

this trust fund the trustees are authorised to expend moneys for the benefit of ex-servicemen who have served in a theatre of war, and their dependants.

The governing section of the principal Act relating to the extension of benefits accruing in this fund is section 10. It provides that for an ex-serviceman and his dependants to qualify in this regard, the ex-serviceman must have served in a war in which Her Majesty or the Commonwealth was, or is, engaged. It is a question of constitutional law, and also a question of international understanding, when a state of war is, in fact, declared; or when a state of war is deemed to be in operation.

In the case of Australia it has always been the procedure that when the country is at war a proclamation to this effect is issued by the Governor-General. However, we have had examples of Australian servicemen serving in areas of conflict not covered by proclamation. I would give as examples the entry of Australian soldiers into the conflicts in Malaya and Malaysia in the 1950s, and also during that period the entry of Australian forces into the conflict in Korea; and in recent times, since 1962, the commitment of Australian soldiers in Vietnam. Notwithstanding the declaration made by the late Prime Minister (The Hon. Harold Holt) in speaking in terms of the Vietnam commitment that Australia was, in fact, at war, legally Australia was not at war at all. There was no declaration, and no proclamation has been issued by the Governor-General of Australia. So the trustees of the fund have been unable to extend the benefits accruing in the fund to ex-servicemen who have been involved in these overseas conflicts in Malaya, Malaysia, Korea, and Vietnam, or to their dependants.

While some people and some communities in other parts of the world have strongly dissented from the *factum* of having Australian soldiers involved in the commitment in Vietnam, I do not think anyone would take the view that the ex-servicemen who have been involved in this and similar areas, and their dependants, should be deprived of any benefits flowing from the trust fund created by the principal Act which might be made available to them.

So, on behalf of the Opposition, I would indicate that the amendment in the Bill to provide that the trustees may extend the benefits under the Act to persons who have served in a theatre of war or in a prescribed area meets with our approval. The principle of the amending Bill is that section 10 is to be amended to provide that the benefits of the Act may be extended to ex-servicemen who have served in an orthodox theatre of war—that is, an area which has been involved in war

as proclaimed by the Governor-General of Australia—and in areas to be proclaimed, and also extended to their dependants. The Bill then provides for regulations to be made whereby these areas may from time to time be included. On behalf of the Opposition I indicate our 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 5.29 p.m.

Legislative Council

Tuesday, the 24th March, 1970

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

QUESTIONS (22): ON NOTICE

1. LANDS

Ownership of Pastoral Leases in North-West

The Hon. F. J. S. WISE, to the Minister for Mines:

- (1) How many pastoral leases in the Kimberley area have changed ownership in the past six years?
- (2) How many companies in that time have taken over more than one station in group ownership?
- (3) Will the Minister provide a list of the properties which have changed ownership during the past six years, giving the names of the former owners, and the names and addresses of the present owners or shareholders?
- (4) In cases where share transfers or share participation is involved in the ownership of pastoral leases, has any check been made to ensure that there are no dummy shareholders?
- (5) Where sales have taken place, what tests or examinations are made to ensure that equity participation conforms with the provisions of the Land Act as interpreted in regard to million acre ownership restrictions?
- (6) On what grounds was the request of the Roy Hill Pastoral Company to sell to a family group interest, refused?
- (7) Can this refusal be justified when there appears to be no limits imposed on companies such as Australian Land and Cattle Company?

- (8) Have strict tests of equity participation been applied, and valid shareholding proved, in the case of leases held by the Australian Land and Cattle Company?
- (9) Are applications for approval to transfer simple pastoral leases or groups of pastoral leases from existing owners—whether such owners are individual or companies—to company ownership, submitted for the necessary scrutiny and checking to the legal officers of the Crown Law Department?

The Hon. A. F. GRIFFITH replied:

Search of Lands Department records discloses:—

- (1) Transfer of leases total 36 as shown in Schedule "A". Share transfers are shown in Schedule "B" (including proposals for which formal procedures are yet to be finalised). Prior to the 30th May, 1969, on which date the amendment to the Land Act in respect of shares was proclaimed, there was no statutory obligation for a company, being the holder of a lease, to submit proposals for transfer of shares to the Minister for Lands for his approval. Consequently, reliable information can only be given in respect of the period following this amendment.
- (2) Three by transfer of leases; one by share transfer; and one partly by share transfer and partly by lease transfer.
- (3) Yes, Schedules "A" and "B" attached refer.
- (4) Where any share interest is involved, the party concerned is required to make full disclosure of all facts. Search is made at the Companies Office.
- (5) The beneficial interest of the individual or the Company is examined, which takes into account:—
- (a) The acreage held as a registered proprietor of leases.
 - (b) The interest held by virtue of share holdings.
 - (c) The acreage/interest being acquired.
 - (d) The type of shares held and to be held, i.e. the extent to which control of the Company flows to the share holder.
- (6) Approval to transfer would have concentrated in one family unit an area in excess of one million acres.

- (7) Subsequent to legislation proclaimed on the 30th May, 1969, the Australian Land and Cattle Company and associated companies were refused approval to acquire additional pastoral holdings.
- (8) Detailed examination of proposals was carried out. The initial holdings acquired by the Australian Land and Cattle Company and its associated companies were purchased prior to the 30th May, 1969, and were within the provisions relating to beneficial interest.
- (9) Yes. For example, in the proposal involving the A.M.P. Society, the Solicitor General advised the Minister for Lands as follows:—

"In my view, therefore, it should be asserted that, as a matter of law, you have a discretion that would enable you to approve of the proposal involving the A.M.P. Society".

SCHEDULE "A"

Transfer of Leases

Tableland Station

A series of transfers from R. S. Maxted through others to Tableland (W.A.) Pty. Ltd. of 156 St. George's Terrace, Perth.

Mornington Station

A series of transfers from R. S. Maxted through others to Mornington (W.A.) Pty. Ltd. of 156 St. George's Terrace, Perth.

Marion Downs Station

A series of transfers from R. S. Maxted through others to Marion Downs Pty. Ltd. of 156 St. George's Terrace, Perth.

Mount Anderson Station

Transfers from G. E., T. A. and A. E. Richardson, through Mt. Anderson Pty. Ltd. to J. D. and F. James of Mount Anderson Station.

Myroodah

From Alexandra Pty. Ltd., George Mawley Pty. Ltd., M. A. Cox and George Mawley to Lulugui Pastoral Company Limited of 156 St. George's Terrace, Perth.

Quanbun Station

R. J. Rose and W. A. Trustee Executor and Agency Co. Ltd. to R. J. Rose and Quanbun Downs Pty. Ltd. of 196 Adelaide Terrace, Perth.

Leopold Downs

A series of transfers from D. T., J. P. and B. W. Farrell through others to Leopold Station Pty. Ltd. of 56 William Street, Perth.

Dunham River Station

From A. E. W. Davidson through Dunham River Pastoral Co. Pty. Ltd. to Goddard of Australia Pty. Ltd. of Canberra, A.C.T.

