

POLICE ACT AMENDMENT BILL*Second Reading*

Debate resumed from the 24th August.

MR. DAVIES (Victoria Park) [8.54 p.m.]: This short Bill is related to the matter we have previously dealt with. I do not wonder that our policing of obscene publications has been so successful, because I find it is covered under three different sections of three different Acts. We have the Criminal Code, which, as the Minister mentioned, provides for imprisonment with hard labour for two years. In the Indecent Publications Act, which we have just amended, there is provision for a penalty of \$200, or six months' imprisonment. Now, in the Police Act, we find that subsection (5) of section 66 also sets out what the members of the public shall not do with obscene books, prints, pictures, drawings, or representations.

If a person does any of these things, of course, he could be deemed to be a rogue and a vagabond, and upon conviction he could be imprisoned for a term not exceeding 12 calendar months. So, under the three Acts, a person could be imprisoned for six months, 12 months, or for two years with hard labour. Also, under the Indecent Publications Act there is a fine of up to \$200 which can be imposed as well as, or in lieu of, the term of imprisonment.

The Minister tells us it becomes necessary to take the word "book" out of subsection (5) of section 66 of the Police Act in order that prosecutions may be proceeded with under the Bill we have previously dealt with or, alternatively, under the Criminal Code. I cannot see any objection to this and I think it is probably something which should have been done a long time ago. I must confess this is the first time I have looked at section 66 of the Police Act and I am rather surprised there are so many actions which can be deemed to indicate that a person is a rogue or a vagabond, and accordingly can be proceeded against.

This possibly means that many Acts could be looked at and tidied up. We have had a committee going through the legislation considered to be outdated and redundant, and, as members well know, a lot of Acts have been suitably dealt with to remove them from the Statute book. I understand this work has been carried out by a Mr. Clarkson, and it would appear that his work is practically accomplished. Perhaps the same committee could have a serious look at the way these various Acts interlock.

It seems rather strange that in this day and age one could be considered a rogue and a vagabond by exposing to view in any street or public place an obscene book, printed picture, drawing, or a representation. If I remember correctly, some years ago there was a shop in Perth which

specialised in books of literary merit. I think the shop was in Pier Street.

Mr. Hawke: What age was the member for Victoria Park then?

Mr. DAVIES: I was not the member for Victoria Park then. I do remember a few prosecutions at that time, and possibly they came under the section of the Act to which I have referred. I would not like to suggest the conditions under which a person would be considered a rogue and a vagabond today. The Acts are being tidied up and it is only right the world "book" should be deleted from the Act.

MR. CRAIG (Toodyay—Minister for Police) [8.59 p.m.]: I thank the honourable member for his support of this complementary amendment to the Police Act. He may recall that a couple of years ago we made considerable amendments to the principal Act with regard to penalties, and at that time attention was drawn to certain redundant features. It was stated then that this would be one of the first tasks to be carried out by the committee referred to by the honourable member. It is a coincidence that within a week we have had two amendments to this particular section of the Act. However, I thank the honourable member for his support of the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

House adjourned at 9.1 p.m.

Legislative Council

Wednesday, the 6th September, 1967

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

QUESTIONS (10): ON NOTICE

L.S.D. DRUG

Illegal Possession: Legislation

1. The Hon. J. DOLAN asked the Minister for Health:

(1) Is the Minister aware that the New South Wales Government, as a matter of grave urgency, is proclaiming new regulations—prepared by its Poisons Advisory Committee—to provide severe penalties for the illegal possession or distribution of the hallucinatory drug L.S.D.?

(2) Is there provision under our laws for similar action to be taken in Western Australia?

- (3) If so, will the Minister give consideration to such action to control the illegal use of this drug in this State?

1965-66 — \$204,040 representing 22.5 per cent. of the total grant.
 1966-67 — \$234,600 representing 24.2 per cent. of the total grant.

The Hon. G. C. MacKINNON replied:

- (1) I am aware of a report to this effect.
 (2) and (3) The honourable member's attention is drawn to the *Government Gazette* (No. 21) of the 25th February, 1966. This contains a proclamation under the Poisons Act, 1964, prohibiting the sale, supply or use of lysergic acid diethylamide ("L.S.D.") except by special permission of the Commissioner of Public Health.

