Legislative Council

Wednesday, the 5th October, 1977

The PRESIDENT (the Hon. Clive Griffiths) took the Chair at 4.30 p.m., and read prayers.

QUESTIONS

Questions were taken at this stage.

BILLS (3): INTRODUCTION AND FIRST READING

1. Pharmacy Act Amendment Bill.

   Bill introduced, on motion by the Hon. D. J. Wordsworth (Minister for Transport), and read a first time.

2. Legal Practitioners Act Amendment Bill.

   Bill introduced, on motion by the Hon. I. G. Medcalf (Attorney-General), and read a first time.

3. Western Australian National Football League Bill.

   Bill introduced, on motion by the Hon. Tom McNeil, and read a first time.

PUBLIC SERVICE ARBITRATION ACT AMENDMENT BILL (No. 2)

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. D. J. Wordsworth (Minister for Transport), read a first time.

CLOTHES AND FABRICS (LABELLING) ACT AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. D. J. Wordsworth (Minister for Transport), read a first time.

Second Reading

THE HON. D. J. WORDSWORTH (South—Minister for Transport) [4.51 p.m.]: I move—

That the Bill be now read a second time.

Legislation enacted in this State in 1973 provided for any article of children's night clothing to be marked or labelled according to its flammability, suitability for particular methods of laundering, and size.

Uniform legislation in this regard was adopted by all States to incorporate standards set down by the Standards Association of Australia. The need for measures of this nature evolved from accidental happenings to persons, particularly young children, who were severely burned when items of nightwear caught on fire.

The Standards Association has more recently published a series of new standards in the garment field and these were examined by Ministers for Consumer Affairs at their last two conferences. The outcome, following a meeting of Ministers in April this year, is that all States have agreed to incorporate the new standards in their clothes and fabrics legislation.

Additionally, it was agreed that all States would amend their legislation to permit the banning from sale of children's nightclothes made of material having a surface burning time of less than 10 seconds as determined by the Australian Standard AS 1176-1976. The authority to ban from sale has not previously been in the Act.

When changes are to be made which affect stocks held by suppliers and retailers, a sufficient period will be allowed before implementation so that current stocks, both locally manufactured and imported, can be phased out, and also to meet the time stipulations for reordering of new stocks. The Retail Traders' Association of Western Australia has intimated acceptance of the proposals as long as a sufficient time lag occurs before introduction.

The Commonwealth will control the imported nightwear under its legislation.

The regulations made under this Act contain reference to the particular Australian Standards, and consequential amendments to these regulations will have to be made to incorporate the new standards.

New South Wales and Victoria have already acted along the lines of the agreement reached by the States and have banned the sale of some flammable nightwear.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. D. W. Cooley.

EDUCATION ACT AMENDMENT BILL

Report

Report of Committee adopted.

CRIMINAL CODE AMENDMENT BILL (No. 2)

Second Reading

Debate resumed from the 7th September.

THE HON. G. C. MacKINNON (South-West—Leader of the House) [4.54 p.m.]: Mr President, the Hon. N. E. Baxter was kind enough to forgo his opportunity to speak on this measure;

as you know, he adjourned the debate. I will speak on it first.

This measure will probably cause members a greater degree of concern than most other pieces of legislation do, because it touches on matters in which there are no absolute judgments—matters of opinion and conscience are concerned, and in some cases even matters of religious beliefs. Therefore, on our part, it is a vote which is entirely free. I would understand that on this occasion, as the Bill was introduced by the Hon. Grace Vaughan, she probably has the undivided loyalty of her colleagues. I doubt that members on the Government side will vote with that degree of solidarity. Nevertheless, it is a matter of very real concern. For my own part, I intend to oppose the Bill, and I will elaborate my reasons as I go along. I want to deal, firstly, purely with the technicalities of the Bill. In the event that it is passed, I believe some areas should be looked at with greater care. In the main, I think it is fairly satisfactory, but one or two minor matters should be looked at. I will now elaborate on those.

In the proposed new section 184, in clause 6 of the Bill, the offence of committing an act of gross indecency in public is limited to acts which occur in any place to which the public are permitted to have access, whether or not on payment of a charge for admission. No other act of gross indecency is an offence unless it involves a person to whom the Bill extends special protection; that is, a minor.

The assumption in this case is that unless such an act occurs in a place to which the public has access it will not give offence to others. In fact, that does not follow. Acceptance of this proposal would mean that if an act of gross indecency were performed in the full view of passers-by but on private premises, it would not necessarily be an offence. It would require the qualification that if it were done with intent to give offence it could be nailed and classed as an offence, and would be actionable; but if it were proved not to have been done with intent to give offence, it would not be actionable. In other words, an act which was committed on a front lawn and which might be found to be quite objectionable would not be an offence through a sheer technicality in the Bill. I think that should be corrected.

Taking the policy in the Bill in its entirety, it is to my mind a very dubious one. It adopts the provisions of the South Australian Criminal Law (Sexual Offences) Act of 1975 as its model, and actually seeks to do two things: firstly, to remove from the ambit of the criminal law sexual acts between private, consenting, mentally competent adults, which I think is clearly stated; and, secondly, to make the provision of the law relating to sexual offences apply equally to males and females with regard to both criminal responsibility and protection from abuse.

I covered this matter in a speech I made in 1973. I complained about that Bill and I do not think this one is any different. My quarrel is only with the second stated aim, from a technical point of view; not with the first one.

It has logic on its side but in my view it represents a wrong approach to law reform. Instead of asking, as one ought to ask in a pragmatic sense, what are the problems actually existing and likely to arise in the future, and what is the most practical way those problems may be overcome, the Bill takes a theoretical line and proceeds on the assumption that justice will be assured if males and females are placed on precisely the same footing.

That is just not true. I stated at some length in 1973 that if a relatively protected female marries a relatively unsophisticated male, or any sort of male, she is entitled to expect that their sexual relations will be, for want of a better term, normal; that is, per vagina. If he happens to like sexual intercourse per anus and insists on it, then I think the woman has a right to complain. She has the right to bring the law into the bedroom. I disagree, of course, with Mr Trudeau's assumption that there is never a time when the law can be brought into the bedroom, because I believe it can be if a wife is beaten, or if she is molested to that extent. In that case I believe she has that right and it ought to be preserved. I elaborated on that matter in 1973; therefore, I will not elaborate on it again.

Instead of asking whether there is any need for the criminal law to concern itself with lesbianism, it makes that activity unlawful simply because homosexual acts between males are already dealt with under the criminal law. I see no point in that. Feminism has been treated in a theoretical manner. The people who framed the law have not sat down and asked themselves, "What problems exist? Let us tackle those." They have said, "What is the theoretical situation?" However, this theoretical situation may never eventuate. I do not believe that this is the correct way to deal with the matter.

For example, one may ask oneself a pragmatic question: Do acts of lesbianism occur in public lavatories or other public places? Is there any need to legislate about acts of lesbianism in public toilets? I would think not. Although I say, "I think not", I rather suppose I am like a great many other people who imagine they know what

happens between a homosexual couple, either male or female, but in fact when they get down and ask themselves seriously as to what happens between such a couple, they are not very sure. They are not very sure at all.

As a matter of fact, I have sometimes thought that it is quite likely the majority of such couples are not strongly sexually activated at all. However, I do not really know the situation. I am guessing. But I would have reason to think that probably the most violently sexually activated people would be heterosexual; or if I may, I will quote from a very old book called *Cage me a Peacock*, which I read when I was about 19, wherein the remark appeared, "He is versatile. You know his motto, 'Man, woman or dog I throw it on a bed'." He was heterosexual, or whatever the word is.

I would not be surprised to learn that the average homosexually motivated person was not a very active sexual creature in the sense that we read about such people in some of the semi-pornographic books that seem to be everywhere nowadays. However, I simply do not know, and I would hazard a guess that the majority of the members in this Chamber do not know either. I have always found it extremely difficult to find the answer from the few questions I have asked. Perhaps I asked the wrong people.

The Hon. D. K. Dans: You might ask the wrong questions too.

The Hon. G. C. MacKINNON: It could well be. Let me proceed with the line I was taking a minute ago about putting up a theoretical problem and solving that, rather than taking a pragmatic approach. One is entitled to ask: What is the carnal knowledge that will be possible for a female—and "a person" is a female—to have with a male child, as is mentioned in clause 9? Will the female have such "knowledge" when she is penetrated by the male? It seems that this will be the case. Indeed, the Hon. Grace Vaughan, when speaking to the Bill, tended to indicate that this was intended.

In paragraph 12 the honourable member says—

> It is an aim of the Bill to protect 'both male and female from . . . sexual intercourse accepted out of ignorance or youth or intellectual handicap'.