Manguel Creek

From G. E., W. L., E. J. L. and P. R. Harris, through A. F. Anderson and J. F. Huddleston to Manguel Creek Pty. Ltd. of 14 Cook Street, West Perth.

Waterbank Station

From N. and B. E. Harman to Boonaroo Pty. Ltd., of Broome.

Nita Downs

From G. Solway, M. F. Scott and W. N. P. Scott to R. A. and A. D. Fox, of Broome.

Oobagooma Station

From L. J. Holman, W. S. Davidson, D. A. Stewart and J. J. Elphinstone to Oobagooma Station Pty. Ltd. of 18 St. George's Terrace, Perth.

Pentecost Downs

From D. W. Rust to Pentecost Downs Pty. Ltd. of 8 Esplanade, Perth.

Bulleura Station

From J. T. and T. J. R. Elliott to Bulleura Pastoral Company Pty. Ltd. of 56 William Street, Perth.

Red Hill Block

From J. Green to Mrs. B. McGuire of Halls Creek.

Elvire Station

From W. C. Gosnell to J. and B. McGuire of Halls Creek.

Burks Park Station

From B. Taylor to S. Thomas of Halls Creek.

Kimbolton Station

From A. W. and H. F. Nichols to R. H. and V. A. Swift.

Milliewindie Station

From D. M. Driscoll and N. Tilatti to N. Tilatti only.

Wood River Station

From N. Carapellotti, A. W. K. Stanley and C. Betts to N. Carapellotti and A. W. K. Stanley.

Mitchell River Station

From T. P., L. C. and W. G. Whiteley to Moran Station Pty. Ltd. (now Mitchell River Station Pty. Ltd.) of 81 St. George's Terrace, Perth.

Kilto Station

From C. Baumann, R. D. Crook and M. Crook to Garvey International (Aust.) Pty. Ltd. (now Kilto Pastoral Coy. Pty. Ltd.) of 38 Kings Park Road, Perth.

Dampier Downs Station

From G. E., W. L., E. T. L. and P. R. Harris to M. Grey of Broome.

Bohemia Downs

From R. B., S. and H. H. Stafford, through K. F. Stein, to River Downs Pastoral Co. Pty. Ltd. of 18 St. George's Terrace, Perth.

El Questro Station

From M. L. Marshall, through David Millard Pty. Ltd. to El Questro Pty. Ltd. of Kununurra.

Doongan Station

From J. E. Walden and C. A. Mattsson, through J. E. Walden and G. A. E. Thorley to Doongan Pastoral Company Pty. Ltd. of 84 St. George's Terrace, Perth.

Tarraji River Station

From L. J. Holman, D. A. Stewart, W. S. Davidson and J. J. Elphinstone to Tarraji River Station Pty. Ltd. of 18 St. George's Terrace, Perth.

Glen Hill Station

From T. Wilson, through D. B. Tait to Goddard of Australia Pty. Ltd. (one third share) and William Clifford McDonnell of Kununurra.

Blina Station

From H. G. Gooch to Biloela Callide Open Cut Pty. Ltd. of care of Thiess Bros. Pty. Ltd. of Belmont.

Mt. Jowlaenga Station

From W. H. Ayling and B. G. E. Fitzgerald to C.R.C.—Croise International (Aust.) Pty. Ltd. of 36 Kings Park Road, Perth.

Frazier Downs

From C. W. and M. A. De Marchi to R. E. L. and M. C. Wells of Broome.

Mt. Hart Station

From Telford Panel and Engineering Works Pty. Ltd. to Thiess Bros. Pty. Ltd. of Mascot N.S.W.

Brooking Springs

From W. Skuthorp to Bells Pastoral Company Pty. Ltd. of 156 St. George's Terrace, Perth.

Silent Grove Station—(now portion of Mt. Hart Station)

From L. C. Connell to Thiess Bros. Pty. Ltd. of Mascot N.S.W.

Calwynyardah Station

From W. W., W. W. (Jnr.), G. C., D. A. and R. J. Henwood to Calwynyardah Pty. Limited of Canberra A.C.T.

Ellendale Station

From Estate of M. N. M. MacDonald to Thiess Bros. Pty. Ltd. of Mascot N.S.W.

Schedule " B "

Approvals for Transfer of Shares (after 30/5/1969)

Station Involved	Registered Proprietor Company	Purchaser of Shares
Myrooda Luluigui	Luluigui Pastoral Company Ltd.	Luluigui Holdings Pty. Limited Ernest Henry Lee Steere Edward Jack Eldridge Robert John MacNeill Leslie George Oxley
Kalyeeda	Kalyeeda Pastoral Company Limited	Kalyeeda Holdings Pty. Limited Ernest Henry Lee Steere Edward Jack Eldridge Robert John MacNeill Leslie George Oxley
Bullara	Bullara Estates Pty. Ltd.	Vincent Richard Shallcross
Doongan	Doongan Pastoral Company— Shareholder J. E. Walden then Shareholder G. A. E. Thorley and his wife (1 share)	Sold to G. A. E. Thorley (Walden retired from Company) Sold to T. E. O'Connor and K. J. Ed- wards (Address of O'Connor and Ed- wards: Stone James & Co.) (Mr. and Mrs. Thorley retired from Company)
Oobagooma	Oobagooma Station Pty. Ltd.	Oobagooma (Holdings) Pty. Ltd. Shareholders are M. Schneider, W. M. Forbes, B. Goater
Tarraji River	Tarraji River Station Pty. Ltd.	Tarraji (Holdings) Pty. Ltd. Shareholders are— (1) Michael Schneider (2) Margaret Irene Schneider (3) Michael David Schneider (4) Bagots Executor and Trustee Com- pany Ltd. of 198 North Terrace, Adelaide, as trustees for— (a) Tanya Margaret Maeder, an infant (b) Alicia Wendy Maeder, an infant (c) Frederic Michael Maeder, an infant

Dealings Approved in Principle

Station	Registered Proprietor Company	Address
Share Transfer—		
Luluigui	Luluigui Pastoral Company Ltd.	C/- Jackson McDonald and Co., 55 St. George's Terrace, Perth, W.A. 6000
Myroodah	Luluigui Pastoral Company Ltd.	
Kalyeeda	Kalyeeda Pastoral Company Limited	
Moola Bulla	Moola Bulla Pty. Ltd.	
Mt. Amhurst	Mount Amhurst Station Pty. Ltd.	

Although the registered proprietorship will not be changed, share structure will be adjusted. The result will be that the A.M.P. Society will have a 44% share, Borthwicks 6%, Kaiser Aluminium 25% and Placer Development Ltd. 25%.

Share Transfer—

Liveringa	Kimberley Pastoral Company Limited	3rd Floor, Pastoral House, St. George's Terrace, Perth, W.A. 6000
Napier Downs	Napier Downs Pty. Ltd.	
Kimberley Downs	Kimberley Downs Pty. Ltd.	

Lease Transfer—

Louisa Downs	Louisa Downs Pastoral Co. Pty. Ltd.	C/- C. P. Bird, 18 St. George's Terrace, Perth, W.A. 6000
Bohemia Downs	River Downs Pastoral Co. Pty. Ltd.	

