways, been the recipient of concessions under the licensing laws, which have not been conferred by Parliament upon other sections of the State.

It is sometimes a little difficult to understand why, for example, a place in the Yilgarn district, as constituted at the time the original Licensing Act was passed—namely Newdegate—should be classified as having these additional opportunities for



the sale of liquor—particularly on Sundays—whereas another place, equally hot and not very far away, is deprived of them. It has always seemed to me that the proper provision which ought to be made would be that similar conditions should apply, in respect particularly of Sunday trading, throughout the State.

But, as I have said, the genesis of this Bill, I have no doubt, was the fact that the legislature of this State saw fit in 1953 to approve of a small amendment which enabled the sale of two bottles of beer by hotels in the goldfields district as defined by the Act. In consequence, and from the remarks of the member for Murchison, it is perfectly clear that those carrying on registered clubs in that considerable area have come to the conclusion that they ought to be equally favoured.

I do not suppose that any earthshaking reform or alteration in the law that is comprised in this Bill should engender wholesale opposition to it; but, at the same time, it seems to me it would have been better for all parties if the Bill of 1953 had not been passed; and I think it would be better for all concerned if this one should not be passed. But having had the one, there is undoubtedly some justification—particularly from the point of view of the honourable member; and perhaps more particularly from the point of view of those who are carrying on registered clubs in the same goldfields district—to feel that this measure should be passed.

Of course, as in all licensing measures, this is not one which calls for decision or discussion on party lines. Every member—as was the case when the far more important and very considerable changes to the Licensing Act took place here last year—has an opportunity to vote on this matter as he pleases. I have expressed my opinion that the Bill is only designed to allow other institutions, selling liquor in the prescribed or permitted hours on the goldfields, to be able to do the same as is done by those that were mentioned in the 1953 Bill; and accordingly I do not propose to offer any stern opposition to the measure. At the same time, I could hope that neither of the measures had ever been passed.

**MR. EVANS (Kalgoorlie) [7.36]:** I support the Bill and commend its contents to the House. While being very pleased with the comments of the Attorney-General, I hope I can perhaps be a little more enthusiastic about the passing of the measure; because I am 100 per cent. in support of it. We all know the circumstances surrounding the amendment that was made to the Licensing Act some years ago, whereby hotels in the goldfields licensing district were given the power to sell two bottles of beer on Sunday. That amendment was made, from memory, to section 121, which deals with trading in hotels; whereas section 205 of the Act—that section dealing with the trading in

licensed clubs on Sundays—was not even mentioned in the first amending Bill at the time.

The result was that when the amendment became law, it was legal for two bottles of beer to be sold on Sunday in goldfields hotels; but it was not legal for them to be sold in clubs in the same area. It does not require a great amount of imagination to know what went on in the clubs on the goldfields. If a member of a club wanted to take home two bottles of beer on a Sunday to have a drink with his wife—and if he was a keen supporter of his club and wished to carry out the law to its very letter—he would either have to attend a hotel, purchase the two bottles and then proceed to the club of his choice; or leave his club early and go to the hotel before closing time to purchase his two bottles.

The former choice, of course, is the one that usually prevails, because the clubs enjoy a different spread of hours from the hotels. They commence half an hour later than the hotels on Sunday mornings, and naturally they close half an hour later. A member of a club who desires to purchase two bottles of beer from a goldfields hotel on a Sunday—if he leaves the purchase until the closing time of the hotel—will enjoy half an hour less service from the club. In either case, having purchased two bottles of beer he will be required to take them into his club if he wishes to make use of the facilities of the club.

This difficulty arises because selling of beer in bottles by clubs on Sundays is illegal. The police have found it necessary to enforce the law. There is an anomaly in that a person coming out of the club and carrying two bottles of beer wrapped in a brown paper bag, could be accosted by a police officer. I refer to the type of bag used by hotels to wrap bottles of beer sold on Sundays, and it is also the type used by the clubs for that purpose on week days. In such a case it would only be the word of the club member against the police officer that the bottles had not been brought into the club on Sundays. That person could claim that he had bought the two bottles at a particular hotel, and had merely gone to the club to have a drink; but there would be a suspicion as to the truth of that statement. Of course, the police would be more inclined to believe the club had been trading in bottled beer on Sundays.

There is another aspect with which I do not intend to weary the House except to point out that with the privilege of selling bottled beer being granted to hotels, many week-day patrons of the clubs have been going to the hotels on Sundays and not to the clubs at all. They have done this for the sake of convenience, so that they will not have to carry their two bottles of beer, which they purchase from the hotels, into

the club. They prefer to go into the hotels on Sundays for a few drinks, after which they purchase their two bottles of beer.

**Mr. Brand:** Have the hotel proprietors supported this Bill?

**Mr. EVANS:** In answer to the Premier, I can say that when the amending Bill was before the House last year I discussed this matter with the President of the Goldfields Branch of the Australian Hotels Association. I indicated to him that it was my intention to frame an amendment to the Bill introduced by the Attorney-General, if it was at all possible. He assured me the hotels in Kalgoorlie would have no violent objection to my proposed amendment.

The Attorney-General may remember that section 205 of the Act, governing the trading hours of clubs, was sought to be amended last year by the addition of a new section, to be known as 205A. This was to prohibit "off sales" in bottles on Sundays. The member for Bunbury, who was the Chairman of the Committee, ruled my amendment out of order. This amendment had the same effect as the amendment in the Bill now before us has. At the time I was assured by the President of the Goldfields Branch of the Australian Hotels Association that it would have no objection to my amendment.

Before concluding, I want to read a letter which is addressed to me by the President of the Goldfields Associated Clubs, in order to give some authority to my remarks. It reads—

You are aware that an anomaly exists in the Licensing Act, i.e. hotels on the goldfields sell two bottles of beer on Sundays but registered clubs are not allowed this privilege under the Act. It was unfortunate that the clubs were overlooked in the drafting of this Bill. This is a very contentious subject with all members, including those at Norseman.

We respectfully ask that a private member's Bill be introduced at this session of Parliament and the clubs be given the privilege of selling two bottles, as the hotels, on Sundays. Your co-operation would be greatly appreciated.

There is a postscript to this letter in the form of a personal note from the president. He states—

Tom: This is most important and could help us all. Good luck.