The total grant to all States for the three years was \$2,750,000.

(b) Year.	State Funds.
1964-65	\$496,920
1965-66	\$621,850
1966-67	\$499,400

The relevant penalty for an offence in this connection is a fine of \$500, or imprisonment for 12 months, or both.

The above is not consistent with a reported allegation that Western Australia is two years behind the Eastern States.

- (2) Surface and underground water investigations have been spread through the whole State. These investigations have yielded information on the quantity and quality of water from rivers and from underground resources.

- (3) The Minister for National Development has approved a State programme for continuation of the work outlined in answer to (2). The Water Resources Council has recommended that the Commonwealth Government continue to subsidise State expenditure on this work.

It is understood that legislation for this purpose will be introduced during the current session of the Commonwealth Parliament.

WATER RESOURCES COUNCIL

Funds, Investigations, and Programme

2. The Hon. E. C. HOUSE (for The Hon. J. M. Thomson) asked the Minister for Mines:

With regard to the Water Resources Council—

- (1) For the financial years 1962-63 to 1966-67—

(a) what has been the annual proportion of Commonwealth funds to Western Australia; and

(b) what amount has been contributed from State funds?

- (2) In what areas or locations within Western Australia have investigations been carried out, and what are the individual results of such investigations?

- (3) What is the present and future programme of the Water Resources Council in Western Australia?

The Hon. A. F. GRIFFITH replied:

- (1) (a) The Commonwealth grant for water resources measurement did not commence until 1964-65.

The following figures therefore are for the first three years of the grant and include both underground and surface water expenditure:—

1964-65 — \$191,280 representing 21.6 per cent. of the total grant.

APPRENTICES

Electrical Trade: Test for Colour Blindness

3. The Hon. C. E. GRIFFITHS (for The Hon. G. E. D. Brand) asked the Minister for Mines:

When apprentices are accepted for the electrical trade, are they tested for colour blindness—

(a) before commencing apprenticeship; or

(b) during such apprenticeship?

The Hon. A. F. GRIFFITH replied:

- (a) As a general rule yes, but it is not a statutory requirement. However, under the Electricity Act regulations, before an apprentice can perform any electrical work in his first year he must possess a "C"-class license, and this necessitates the passing of a colour test.

- (b) Not after the initial test.

STATE ELECTRICITY COMMISSION

Oil Contracts: Conditional Quantity

4. The Hon. N. E. BAXTER (for The Hon. T. O. Perry) asked the Minister for Mines:

- (1) Is it a fact that the price of fuel oil supplied to the State Electricity Commission is conditional on 750,000 tons a year being purchased?

- (2) If the answer to (1) is "Yes," can we expect coal-fired stations in Western Australia to be reduced in output to allow for the full consumption of the above tonnage?

The Hon. A. F. GRIFFITH replied:

- (1) No.
(2) See (1).

PESTICIDES

Levels in Food, Water Supplies, and Crops

5. The Hon. J. DOLAN asked the Minister for Health:

In view of the widespread use of pesticides; the introduction by countries importing Australian foods and feeds of threshold levels of pesticides; the attention given by the Australian National Health and Medical Research Council, and the Australian Agricultural Council to the use and possible dangers of pesticides; can he advise—

- (1) What work, if any, has been done to determine the levels of the commonly used pesticides, especially the organophosphates, in foods intended for human consumption; in feeds for domestic animals; in water supplies; and in tissues of man?
- (2) If such investigations have been done, over what period of time have they been carried out?
- (3) What changes, if any, have been recorded in the extent and levels of those mentioned in the items under (1)?
- (4) What are the permissible levels, if any, in foods and in water available for human consumption in Western Australia, and in feeds and water intended for domestic animals in this State?
- (5) What steps are taken to ensure that pesticides are not used indiscriminately for the control of pests on fodder and food plants, vegetables, fruits, animals, and in streams, etc.?
- (6) What is currently the mean intake of pesticides, especially organophosphates, by the citizens of Western Australia as determined by the total amount present in the daily or weekly market basket?
- (7) What legal tolerances, if any, have been promulgated for pesticides, especially organophosphates, in food, water, and fodder for export and for home consumption, if any differences exist?

home consumption, if any differences exist?