Although the registered proprietorships for each Station will not be changed in respect of share transfers, total share adjustments and lease transfers will result in no one Company or person holding more than one million acres in terms of beneficial interest.

2. MINING

Permits to Enter Private Land

The Hon. R. H. C. STUBBS, to the Minister for Mines:

How many permits have been issued by the Mining Wardens in each of their districts during the previous three years, to allow people or companies to enter private land for the purpose of marking out a mineral claim or mining lease and taking samples away for assay?

The Hon. A. F. GRIFFITH replied:

Wardens Court	1967	1968	1969
Perth	45	105	318
Albany	not available	2	14
Bunbury	N.A.	N.A.	9
Geraldton	1	1	1
Kalgoorlie	6	11	50

3. PUBLIC SERVICE

Employment Conditions Relating to Clerks of Courts and Mining Registrars

The Hon. R. H. C. STUBBS, to the Minister for Justice:

(1) How many—

(a) Clerks of Courts; and

(b) Mining Registrars,

are there in Western Australia?

(2) What is the complete list of duties of a Clerk of Courts?

(3) What salary is received in each classification?

(4) What extra salary is paid where a Clerk of Courts is also Mining Registrar?

(5) What action has been taken by the Public Service Commissioner to recompense Mining Registrars for the excessive overtime being worked in the performance of their duties?

(6) (a) How many classified Civil Servants previously employed in the Mines Department, have resigned in each of the previous three years; and

(b) what was their official designation within the Department?

The Hon. A. F. GRIFFITH replied:

(1) (a) Clerks of Courts.

Full-time—7 metropolitan area including Rockingham, 28 country areas.

Subsidised Police Officers—28. Subsidies range from \$170 to \$635 per annum.

(b) Mining Registrars.

Full-time—10 including Principal Registrar, Perth.

Clerks of Courts and Mining Registrar—5.

Subsidised Police Officers—2.

(2) Of 35 full-time Clerks of Courts, 23 are at C-II-4/5 level with a typical list of duties as attached except that mining work is part of the duties of the courts at Bridgetown, Broome, Carnarvon, Collie and Wyndham only (see schedule).

(3) Salaries—

Clerks of Courts—

C-II-9 (3) \$6,891-\$7,107

C-II-8 (2) \$6,479-\$6,685

C-II-7 (3) \$5,892-\$6,278

C-II-6 (4) \$5,521-\$5,701

C-II-4/5 (23) \$4,795-\$5,335

Mining Registrars—

C-II-7 (1) \$5,892-\$6,278

C-II-4/5 (13) \$4,795-\$5,335

Police Officers—\$440 p.a. and \$275 p.a.

(4) None.

(5) Overtime is paid at normal overtime rates in accordance with the Public Service Allowances Agreement for all overtime approved.

(6)	Resignations 1967/1970			
	1967	1968	1969	1970
Chemist and R.O., Gr. 3	3	4	3	...
Chemist and R.O., Gr. 1	...	1	...	...
Senior Chemist and R.O.	...	1	...	...
Laboratory Technician, Gr. 3	...	2	1 (T)	...
Laboratory Technician, Gr. 2	...	1	1	...
Laboratory Assistant	1	2	3	...
Draftsmen	...	4	2	2
Cadet Draftsmen	1	2	2	1
Drafting Assistant (Male)	...	1 (T)	2 (IT)	...
Drafting Assistant (Female)	1	1	1	...
Assistant Drill Supervisor	1	...	...	...
Inspector—Explosives	...	...	...	1
Inspector—Machinery	...	1	...	...
Inspector—Mines	3	...	...	...
Mining Engineer	...	...	...	1
Lecturer	...	1	1	...
Senior Lecturer	...	2	...	...
Assayer	...	1	...	...
Geologist, Gr. 2	1	4	3 (IT)	1

	1967	1968	1969	1970
Geologist, Gr. 1	1	2	2	....
Senior Geologist	....	....	2	2
Core Librarian	....	1	....	....
Geologist Assistant, G-II-1/2	....	....	1	1
Geologist Assistant, G-VI	....	....	....	2
Librarian (F)	....	1 (T)	....	....
Library Assistant (F)	....	....	1	....
	12	32 (2T)	25 (3T)	11
R/Mining Registrar	....	1	....	1
Clerk C-II-2	....	....	1	1
Clerk C-II-1	....	1	1	....
Clerk C-IV	1	4	3	....
Typist C-III-1 (F)	....	....	3	....
Typist C-V (F)	3	9	3	1
Assistant G-IX (F)	3	3	....	4
	7	18	11	7
<i>Other Temporaries—</i>				
Clerk	5	7	6	4
Typist	3	10	9	2
Assistant G-IX	8	4	7	9
Assistant G-VII	4	2	....	1
	20	23	22	16
GRAND TOTAL	39	73	58	34

Schedule

Statement of Duties as at 30th April, 1968

Title : Clerk of Courts
 Department : Crown Law
 Branch : Court Offices
 Section : Wyndham Court

Item No. 11-4460
 Classification C-II-4/5

Responsible to : Administrative Officer for Staff Supervision.

Stipendiary Magistrate, Broome, for Court Administration.

Duty No.	Summary of Duties	Frequency	%
1. As Clerk of Courts			
1.1	Responsible for the efficient functioning of the Police Court, Local Court, Children's Court, Licensing Court, Coroner's Court, Native Citizenship Rights Board and the East Kimberley Court of Session	Daily	30
1.2	Responsible to the Accountant for Court accounting procedures		
1.2.1	Collecting of all fines, fees and trust moneys and disbursing same where necessary	Daily	....
2. As District Registrar			
2.1	Responsible to the Registrar General for—		
2.1.1	Receiving and checking of Information Papers for births, deaths and marriages	Daily	15
2.1.2	Maintaining an index of births, deaths and marriages and forwarding all relevant documents and papers to the Registrar General on a forwarding slip	Daily	....
2.1.3	Maintaining registers for the East Kimberley District for births, deaths and marriages furnished by the Registrar General	Daily	....
2.1.4	Issuing certified copies and extracts of births, deaths and marriages	Daily	....
2.1.5	Celebrating civil marriages.		
3. As Treasury Paymaster and Receiver of Revenue			
3.1	Responsible to the Treasury Department for—		
3.1.1	Paying wages of the wage employees of the various departments	Weekly Fort-nightly	5
3.1.2	Maintaining a register of wages paid to wage employees and forwarding return each pay period		
3.1.3	Receiving revenue and other moneys for the Crown Law Department and on behalf of various other Government departments	Daily	25

4. As Mining Registrar

4.1 Responsible to the Warden, Broome, for the efficient functioning of the Warden's Court for the Kimberley Goldfields—

4.1.1 Maintains the register for mining tenements	} 10
4.1.2 Receives and processes dealings affecting mining tenements	.....	Daily
4.1.3 Issues Miner's Rights, Searches, etc., prescribed under the Mining Act	.....	