I hope that I have done everything possible to assist the president and the club members on the goldfields to overcome the existing anomaly. I support the second reading.

**MR. BURT** (Murchison—in reply) [7.45]: I thank the honourable member for his support. Although the Attorney-General did tell the House that he considered we were tinkering with the Licensing Act, members should realise that such

tinkering is in a good cause. We are aware that the anomaly referred to in this debate does exist. As I said in introducing the Bill, the granting of the privilege to hotels to sell two bottles of beer to each customer on Sunday mornings has not been abused in any way at all. Members of clubs usually have some amenities which are not available to the general public. The passage of this Bill will enable members of clubs on the goldfields to enjoy privileges which are now available to the public; they will have the same right to purchase two bottles of beer from their clubs on Sundays as has the general public to purchase them from hotels.

**Question put and passed.**

**Bill read a second time.**

*In Committee*

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

## WORKERS' COMPENSATION ACT

### *Amending Legislation*

Debate resumed from the 31st August on the following motion moved by Mr. W. Hegney:—

That in the opinion of this House the Government should introduce during the present session of Parliament appropriate and necessary amendments to the Workers' Compensation Act, including, among others, the following:—

- (1) Removal of limit on hospital and medical expenses.
- (2) Removal of restriction of three years in the matter of claiming compensation for industrial diseases.
- (3) Insurance cover to be provided for workers travelling to and from place of residence and place of employment.
- (4) Substantial increases in compensation and other payments referred to in the Act (including schedules).
- (5) The provision of more reasonable treatment for incapacitated workers in certain circumstances.

**MR. PERKINS** (Ro3—Minister for Labour) [7.49]: I listened carefully to what the member for Mt. Hawthorn had to say when he introduced this motion, in the same manner as I have listened to many other debates on this subject in this House. This has always been a contentious subject; and over the 18 years that I have been a member of the Legislative Assembly, workers' compensation legislation has been discussed on many occasions.

I think perhaps the greatest advances in putting workers' compensation on a sound basis were made following the appointment

of a Royal Commission in 1947 to report on this particular subject. I think many members of this House will recall that Royal Commission. I think Mr. G. W. Simpson was chairman; the present member for Avon Valley was one of its members; and I think Mr. Andrew, who was Under Secretary for the Public Works Department for a long period, was another member. That Royal Commission brought in a very comprehensive report.

I have studied that report on a number of occasions; and, thinking back to the period when it was made, I feel sure that the present Attorney-General, who administered the Workers' Compensation Act in the time of the McLarty-Watts Government, made some very extensive alterations to the system of workers' compensation as it operated at that particular time. It was then that the Workers' Compensation Board was set up with its present chairman, Mr. Mews. I think all members of the House will agree that workers' compensation was put on a very much sounder basis as a result of the inquiries of that Royal Commission, the recommendations it made, and the subsequent action taken by the present Attorney-General to put many of its findings into effect.

Both the Attorney-General and the member for Avon Valley, who have seen a great deal of this legislation over the years, would possibly know more about its details than I do; but since I have been the Minister administering the Workers' Compensation Act there have been many requests for alterations to that Act, and to the basis of compensation paid to injured workers under that legislation.

From time to time I have made announcements of Government policy; and during this session, I made a statement that I would be introducing a Bill to the House covering many aspects of the Workers' Compensation Act. One matter which has been very contentious is the question of industrial diseases. I know that all gold-fields members are particularly interested in this, because I see many files passing over my table containing recommendations from the Workers' Compensation Board, or references to particular cases where, in some instances, an *ex gratia* payment has been made because of particular hardship.

I know this is a difficult question. However, I have made a public announcement that the Government contemplates recognising the possibility that in some cases damage to the lungs by silica dust may not show up in the first three years, the period named in the Act; and this may cause injury to the worker at a subsequent stage. These are just a few of the aspects.

As I have said, over the period I have been the Minister administering this Act, I have dealt with a great many cases and have had many discussions with the chairman and members of the Workers' Compensation Board. As a result, I have made

certain recommendations to my Cabinet colleagues; and, at the present time, active consideration is being given to the form of a Bill to be introduced in this House to deal with many aspects of the Workers' Compensation Act.

The motion moved by the member for Mt. Hawthorn is very comprehensive. He mentioned some individual aspects; and he has a dragnet clause at the end which will cover practically anything. Therefore I do not think anyone could accuse him of not being comprehensive enough in his motion to cover anything which might be envisaged in the way of possible amendments to the legislation.

However, the point I want to emphasise is that it is obviously undesirable for me, at this stage, to deal in detail with the problems which he has enumerated in his motion. I can give an assurance to the House that all of these matters are being considered by the Government; but I am not prepared to say, at this stage, what form the legislation will take.

I do not think members of the House would expect me to state in advance what form the legislation will take. It is a recognised principle of parliamentary practice that Bills are explained at the second reading stage, and we go on from there. If members are not satisfied with the legislation after I have introduced it, they can then raise their objections, as they will have plenty of scope to voice them. I am hoping that the legislation to be introduced will cover most of the problems which have been discussed in this Chamber from time to time.

The speech of the honourable member might lead members to think that the workers' compensation legislation in this State is very far behind the times; but that is not entirely correct. While I admit that in some aspects greater benefits are given under the legislation enacted in other States, in others, our legislation is in advance of that in the other States from the workers' point of view.

For instance, the maximum weekly payment, which is the basis of compensation, is the highest in Western Australia. I think the figure is £14 8s. in Western Australia at present, whereas in South Australia it is £12; in Victoria, £12 16s.; in New South Wales, £14 5s.; and in Queensland, it is 75 per cent. of the weekly wage, the same applying in Tasmania. Therefore, conditions do vary from State to State, and we as a Government are carefully studying the legislation enacted in other States.

It is unreasonable for the House to expect me to say at this point exactly what form the proposed legislation will take. In fact, I do not know at this stage, because obviously any recommendations which I may make will have to be decided by Cabinet, and there may be alterations

one way or the other. In those circumstances it seems to me that this motion is rather premature, and I do not see what useful purpose it can serve. At this stage, I cannot give an indication of the Government's reaction to the individual items as listed by the member for Mt. Hawthorn; and I think that he should either withdraw the motion temporarily, or else hold it in abeyance until such time as the legislation which the Government is considering at present is introduced to the House.