- (8) If no standards have been formulated, when can it be expected Western Australia will follow the examples set in this respect by other countries such as the United Kingdom, the United States of America, etc.?

The Hon. G. C. MacKINNON replied:

- (1) Field investigations involving the treatment of animals, crops, pastures, vegetables, and orchards, and the subsequent chemical analyses of meat, milk products, vegetables, and fruit for organochlorine and latterly also for organophosphates have been carried out. Western Australian water catchment areas are so located as to preclude pesticide residue problems emanating from agricultural drainage. Only a few samples of human tissue have been analysed but the matter is being further examined.
- (2) Since 1961.
- (3) Significant levels of organochlorines were commonly detected several years ago, but levels of both organochlorines and organophosphates are now generally at satisfactory low levels.
- (4) Under the Western Australian food and drug regulations permissive levels for a range of pesticides have been laid down in respect of fruit and vegetables. No levels have been laid down as yet for foodstuffs or water intended for domestic animals.
- (5) The use of all organochlorine pesticides for external application on domestic animals was prohibited in 1962. All pesticide products used in Western Australia must be registered before being marketed commercially. Advisory committees lay down the conditions under which these pesticides may be used for the control of pests on foods, vegetables, fruits, and animals.
- (6) The mean intake of pesticides by the citizens of Western Australia has not yet been determined. This is under consideration however, using the market basket technique.
- (7) Legal tolerances for organochlorines and organophosphates for meat products, dairy products, wheat, fruit, and vegetables have been laid down or proposed by the majority of importing countries. These tolerances differ to some extent. Local tolerances have been laid down in Western Australia for fruit and vegetables as indicated.

The N.H. and M.R.C. has recommended tolerances for fruit, vegetables, and grains. The matter of tolerances for meat, dairy products, and eggs has been referred to the N.H. and M.R.C. for advice.

- (8) Tolerances for products other than fruit and vegetables which have already been gazetted will be effected under the Health Act as soon as appropriate recommendations are made by the N.H. and M.R.C.

FRUIT

Exports: Inspection Centres

6. The Hon. V. J. FERRY asked the Minister for Mines:

Further to my question on Wednesday, the 9th August, 1967, in regard to inspection centres for export fruit, what is the minimum annual throughput figure for an inspection centre?

The Hon. A. F. GRIFFITH replied:

One of the conditions of approval of a gazetted place of inspection imposed by the Department of Primary Industry is based upon an average throughput of 20,000 bushels of fruit of export quality over a period of two years.

HOSPITALS

Northern Suburbs: Facilities

7. The Hon. W. F. WILLESEE asked the Minister for Health:

What hospitalisation facilities are considered the nearest and most suitable for people living in the following areas:—

- (a) Mt. Lawley;
- (b) Yokine;
- (c) Dianella;
- (d) Inglewood;
- (e) Bedford;
- (f) Embleton;
- (g) Morley;
- (h) Maylands; and
- (i) Bayswater?

The Hon. G. C. MacKINNON replied:

There are several hospitals accessible to people living in the areas specified, as follows:—

- (a) General adult cases would normally be treated at St. Anne's (Mt. Lawley), St. John's (Subiaco and Belmont), Osborne Park, Morna (Mt. Lawley), the Mount, and Hawthorn Hospitals, or at Royal Perth Hospital—where the majority of public cases, particularly pensioners, would be accommodated—and the Sir Charles Gairdner Hospital.

(b) Paediatrics would normally be treated at Princess Margaret Hospital, but there are facilities for treatment at St. John's, Osborne Park, and St. Anne's Hospitals.

(c) Gynaecological cases would be treated at King Edward Memorial Hospital, Royal Perth Hospital, St. Anne's, St. John's (Subiaco and Belmont), and Osborne Park Hospitals.

(d) Obstetrics would utilise St. John's (Subiaco), St. Anne's, King Edward Memorial Hospital, and Osborne Park Hospitals.

(e) Orthopaedic cases would be treated at Royal Perth Hospital, Shenton Park Rehabilitation Hospital, St. John's (Subiaco and Belmont), the Mount, and Sir Charles Gairdner Hospitals.

(f) Tuberculosis cases would be treated at the Sir Charles Gairdner Hospital.

With regard to psychiatric cases, these would be provided for in our various mental hospitals and other public and private hospitals, depending on the type of treatment required.