I hope members recall the phrase "intellectual handicap". I will come back to that in a minute. It is another purely technical matter.

It seems to me there is really no necessity for that clause. Why is it necessary to make it an offence for a girl of 16 to have intercourse with a boy of 15? I do not see why that should be so. That will be one of the consequences of section 187 because of the tendency to deal with people in a similar manner irrespective of their sex. However, I do not believe in total equality of the sexes, because they are not totally equal. The sexes can be equal in some ways; but they are not exactly the same.

The Hon. R. H. C. Stubbs: They both have their own monopoly.

The Hon. G. C. MacKINNON: Our roles are reversed. The honourable member has got into the habit of speaking so softly that I cannot hear him.

The Hon. R. H. C. Stubbs: They both have their own monopoly. One has the monopoly of motherhood, and the other has the monopoly of fatherhood.

The Hon. G. C. MacKINNON: And the differences, thank goodness, go far beyond that. I do not accept that there is total equality of the sexes any more than I accept there is total similarity. So far as the existing and likely problems are concerned, it seems to me that the Bill will not contribute a great deal. It may be that male children are kept for sexual defilement by other males, and that is mentioned in clause 8.

The rape of one male by another is already, in certain situations, a common occurrence. That is covered by clause 19. However, it does not follow that because the Criminal Code has no provisions specifically designed for those situations the law applies no sanctions. This I think is the mistake in the fundamental and basic concept of this piece of legislation.

There is another basic and fundamental mistake which I will come to in a moment. Sections 181, 314 and 315 of the Criminal Code are effective deterrents. These are in the Criminal Code and are not intended to be amended. They read as follows—

> 181. Any person who—
>
> (1) Has carnal knowledge of any person against the order of nature; or
>
> (2) Has carnal knowledge of an animal; or
>
> (3) Permits a male person to have carnal knowledge of him or her against the order of nature;
>
> is guilty of a crime, and is liable to imprisonment . . .
>
> 314. Any person who assaults another with intent to have carnal knowledge of him or her against the order of nature is guilty of a crime, and is liable to imprisonment with hard labour for fourteen years.

> 315. Any person who unlawfully and indecently assaults any male person is guilty of a misdemeanor, and is liable to imprisonment with hard labour for three years.

Incidentally, the Acting Crown Prosecutor has told me that in cases of offences under section 314, which is assault with intent to have carnal knowledge against the order of nature, the judges invariably fit the penalty to the facts. In other words, if the accused has succeeded in having connection, then the penalty is higher than would otherwise be the case. The penalty would be higher again if the carnal knowledge has occurred without consent. The maximum penalty of 14 years is sufficient to permit any situation to be adequately dealt with.

In order to determine the situation we must, of course, look at the case law and not just the Statute. That is another matter which I will come to a little later, because it is raised in the notice paper by the honourable Mr Baxter.

The proposal in this Bill is, in my opinion, clumsy and unnecessary. The commonly advocated reform in the area of sexual crime could be effected simply by providing that neither an act of carnal knowledge against the order of nature, nor an act of gross indecency between males, shall involve any offence on the part of either party to that act, provided that—

(1) it takes place in private;
(2) the parties consent thereto;
(3) the parties have attained the age of 18 years.

This would create a position similar to that obtaining in the United Kingdom under the terms of the Sexual Offences Act, 1967. However, there are two important differences. The exculpatory provision in the United Kingdom applies only to homosexual offences; that is, it does not excuse unnatural intercourse between a man and a woman, and it provides that the age of consent shall be 21 years. That is a point I consider to be fairly important. It is all right if the couple are totally agreed; that is their business. But if the subject is not talked about and totally agreed upon, then it is not just their business. As I have said, the provisions in the United Kingdom do not excuse unnatural intercourse between a man and a woman. There are other refinements, but I will not go into those at the moment.

There are several other matters on which I wish to comment dealing with the technical side of the Bill. There is no definition in the Bill or the parent Act of the term "gross indecency". I believe this was perturbing the honourable Mr Baxter, if I read his amendment correctly. Here again, we must look at the situation and see what has been established in case law, rather than simply looking at the Act. I believe this has been clearly defined.

My personal concern in this regard was the use of the terms "imbecile" and "idiot". As a result of advice I have received, I am of the opinion that this should be looked at, not necessarily in the context of this measure because these words are already in the Criminal Code. Nevertheless, the terms "idiot" and "imbecile" are considered by social workers, and people who work in the field of mental health, to be archaic. The terms used now are perhaps a little kinder. Words such as "mentally handicapped" are used and terms such as "lunacy", "imbecile", and "idiot" have fallen into disuse.

When I asked about the situation I was told, "Yes, something ought to be done about it, but it ought to be done totally through the Criminal Code." In other words, the Criminal Code ought to be brought into line with what is, in this State, a very modern enactment, and that is the mental health legislation. This legislation covers the mentally ill and such terms are not used in the mental health legislation, if it is up-to-date. This matter does not really affect the purpose of the legislation as such, but it is a matter to keep at the back of one's mind.

I have already mentioned that I made a speech on this subject in 1973 and it is covered in *Hansard* No. 5 of 1973, on pages 6276 to 6281. There is little that has happened since then to change my mind. I think it would be fair to say that, whilst I am not adamantly and rigidly opposed to the legislation, I see no virtue in it, because I do not believe the theoretical cockshies that have been put up in order that they may be knocked down with a solid piece of legislation.

I do not believe these cockshies exist. I also believe that this creates some dangers; but let me deal with the theoretical cockshies first. I would like to read part of a letter I have received. It reads as follows—

> I believe that in a liberal democracy individuals moral decisions are their own concerns . . . . .

That is arguable, and I am not sure even that is true. To continue with the letter—

> . . . provided that in living up to these decisions they do not injure others.

I am not sure how that is determined. To continue with the letter—

> People who disagree with the morals of

other groups should certainly be free to put their own point of view and to persuade others to it, but they should not be able to use the law.

They all come back to this theoretical bit: that the police should not be able to rush in on people who are performing a sexual act in private. The police are not permitted to rush in on a couple who are performing a heterosexual act, and these people claim the police should neither be able to rush in on a homosexual act.

The actual situation is that nobody does rush in. I am only able to go back to 1974 when I mention this; and if any member can think of one case he should interject and tell me. There is not one case in Western Australia in which the police have tackled an adult performing a homosexual act in private, because that person was known to be performing a homosexual act.

In one case adults were apprehended in a public toilet for committing such an act. I shall deal with some of these cases. Generally the police do not interest themselves in consorting and cohabiting of homosexuals in private, where it occurs between adult persons. However, there have been some cases where the police have interested themselves. On a couple of occasions the police went in because the parents concerned asked the police to intervene on behalf of their son who was mentally retarded; and the police considered the son to be mentally incapable. From their observations, the police were satisfied that the fears of the parents were founded.

Perhaps in this context the word "child" is not the right term to use, because in one case the person involved was 21 years of age, but he had the mentality of a child of about seven years of age. The records indicated this person to be mentally handicapped. There have been one or two of such cases.

The total list indicates that in 1974-75 there were six charges for sodomy, and they were as follows—

Sodomy—Adult against 17 year old boy.

Sodomy—Adult against 21 year old mentally retarded male.

Sodomy—Adult against aged nine years.

Sodomy—Adult against 4 year old boy.

Sodomy—Adult against 15 year old boy.

Sodomy—Adult against 16 year old youth.

In the year 1975-76 there were five charges against three offenders as follows—

Sodomy—Adult against 14 year old youth.

Sodomy—Same adult against another 14 year old youth.

Sodomy—Same adult against another 13 year old youth.

Sodomy—Two adults charged over seizure of blue movie film. Consenting adults. Met through *Sunday Times* advert.

The last case was actually reported in *The West Australian*, and it became the subject of an editorial. That arose over a blue movie film. I shall not go through the full details of the photographs that were taken. One girl of 14 years of age was photographed masturbating herself with the handle of a hairbrush. The adult males involved took the photographs in private, and the blue movie they produced was for sale overseas.

Another case concerned two consenting adults involved in sodomy in a public toilet at Guildford, and that was in the 1976-77 year. In that year there were three other charges against three offenders, as follows—

Sodomy—Adult against 15 year old youth.

Sodomy—Adult male against 9 year old girl.

Sodomy—Adult male against 8 year old girl.

Stepfather of both above.

The point I am making is that if bad cases make bad laws—I understand this is a very old saying—then mythical cases must even make worse laws. What we are doing in this case is to say the police should not intervene when adult couples are having homosexual relations in private, when in fact the police do not intervene.