As I have already said, the Bill is likely to be comprehensive enough to give members ample opportunity to discuss all aspects of workers' compensation which they might desire to discuss. I do not know whether there is a fear in the minds of the members of the Opposition that that will not be the position. I do not know whether they fear that the legislation may be too cramping to give them that opportunity; but I do not think it will be. Obviously, on a matter such as this, at the second reading stage there is likely to be a great deal of scope for the submission of various points of view.

If the member for Mt. Hawthorn does not proceed with this motion at the moment, I do not see that he will damage his cause in any way; because obviously the matter is still in the hands of the Government, and it will have to make a decision, first of all, as to the form the legislation will take; and, secondly, as to its scope.

I would like to emphasise that this is not a subject which the Government takes lightly. I can only say again that this subject has been under very active consideration by the Government ever since it has taken office. I naturally took some time to consider many of these aspects. One needs to look at a number of individual cases to see just how great the hardship is. In my experience, I have found that the Workers' Compensation Board is an excellent one and is very fair. It gives me very comprehensive reports from time to time; and there again my Cabinet colleagues will support me when I say that I have passed on to them the reports on various difficult aspects that have to be considered in making a decision on the form the legislation will take, and how far it will go.

In those circumstances, therefore, I hope that the House will not pass this motion now. I cannot see that it serves any useful purpose, and I think it would be very much more proper for the members of the Opposition to wait until legislation is introduced. I feel certain that such legislation will correct many of the present apparent anomalies, and will go a long way to overcoming the dissatisfaction which has been voiced from time to time about workers who have suffered a genuine disability in the course of their employment.

I think that is as far as I can go at this stage, and I strongly suggest that the House postpone further discussion on the matter until I introduce the amending Bill.

**MR. MOIR (Boulder) [8.7]:** I listened with interest to the speech of the Minister for Labour, and it was pleasing to hear him say that he has a due regard for the problems associated with workers' compensation. There is no doubt that this is a very vexed question, and it has been for some years. From time to time the legislation has been improved; but occasionally, in improving one aspect, we seem to raise problems in another.

I do not suppose there would be another Act of Parliament that has so many pitfalls as the Workers' Compensation Act; and, indeed, it may be very difficult at times for the people administering the Act to clarify some of the aspects and conditions laid down in it.

We know that in one section there are certain provisions quite clearly stated which illustrate what must be done in certain circumstances; but then, in another section, there are contradictory provisions. As I say, it must be quite a problem for the people who are charged with the administration of the Act to be able to define what is actually the position. I agree with the Minister that the people who administer the Act do so very fairly and wisely, and I have no doubt that from time to time recommendations are made to the Minister in regard to problems which arise.

I have no doubt, either, that as a result of the experience which the Minister has gained in the administration of this particular department, he would now have a far better understanding of the problems of workers' compensation than he had when he was a floor member. Undoubtedly, that must be true. At times problems crop up that would obviously be referred to him in the last analysis, especially in regard to *ex gratia* payments. Here let me say that the State Insurance Office tries to carry out its particular part of the Act, or its business associated with it, with a humane view and approach. However, it is carrying on a business; and there are, of course, limitations to what it can achieve.

One very vexed question that the Minister would be well aware of is the limitations in hospital and medical allowances. While I suppose hospital and medical allowances under the Act would, in the ordinary run of injuries, be quite sufficient to cover the medical and hospital care required, there is the occasional accident that requires quite a lot of hospitalisation and medical attention; and the amounts that are allowed—£100 for medical, and £150 for hospital—are entirely inadequate in these circumstances.

Mr. Perkins: There are only three cases in a thousand, on the average, where those amounts are insufficient. I had those figures taken out.

Mr. MOIR: I noticed in the *Pocket Year Book* that over 8,000 claims were made last year on the State Insurance Office in respect of workers' compensation. Therefore, if what the Minister says is correct—and I do not doubt that it is—it means there would be upwards of 24 people affected; and while the number of people not affected might be very large, it is a very serious matter for those who are affected.

Mr. Perkins: Some of those people are covered by *ex gratia* payments.

Mr. W. Hegney: That is only with the State Insurance Office, not private offices.

Mr. MOIR: That is one of the matters I am discussing at the present time with the manager of the State Insurance Office. There are limitations to what can be done by way of *ex gratia* payments. A particular case in mind is that of a girl who was employed at a laundry in Kalgoorlie and had her right hand badly mutilated and burnt in a machine there.

This accident took place some considerable time ago, and the girl has had seven operations on her hand. The specialist, in whose care she is, has tried to save her hand. But this has necessitated several operations, and the hospital and medical allowances have been exhausted. The discussion I had with Mr. Hogg—who proved most sympathetic—concerned the exploring of other possibilities in regard to a hospital fund to which the girl contributed. Unfortunately, the rules of that particular hospital fund preclude it from paying out anything in regard to workers' compensation.

There is another aspect of these types of cases. While we have hospital authorities who will endeavour to do everything possible for a patient, irrespective of whether there is money available or not—and we have medical men who are prepared to do a tremendous amount for their patients—unfortunately there are people who seem to lose interest in a case when the money gives out; and perhaps the Minister knows that the State Insurance Office has sometimes been informed by a medical man that it was time he terminated the treatment.

I suppose that is not to be wondered at. Time is valuable to medical men. However humane an interest they take in a person, there must be a limit to the time they can devote to that type of case. They may also adopt the view that Parliament should take a broader view of such cases. I quite agree. We cannot provide an unlimited amount; because in the past we have had experience of medical people having inflated ideas about what treatment was required and what they

should charge for their services. I know a fairly close watch is kept on that sort of thing by the committee of doctors, but these problems have arisen throughout Western Australia.

The Workers' Compensation Board should be allowed some discretion in determining, on the evidence placed before it, whether further sums of money are needed for the adequate treatment of an injured person, and there should be consultation with a committee of doctors set up by the B.M.A. I think this would be almost a complete safeguard, and I hope the Minister will give some thought to it.

Silicosis and the three-year limit has been a vexed question for many years for people on the goldfields—both those concerned with these cases, and their representatives in Parliament. Unfortunately, silicosis is a disease that can be and nearly always is progressive. There seems to be no rule-of-thumb method about it. A person may have silicosis in not a very great degree, and his condition may remain fairly static over a number of years. Then, for some reason that is unknown, the disease progresses, probably years after the person concerned has left the industry.