5. Miscellaneous Duties and Functions—

5.1 Preparing applications for probate of estates under \$5,000 on behalf of the Master, Supreme Court, Perth	.....	As required	15
5.2 Receiving Applications and issuing licenses for Land Agents, Auctioneers, Marine Dealers and Second Hand Dealers	.....	Yearly	....
5.3 Acting as agent for the Public Trustee, State Housing Commission, State Government Insurance Office, Lands Department and Electoral Department	.....	Daily	....
5.4 Acting as Honorary Probation and Parole Officer	.....	Daily	....

No. of Persons under Direct Supervision: Nil.

No. of Persons Under Control: Nil.

4. MAIN ROADS

Declared Main Roads

The Hon. J. DOLAN, to the Minister for Mines:

What are the declared main roads in the Metropolitan Area?

The Hon. A. F. GRIFFITH replied:

Declared main roads in the Metropolitan Area, or having sections within the Metropolitan Area, are as follows:—

Stirling Highway
Canning Highway
Guildford Road
Causeway
High Road
Fremantle-Armadale Road
Great Eastern Highway
Perth-Albany Road
Armadale-Manjimup Road
Midland-Meekatharra Road
Fremantle-Pinjarra Road
Armadale-Kondinin Road
Midland-Goomalling Road.

In addition, there are a number of roads which are wholly or partly controlled access roads.

5. LAND: BUILDING BLOCKS

Karratha

The Hon. F. J. S. WISE, (for The Hon. H. C. Strickland) to the Minister for Mines:

- (1) At what price are freehold building blocks in Karratha town site available?
- (2) Does the Government own the lots?

The Hon. A. F. GRIFFITH replied:

- (1) \$3,000 including \$2,950 for the provision of full services.
- (2) Yes.

6. LANDS

Release for Housing

The Hon. CLIVE GRIFFITHS, to the Minister for Mines:

- (1) Is the Minister aware of the announcement in the "Daily News" dated the 18th March, 1970, to the effect that the New South Wales Government intends legislating for a new scheme to supply land at a cheap fixed price to young home seekers?
- (2) Will the Government obtain details of the scheme with the view to introducing a similar plan in Western Australia?

The Hon. A. F. GRIFFITH replied:

- (1) Yes.
- (2) Details of the scheme will be obtained and studied. The State Housing Commission at present makes fully serviced building sites available at fixed prices to genuine home builders. The limitation of this service is the availability of land resources.

7. DROUGHT RELIEF

Applications by Farmers

The Hon. F. R. WHITE, (for The Hon. E. C. House), to the Minister for Mines:

As a result of the drought experienced during 1969—

- (1) (a) How many applications for drought relief have been made by Western Australian farmers under—
 - (i) delegated agency relief;
 - (ii) Industries Assistance Act; and
- (b) how many of the above applications have been approved?

- (2) (a) How many applications for drought relief have been received by each of the banks trading in Western Australia; and
- (b) of these applications, how many have been passed on to the Drought Relief Committee by each bank?

The Hon. A. F. GRIFFITH replied:

- (1) (a) (i) and (ii) 88.
- (b) 39.
- (2) (a) Not available.
- (b) R. & I. Bank 27
- Other Banks 61
- Total 88

8. CLEAN AIR ACT

Compliance by Swan Portland Cement Co.

The Hon. CLIVE GRIFFITHS, to the Minister for Health:

What is the present position with regard to the Rivervale Cement Works carrying out the order given by the Clean Air Council?

The Hon. G. C. MacKINNON replied: The Air Pollution Control Council has accepted the fact that the Swan Portland Cement Co. has ordered two electrostatic precipitators which, when completed, will reduce the dust emission to the widely accepted standard of 0.2 grains per cubic foot.

Work on the installation of these is proceeding according to schedule.

9. SHIPPING

Passenger Service to North-West

The Hon. F. J. S. WISE, (for The Hon. H. C. Strickland), to the Minister for Mines:

When the Government replaces existing ships trading to North West and Kimberley ports, will passenger accommodation be provided?

The Hon. A. F. GRIFFITH replied: The new type vessels under consideration will not be provided with passenger accommodation.

10. TRAFFIC

Pedestrian Overway near Rossmoyne High School

The Hon. CLIVE GRIFFITHS, to the Minister for Mines:

- (1) Is it the intention of the Main Roads Department to provide a pedestrian overway across High Road at the Rossmoyne High School?

- (2) If so—

- (a) what arrangements are being made for the financing of the overway;
- (b) when is it anticipated that construction will begin; and
- (c) what type of structure will it be?

The Hon. A. F. GRIFFITH replied:

- (1) The Main Roads Department and the Canning Shire Council have reached agreement to construct an overway.
- (2) (a) The Main Roads Department will finance two-thirds of the cost of the structure and the Local Authority will finance the remaining one-third of the cost of the structure plus the cost of alterations to footpaths and landscaping.
- (b) Construction is expected to begin late this year.
- (c) A prestressed concrete structure is envisaged.

11. IRON ORE

Royalties on Exports from Yampi

The Hon. F. J. S. WISE, (for The Hon. H. C. Strickland), to the Minister for Mines:

What was the total royalty on iron ore shipped from Yampi port in 1969?

The Hon. A. F. GRIFFITH replied: \$392,828.85.

12. EDUCATION

Churchlands Primary School

The Hon. R. F. CLAUGHTON, to the Minister for Mines:

Would the Minister indicate when the installation of fly screens on windows at Churchlands Primary School is to be completed?

The Hon. A. F. GRIFFITH replied: In approximately two weeks' time.

13. MAIN ROADS

Port Hedland to Broome

The Hon. F. J. S. WISE, (for The Hon. H. C. Strickland), to the Minister for Mines:

When is it proposed to seal the main road between Port Hedland and Broome?

The Hon. A. F. GRIFFITH replied: No time has been fixed for sealing of the road between Port Hedland and Broome because the Main Roads Department is fully committed to sealing the North West Coastal Highway between Carnarvon and Port Hedland by 1974 at an estimated cost of \$22.4 million.

14. EDUCATION

Particulars of Class 3 Schools

The Hon. G. E. D. BRAND, (for The Hon. G. W. Berry), to the Minister for Mines:

For the years—

- (a) 1966;
- (b) 1967;
- (c) 1968; and
- (d) 1969—

- (i) how many Class 3 schools have been opened; and
- (ii) what have been the individual enrolments?

The Hon. A. F. GRIFFITH replied:

Number	School	Enrolments
(a) 5 in 1966	Castletown	139
	Grass Patch	55
	Koolyanobbing	12
	Sutherland	84
	Westminster Junior Primary	106
(b) 8 in 1967	Adam Road	82
	Annie Street	121
	Booragoon	195
	Dampier	109
	Eaton	86
	Kinlock	293
	McKay Street	61
North Lake	165	
(c) 3 in 1968	Balga North	150
	Carnarvon East	185
	Kambalda	133
(d) 4 in 1969	Bungaree	239
	Koorilla	184
	Orelia	77
	Takari	141

15. TIMBER INDUSTRY

Export of Pulpwood

The Hon. R. F. CLAUGHTON, to the Minister for Mines:

- (1) Is the Minister aware that in order to prevent competition between Japanese importers of pulpwood, which was causing prices to rise, the industry organised the Overseas Pulpwood Committee in 1967?
- (2) Does the Minister agree that this has strengthened the bargaining power of Japanese purchasers when dealing with individual suppliers?
- (3) In view of this situation, does he not consider it reasonable that the Federal Government should intervene to strengthen the collective power of Australian suppliers to obtain a fair price?