What alarms me is that two archbishops, both well known to me, have gone to the Press on this matter, and implied that the police do intervene. However, the police do not interest themselves in consorting and cohabiting of homosexuals in private, where such acts take place between adult persons.

Referring to the occasion I mentioned about the taking of blue movies, the circumstances indicate that the two male persons who appeared before the court are outside these categories for the reasons I have given.

During the past five years 19 prosecutions have been brought before the courts in respect of homosexuality. The circumstances of these matters are as follows—

Reported by parents, family or guardians 10

Reported by boys involved 5

Police inquiries in public or with juveniles 4 19

Adults committing acts between themselves (these include 2 adults reported by the family of one offender concerned about his welfare, and the 2 offenders in present matters) 4

Ages of male children involved—

16 years.....1
15 years.....1
14 years.....2
13 years.....4
10 years.....1
9 years.....1
4 years.....1
3 years.....1

Those offences would all have been actionable even under the revised Bill. To continue—

One mental defective (act of sodomy committed by a 51 year old man) 21 years of age 1

One child of 3½ years of age 1

On one of these occasions it is alleged that the male adult used force on the boy when committing his offence of sodomy. There appears to be a need for the law covering homosexual offences to remain. Indeed, in all fairness, the Bill does retain the fairly stringent laws dealing with these acts. The fact that there have been 15 prosecutions for gross indecency against 14 children and one mental defective would indicate the need to retain the existing legislation.

However, there is not one single case that this law will help, so we are fighting at shadows and thus bring about travail for me, and I have no doubt worry for others.

There is another aspect on which I wish to touch. I have before me a pamphlet issued by the Homosexual Law Reform Coalition; and it is authorised by the Homosexual Law Reform Coalition, GPO Box 1031, Perth. It sets out what the Bill proposes to achieve. In it the following appears—

> There is currently before the Western Australian Parliament a Bill to amend the Criminal Code so that discrimination against homosexuals will be reduced.
>
> Some parliamentarians have expressed confusion regarding the purpose of the proposed amendments:—
>
> —why is law reform important?
>
> —what are the implications for society and homosexuals if it comes into effect?
>
> It is understandable that Members may find it impossible to make themselves completely familiar with all matters that come to their attention.

Indeed, none of us is completely informed. The pamphlet goes on to urge parliamentarians to read it and consider its various points. It expresses the law as it now stands; I think that is fair enough. The pamphlet continues—

> Convictions over the past 15 years have been minimal. In recent years since the Honorary Royal Commission into Homosexuality members of the judiciary have made public their objections to the current law and have reacted by handing out only the minimal sentence possible.

I am not sure that is correct. I hope it is not, when the actual cases concern very young children. I hope the sentences imposed were not minimal. However, this aspect does not alter the argument.

The pamphlet states that the proposed amendments in the Bill set out to decriminalise these acts, and to make them legal. Acts are either legal or illegal, and the pamphlet says the Bill sets out to make them legal. So, it is bunkum for the Homosexual Law Reform Coalition to use the word "decriminalise". The pamphlet goes on to point out that that Bill will protect both males and females from sexual assault. Of course, it does, but to some extent I think that is again jumping at shadows.

The pamphlet then sets out what the proposed amendments in the Bill will mean. I am delighted that that law reform coalition was quite honest when it said the Bill would not make any difference to the blackmailing of homosexuals. If this Bill is passed by this House and another place, and assented to by the Governor, and if in three weeks' time I am accused of being involved in very compromising circumstances in a homosexual act, I would have the devil of a job to hold my seat at the next election. If I were given the opportunity to squash the prosecution by the payment of a few dollars, I would be sorely tempted to do so. The Bill would not make any difference; and surely this is a matter of public acceptance.

I am delighted that the Homosexual Law Reform Coalition was honest enough to point out in one of the statements in the pamphlet that the Bill would make no difference to the question of blackmailing of homosexuals.

I was very alarmed when I saw on television one of the leaders of this group saying this was a good beginning, or words to that effect. I suppose some years ago when people said we should stop

placing pants on piano legs and we should get out of the Victorian era, it was regarded as a good thing. From that beginning an interesting situation has arisen. This is better illustrated by Bill Lang's column in this evening's *Daily News*. A couple of people asked him, "How was the trip?" He said that he had a trip around the world and happened to have a full rundown on the world sociological situation. He went on to say—

> Many ramifications were uncovered, as I wandered, delving.
>
> First, Soho. Still the visual and aesthetic hub of the empire. They're right up with the trends.
>
> I went to a corner library with a priceless section on human anatomy.
>
> Some researchers kept disappearing through a curtain at the rear. Notebook in hand, I joined a queue waiting to examine a biology machine in which the female form could be seen for 50p a peek.
>
> Over to New York, for a stroll down Broadway, entertainment mecca of the world.
>
> Everything is laid on for the weary traveller. Every 50m, some nice gentleman proffers a pamphlet, recommending a good massage parlour nearby.
>
> Out the back, unclothed women were dancing about for 50p a peep. Artists' models, I'd say.
>
> What about a show and a bite? The Eros Theatre seemed contemporary. A little trilogy was playing. . . "Hot Wives", "Teenage Devils" and "Dirty Western".

The only difference in that western was that when the goodies caught the baddies, they made very passionate love to the baddies instead of shooting them.

This sort of thing is the result of a move towards a franker approach to sex. One need only look at the advertisements for shows in the back pages of the *Daily News*. If this is a first step, what is the second step?

A few years ago Mr Claughton could have stood up before a class of children and said, "I am going to tell you about a trip which Mrs Claughton and I made. Many of you have met Mrs Claughton. We live in that house down the road. We have two children. We went to the zoo and this is what we saw." Is the next step going to be—and I have no reason to doubt that it will be—that it will be possible for a teacher to say to those same children, "You know that I live with Harry Smith and you have seen me with Harry Smith. We were walking down the road yesterday holding hands. My nephew visited us over the weekend and we took him to the zoo"? In other words, that teacher would be stressing and underlining total acceptance of a homosexual relationship.

One can argue that this does not happen. One can argue along the lines argued by the "Homosexual Law Reform Manifesto" which, when talking about the threat of blackmail, states—

> To eradicate this it is necessary to change the whole of Society's attitudes to sexual behaviour. That cannot be done by legislation and it is unlikely that it can be done by other means. But at least it has to be recognized that blackmail is a function of a morally restrictive society rather than its laws.

That is a matter of opinion, not a matter of fact. It is written as a matter of fact, but it is a matter of opinion. We are entitled to argue whether we want that sort of attitude and whether we want children to grow up accepting from quite an early age that a homosexual act is a proper act.

I know that for the human creature sex is not solely for reproduction. It is solely for reproduction for all animals in the wild; they procreate only at given times. Man is different. We all know—and I am not giving a lecture—that sex is not only for procreation. But it must still be regarded as primarily for procreation; and sex used solely for any other purpose must be regarded as aberrant to that extent. Members may shake their heads and I suppose that this is again a matter of opinion. But for whatever other purpose animals are made, they are also made to beget the same species, and the method of doing it is sexual intercourse. We alone use it for pleasure also, but it is not designed for that and nothing else. It will be argued that it is the fulfilment of total and absolute love and affection; it may well be, but it was not designed for only that.

I notice that this document talks of poofter bashing, which one hopes will gradually disappear. I do not know whether it ever will, because of the natural reactions of most people. Females seem to get on famously with male homosexuals, and most female homosexuals I have met get on quite well with males. But the situation is not the same in the relationships of men with male homosexuals, and females with female homosexuals. I suppose it is very difficult to cut out the behaviour which is talked about in the "Homosexual Law Reform Manifesto" presented to Mrs Vaughan which states—

> It is a major problem, a very common occurrence and one to which the authorities should direct their attention and accept their responsibility to eradicate it.

In this regard the document is quite truthful but the implication is that society has not done its share of eradicating. Of course, it is an offence to bash another person and the person is punishable at law if caught in the act, which it is fairly hard to do. The manifesto continues—

> This means that the State has a positive role to play for homosexual equality rather than just a negative one of removing certain restrictions.

The document goes on with this theme.

This is the first step but it is just the beginning because the document then says—

> We call upon the State Government to enact legislation to give effect to the following.
>
> 1. To abolish all discriminatory legislation against male and female homosexuals. It should not be such a major step for an Australian State to do in 1977 what France and Italy did so easily in 1810.

That may be true. To continue—

> 2. To create a situation of equal enforcement of the Police Act for all persons regardless of sexual orientation.
> 3. To produce a sexual orientation discrimination Bill, similar to the racial and sexual ones to protect homosexual rights in employment.