I have in mind the case of a man who left the coalmining industry and who showed no signs of silicosis, according to X-ray examination and the doctor's opinion. After a period of absence of 18 years, during which time he was engaged in an entirely different industry—as a matter of fact, the tobacco-growing industry—this man became ill. He came to Perth and had examinations and X-rays; and it was discovered that he was suffering from advanced silicosis.

That is just one illustration, but quite a number could be given of the problems concerning silicosis and the three-year limit. However, from his remarks I understand the Minister has decided to recommend that something be done about this matter.

Another problem affecting compensation is where an injured worker recovers to the point at which a doctor may say he is fit for light work. I have here a report from a doctor—I am not going to read it out—saying that a particular man is fit for light work, but that he must not lift anything over 20 lb. in weight. The man in question did secure light work. He had injured his back while employed in the mines and was certified fit for light work. He went back to his employer, who gave him a light job painting tanks.

However, the man found he could not do that work because it involved bending. Even the doctor who certified that the man must not lift weights of over 20 lb. would realise that, to lift weights, a man would have to bend first. I suggest it would be a very light sort of job, where

a man was engaged on manual labour, that did not require the lifting of something more than 20 lb. in weight.

But we have the position that once a doctor has certified that a man is fit for light work, if he cannot obtain light work—or, having obtained what is considered light work, is not able to perform it—there is great difficulty in his obtaining further compensation. First of all, there is the problem of the man obtaining light work.

Last week I was informed of the case of a man I know who was injured on the mines. He was certified as fit for light work. When he returned to work, the lightest job they could find for him was breaking up huge stones on what is called a "grizzly" in the mines. The person employed on this work has to break the big stones into smaller pieces so that they can go through the bars. This involves the lifting and swinging of a heavy spalling hammer, weighing 7 or 8 lb. That was what was considered as the only light work available for that man. So, although he is in the position of being certified fit for light work only, if he cannot obtain suitable light work he receives no compensation at all. It is a big problem.

In relation to that aspect, it is high time some scheme was evolved to enable us to use the services of people who are permanently partially incapacitated. We should not lose the services of people in the community simply because they are no longer able to perform heavy manual work. A person should not be thrown aside on to the scrapheap simply because he is unable to perform heavy work; and I do not think it is right, from a community point of view, for a person to be paid weekly payments when he should be rehabilitated and taught to do some type of work which would enable him to feel he was still of some use in the community. As I said, it is high time we looked at that aspect of workers' compensation—the rehabilitation of workers who are injured.

Another serious problem arises in regard to workers who are seriously injured and who are forced to spend long months in hospital, undergoing treatment and possibly a number of operations. It must be a severe mental strain to those people to know that the amounts allowed under the Act for hospitalisation purposes are becoming exhausted. Most people who lead an active life, and who work hard, if they are injured become worried about the possibility of being crippled and thrown aside for the rest of their lives, unable to carry on with their occupations or take any active part in any other occupation.

Another problem that causes concern—and this would involve only a small number of workers—is that of the worker who is injured on his journey to and from work. There would not be many in that category; but, as I previously pointed out,

despite the fact that the numbers concerned may be only small, it is a serious matter—particularly for the person concerned—and something should be done about it. A worker who is injured travelling to and from work receives no compensation except the ordinary social service payments.

I can remember that in 1952 the McLarty-Watts Government introduced a Bill to cover workers travelling to and from work. That Government must have been convinced of the need for such cover in the Act. Although that legislation was agreed to by this House, when the Bill was introduced in the Legislative Council that clause was rejected—and rejected by Government supporters. As the amounts involved in compensating such cases would be small as compared to the over-all payments for workers' compensation, I think the Government should have a good look at that aspect.

I mentioned before that there were anomalies in the Workers' Compensation Act. Certain sections state quite clearly that something shall be done; then sometimes, in some other section of the Act, that is countermanded. Section 15, paragraph (aa) of the First Schedule to the Act reads—

No agreement between a worker and an employer shall have any force or validity if it exempts the employer wholly or partially from any liability for compensation to which the worker is or may subsequently become entitled under the provisions of this Act, and notwithstanding any such agreement, a worker may recover from his employer any compensation to which he is, or subsequently becomes, so entitled.

From that it appears quite clear that the injured worker or the employer cannot contract out of the provisions of the Workers' Compensation Act. But the same paragraph goes on—

Provided that this paragraph shall have no application to agreements for the redemption of future weekly payments duly recorded under the provisions of this clause.

That immediately nullifies the first part of the paragraph; and I read it to illustrate to the Minister what at present appears in the Act.

This redemption of weekly payments by injured workers, and particularly in regard to workers who have contracted silicosis, has been a very vexed question over the years. It has always appeared wrong to me that an agreement can be registered, under which a man is certified as 30 per cent. or 40 per cent. incapacitated by silicosis, and he receives a lump sum; and then, at some future time, when his condition deteriorates—probably to a considerable extent—by virtue of the fact that

he has signed that memorandum agreement he can receive no further compensation.

The reason in the first place for the man getting a lump sum in most cases is that, having discovered he has contracted an industrial disease, he immediately desires to leave the job and seek further employment elsewhere. Probably he has a little money put aside; and he may decide to go into some type of business or activity that necessitates his spending some money, or at least having some money to set himself up. To obtain the necessary money he is prepared to sign that agreement, and I have known of many such cases. Then, many years later, when his condition has extensively deteriorated he is unable to obtain any more compensation for that disease.

I consider the Minister should keep that aspect well in mind. I understand that the Workers' Compensation Board at present takes a long and close look at these cases when they come before it. This is an issue on which I criticise the State Government Insurance Office because that is the body which covers the mining industry in regard to industrial diseases; and it is morally wrong to request a man to sign away any future rights that may accrue to him by taking advantage of the position merely because that man requires ready money to set himself up in some occupation or business.

The Minister mentioned that our weekly payments of compensation were the highest in the Commonwealth. I have not the latest figures on the payments made in each State, and therefore I cannot argue with the Minister on that point. However I dispute his statement that an injured worker receives £14 8s. per week at the present time. In the first place, there are various weekly payments made available to injured workers under the Act based on whether a worker has dependants or whether he is a single man; and, of course, a different scale is set for injured female workers. The relevant section of the first schedule in the Act reads as follows:

Weekly payments including payments in respect of dependants shall not exceed—

- (a) in the case of a male worker twelve pounds eight shillings; and
- (b) in the case of a female worker nine pounds.