The Hon. A. F. GRIFFITH replied:

- (1) I am aware that the Japan Pulp and Paper Industry Federation has a number of committees organised for various purposes including the assessment of overseas resources of pulp wood.

One of these committees could be called the "Overseas Pulp Wood Committee".

- (2) The fact that the Japanese industry co-ordinates its information does assist the Japanese purchasers in some respects when dealing with individual suppliers. But experience in other industries has shown that this does not necessarily mitigate against the seller.

Also we and the local Western Australian industry do our own research and assessment of the market prospects—no doubt for the same reasons as the Japanese industry does its research.

- (3) The right of the Federal Government to issue export licences has never been disputed. Whether it does in fact, in practice, strengthen the collective position of Australian suppliers to obtain what they consider to be a fair price is open to some doubt. Obviously, the Australian suppliers will not enter into contracts which are not economic.

Any criticism of the use of export licensing has not been directed at the principle but at the manner in which the power has been used, especially in the case of woodchips where a degree of confrontation developed at a time when negotiations so far as Western Australian suppliers were concerned, were proceeding satisfactorily.

16.

INSURANCE

Coverage at Carnarvon

The Hon. G. E. D. BRAND, (for The Hon. G. W. Berry), to the Minister for Mines:

Does a State Government Insurance Office Houseowner and Household policy for fire, storm and tempest, provide cover for fences and outbuildings on properties at Carnarvon?

The Hon. A. F. GRIFFITH replied:

Yes.

17.

RAILWAYS

Kalgoorlie to Perth Service

The Hon. R. H. C. STUBBS, to the Minister for Mines:

- (1) When is it expected that the Kalgoorlie to Perth and return express will cease operating on the narrow gauge?
- (2) What type of transport will be available for passengers departing Kalgoorlie to Perth and return?
- (3) What will be the timetable for such transport?
- (4) What road bus timetable will there be for passengers from places south of Kalgoorlie, desiring to travel from Kalgoorlie to Perth and return?

(5) Will overnight stay in Kalgoorlie be avoided?

The Hon. A. F. GRIFFITH replied:

- (1) On present indications—late September, 1970.
- (2) For approximately three months one set of diesel railcar trailers and one train of sit-up coaches hired from Commonwealth Railways. Both trains are air conditioned and will be locomotive hauled.
From December 1970 the service will be run by two diesel railcar trains.
- (3) The timetable will be determined after discussion with interested bodies on the Eastern Goldfields.
- (4) Road bus services will depend on the timetable finally agreed upon for the railcar services, and connections will be provided for.
- (5) This will be comprehended in the discussions with local bodies.

The Hon. A. F. GRIFFITH replied:
No, this is not considered advisable.

20. EDUCATION

West Bentley Primary School

The Hon. CLIVE GRIFFITHS, to the Minister for Mines:

- (1) Was the original builder of the West Bentley Junior Primary School penalised for late completion of the building?
- (2) If so, what was the penalty?

The Hon. A. F. GRIFFITH replied:

- (1) Yes. Liquidated damages were imposed.
- (2) \$800.

21. OIL DRILLING

Results of Operations

The Hon. R. F. CLAUGHTON, to the Minister for Mines:

- (1) How many inspectors are currently employed to inspect rigs drilling for oil and gas in this State and its adjoining waters?
- (2) Are companies engaged in such drilling required to give notice prior to commencement of drilling on a new site?
- (3) How many wells are at present being drilled?
- (4) How many wells were completed during 1969?
- (5) Of these, how many flowed—
(a) oil; and
(b) gas?

The Hon. A. F. GRIFFITH replied:

- (1) Three have been appointed—one is actively engaged on inspections.
- (2) Yes.
- (3) Three (two on Barrow Island and one off-shore).
- (4) 203, of which 171 were on Barrow Island.
- (5) (a) 99, of which 95 were on Barrow Island.
(b) 8.

22. EDUCATION DEPARTMENT

Staff Salaries

The Hon. G. E. D. BRAND, (for The Hon. G. W. Berry), to the Minister for Mines:

What is the Education Department's policy on additional salary where a Headmaster is transferred to a school which has a classification higher than that to which he was previously appointed?

The Hon. A. F. GRIFFITH replied:

The teacher is paid the additional salary applicable to the higher class of school provided that more

18. TRAFFIC

Accidents Involving S.E.C. Poles

The Hon. F. R. WHITE, (for The Hon. E. C. House), to the Minister for Mines:

For the years—

- (a) 1965-1966;
- (b) 1966-1967;
- (c) 1967-1968; and
- (d) 1968-1969;

how many—

- (i) fatal accidents;
- (ii) non-fatal accidents;

have occurred through vehicles colliding with State Electricity Commission light poles?

The Hon. A. F. GRIFFITH replied:

Information is available only for calendar years.

	Fatal Injury	
31st December, 1966	12	185
31st December, 1967	6	226
31st December, 1968	13	206
31st December, 1969	8	197

Accident figures involving property damage only are not readily available.

19. HEALTH

Growing of Cannabis

The Hon. G. E. D. BRAND, (for The Hon. G. W. Berry), to the Minister for Mines:

Can consideration be given to the growing of the plant "cannabis", under departmental supervision, for the purpose of display so it may be readily recognised if seen being grown unlawfully?

than two weeks is served in the case of acting or relieving appointments.

STATUTE LAW REVISION BILL

Report

Report of Committee adopted.

WILLS BILL

In Committee

Resumed from the 18th March. The Chairman of Committees (The Hon. N. E. Baxter) in the Chair; The Hon. A. F. Griffith (Minister for Justice) in charge of the Bill.

The CHAIRMAN: Members will recall that we postponed clauses 3, 5, and 7, and reported progress after clause 28 had been agreed to. I would also draw the attention of members to the fact that there is a typewritten slip in the notice paper setting out the amendment proposed by Mr. Willesee (Leader of the Opposition) which was omitted from the notice paper today.

Postponed clause 3: Repeals—

The Hon. A. F. GRIFFITH: Clause 3 calls for some comment in relation to the matter raised by Mr. Wise who, when we were dealing with the clause in Committee previously, sought clarification as to the extent and the effect of repeal of laws which are now in operation. Some comments on this point have been given to me by the author of the Bill (Mr. Adams, Q.C.), who has conferred with the Parliamentary Draftsman. They advised that the extent and the effect of the repeal of laws which are now in operation are governed by section 16 of the Interpretation Act, and this section preserves all acts done under Acts later repealed.