Again that would involve additional steps. To continue—

> 4. All gay people should be as legally free to contact other gay people, through newspaper advertisements, on the streets and by any other means they may want—as are heterosexuals.
> 5. All gay people should be free to hold hands and kiss in public.
> 6. All people who feel attracted to a member of their own sex should be taught that such feelings are valid and natural.

These things are written as statements of fact but they are statements of opinion. To continue—

> 7. Since so much of the problems that homosexuals face stem from socialization of attitudes and that these values are inculcated from childhood through the media and the school, the educational system needs a complete overhaul.

Again the implication is that the education system needs a complete overhaul not to ensure that the three "R"s are taught better but to ensure that those people who have homosexual tendencies should be better understood, totally understood, appreciated, or whatever it means, because it is not very specific.

I come back to the statement that this is a beginning, and one wonders whether the beginning will lead to the sort of cases which have taken place with regard to what we have come to call the permissive society. I do not believe encouragement ought to be given to children to believe that homosexuality is a perfectly normal relationship.

I have known a few—not many—homosexuals in my time. I have always gained the impression that they lead somewhat unhappy lives I have always had the impression—it could quite well be wrong—that they lack a certain feeling of security, and one or two of them have said so. Whether they were saying this to get sympathy I do not know, but they convinced me at the time; and I do not think encouragement ought to be given to this.

I have read that there is always a period in anyone's life when he or she is more inclined to become a homosexual than at any other time, and that most people go through this stage. That may well be true; I do not know. It seems to me that if this situation is not 100 per cent desirable—and surely it is not—this sort of encouragement should not be given because the normal thing is, to quote the honourable Mr Stubbs, men do the fathering and the women do the mothering. I know that is an oversimplification but our whole way of life is geared to an encouragement of that attitude.

It seems to me that our whole education system and our whole way of life are to be turned around, and as much encouragement given to a homosexual way of life as to a heterosexual way of life. I just do not see survival in that direction. I know that one can talk about what the ancient Greeks and the ancient Japanese did, but that is purely a side issue.

Mr President, I am not in favour of the legislation. If it reaches the Committee stage I believe the honourable member who introduced it should look at one or two of the technical points which I mentioned and perhaps arrange for amendments to be moved subsequently in another place. Because of the points of view I have mentioned and partly, but not to a very great extent, for technical reasons, I am not in favour of the legislation.

My real opposition to the legislation is not based on a religious belief or anything of that nature. It is based on the belief that the legislation is just unnecessary and that whatever action has been taken by the police during the last few years would be taken under the provisions of any new legislation. Since 1973-74 there has not been a case which would not or should not have been investigated if the Hon. Grace Vaughan had succeeded in having this legislation passed in 1973.

The arguments being put forward are figments of the imagination and I believe we are going to start on another path of permissive attitudes—the behaviour is already apparent—to the detriment of our way of life; and I do not believe that is good. I do not think it is good that women are paraded around now as if at a cattle sale so that the one with the biggest bosoms gets the biggest price, like Friesian cows.

We are reaching a stage now that men are doing the same sort of thing. I have not seen any but I understand one can go to many restaurants overseas and see the sexual act every way one turns, through a hole in the wall. I cannot imagine anything less conducive to the enjoyment of a good meal.

This sort of situation has come about because we decided that sex ought to be spoken of openly. I have no objection to that; when I am not talking about politics I quite enjoy talking about sex. But the whole purpose of this Bill seems to me to be open up another channel of permissive talk and behaviour. Those people, who are living quietly and comfortably together as two women or two men and who are living a full life as they wish to live it in to private without annoying anybody, can do so now with no more hindrance than they would encounter if this legislation were passed. The proof of that is in the record, and nothing can change that record. I oppose the measure.

THE HON. LYLA ELLIOTT (North-East Metropolitan) [5.45 p.m.]: I rise to support the Bill, and I want to congratulate the Hon. Grace Vaughan for introducing it. I believe the measure contains a very necessary and desirable reform, and it is one which has been in my party's platform for a number of years.

As Mrs Grace Vaughan mentioned in her second reading speech, the purpose of the Bill is to decriminalise homosexuality. This was the main principle embodied in a Bill introduced by the Tonkin Government in 1973, and which passed through the Legislative Assembly during that year. However, when the Bill was dealt with in this Chamber it was referred to a Select Committee which subsequently became an Honorary Royal Commission. I think most members are aware of that Honorary Royal Commission, and those who read the report which was brought down in 1974 would have noted that a great deal of evidence was presented in authorative submissions from 116 individual people and organisations.

After hearing the evidence, the Honorary Royal Commission expressed the opinion that acts of homosexuality between two consenting adults in private should not constitute an offence. Unfortunately, since that report was brought down the Government has failed to introduce any legislation to implement the spirit of the recommendations contained in the report, no doubt because of a fear of political repercussions.

I believe there is very strong evidence to show that public opinion of homosexuality has changed considerably and dramatically; in fact, so dramatically that the measure which is now before us would be acclaimed by the majority of people. I make that statement because of my own knowledge of a public opinion poll conducted in 1976 which revealed that nearly 70 per cent of the population—I think the actual figure was 68 per cent—who were polled indicated that they favoured some kind of law reform on homosexuality.

Those who constitute the heterosexual majority are beginning to realise that the prejudice against, and the fear of, homosexuals has been based largely on ignorance of the facts. While I am not a great fan of television shows such as "No. 96" and "The Box", I believe those types of shows have helped the situation of homosexuals by portraying them in a far more sympathetic light. That portrayal has changed public opinion considerably, and has helped to break down the prejudice which has been evidenced for so many years.

As the Hon. Graham MacKinnon has already mentioned, two very influential people—probably the two most influential leaders of public opinion in this State—the Most Reverend Geoffrey Sambell, the Anglican Archbishop of Perth, and Sir Lancelot Goody, the Roman Catholic Archbishop, have both come out in favour of the contents of this Bill. Those two influential leaders must have given the question of homosexuality a great deal of consideration over a number of years.

The leader writer *The West Australian* has also indicated support of this legislation. Those members who have read the report of the Honorary Royal Commission would be aware of

the fact that the Law Society of Western Australia has on its books a motion carried in 1972, which reads—

> That this Society recommends that the Criminal law be amended to remove therefrom as an offence homosexuality between consenting male adults in private.

The Law Society pointed out that it was essentially a moral issue, that the law had no proper place on the enforcement of morals in that area, and that individuals of adult age should be free to decide for themselves their mode of sexual behaviour.

I reiterate my view that public opinion has changed and contrary to the past, members in this place would not be taking an unpopular political stand in supporting this Bill.

What else, apart from public opinion, motivates a member of Parliament when voting on a measure such as this? Firstly, it must surely be whether the law the Bill is seeking to change is a just and enforceable law, and whether it is an oppressive anachronism which should be removed from the Statute book. Secondly, I believe it is helpful and relevant to look at what is happening in other parts of the world concerning reform in this area.

The law, as it stands in this State, does not and cannot prevent homosexual practices. However, the law, as it stands, does encourage victimisation of homosexuals to the point of physical violence and blackmail.

The Hon. G. C. MacKinnon said we were fighting shadows. Perhaps homosexual people in this State would not agree with him after being subjected to some form of vicious assault.

The Hon. G. C. MacKinnon: Some people in this State do not agree. I just happen to be right; that is all.

The Hon. LYLA ELLIOTT: Mr MacKinnon always considers he is right, but 99 per cent of the time he is wrong.

The Hon. D. K. Dans: That is a statement of fact!

The Hon. R. Hetherington: I notice that in 1973 the Minister suggested that members should not interject when he was speaking, because this was a serious subject.

The Hon. LYLA ELLIOTT: This is a very serious subject, and it is about time we took it seriously and did something to lift the oppression imposed on the minority in our community. Mr MacKinnon might consider that we are fighting shadows. Despite vicious assaults on homosexuals, which often leave them with serious injuries, the victims are unable to lay charges against their attackers for fear of application of the law against them as homosexuals. I am aware that Mr MacKinnon can quote figures to me, and illustrate that no charges have been laid and no convictions have been recorded against homosexuals purely because of their homosexuality.

The Hon. G. C. MacKinnon: People get bashed up and robbed, and they report those assaults.

The Hon. LYLA ELLIOTT: That is quite irrelevant, because if a person is walking down the street and is attacked and robbed of his money, he is not considered to be involved in some illegal activity. However, if a person is bashed by a so-called "poofter basher", and that person is an admitted homosexual who knows he can be involved in some criminal action because of his homosexual activities, obviously he will be deterred from reporting the attack to the police. Such a person would fear that he would be charged because of his homosexual activities.