Of course there are other stipulations in regard to payments in certain circumstances, but I think the Act is fairly definite when it states that weekly payments in respect of a worker with dependants shall not exceed £12 8s. I think the Minister will find that that is the correct amount unless basic-wage adjustments which have since been made have brought about an alteration to that figure.

I think I have covered all that I intended to say at this stage. I would have had a lot more to say on workers' compensation had the Minister not assured us that he intends, in this session of Parliament, to bring down amendments to the Workers' Compensation Act. I can assure the Minister that I will be looking forward with interest to those proposed amendments, and I sincerely hope that when the Bill is drafted consideration will be given to some of the anomalies in the Act; to some of the provisions that are not clear, to ensure that they are put beyond all doubt and that we will have a more efficient and a more equitable Workers' Compensation Act than we have at present.

**MR. NORTON** (Gascoyne) [8.34]: I consider I should contribute a few words to the debate on this motion. I do not agree with the Minister's contention that this motion should lapse or be postponed. I believe that it gives us an opportunity, before he introduces his amendments to the Workers' Compensation Act, to raise some points that are well worthy of some consideration. If the debate on the motion does not proceed before his Bill is introduced, some of these points may be overlooked. I want to speak particularly on that part of the motion dealing with medical and hospital expenses. In my opinion, the amount allowed for medical and hospital expenses is, in these times, quite inadequate because it covers many extraneous items. It covers, for example, fares for an injured worker when he is transported from the country to a city hospital.

The total amount that is allowed for hospital and medical expenses to any injured worker is £174; and, as the rate allowed by the Workers' Compensation Board for hospitalisation is 70s. per day, the amount allowed under the Act would permit an injured worker to be hospitalised for only 50 days. That is not such a great length of time for an injured worker to be in hospital if he has, for example, a compound fracture or extensive burns; and such accidents occur quite frequently in many industries.

Not so very long ago there was brought to my notice the case of a station-hand, employed some 150 miles north of Carnarvon, who suffered a fracture whilst he was working. As the man was elderly, certain complications arose and it was necessary for him to be flown to Perth. Until about 12 months ago, I did not know that air fares were not assessed independently under the schedule. A prominent doctor in Perth informed me that all air fares and attendant expenses are a charge against the amount allowed for hospital and medical expenses under the Workers' Compensation Act. This elderly man, whom I have mentioned, was a stretcher

case; and, as all such cases require the services of an escort nurse, the transport costs amounted to a considerable sum.

The cheapest air fare in the North-West is from Carnarvon to Perth. For a stretcher case to be conveyed by aircraft, four seats have to be removed from the plane; although, actually, the stretcher occupies the space of only two seats. The MacRobertson Miller Aviation Co. is very reasonable in regard to the transport of stretcher cases because it charges only for the space of two seats instead of four. However, in addition to the plane fare for the stretcher patient himself, the return fare of an escort nurse has to be met. Therefore, the total cost of conveying a stretcher case from Carnarvon to Perth—including the return fare of the escort nurse—is £62 8s.; and this amount has to be deducted from the sum of £174 allowed under the Act for hospital and medical expenses. In listing the charges for the transport of a stretcher case from the various North-West centres, I point out that it costs £94 4s. to transport such a case from Wittenoom to Perth; from Port Hedland, it is £97 4s.; from Broome, £129 12s.; from Derby, £139 8s.; and from Wyndham, £172 4s.

So it will be seen that a great proportion of the statutory allowance for medical and hospital expenses would be quickly absorbed by air fares for the patient and his escort. If the patient is transferred to Perth and is sent to a private hospital, it will be found that the doctors—who give the patient every consideration that is possible—will transfer him from a private hospital to Royal Perth Hospital—that is, if the patient has not been admitted there in the first place.

This means that the patient will have the services of an honorary doctor, or doctors, as the case may be. He will have the facilities supplied by the Royal Perth Hospital; and, if he is unable to pay the excess over and above the statutory allowance, he can be summonsed for this amount; but the public hospital is very lenient in such cases. I do not think it is fair that the State should have to bear the cost of an injured worker when it is possible to insure him against such injury by increasing the statutory charges, whether by negotiation or under the statute as it stands. It is not fair that the State or the doctors should have to pay out any money whatever.

In answer to a question I asked, the Minister for Health said that the hospital benefit societies would pay the sum which is incurred in excess of the statutory amount allowed in the Workers' Compensation Act. That may be so in respect of some societies, but it is not so with all of them. I understand the society on the goldfields does not, under any conditions, allow for payments in respect of workers'

compensation cases. In any event, I see no reason why the hospital benefit societies should be called upon to pay for workers' compensation expenses when there is a method available to insure against such expenses.

The amount involved in the increase would not greatly affect the premium, if at all; but it is only reasonable to expect that an increase will be made. If the insurance companies, or the Government, consider that the hospitals, or the doctors, will take advantage of any such increase, then why not provide that these extra expenses should go before a board for adjudication to see whether or not they are fair and reasonable?

In the case I mentioned earlier, the person in question was in Royal Perth Hospital after being transferred from a private hospital where he was a patient for over six months. This meant that the doctor in charge of the case there received no payment whatever from workers' compensation, because practically all the medical and hospital fees had been cut out prior to that person being transferred. I would ask the Minister to have a look at this case. He says there would only be three cases in 1,000 in which these expenses are exceeded; but it is those three cases in 1,000 who feel the pinch, when they are faced, during their recovery, with the payment of these extra expenses.

There are not a great many areas affected by this; but the Murchison area and the North-West area would be included, because those areas do not carry any major hospitals—the hospitals there are not equipped to deal with complicated cases. In the majority of instances the hospitals concerned have only one doctor. I think the only hospital in the Murchison and North-West areas which has more than one doctor is the Carnarvon Hospital; and that hospital, with two doctors, would not be able to cope with a case such as the one I had in mind when I started to speak.

The other matter on which I wish to touch concerns the amounts paid in compensation. No doubt this will be dealt with by the Minister when he brings down his Bill; because it is usually in these Bills that the first and second schedules are altered. This will give us time and opportunity to debate the issue when the time arrives. Accordingly I will content myself, on this motion, with bringing this particular problem before the notice of the Minister and asking him to have a look at the costs of transporting a case from remote districts to the metropolitan area for specialised treatment which cannot be obtained in the remote areas.