Mr. Wise also asked: On the repeal of the specific Acts, what law is there to control wills made prior to the coming into operation of the Bill? The Bill is not effective until it comes into operation as an Act. Therefore, until that occurs neither existing Acts, time of making of wills, nor the date of death is affected in any way; in other words the *status quo* remains.

The honourable member also asked, and I think I am quoting him correctly: As all wills which are in existence are governed by laws which will be repealed—and on the repeal of those laws such Acts are not only redundant but become wholly inoperative—how will we, when the repeal takes place, obtain satisfactory legal treatment in the courts of law in respect of valid points raised?

The comment that has been supplied to me is that Acts do not become wholly inoperative because of repeal, owing to the fact that section 16 of the Interpretation Act, which contains saving features, protects all acts done under Acts later repealed. After the date when the new Act comes into operation—and bearing in mind that the Bill codifies the law rather

than changes it—it will apply to the will of any person dying on or after that date. This comment anticipates an amendment which is to be moved in relation to clause 5.

Upon the matter raised by Mr. Medcalf, the author of the Bill and the Parliamentary Draftsman concede the point he made. When we deal with clause 5 I shall ask for permission to insert a small amendment. What I am now doing is to reply to the comments made on clauses 3 and 5, so perhaps I should stop at this point.

The Hon. F. J. S. WISE: I am very pleased that I raised the question so as to have clarification recorded in *Hansard*. Very many of us knew something of the provisions in the Interpretation Act in relation to repeals which occupy not only section 16 of that Act, but also appear in other sections in certain particulars. The one to which the Minister quite properly referred is subsection (3) of section 16. It is also embodied in paragraph (f) of section 16(1). It clarifies, without fear of contradiction, the effects of any investigation, legal proceeding, or remedy in respect of any such right, even with the repealed law.

Postponed clause put and passed.

Postponed clause 5: Application of Act—

The Hon. A. F. GRIFFITH: I have already mentioned that the point raised by Mr. Medcalf is conceded. Mr. Adams agrees to the words "on or" being added after the word "dying" in line 24. I do not suppose the Committee will object to this amendment not being placed on the notice paper, because it is a fairly simple one. In the interests of clarity Mr. Adams agrees that it is desirable to insert those words.

However, the addition of similar words after the word "died" in line 27 is not considered necessary by the author of the Bill. I understand that Mr. Medcalf has had a private discussion with Mr. Adams on this point.

The Hon. I. G. Medcalf: That is so.

The Hon. A. F. GRIFFITH: I understood Mr. Adams was going to talk to Mr. Medcalf about it. I did have the opportunity to mention this matter to him the other night.

The Hon. F. J. S. Wise: Before the amendment is moved could we have the opportunity to debate the clause?

The Hon. A. F. GRIFFITH: Yes. The reason the additional amendment as foreshadowed cannot be accepted is that it will make the clause incomprehensible. If the amendment is accepted the clause will provide that the Act applies to the will of any person dying after the date of the coming into operation of the Act, and does not apply to the will of any person who dies on that day. So, one is a contradiction of the other.

The Hon. F. J. S. WISE: A study of this clause will show the contradiction in the terms mentioned by the Minister, and which contradiction he hopes to correct by an amendment. However, there is another angle to which I would like to refer; and that is, the operation of this clause when it becomes a section of the Act will mean that it applies to wills made before the date of the proclamation, provided that the person died after that date.

The Hon. A. F. Griffith: On or after that date if my amendment is agreed to.

The Hon. F. J. S. WISE: But it will not apply to the will of a person who died before the date of proclamation. It therefore applies in two different ways: It applies to the will of a person who dies before the Act is proclaimed, but not to the will of a person who dies after the Act is proclaimed. So, the will of a person who died before this Bill becomes an Act is not governed by this law. Could it not be that the person who dies before the Act is proclaimed might not have his will cleared in respect of probate and administration?

There are two different ways in which a will made before the proclamation of this Act may be affected by this law. Realising that the intention of this clause is to clarify and codify the wills legislation, I wonder if the clause is as clear as it might be!

The Hon. A. F. GRIFFITH: I think that any change in any law has the same effect as the change in this law. Let us assume that a person is subject to a fine of \$50 for a particular offence, and we introduce a Bill to provide that henceforth the fine will be \$100 instead of \$50. Offences committed when the previous law was pertinent would bring the first fine.

The Hon. F. J. S. Wise: This is a different sort of administration.

The Hon. A. F. GRIFFITH: At present we have legislation pertaining to wills in no fewer than six or seven forms, so a will made by anybody who dies before the coming into operation of this Act will be covered by the law which pertained to the making of that will.

Once the law is codified and the Act is brought into operation on the date of assent—not the date of proclamation—then the new law applies.

The Hon. F. J. S. Wise: The point I make is that it applies not only to a person who dies before the date of proclamation.

The Hon. A. F. GRIFFITH: Let us assume that the person died last week. His will would be administered in accordance with the existing law. If he dies next month, after this Bill has been assented to, then the codified law will apply in respect of his will.

The Hon. I. G. MEDCALF: The point raised by the Minister concerning the two expressions of "on or" is a perfectly proper

one. Mr. Adams, in a telephone conversation with me yesterday, pointed out that on reading what is contained in *Hansard* it appears that I wanted to insert those words in two places. This arose because I might not have expressed myself clearly. There is no question of what I had in mind; I thought that the expression "on or" should appear in one or other of those places in the clause, but not in both.

I agree entirely with the amendment proposed by the Minister. It is exactly in line with what I intended, but inadvertently duplicated.

With regard to the point raised by Mr. Wise, as I understand the position, if a person makes a will and dies before the date of proclamation of this Act then the will be governed by the existing Statute on wills and by the various other Statutes affecting wills which are now the law of the land.

If he makes a will before the Act is proclaimed, and dies before it is proclaimed, but his will is proved after that date, the will is still governed by the law which operated before the Act was proclaimed. That is as I understand the position.

I think Mr. Wise was referring to the case of a person who makes a will before the new Act comes into force, who dies before the new Act comes into force, but whose will is probated after that date. As I see it, this position is governed by the Interpretation Act and the legal effect is governed by the law which applied at the date of death, which was before the proclamation of the new Act.

The Hon. R. F. HUTCHISON: If a person has made a will is it necessary for him to alter it, or make a new will, if this legislation becomes law?

The Hon. A. F. Griffith: No.

The Hon. R. F. HUTCHISON: The will still stands?

The Hon. I. G. Medcalf: Yes.

The Hon. A. F. GRIFFITH: I would like to correct myself. I said this Bill would come into force on assent; but, of course, that is not so. It will come into force on the day it is proclaimed.

I move an amendment—

Page 2, line 24—Insert after the word "dying" the words "on or".

The Hon. F. R. H. LAVERY: If this amendment is agreed to does the Minister propose to delete any words from line 26?

The Hon. A. F. Griffith: I do not propose to ask the Committee to make any other alteration.

The Hon. F. R. H. LAVERY: I do not profess to be good at English, but in line 26 there are three distinctions; namely, "before"; "on"; and "after." As those three alternatives are there, I cannot see that the amendment is necessary.