The law as it is written at the moment protects the violent criminal merely because the victim is a homosexual. The law also results in social discrimination against those people, and it militates against their complete acceptance within the community.

Mr MacKinnon also said he had very grave doubts that even if the law were amended the "poofter bashers"—it is a term I do not like, but he used it—would not be deterred from blackmailing homosexuals.

The Hon. G. C. MacKinnon: I quoted the homosexual manifesto.

The Hon. LYLA ELLIOTT: I am surprised that the people who are in favour of this Bill should use such a term in a document which had been put out in an attempt to influence people to support the Bill.

Surely it is logical that if an activity no longer becomes illegal, the attitude of society towards it must ultimately change. I have in mind the attitude of the "ocker" type who derives great fun from ridiculing homosexuals. I refer to the type of person who considers it to be very funny to ridicule people whose way of life is different. The same type of person thinks that the excessive consumption of alcohol, which although legal can be a potentially dangerous habit, is most acceptable and a typically Australian pastime.

I mentioned earlier that it was helpful to look at other parts of the world where law reform has already taken place. Enlightened legislatures in many parts of the world have decriminalised homosexuality with no adverse consequences on

the community. Rather, the opposite has been the case.

Mr MacKinnon expressed some fears about the potential excesses which may occur if the law is changed. In 1976 a survey was conducted in the seven States of the United States of America where the law had been changed, where there had been reform in homosexual laws, and where homosexuality had been decriminalised. The survey was conducted amongst police officials, prosecuting attorneys, and members of homosexual groups. The survey revealed that decriminalisation had no effect on the involvement of homosexuals with minors, the use of force by homosexuals, or the amount of private homosexual behaviour which occurred.

Closer to home, we have seen reform in the Australian Capital Territory and in South Australia. Although I am not aware of any surveys which have been conducted, I have not heard any complaint from those States, or of any problems which have resulted from the change in the law.

To support this measure to change the law and lift the oppression which is suffered by a minority in our community, does not necessarily mean that those who vote for the change approve of the sexual behaviour of that group.

This could apply equally to other areas of sexual activity. For example, a devout Roman Catholic heterosexual may have very strong objections to the use of the pill or other contraceptives on moral or religious grounds, but surely, in this day and age, that person would not dare to suggest that it be made a criminal offence for other people to use contraceptives.

The Hon. G. C. MacKinnon: It is in Southern Ireland.

The Hon. LYLA ELLIOTT: Well, not in modern countries.

The Hon. G. C. MacKinnon: Southern Ireland is regarded as a modern country.

The Hon. LYLA ELLIOTT: If such a law still exists there, it is a rather archaic and ridiculous law. I know such a law was in force in Southern Ireland at one time.

The Hon. G. C. MacKinnon: That was the only exception I could think of to your statement.

The Hon. LYLA ELLIOTT: If it still exists it is a repressive law. Is the Leader of the House suggesting that we should introduce it here?

The Hon. G. C. MacKinnon: No, I was just countering your statement.

The Hon. LYLA ELLIOTT: I am sure the Leader of the House would not want to place himself in a ridiculous position.

The Hon. G. C. MacKinnon: To be quite honest, I would not even want to visit Ireland.

The Hon. D. K. Dans: That is quite enough! The Bishop of Bunbury would not be pleased to hear you say that.

The Hon. LYLA ELLIOTT: Surely no-one would suggest that such a provision should be included in our Criminal Code because one section of the community is opposed to this aspect of sexual activity on moral or religious grounds, and that therefore contraceptives should be denied to other people in the community.

The present law relating to homosexuality is oppressive and unjust and it must be changed for humanitarian reasons. I strongly urge members to support the Bill before the House.

Sitting suspended from 6.02 to 7.30 p.m.

THE HON. W. R. WITHERS (North) [7.30 p.m.]: Mr President, I do not know whether homosexuality is a result of a DNA factor, or an environmental factor, or a combination of both. But I do know that it could be a result of juvenile hedonism in the very young. When I say, "I do know it could be a result of juvenile hedonism", I am not sure.

I do know one certain fact; and that is at the age of five years, at a time of sexual discovery, I discovered a game and I found later in life that it was a universal game—a game which goes by the name of, "You show me yours and I will show you mine". Boys did not particularly interest me because they had similar appendages to myself. However, I was a first child and without a sister, and because of this when I saw the genitals of the opposite sex I was absolutely astounded. They filled me with a desire to know more about this difference, and I was fascinated by the genitals of the opposite sex. They were so different.

In my endeavours to learn more about this difference, I found that there were some little people who wanted to show me the difference. One little charmer endeavoured to show me how many peppercorns and pussy willows she could hide in her genitals; whereas I, in my five-year-old endeavours for one-up-manship in discovering my own genitals, could only respond by showing her the magic of how one changed a rather flaccid little appendage into a rigid though diminutive tap.

Neither of us at this stage knew in this sexual discovery and exploration that we were well on the way to becoming heterosexual with a very strong desire to propagate like animals, but also

with a civilised desire to experiment, to feel our way, and to indulge in what we found to be pleasurable.

At a later stage in life—I did not know it at the time—I found that in academic circles I would be known as a practising heterosexual. In fact I am still practising—and practising.

The Hon. D. K. Dans: Have you not passed the grade?

The Hon. W. R. WITHERS: However, in the discovery of one's sexuality, it is not all plain sailing. The rather rigid sexual class society to which I belonged, or in which I existed when I passed through adolescence gave me some doubt about my own sexuality, because within my own male peer group I did some unusual things. Besides playing football and boxing—nine out of 10 boys who wished to challenge me could be knocked down by myself so that made me acceptable in my peer group—I did some other things as well. I boated and rowed; I went shooting and did many other things which my male peers also did. However, besides these activities, I did some other unusual things that were not common in my peer group. I wrote poetry; I painted; I did landscape painting; and I sang. This gave me some doubts. It was only because of the realisation of the strict codes that applied at the time I was going through my adolescence that I had these doubts.

God forbid; was I a dreaded Jekyll and Hyde type? Would these avenues of artistic expression allow some deep dark corner of my mind to break out and make me a dreaded poofter? These were my teenage fears.

However, at that time in our class society, there was another sport which allowed me to rid myself of these unfounded fears. That sport was a game which required male chauvinists to bed as many hedonist girls as stamina would permit. I found that my participation in and my liking for this particular sport expelled the doubts I had experienced earlier. I discovered that I would never become one of those dreaded poofters.

I found from these years of sexual discovery that I was just an average run-of-the-mill heterosexual to whom the thought of a homosexual act was most repugnant. To this day, the thought of a homosexual act is most abhorrent to me. However, I consider I have gained enough maturity in life, humanitarianism, and understanding to realise that to a homosexual, possibly an act with a person of the opposite sex may also be as repugnant to him or her, as a homosexual act is repugnant to me as a heterosexual.

There are people who always have, and there will always be people who indulge in sexual acts which other people may not consider to be the norm, to gratify their desires. Some of these people may not be true homosexuals, but they may engage in an experiment which will involve them in a homosexual act. Some of these people may call themselves bisexual. Even so, as far as I am concerned, these people should not be controlled by regulation other than through those laws which limit age and also limit acts without consent.

Even if we cannot determine the reason that homosexuals exist and that they desire to be homosexuals, surely common sense will prevail in the consideration of the differences between human beings. It has often puzzled me that some people can accept the fact that there are physical differences such as hermaphrodites, and various degrees of hermaphrodites who are not necessarily true hermaphrodites, and yet those same people cannot accept the fact that there may be differences in the mental makeup of people which affects their sexuality.

Surely these people who can accept the fact of life that hermaphrodites exist, must accept the fact, or at least admit a doubt, that other people can have degrees of sexuality in conflict with the physical predominance of the male or female genes of which we are all an admixture.

Mr President, I consider the Bill presented by the Hon. Grace Vaughan to be a humanitarian Bill which generally supports some of the major recommendations of the Honorary Royal Commission into homosexuality. Because of my experience in life; because of the manner in which this Bill appears to support the findings of the Honorary Royal Commission, I support it.

THE HON. N. E. BAXTER (Central) [7.42 p.m.]: I could not agree more with the Leader of the House when he said that this piece of legislation was a matter of grave concern. I say this advisedly because it does affect a small minority of the population of Western Australia. We are dealing, of course, with a Bill under the Western Australian Statutes.

One could look at this particular piece of legislation in many ways. Predominantly its intention is to legalise acts of homosexuality between consenting adults in private. I do not see a great deal wrong with that, providing these acts are carried out in private. I believe the Hon. Grace Vaughan, in having this Bill framed, has endeavoured to produce a Bill with this as its main aim, but with other additions and

amendments to the principal Act which covers this particular issue.