MR. CRAIG (Toodyay) [8.47]: I move—

That the debate be adjourned.



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

Ayes—25.

Mr. Bovell	Mr. W. A. Manning
Mr. Brand	Sir Ross McLarty
Mr. Burt	Mr. Nalder
Mr. Cornell	Mr. Nimmo
Mr. Court	Mr. O'Connor
Mr. Craig	Mr. O'Neill
Mr. Crommelin	Mr. Owen
Mr. Grayden	Mr. Perkins
Mr. Guthrie	Mr. Roberts
Dr. Henn	Mr. Watts
Mr. Hutchinson	Mr. Wild
Mr. Lewis	Mr. I. W. Manning
Mr. Mann	(Teller.)

Noes—24.

Mr. Andrew	Mr. Jamieson
Mr. Bickerton	Mr. Kelly
Mr. Brady	Mr. Molr
Mr. Curran	Mr. Norton
Mr. Evans	Mr. Nulsen
Mr. Fletcher	Mr. Oldfield
Mr. Graham	Mr. Rhatigan
Mr. Hall	Mr. Rowberry
Mr. Hawke	Mr. Sewell
Mr. Heal	Mr. Toms
Mr. J. Hegney	Mr. Tonkin
Mr. W. Hegney	Mr. May
	(Teller.)

Majority for—1.

Motion thus passed.

Debate adjourned.

## MARKETING OF EGGS ACT AMENDMENT BILL

### Second Reading

Debate resumed from the 6th September.

**MR. KELLY** (Merredin-Yilgarn) [8.50]: This rather short Bill is designed to enable the Egg Board to pay a premium to egg producers in respect of high-quality eggs. Perhaps the term "quality" might not be quite correct in this case, because it applies rather to the colour of the yolk than to the quality of the egg. It can be said that the proposed premium referred to in the Bill is mainly an incentive to egg farmers to produce eggs with a deeper coloured yolk. The Minister stated that 67 per cent. of the eggs received by the board are so produced.

Pale-yolked eggs have caused quite a deal of concern to the Egg Board in particular; they have rendered sales on the local market to be more difficult than on the export market. I think it can be said that the reaction of the customer is more psychological than real in respect of the colour of the egg yolk. A pale-yolked egg does not deteriorate any quicker than an egg with a deep-coloured yolk; it tastes no different; it contains the same nutrient; but it lacks what might be termed pigment in the yolk.

Of course the majority of consumers will stick to the storekeeper who has a reputation for retailing eggs with a deep-colour yolk. The Minister told us, and quite rightly, that the main reason for paleness in the yolk of eggs was the lack of sufficient green feed in the diet of the hen. During the period when there was a very close examination into this matter, it was

proved conclusively that the complaint of pale egg-yolks occurred in the summer months.

To overcome this, the egg producer would have to use more green feed, if a greater quantity could be obtained in the summer months. In sandy soil it is more difficult to grow a sufficient quantity of green feed in the summer months. It is most essential to keep up the supply of green feed to the poultry flock to enable a rich-colour yolk egg to be produced.

By introducing this measure, the Government should not pat itself on the back in regard to its efforts to encourage producers to increase the supply of green feed to their flocks. Under the circumstances which existed last summer, when there was an acute shortage of water, egg producers were not able to achieve a high-quality egg production because of the lack of green feed. The action of the Government in increasing water rates this year will have a detrimental effect on the egg industry, because many egg producers operate within the metropolitan area. Where they are connected to the water scheme they will be paying much more this year than they did last year or in previous years. This increase in rates will reduce the likelihood of poultry farmers growing a greater quantity of green feed in the summer to obtain a rich-colour yolk. If they were not able to achieve satisfactory results when water rates were much lower, there is no doubt they will not be able to do it now when the water rates are much higher.

**Mr. Nalder:** Many of the poultry farmers to whom you are referring have their own water supplies.

**Mr. KELLY:** I intend to deal with that aspect. The Government could do something tangible by way of providing a subsidy to egg producers who have installed their own water supplies. Such assistance should apply not only to poultry growers, but also to the many other people in the metropolitan area who have expended large sums of money by installing their own water supplies and thus helping the Government out of a tight corner. That gesture on the part of the people of this State should have received recognition from the Government. Many people spent hundreds of pounds to install their own water systems; and in many cases a costly outlay was incurred without satisfactory results being achieved.

I inquired from the Minister for Water Supplies earlier in the session, when it appeared almost inevitable that there would be a water shortage, whether he intended to give relief to people who were prepared to spend money in obtaining their own water supplies. He said a very careful examination would be made of the matter. I cannot think of any assistance, other than a subsidy, which will emanate after

a careful investigation is made. However, Mr. Speaker, I know you will not allow me to pursue that course much further.

The improvement in egg yolks which the Minister is endeavouring to bring about by this legislation, commendable as it is, will fail to be achieved unless incentive is given to the egg producers in such a form that they will receive some assistance from the Government in installing water schemes. If the producer was unable to grow a sufficient quantity of greed feed at a period when water rates were low—and pale yolks are obviously caused by a lack of green feed—and there was an ample water supply, how much less able is he now to grow sufficient green feed when water rates are much higher?

I have nothing more to add to this debate. The amending Bill serves a good purpose. If the Government wants to gain any advantage, from the angle of incentive to producers, there is only one way: that is, to give some subsidy, or at least some recognition to all the people who have installed their own water supplies.

**MR. W. A. MANNING (Narrogin) [9.0]:** I think we can all commend any action taken to encourage better quality, which is something that assists in the marketing of a product. The Bill deals with the colour of egg yolks, and I heartily support it. One aspect which concerns us all is the consumption of eggs, which is a very important factor. It is not the amount of production that is the vital point; it is the number of eggs consumed.

The subject matter of this Bill is one which will encourage and uplift consumption, which is decidedly affected by quality. At the present time, production is falling. One wonders why. Possibly there are many incidental reasons, one of which is that the return to the producers is not sufficient because of the very low price of second-grade eggs.