The Hon. A. F. GRIFFITH: It could be said that the amendment is not absolutely necessary but, in the interests of clarity, both the draftsman and the author of the Bill concede the point raised by Mr. Medcalf. That is the reason for the amendment.

Amendment put and passed.

Postponed clause, as amended, put and passed.

Postponed clause 7: Age of capacity to make will—

The Hon. A. F. GRIFFITH: I indicated to the Committee, when we discussed this Bill on the last occasion, that I would like the opportunity to consider further the move projected by Mr. Willesee in relation to the age at which a person should be able to make a valid will. Members will recall I said that I was not opposed to the proposition because a person of 18 years of age may be just as capable and competent to make a will as a person over that age. My point was that because the Law Reform Committee in New South Wales was coming forward with various suggestions in relation to the age of responsibility I thought it might be as well to consider this sort of thing at that time. I know I contradicted my own argument by saying that the legislation dealing with licensing, in accordance with the committee's report, will provide for a drinking age of 18. However, that is not really related to this matter. A drinking age of 18 is not a legal matter.

The Hon. G. C. MacKinnon: It is a social matter.

The Hon. A. F. GRIFFITH: Yes. However, having considered the matter, and having consulted a number of my colleagues, I am prepared to support Mr. Willesee's move and, if the honourable member wishes me to do it, I will move to that effect.

The Hon. W. F. Willesee: Go ahead.

The Hon. A. F. GRIFFITH: I move an amendment—

Page 3, line 7—Delete the passage "twenty-one" and substitute the word "eighteen".

Amendment put and passed.

Postponed clause, as amended, put and passed.

Schedule put and passed.

Title put and passed.

Bill reported with amendments.

LOCAL COURTS ACT AMENDMENT BILL

Second Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Justice) [5.25 p.m.]: I move—

That the Bill be now read a second time.

Under the provisions of the Local Courts Act, and in conformity with order No. 33 of the rules made under that Act, appeals from the Local Court are regulated by section 107.

However, appeals from a single judge to the full court are proceeded with under section 167 of the Supreme Court Act and in conformity with order No. 58 of the Supreme Court Rules.

As there is currently proceeding a revision of the Supreme Court Rules relating to appeals, the time appears to be opportune to introduce greater uniformity and simplicity in respect of these appeals.

There is no valid reason why the procedure relating to appeals from local courts to the full court should not be the same as appeals from a single judge and this, particularly, in regard to the times in which appeals may be taken and the times in entering the appeal for hearing, as well as the times within which the appeal books must be prepared and filed.

The purpose of the amendments contained in this Bill is to enable this uniform state of affairs to be brought about through the amendment of section 107 of the Local Courts Act. This will enable procedural matters, once an appeal is taken, to be dealt with by the Supreme Court Rules. The altered provisions are contained in clause 4 of the Bill.

The amendment contained in clause 3 merely regularises incorrect terminology introduced into the Act with the passing of a 1921 amendment.

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

NURSES ACT AMENDMENT BILL

Second Reading

THE HON. G. C. MacKINNON (Lower West—Minister for Health) [5.27 p.m.]: I move—

That the Bill be now read a second time.

In 1968 a new Nurses Act was passed. Under this legislation an autonomous board was created with powers to deal with the complex problems of nursing in our community.

I am pleased to report that the new board has been constituted and is showing a determined attitude to the discharge of its responsibilities.

This short Bill seeks to make two small amendments requested by the board. Both relate to conditions under which staff is employed. At the time the Nurses Act was being prepared for drafting the Public Service Arbitration Act was not in force. Therefore, reference was made to the Industrial Arbitration Act in section 15 of the Nurses Act. It is uniform practice to treat staff of statutory boards and other

Government instrumentalities as Government officers and to provide the same machinery for salary fixation and other conditions of employment. The Bill provides for the reference to the Industrial Arbitration Act to be deleted and for the substitution of reference to the Public Service Arbitration Act of 1966.

Clause 3 will enable the Board to extend to its employees the same superannuation benefits as are enjoyed by the State Public Service. The cost will be borne by the board and the employee. Staff of a number of other statutory boards and Government instrumentalities already enjoy this benefit. I commend the Bill to the House.

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

TERMINATION OF PREGNANCY BILL

Second Reading

THE HON. J. G. HISLOP (Metropolitan) [5.29 p.m.]: I move—

That the Bill be now read a second time.

I am pleased to be able to take another opportunity to set right matters relating to the termination of pregnancy. I have been trying to do something in this direction for the past five years and I hope that on this occasion something will come of my efforts. The Bill, which is before members, reads as follows:—

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Termination of Pregnancy Act, 1970*.

2. This Act shall come into operation on a date to be fixed by Proclamation, being a date not later than six months from the date on which it is passed.

3. In this Act—

“law relating to abortion” means sections one hundred and ninety-nine, two hundred, and two hundred and one of The Criminal Code;

Section 199 of the Criminal Code reads—

Any person who with intent to procure the miscarriage of a woman, whether she is or is not with child, unlawfully administers to her or causes her to take any poison or other noxious thing, or uses any force of any kind, or uses any other means whatever, is guilty of a crime, and is liable to imprisonment with hard labour for fourteen years.

Section 200 of the Criminal Code reads—

Any woman who, with intent to procure her own miscarriage, whether she is or is not with child, unlawfully

administers to herself any poison or other noxious thing, or uses any force of any kind, or uses any other means whatever, or permits any such thing or means to be administered or used to her, is guilty of a crime, and is liable to imprisonment with hard labour for seven years.

Section 201 of the Criminal Code reads—

Any person who unlawfully supplies to or procures for any person any thing whatever, knowing that it is intended to be unlawfully used to procure the miscarriage of a woman, whether she is or is not with child, is guilty of a misdemeanour, and is liable to imprisonment with hard labour for three years.

The other definitions in clause 3 of the Bill read as follows:—

“medical practitioner” means a person registered under the Medical Act, 1894;

“public hospital” means a public hospital within the meaning of the Hospitals Act, 1927.

The Bill continues—

4. (1) Subject to the provisions of this section, a person shall not be guilty of an offence under the law relating to abortion—

(a) if the pregnancy of a woman is terminated by a medical practitioner in a case where he and one other medical practitioner are of the opinion, formed in good faith after both have personally examined the woman—

(i) that the continuance of the pregnancy would involve greater risk to the life of the pregnant woman or greater risk of injury to the physical or mental health of the pregnant woman than if the pregnancy were terminated; or

(ii) that there is a substantial risk that, if the pregnancy were not terminated and the child were born to the pregnant woman, the child would suffer from such physical or mental abnormalities as to be seriously handicapped,

and where the treatment for the termination of the pregnancy is carried out in a public hospital; or

(b) if the pregnancy of a woman is terminated by a medical practitioner in a case where

he is of the opinion, formed in good faith, that the termination is immediately necessary to save the life, or to prevent grave injury to the physical or mental health, of the pregnant woman.