Much has been said about what the people concerned want to do in the future. However, that is conjecture, in the same way as perhaps some of the other things said in favour of the Bill are also conjecture. However, we are the ones who must make the decision.

How much do we all know about the homosexual; his or her attitudes; his or her life, and the reason he or she acts in this manner? I would say we know very little, because very few of us, if any, would have had close personal contact with homosexuals. That would be the only way one could make a really considered judgment as to what goes into the makeup of these people. Homosexuals are people who are probably, as Mr Withers said, the result of environmental factors, and I would say they have a slightly different chemical makeup. I am a grandfather and I think I could say I am the father of Parliament of Western Australia at the present time. However, I am not a Mother Grundy and I am not living in the Victorian age. I am prepared to see some modern legislation on the Statute book which gives consideration to people who have such feelings—people who have some unfortunate trait that cannot be helped. That is one of the reasons I believe I must support the Bill.

Despite what the Leader of the House has said, I know for a fact there are very prominent people in our community who fall within this category. With the present trend against law and order in our society, with bashings, muggings and robberies taking place almost daily, the problem of blackmail is a very real one to these people. If some vicious person in an endeavour to obtain money for drugs or whatever else were to blackmail one of these prominent people for being a practising homosexual, that person would do one thing: He would pay up, and shut up, because he would know that under the law as it presently stands his professional life would be ruined were it made public that he was a practising homosexual. That is another major reason I support this Bill.

When speaking to the debate, the Leader of the House said that since 1974 there had been no cases where the Western Australian police had initiated action against adult persons practising homosexuality in private. That may be so, but it does not mean it will not occur at some time in the future. Pressure could be brought to bear on the police to take action, and under the present law they would be forced to take action. It is not being cockshy to raise these issues, as the Leader of the House tried to claim.

The Leader of the House also referred to the wording in the Act, which refers to anybody having "carnal knowledge with an idiot or imbecile". I have had a close look at this section, because it was mentioned outside the House. Even though this term is not used within the Mental Health Services, if one looks closely at the Criminal Code and attempts to replace those words with a phrase such as "mentally retarded people" one would tend to break down that section to the degree that no charge could stand up in a court of law. Even though the term "idiot or imbecile" may be distasteful, there is a reason for its retention in the Act. Like the Leader of the House, I have had some experience in this matter as a former Minister for Health, and I know to what these terms refer.

I believe the Act and the Bill introduced by the Hon. Grace Vaughan provide for a situation where legal action can be taken in a case of assault. The Leader of the House referred to the case of a husband assaulting his wife, and having unnatural sexual intercourse with her. If that woman were to prefer charges, such action would amount to assault in any court of law. The Criminal Code has this issue well and truly covered.

With some amendment, I believe we can make this a good Bill. I have some amendments on the notice paper. I do not intend to discuss them in detail now, but should like to refer to them in a general way. I give notice to members that I intend to withdraw my amendment to clause 6, which seeks to delete the words "gross indecency".

An amendment in which I am particularly interested relates to the age of consent. It is time we adopted a modern approach to this matter. At present, it is unlawful to have carnal knowledge of a girl under the age of 16. It may be that some people are astounded that I should even consider lowering this age to 14. However, let us look at the young girls in our community today. As members would know, it is common to see girls walking along the street who for all the world appear to be between the ages of 16 and 18, yet those girls are only 14 years of age. Perhaps due to the foods they eat and the improved health care they receive, these girls have developed much faster than they did in my day and even in the days of many members, when they were young people. The girl of 14 to 16 years today is equal to the girl of 16 to 18 years of yesteryear.

Like the Leader of the House, I have visited institutions where I have seen up to 30 very attractive young girls lying on pallets in a room, doing exercises—30 young pregnant girls between

the ages of 14 and 16 years. No charge of carnal knowledge has been brought against any of the lads involved because the parents did not wish to bring charges. Possibly, in some cases, the girls did not know the father, or were not prepared to name anybody. Today, 90 per cent of these girls keep their babies, and draw Commonwealth Government allowances for the care of their children.

I believe it is anachronistic to allow the situation to continue, where young men and even boys are at risk. It is also true to say that it is not always the boys who make the advances. I have discussed this matter with a lady who is very prominent in this field and who has had a lot to do with these young girls, and she completely agrees with me. It is time to remove the old Mother Grundy attitude to this issue, and adopt a more modern approach, in order to protect the rights of all people involved, not simply the person who is considered to be injured; namely, the girl who is aged between 14 and 16 years. From the information I have been given, very little trouble is experienced with these young girls keeping their babies, and the babies are looked after as well as any other young children. Also, no medical factor is involved.

I leave it at that. I believe we should support this Bill because it is an important social issue. Perhaps it is more a Committee Bill, which can be amended and knocked into shape during the Committee stage. I support the Bill.

THE HON. F. E. McKENZIE (East Metropolitan) [7.53 p.m.]: I support the Bill. Some of the reasons and arguments I intend to advance are contrary to those put forward by the Leader of the House. He stated that since 1974 the police had not taken action to seek out offenders. According to a document sent to me by the Homosexual Law Reform Coalition, the police also refused to initiate any action to seek out offenders.

The Hon. G. C. MacKinnon: That is simply not true. I listed 19 cases where the police had sought out offenders.

The Hon. F. E. McKENZIE: Yes, but what I am saying is that the police have not sought out those people who practise homosexuality in private.

The Hon. G. C. MacKinnon: That is a totally different matter. It was not what you said, was it?

The Hon. F. E. McKENZIE: No, it was not, but that is the point I am making. The Leader of the House mentioned that 19 cases have occurred since 1974. However, this Bill will not affect that position; that situation will still prevail, because the Bill simply seeks to decriminalise the practice of homosexuality in private between consenting adults.

The Hon. G. C. MacKinnon: That is what I said.

The Hon. F. E. McKENZIE: If the police have not taken action since 1974 and if they do not intend to initiate action in the future against consenting adults committing homosexual acts in private, what is the point of having this provision in the Criminal Code?

My point is made very clear in an article which appeared in *The West Australian* on the 19th August, 1976. The editorial commented on a decision of a judge to place an offender on a good behaviour bond. The editorial stated—

> When a law can be enforced at whim rather than will as is apparently the case in homosexual offences, it quickly falls into disrepute.

That is the very point I make, and it is one of the major reasons I support the Bill. If the law is not going to be enforced, why should it remain on the Statute books? It makes a farce of the law, and it is better removed. The Bill does not propose to take away any of the provisions which protect children; it provides only that adults who wish to practise homosexuality in private be permitted to do so.

Another point on which I do not agree with some speakers is the matter of blackmail. I believe the decriminalising of private homosexual activity between adults would have the effect of removing the fear of blackmail. Under our present law, one of the greatest fears of such people must be that somebody will report the matter to the police, and they will be prosecuted. If we agree to this legislation, that fear will be removed, and with it will go the problem of blackmail. It might take time for it completely to disappear, but once we initiate this reform we will find people will accept the fact that homosexuality can be conducted in private between adults, and people would not live in fear of being exposed.

One of the reasons we are debating this Bill tonight is the changing attitudes in our community. We are living in a world which is quickly changing, and we must accept change. I am pleased to note that two very prominent churchmen, the Catholic Archbishop (Dr Goody) and the Anglican Archbishop (Archbishop Sambell) have given their support to this Bill; this indicates the changing attitudes within the church.

Much has been said by previous speakers, and I

do not intend to go over the same ground. With those brief remarks, I commend the Hon. Grace Vaughan for having the courage to present this Bill to Parliament. It has my support.

THE HON. M. McALEER (Upper West) [7.59 p.m.]: Mr President, the provisions of the Criminal Code as they relate to homosexual practices in private which this Bill seeks to amend are not archaic, as the Leader of the House pointed out in a previous debate, in the sense that they are similar to provisions in English law which were inserted only a little over 100 years ago. Whether these provisions were well considered at the time—and it has been claimed they were—they did reflect a widespread reaction of society against homosexual practices, as well as some misconception on medical grounds of the harm which might be suffered by some of the participants from certain homosexual practices.

I would not say that society today in Western Australia specifically is altogether tolerant of homosexuals, or perhaps it would be more accurate to say that society does not altogether accept homosexuality. However, times have changed and I think we have now come to believe that it is not the province of the law to regulate private moral conduct unless it is against or injurious to the public good.

In the words of the Wolfenden report the function of the law in this area is to preserve public order and decency, to protect the citizen from what is offensive or injurious, and to provide sufficient safeguards against exploitation and corruption of those who are specially vulnerable because they are young, weak in body or mind, inexperienced, or in a state of special physical, official, or economic dependence.