One thing we do notice is that the fall in production between 1957-58 and 1958-59—with every floor showing a reduction—was 1,174,897 dozen. Of that total, 131,764 dozen related to country depots. The point I am interested in here is that the reduction at Narrogin for that year was 8.7 per cent., the lowest of all floors including both Perth and Fremantle. The next lowest was Perth with a reduction in production of 12.6 per cent. I also noticed that the receipts at the Narrogin depot were more than twice those of the country depot showing the second highest figure.

Today I asked the following question of the Minister for Agriculture:—

Is the yolk colouring of eggs received by the W.A. Egg Marketing Board from country producers satisfactory?

The Minister replied as follows:—

Generally speaking, for about nine months of the year country eggs are well coloured due to the general practice of free-ranging flocks.

It is a recognised fact that country eggs do have a good colour; and no doubt the amendment before the House, if passed, will be of distinct advantage to country producers.

That answer indicates that every encouragement should be given to country production.

In 1958, when speaking on a similar matter, I referred to steps which could be taken to give better results at a country depot; and I would now like to quote a paragraph from the report of the Egg Marketing Board for the year ended the 4th July, 1959. I quote from page 3, under the heading, "Floors' Operations" which reads as follows:—

In an effort to maintain quality during the hotter months of the year, the board installed a cool room with a capacity of 750 x 30 dozen cases of eggs, in the Sales Department of the Perth Floor. All eggs intended for sale are kept in this cool room, the temperature of which is maintained at approximately 50 deg. F. Over the weekends as many uncandled eggs as possible are also held in this cool room. The room can be easily dismantled and so, if necessary, easily and efficiently shifted.

This move has been carried out at the Perth receiving floor in an effort to maintain quality. I am of the opinion that if it is good policy for the Perth receiving floor, it is also good policy for every floor.

We have this situation: Eggs brought into a depot, say, on a Friday, are left in the depot until Monday morning because it is too late for them to be graded and candled on Friday. It may not matter at this time of the year, but in the summer it matters very much. If we are going to encourage the producers of eggs to maintain a high quality, every receiving floor, where it can be justified, should have a cool room. I advocated this very point some two years ago, but nothing has as yet been done. However, there is some hope, as action has been taken in Perth.

There is a very severe loss to the producer between first-grade eggs and second-grade eggs. Over the year to which this report refers, the loss on second-grade eggs was approximately 3s. per dozen as second-grade eggs were down to 1s. 9d. a dozen at a time when export hen eggs were 4s. 3d.; and down to 2s. 3d. when export hen eggs were 5s. 2d. That makes all the difference between a margin on production and a distinct loss. When that loss can be occasioned by the holding of eggs in a depot which has no cool-room facilities, I think the matter should be tackled.

We are facing up to the situation concerning the colour of the yolk; and I suggest it would be wise for the Egg Marketing Board to install cool-room facilities and thus avoid the de-grading of large quantities of eggs because there is no suitable way to hold them. I notice that the Egg Marketing Board has considerable cash reserves. I think a very good investment for part of those reserves—an investment which would return a high rate of interest—would be the installation of cool stores at depots.

I have much pleasure in supporting the Bill and hope that the Egg Marketing Board will take notice of the remarks I have made and will take action along those lines. No amendments to the Act are required in regard to the up-grading of quality to bring a higher return to producers.

**MR. JAMIESON (Beeloo) [9.6]:** I am opposing this amendment for very few and clear reasons. I feel it will do nothing for the producer other than cause him to buy a different kind of pellet or mash which would include certain chemical ingredients, which, it has been proved in the United States, can be added to laying mash and the feed of poultry. I understand that these chemical ingredients will produce yolks of almost any colour.

If this amendment is put into the Act, all it is going to do is to allow, say, Thomas & Co.—or others that produce laying mash and pellets—to go ahead and include these chemical ingredients in a special mash that will be available to growers to enable them to produce premium yolk eggs. The producers will have to pay more for this feed; and in order to compete with their next-door neighbour they will have to buy that particular product.

I do not think there is any particular advantage to the country producer—the producer in whom our friend from Narragin is interested. The country producer will be outdone by the big producers of eggs in the metropolitan area who, naturally, will be out to get extra money for their eggs.

**Mr. May:** Plus freight.

**Mr. JAMIESON:** Yes, plus freight. That is another difficulty associated with it. Possibly the extra amount to be paid for the chemical constituent would not be as great as the freight from the areas in which the member for Narragin is interested.

I fail to see how this Bill is going to benefit the poultry farmer in any way. In the circumstances, I feel I have every justification at this juncture in opposing the Bill, unless the Minister can prove to my satisfaction that protection will be provided against monopolistic groups that are now producing feed for poultry in this State.

If protection were provided against these people cashing in, I would be happy with the Bill; but at the present time I feel there is no such protection. In those circumstances, I oppose the measure.

**MR. J. HEGNEY (Middle Swan) [9.10]:** This is a Bill which to me appears to prove that the chickens have come home to roost. I do not profess to know much about poultry. In earlier years, when I represented the Middle Swan electorate, possibly about 75 per cent. of the poultry producers lived there. Consequently I came into contact frequently with a great number of them. This Bill provides for the Egg Marketing Board to pay a premium to the poultry farmers who produce eggs of a better colour than those which are being produced today.

I remember on one occasion I was contesting an election, and as I carried out my campaign in the back country where the poultry farmers lived, I found that their greatest complaint and criticism was that they could not buy bran or pollard; apparently all the stocks were being bought up by Thomas's who had just come into the field. Also Westralian Farmers were doing the same thing, together with other such companies. They had all decided that instead of selling the bran and pollard in bulk, they would mix it into a mash. Subsequently they produced what is called a pellet which was supposed to have all the ingredients in it. It was stated that it was much easier for the farmers to feed the mash or pellets to the birds at the stated times of the day than to obtain the bran and pollard in bulk and mix it up themselves.

I know one young person in this industry who lives in Morley Park. His name is Barker, and he is one of the best poultry growers in the State. His parents were in the business before him, and he has grown up with it and is still in it. He told me that in the earlier years they were unable to obtain bran and pollard in order to mix it with the green feed which they grew—lucerne, elephant grass, and so on. According to him, that is where the economy occurs. To get the required colour into the egg, it is necessary to feed the birds more green feed.