The next reference is to paragraph (a) of subsection (1) of this section, which I have read to the House and which I think members will follow easily. The Bill continues—

(2) Paragraph (a) of subsection (1) of this section does not refer or apply to any woman who has not resided in Western Australia for a period of at least two months before the termination of her pregnancy.

(3) In determining whether the continuance of a pregnancy would involve such risk of injury to the physical or mental health of a pregnant woman as is mentioned in subparagraph (i) of paragraph (a) of subsection (1) of this section, account may be taken of the pregnant woman's actual or reasonably foreseeable environment.

5. (1) Subject to subsection (2) of this section, no person is under a duty whether by contract or by any statutory or other legal requirement, to participate in any treatment authorised by this Act to which he has a conscientious objection.

(2) In any legal proceedings the burden of proof of conscientious objection rests on the person claiming to rely on it.

(3) Nothing in subsection (1) of this section affects any duty to participate in treatment which is necessary to save the life or to prevent grave injury to the physical or mental health of a pregnant woman.

6. (1) Subject to subsection (2) of this section for the purposes of the law relating to abortion, anything done with intent to procure the miscarriage of a woman is unlawfully done unless authorised by this Act.

(2) It is a sufficient defence to a charge under such law that a medical practitioner terminating a pregnancy, or any person participating in any treatment for such termination, had a genuine belief, based on reasonable grounds, that the requirements of this Act had been complied with.

(3) Nothing in this Act shall affect the provisions of sections two hundred and fifty-nine and two hundred and ninety of The Criminal Code.

Section 259 of the Criminal Code reads—

A person is not criminally responsible for performing, in good faith and with reasonable care and skill, a surgical operation upon any person for

his benefit, or upon an unborn child for the preservation of the mother's life, if the performance of the operation is reasonable, having regard to the patient's state at the time and to all the circumstances of the case.

Section 290 reads—

Any person who, when a woman is about to be delivered of a child, prevents the child from being born alive by any act or omission of such a nature that, if the child had been born alive and had then died, he would be deemed to have unlawfully killed the child, is guilty of a crime, and is liable to imprisonment with hard labour for life.

The Bill continues—

7. (1) The Governor may make regulations prescribing all matters that by this Act are required or permitted to be prescribed, or that may be necessary or convenient to be prescribed, for carrying this Act into operation or for facilitating the operation of this Act.

(2) Without limiting the generality of the powers conferred by subsection (1) of this section, the Governor may make regulations for or with respect to all or any of the following matters—

(a) requiring any such opinion as is referred to in section four of this Act to be certified by the medical practitioner or practitioners concerned in such form and at or within such time as may be prescribed, and for requiring the preservation and disposal of any such certificate made for the purposes of this Act;

(b) requiring any medical practitioner who terminates a pregnancy to give notice of the termination and such other information as may be so prescribed;

(c) prohibiting the disclosure, except to such persons or for such purposes as may be prescribed, of notices or information given pursuant to the regulations;

(d) providing for and prescribing any penalty, not exceeding two hundred dollars, for any contravention of, or failure to comply with any regulation.

I have here a note which I received at the end of September, 1969. It is headed, "Abortion Law Reform Favoured 6 to 1 in Floreat Park" and reads as follows:—

"An overwhelming majority of people in Western Australia favour reform of the existing laws on abortion," said Mrs. Mardy Amos, Chairman of the 500 member Abortion Law

Reform Association of W.A. "The results of our organisations door to door survey in Floreat Park was even better than anticipated. Of the householders interviewed, six to one favoured reform of the law along the lines put forward by the Hon. J. G. Hislop, M.L.C., in his recent Bill before Parliament."

"In a comprehensive survey we had fifty volunteers visit 95% of the homes in Floreat Park. Of those at home, 1,385 adults expressed their opinion in favour of Abortion Law Reform, whilst only 245 were against (129 had no opinion). Of those 1,385 adults expressing their opinion in favour, 1,109 (80%) signed our petition," said Mrs. Amos.

"In addition to these signatures we are presenting to Parliament to-day—

That was in September. To continue—

— 5,000 more signatures of citizens of W.A. calling upon their M.P.'s to introduce the necessary legislation for reform."

"We believe our survey conclusively shows that the electorate wish their Members of Parliament to face the issue and amend the existing laws on Abortion," she concluded.

The association plans to continue their campaign for Abortion Law Reform, and urges all citizens who have not yet expressed their opinions on reform to do so by writing to their Members of Parliament.

I have here a copy of the South Australian legislation which is in operation and the effects of which all members will be able to measure. I invite all members to look at that legislation and to study it for themselves. It is not completely an amalgamation of the thoughts expressed in both Houses of the South Australian Parliament, but it does seem to have been modelled through mutual co-operation.

Mr. President, I shall not add further to the Bill, which I have read out, but I shall leave it as it stands. I would be quite willing to discuss the matter at any time with any member and I sincerely hope that suggestions which come from discussion will be satisfactory to all and Parliament will be able to take some action on this measure. The South Australian legislation has worked well in the overall picture and, in saying this, I think we must forget some unfortunate happenings in the early stages of its implementation.

I have read the Bill to the House, and I feel there is no difficulty whatever concerning it. There may be some queries and I will be quite happy to answer any article or any query raised by any

person making a real quest into this matter. I think I should leave it at that and speak again later, if necessary.

Debate adjourned, on motion by The Hon. A. F. Griffith (Minister for Mines).

BILLS (2): RECEIPT AND FIRST READING

1. Police Act Amendment Bill.
2. Anzac Day Act Amendment Bill.

Bills received from the Assembly; and, on motions by The Hon. L. A. Logan (Minister for Local Government), read a first time.

House adjourned at 5.48 p.m.

Legislative Assembly

Tuesday, the 24th March, 1970

The DEPUTY SPEAKER (Mr. W. A. Manning) took the Chair at 4.30 p.m., and read prayers.

LICENSING ACT: MAJOR ALTERATIONS

Referendum: Petition

MR. BRADY (Swan) [4.32 p.m.]: I present a petition from the members of the Seventh Day Adventist Church of Swan Districts, containing 221 signatures, praying for a referendum on the subject of major alterations proposed in the liquor laws of the State.

The DEPUTY SPEAKER (Mr. W. A. Manning): I direct that the petition be brought to the Table of the House.

LOWERING OF DRINKING AGE

Referendum: Petition

MR. BRADY (Swan) [4.34 p.m.]: I present a petition from the members of the various churches in Helena circuit, Western Australia, containing 271 signatures, praying for a referendum on the subject of the proposed lowering of the drinking age to 18 years of age.

The DEPUTY SPEAKER (Mr. W. A. Manning): I direct that the petition be brought to the Table of the House.

SUNDAY TRADING IN LIQUOR

Referendum: Petition

MR. BRADY (Swan) [4.36 p.m.]: I present a petition from the members of various churches in the Swan District, Western Australia, containing 257 signatures, praying for a referendum on the subject of the proposed alteration of the law on Sunday trading in liquor.

The DEPUTY SPEAKER (Mr. W. A. Manning): I direct that the petition be brought to the Table of the House.