There is not in this Bill, according to everything I have been able to read on the subject, and as I understand it, anything which would not fulfil these requirements.

Our own Honorary Royal Commission which inquired into matters relating to homosexuality was concerned to discover the extent of homosexuality in Western Australia and its effect on the WA community, and the laws promulgated in the State related to or associated with homosexual offences. Its recommendations for certain reforms in the law are, generally speaking, those which are embodied in the Bill; that is, to decriminalise or legalise certain sexual practices between consenting adults in private.

I was impressed with the Honorary Royal Commission's report when I read it some time ago. I thought it took a moderate, balanced view of the matters into which it was asked to inquire. I did not quarrel with its recommendations.

Therefore in a general way and in principle I support the Bill which the Hon. Grace Vaughan has presented to us. Moreover, I do not seriously disagree with it in detail, although there are some points on which I feel some clarification is required. One is of course the point raised by the Hon. Graham MacKinnon and in respect of the answer supplied by the Hon. Norman Baxter. I am referring to the reference to idiots and imbeciles in clauses 10 and 11. I query that because it seems to me these terms are rather inadequate to safeguard all persons mentally defective, and I wonder whether these terms are now acceptable as a current description of certain mental conditions.

I notice that the Wolfenden report recommended greater safeguards in the matter of age for boys or young men against homosexual practices than it did for girls or young women against sexual practices of a heterosexual nature, on the grounds that young men at the age of 18 were just leaving home and were specially vulnerable to certain pressures at this age. I believe that certainly young men and young women are both equally vulnerable and perhaps they are not yet sufficiently mature to assess the consequences of all the things they may do; but I do not really see how one can distinguish between the sexes on these grounds. Since in Western Australia the age of legal adulthood is now 18 years, I do not see how we can emulate the caution of the Wolfenden committee.

I have received a number of letters, though only one from a constituent, from a considerable variety of people, both men and women, urging me to support the Bill. No letters have urged me to vote against it. The letters I have received mainly urge me to support the Bill for the sorts of reasons I have outlined in my quote from the Wolfenden report and also for those compassionate reasons the Hon. Grace Vaughan has outlined.

Such inquiries as I have been able to make convince me that while many people in the community in Western Australia have little or no sympathy with homosexual behaviour, most people find the laws against its practice when carried on in private by consenting adults to be even more repugnant. I believe that whatever our own views on homosexual behaviour may be, we will be perpetuating an injustice if we do not amend the Act, now that we have the opportunity to do so. Therefore I support the Bill.

THE HON. I. G. PRATT (Lower West) [8.05

p.m.]: In rising to speak to this Bill I would firstly like to make it quite clear that I have a great deal of sympathy for the thoughts which have been expressed by the Hon. Grace Vaughan, and have motivated her submission of the Bill to the House. On the basic issue I think we would be in almost total agreement and a couple of weeks ago after a great deal of study of the matter I reached the stage where I intended to support the Bill. However, other things have occurred since then which have tended to sway me back to the borderline and I was wondering whether or not I would support the Bill, but I was possibly more inclined not to support it.

Finally this evening the speech made by the Leader of the House has convinced me I should not support the Bill. However, this does not mean that I do not have sympathy for the people who find themselves in their present situation or feel they are not able to practise in private the way of life in which they find themselves.

Firstly let me say I was under quite a misapprehension regarding police action in this matter until I heard the Minister's speech tonight, because very often when we hear this matter discussed a large issue is made of police persecution. Like many other members of the community and probably members of this House, I was under the impression there was considerable pressure and no doubt a large number of prosecutions made by the police in the matter of interfering with people who find themselves practicing their desired way of life in private.

If the figures presented by the Leader of the House tonight are correct—and I have faith in his honesty—it would seem this is not the case. Although there is a legal bar to these members of our population behaving in this manner, the practical situation is that so long as they go about it in private they are not molested. I believe that by passing this Bill all we would be doing would be decriminalising the behaviour—which is the word being bandied about. With that I have no argument. If people wish to do that in the privacy of their own homes and leave it at that, they would have my full support.

I consider that probably many of them have just this in mind and they want to be left alone. They have my sympathy. However, the recent interviews on television and the manifesto we have seen lead us to believe that perhaps there are members of the organisation of the people who find themselves in this situation who are not prepared to accept a good thing, and to merely enjoy and appreciate their privacy. They wish to take the matter much further.

I am quite happy for these people to run their lives in private and I wish them satisfaction from this way of life, because I feel it is rather tragic that they are not able to enjoy their lives and bodies in the way nature intended. We must show considerable sympathy and understanding for them because to me there is nothing more wonderful than being able to pursue life in the way nature intended.

However, I could not support the possibility of a homosexual way of life being promoted and encouraged as a desirable life style. I do not think nature intended it to be a desirable life style. It is a pity some people have to live this way because they lose much by not being able to enjoy what is regarded by many and, in spite of what members of the church have said, no doubt by our Creator, as the desirable way of life.

It would appear the people I mentioned before, who represent the body of people that find this is the life style they enjoy because of forces outside their control, are now intending to use the Bill as a vehicle by which to promote and encourage homosexuality as a desirable life style.

While they have my utmost sympathy for the situation in which they find themselves there is no way at all I can give my support to that proposition. Therefore it is with a considerable amount of sadness and disappointment to the Hon. Grace Vaughan that I find myself opposing the Bill.

THE HON. R. HETHERINGTON (East Metropolitan) [8.11 p.m.]: I want warmly to commend the Bill to the House. It is long overdue and should be passed. It is important that we realise we are dealing with this Bill and not with some other Bill. We are dealing with a specific Bill to give male homosexuals the same rights and privileges held by female homosexuals in the community at present. It does no more than that. The Bill's intent is to make homosexual practices in private between consenting adult people legal so that they are no longer criminals.

It seems to me that we should be logical. We should do one of two things. Either we should legalise homosexual practices between consenting male adults or we should criminalise the homosexual practices between consenting female adults. I cannot see why we should make one law for one sex and another law for the other sex. We should face this fact and do the logical thing.

It is also very unwise to retain on the Statute book laws which have fallen into desuetude. It is all very well to claim, as some have done, that people will continue to use blackmail and that the police will not do anything about it. Of course

they are not. The police I have talked to would be glad if this Bill were passed because they no longer want homosexual acts between consulting male adults made part of the Criminal Code as they do not want to waste their time on this aspect.

The mere fact that homosexuals are not prosecuted for their practices if they are adult males acting in private does not mean they will not be. After all, in Britain a few years ago there was Sabbatarian legislation which made it a crime to break the Sabbath. Then a little reform group got going and prosecuted people who broke the Sabbath.

The difference of course between what can be done to a lesbian and a male homsexual at present as far as blackmail is concerned is that any common informer is in a position to bring practising male homosexuals before the courts and this is a stronger sanction than any that can be brought by anyone at present against female homosexuals.

Because there is this strong sanction it means that even if the Bill is passed we will not get rid of blackmail; but there will not be the sanction for potential blackmail which exists at present. For this reason, if for no other, the Bill should be passed.

I am not arguing the rights or wrongs of homosexuality. I do know some homosexuals and I like them. I have been in their company and enjoyed it and I have never been frightened of them. They know I am a heterosexual and this has never come into our relationship. It is possible for a person to have a relationship with homosexuals as with women, which is not necessarily a sexual relationship.

The other point I want to make is that I think we probably all know many homosexuals without being aware that they are homosexuals, because it is not always obvious that a person is a practising homosexual. Homosexuals look like anybody else—some of them look more like anybody else. In other words, they are the typical "ocker" males—an image that does not really exist—and many homosexuals are tall, rugby-playing, and short-haired people. One cannot tell they are homosexuals by looking at them or talking to them. One can only tell if one is a homosexual oneself, because there is some kind of rapport. Homosexuals go through their lives without harming anyone.

Various things have been said by homosexual groups about what they hope to do in the future, and whether or not this Bill is passed they will continue to advocate that a homosexual life style be given equality of esteem with a heterosexual life style, which is not a crime at present. People advocate this and will continue to advocate it. I will oppose it.

I sometimes find it ironic that when I say things like that in my own home I have brought before me the fact that values are changing in this community and that the generation represented by us in this legislative Chamber has somewhat different attitudes from those of the generation represented by our own children. I am quite often taken to task quite sharply by my 16-year-old daughter because of my intolerance towards homosexuals. She says I have no human understanding, even though I will vote for the Bill. I admit this. I try to get rid of my attitudes towards homosexuality but they stay with me.