There would, of course, be numerous "C"-class hospitals or nursing homes in these areas.

MUJA POWER STATION

Power Generation

8. The Hon. N. E. BAXTER (for The Hon. T. O. Perry) asked the Minister for Mines:

How many kilowatt hours per ton of coal are generated at Muja?

The Hon. A. F. GRIFFITH replied:
1,810.

RAPE OFFENCES

Damages

9. The Hon. C. E. GRIFFITHS (for The Hon. G. E. D. Brand) asked the Minister for Justice:

Where a person has been convicted of rape of a young girl who was not a promiscuous type, and has served the sentence imposed, thereby considering that he has paid his debt to society; and in view of the fact that the young girl will carry the terrible memory of the occasion throughout her life, and perhaps bear a child as a result of the offence—

Will the Minister investigate the possibility of introducing legislation to compel the offender to pay damages to the

girl of a sum of money, to be decided by the court, for the term of his natural life?

The Hon. A. F. GRIFFITH replied:

The question of compensating victims of criminal violence has been discussed at meetings of the Standing Committee of Attorneys-General but it appears that, in one State only—New South Wales—has experimental legislation been enacted for the purpose. The problem is one of some complexity. Those operating in other places will be evaluated for the purpose of determining whether or not such a scheme would be feasible in this State.

A case such as that referred to by the honourable member would come within the scope of any such scheme and, no doubt, provision would be made to give the State the right to proceed against an offender for recovery of compensation payments made to the victim of his crime.

It might be added that, as the law now stands, although the offender may have paid his debt to society, he is still liable to pay his debt to the victim who may have a remedy in damages at common law.

SMOKING

Discouragement Campaign: Support of Minister

10. The Hon. N. E. BAXTER (for The Hon. T. O. Perry) asked the Minister for Health:

Was the Minister correctly reported in *The West Australian*, dated Tuesday, the 29th August, 1967, when it was stated that he would support any campaign to discourage smoking?

The Hon. G. C. MacKINNON replied:

Yes, especially if such campaign will help those not already victims of the insidious smoking habit.

BILLS (2): INTRODUCTION AND FIRST READING

1. Licensing Act Amendment Bill.
2. Electoral Act Amendment Bill.

Bills introduced, on motions by The Hon. A. F. Griffith (Minister for Justice), and read a first time.

BILLS (3): RECEIPT AND FIRST READING

1. Lotteries (Control) Act Amendment Bill.
2. Evaporites (Lake MacLeod) Agreement Bill.

3. Iron Ore (Nimिंगarra) Agreement Bill.

Bills received from the Assembly; and, on motions by The Hon. A. F. Griffith (Minister for Mines), read a first time.

ADJOURNMENT OF THE HOUSE

The Late Mrs. H. Brand: Condolence
THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [4.59 p.m.]: Mr. President, members are aware that the Premier's mother passed away in Mullewa this morning and, as a mark of respect to the Premier, I request that the House adjourn. Accordingly, I move—

That the House do now adjourn.

Question passed, members standing.

House adjourned at 5 p.m.

Legislative Assembly

Wednesday, the 6th September, 1967

The SPEAKER (Mr. Hearman) took the Chair at 4.30 p.m., and read prayers.

ADJOURNMENT OF THE HOUSE

The Late Mrs. H. Brand: Condolence

MR. NALDER (Katanning—Deputy Premier) [4.31 p.m.]: Mr. Speaker, it is with deep regret that I have to announce to the House that the mother of the Premier passed away this morning. I am sure that all members join with me in conveying our sympathy to the Premier in his loss, and, as a mark of respect to him, I move—

That the House do now adjourn.

MR. TONKIN (Melville—Leader of the Opposition) [4.32 p.m.]: I second the motion, and in so doing I wish to extend to the Premier and his relatives, in their bereavement, the sympathy of members on this side of the House.

Question passed, members standing.

House adjourned at 4.34 p.m.

Legislative Council

Thursday, the 7th September, 1967

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

QUESTIONS (12): ON NOTICE ROYAL PERTH HOSPITAL ADMINISTRATOR

Objection to Appointment

1. The Hon. W. F. WILLESEE asked the Minister for Health:

Is it a fact that objections to the recent appointment of an administrator at Royal Perth Hos-