Yet in earlier years, the primary producers in this industry were unable to obtain the bran and pollard in order to mix it with the requisite amount of green feed to give a balanced diet. I think the amount was 50 per cent. of green feed compared to the amount of bran and pollard. It is now considered to be necessary to give an incentive to try to obtain a darker colour in eggs.

Over the years, there has been a lot of contention in this House in connection with the marketing of eggs. But the position has now been reached where those engaged in the industry have to accept the conditions laid down; and I would say that

for the most part they have to obtain the mash from the firms I have mentioned. I am speaking particularly of the metropolitan area.

Mr. W. A. Manning: They do not have to buy the prepared mash.

Mr. J. HEGNEY: They had to in the past because they were unable to obtain the bran and pollard from those firms; and that was the position a few years ago. It may not be the same today, but it certainly was then. Now the experts say that to obtain the required colour in the eggs, more green feed must be given to the birds. I believe that sometimes these difficulties are created by firms. So far as the country producers are concerned—

Mr. W. A. Manning: They are much better.

Mr. J. HEGNEY: I do not know that. In the country, the producer is mostly the farmer's wife—I understand that the farmer himself would not have time to apply himself to poultry production—who raises a few fowls in order to obtain a little pin money.

Mr. W. A. Manning: There are poultry farmers in the country.

Mr. J. HEGNEY: I am talking about eggs from agricultural farms. That was the position when the Egg Board was first brought into existence. Many of the eggs coming from the country were not altogether satisfactory.

I know that the Bill seeks to offer an incentive in an endeavour to obtain a better colour in the eggs, but only time will tell whether or not this will be the solution of the problem. However, as I have said, it appears that the chickens are coming home to roost. If farmers in the earlier days had been able to obtain the bran and pollard to mix with the proper amount of green feed, the board would not be faced with the present problem.

MR. I. W. MANNING (Harvey) [9.15]: I am sorry that the member for Beeloo has seen fit to oppose this measure, because if passed it would be a very great contribution to the improvement of the eggs.

Mr. May: He gave his reasons.

Mr. I. W. MANNING: One of the problems in the poultry industry today—the egg industry—is the fact that so many of the eggs have an unattractive colour.

Mr. Jamieson: What has that to do with it?

Mr. I. W. MANNING: It has everything to do with it. It is felt by the board that if encouragement could be given to the producers to obtain a better-quality egg, the standard of the industry would be considerably improved. I do not know where the member for Beeloo gained his belief that chemicals were to be used to produce a better colour.

Mr. Jamieson: Don't you think that will occur?

Mr. I. W. MANNING: As the member for Middle Swan has said, it is all a matter of the amount of green feed in the diet of the hens. One of the means by which this objective is achieved is to produce a particular sort of clover—a clover hay—which is mown when it is very young. It is then put through the hammer mill and mixed with the bran and pollard to produce pellets. This forms a very attractive food which produces a rich colour in the egg, thus increasing the quality of the product.

The whole Bill is designed to help the egg industry; and it has been suggested by the experts who are in a position to know what is best for the industry. I believe this measure is a contribution towards the improvement of the industry, and I fully support it.

MR. HALL (Albany) [9.19]: The object of the measure before the House is to permit the Egg Marketing Board to make premium payments to egg producers who sell to the board eggs that have characteristics or qualities which, in the opinion of the board, will assist in the marketing of eggs. I suggest that the Minister should start right down in the south where conditions are ideal for the storage of eggs, and the setting up of an establishment to handle eggs. At the moment eggs from the south are transported to Narrogin for sorting and storage. They are taken from a temperate climate to a humid one where they stay over the weekend. I believe that the establishment of an egg floor in this area, which enjoys a plentiful rainfall and where there is plenty of green feed, would be of great assistance towards the production of better eggs.

I would say that district is probably producing the best eggs if taken on a percentage basis. I heard the Minister speak the other night, and the member for Narrogin tonight, about refrigeration, and I say that if eggs are removed from a moderate climate to a humid climate, they must deteriorate. I think the best thing to do would be to establish an egg floor at Albany.

MR. NALDER (Katanning—Minister for Agriculture—in reply) [9.21]: Listening to the member for Beeloo reminds me of the song, "Down on Misery Farm." It goes—

It rains all day;  
You can't make hay;  
And the fowls won't lay  
Down on Misery Farm.

Mr. Bickerton: You are a poet and don't know it.

Mr. NALDER: Here is an opportunity for the Egg Marketing Board to endeavour to encourage a quality product—

Mr. I. W. Manning: Hear, hear!

Mr. NALDER: —as far as Western Australia is concerned.

Mr. Graham: A colourful product.

Mr. NALDER: A quality product.

Mr. Graham: Colourful.

Mr. NALDER: Colourful, if you like.

Mr. Graham: You said there was no difference in the quality.

Mr. NALDER: We in Western Australia, as I endeavoured to say, are very proud of the agricultural products that we are able to sell on the overseas market. One could refer to meat. Only just recently—

Mr. Hawke: Kangaroo?

Mr. NALDER: —a representative of a firm that is exporting much of the meat to the United States commented on the quality of the meat that is going from Western Australia to America.

Mr. J. Hegney: They were not too favourable about kangaroo meat in America.

Mr. NALDER: As far as fat lambs are concerned, we had very favourable comment last year from London. Many other of our exportable products are commented on favourably. That is because producers are encouraged to produce a quality product; and this amendment is an endeavour to help producers and encourage them to market a quality product.

I think most members will agree that is very commendable. All this amendment seeks to do is to pay a premium to those who are prepared to take a little more trouble to feed their flocks in the manner which has been recommended, and which is not a costly method of feeding. As a matter of fact, grass is probably one of the cheapest feeds for flocks. It is not as costly as grain, or the mashes referred to by the member for Middle Swan.

I think it is quite clear that the evidence already given proves the point; and I see no reason why, when given an opportunity in this way, we should not endeavour to encourage it with the utmost energy. This is one of the ways in which the Egg Marketing Board feels it can improve the quality of our overseas products and also encourage local consumption. As I mentioned in my opening remarks, our local market is the best market, and we therefore want to encourage producers to produce a quality product that will commend itself to our local people. This amendment endeavours to do that.

Question put and passed.

Bill read a second time.

*In Committee*

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

*House adjourned at 9.26 p.m.*

# Legislative Assembly

Thursday, the 8th September, 1960

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The SPEAKER took the Chair at 2.15 p.m., and read prayers.