This does not mean I want homosexuals to be put in a position where they can be prosecuted or persecuted. I think we would have a much healthier society if they were not prosecuted or persecuted. Therefore we should make the law say what it means. One of the things which worry me about the law as it stands at present is that it talks about unnatural offences. Despite what I have heard said in various places, homosexuality does occur among animals at times, and it depends on what one calls natural. We do know in any civilisation a percentage of the population has always been homosexual, and as far as we can see it is always likely to be so. Therefore, in nature this occurs.

The Hon. D. J. Wordsworth: I do not know that you are quite correct.

The Hon. R. HETHERINGTON: I do not want to call certain offences unnatural, and it seems to me the Bill very carefully defines the offences which should be criminal; that is, those against minors. It defines them very carefully and in nonpejorative terms, which is something I think we could well accept. In other words, the Bill declares certain acts to be crimes but it does allow adult human beings to make up their own minds.

That is largely what a liberal democracy is about—to allow adult human beings to make up their own minds, so long as they do not harm other people. By "harm", I mean direct physical harm that can be measured, because otherwise we are led into the byways of censorship.

Some people argue that we should ban communists because their teaching harms society, but if we use that kind of argument it will lead us along the road to oppression. I have heard a great deal about the permissive society, but if I may quote in this House a journalist, Lesley Anderson once said, "What is the opposite of the permissive

society? The oppressive society." I think that is in fact the case.

I do not condone or approve many of the things that happen in our society, but I do not believe I should therefore ban them. I do not believe that because I do not approve of certain actions I should make them criminal offences, and I do not believe we should bring sins into crimes or that our own morality should be passed into law.

I am a little perturbed by letters I read in the paper quoting the Bible. If we took texts from the Bible, we should pass a law that women committing adultery be stoned to death. We do not do that any more because we have a different kind of civilisation and a different system.

The other point I want to make relates to sodomy between husband and wife, which seems to worry some people. This is a crime which would cease to be a crime if the Bill were passed. I think there are problems here but they are problems which should be solved in a different way in another Bill. In other words, I think sexual practices between husband and wife, including forced sex, should perhaps be dealt with. It is a form of assault but the Bill aims to get rid of a moral attitude, so we should deal with assault in another Bill.

If we take the Bill on its merits and look at what it is likely to do, it is not necessarily the thin end of the wedge which will lead anywhere, and many of the proposals put forward by some of the people supporting the Bill are proposals I will strongly oppose at a later time. But the Bill as it stands does not allow any person through malice to prosecute homosexuals. It brings the law into line with what is happening in society, and I think the law should do that. I therefore strongly recommend support for the Bill.

THE HON. V. J. FERRY (South-West) [8.21 p.m.]: I have deliberately delayed trying to get the call to speak in this debate until a late stage of the proceedings, because I was one of the commissioners who signed the 1974 report on homosexuality in Western Australia. I believe the addresses given tonight have been a useful expression of opinion of members, without having commissioners entering into the debate earlier.

I remind members and others that in 1973 a Bill to amend the Criminal Code in relation to homosexuality was introduced into the Legislative Assembly, passed by that House, and transmitted to this House for consideration. It was at that stage that members of this House felt not enough was known about the subject in Western Australia for them to make a considered judgment, so a move was made to establish a Select Committee, comprising members of both Chambers, to examine the subject, and it was agreed to by both Houses. Subsequently, due to technical procedures associated with the proroguing of Parliament, the Select Committee was converted into an Honorary Royal Commission.

I believe the Honorary Royal Commission served a very useful purpose. It certainly collated a lot of evidence which was tendered to it, and the commissioners read many journals and other papers associated with the subject. I believe the inquiry served this Parliament and the State to good effect. Indeed, I understand it was the first Royal Commission into homosexuality in Australia, and accordingly it attracted a great deal of interest from a wide range of people.

Whatever view one takes in regard to homosexuality, the information contained in the report of the Honorary Royal Commission serves as a basis for considered judgments and opinions. I submit the report of the Honorary Royal Commission is not quite complete. There is a seemingly endless stream of information and ideas on this subject, and the commissioners, under their charter, discharged their duties as well as they were able to and came up with a report and recommendations based on that charter. Nevertheless, there was a great deal which in other circumstances the commission may have inquired into in a protracted way, and which may have led to different determinations.

One of the difficulties facing representatives of the people as members of Parliament is that they must face up to responsibilities. I am sure some subjects are not entirely to their liking, but they tackle the job given to them. So it was with the commissioners. I reiterate that the Honorary Royal Commission comprised members of both Houses and two parties of the Parliament. Although the report of the Honorary Royal Commission was in fact a unanimous report—no minority report was made—it in no way influences my personal view on this subject. I find the practice of homosexuality absolutely repugnant. To me, as a person, it is absolutely abhorrent. However, we are dealing with a Bill which proposes to amend the Criminal Code, and accordingly I am basing my judgment on the legislative aspect.

The moral issue is entirely different. I leave it to each member to make his own judgment. It is not for me to say that a person should act in one way or another in a moral issue. That is quite another matter.

I therefore believe the Bill we are examining at

the moment deserves consideration in the knowledge that we are perhaps endeavouring in our humble way to make the law more sensible. By that I mean more readily understood and more practical in this day and age. I have heard arguments on all points of view during the course of the debate tonight. I can agree with some of what has been said by spokesmen on both sides, and I think that is a fair and reasonable comment. But I come back to the point that we are endeavouring to improve the Statute; therefore it needs some further consideration.

It has been suggested—not during the course of this debate, to my knowledge, but certainly in the media and other publications—that if this Bill succeeds in the Parliament its operation should be made retrospective for some time. I cannot agree to that at all; in no way could I support retrospectivity in this matter. It is an issue which we are dealing with now, on the 5th October, 1977, and at no other time.

Equally, I cannot appreciate some of the advertisements and literature published by people who are supposedly associated with homosexuality in some way or other. I believe they do humanity a grave injustice by the manner in which they advertise their cause, and when certain people wish to improve their lot or their station in life, I think it is a great pity that they resort to what I call gutter tactics.

It does their cause no good. If this Bill is passed by Parliament and these amendments become part of the Criminal Code, I, as a person, would like to serve notice that I will react very strongly against anyone who takes further steps or who believes that this legislation is a licence to indulge in overt exhibitionism in any sexual form at all.

If this Parliament supports the legislation we are discussing now, it will do so in good grace and with a sense of responsibility. That responsibility should flow through to everyone in the community, because we must recognise that people are trying to improve the lot of their fellow human beings. If the people associated with this movement cannot accept that responsibility, they do not deserve to have the support and consideration of this Parliament or any other.

Overt behaviour and exhibitionism are offensive to many people, and if such overt behaviour offends against a citizen, if the behaviour is of such a nature as to offend and upset society and the acceptable standards associated with that society, and if a behaviour pattern has no regard for the feelings of the citizens with whom we share the community and environment, then the offenders must be made to account for their actions. We must live by standards that are acceptable to the majority of people.

This Bill is designed to assist what we believe to be a minority group in the community, and it does not excuse this group from giving consideration to and having regard for the accepted standards of the community around it. If this group offends any one of us or offends in any way against community standards, it is up to us to see that offenders are prosecuted. There is such a virtue as discretion and we must exercise discretion in all things. If people cannot abide by this principle of discretion, then there is only one result; that is, complicated living and problems within a community.

It is not my intention to continue for much longer, but I would like to refer to two or three passages from the "Report of the Honorary Royal Commission Appointed to Inquire into and Report upon Matters Relating to Homosexuality." This commission inquired into homosexuality in Western Australia in 1974. The last paragraph on page 29 reads as follows—

> The majority of Christian religions made either a written or oral submission and their conclusions were quite definite that homosexuality, as such, is not a crime but that it is a sin. The churches reflected the attitude that the law and morality are separate issues, laws being formulated for the protection of individual rights and the churches legislating on moral matters.

I now turn to page 35 of the report where the following passage appears under the heading "Conclusions"—

> In concluding this section of the Report, there is no doubt in the minds of the Commission that even with the possibility of reformation of the law, public attitudes towards homosexuals will not change overnight. Indeed, it will be many generations before homosexuality is tolerated as a mode of behaviour in society or conversely, totally rejected by the same society.

So, Mr President, the point was made in the report that whereas homosexuality is present in the community, and indeed in all communities throughout the world, apparently it is not acceptable as a general rule. Therefore, public attitudes play a very important part in this matter and we must have regard for that attitude.

The last passage to which I would like to refer appears on page 40 under the heading "Summary of Evidence". It reads—

> On the evidence presented to the Commission it is unlikely that there would be

a proliferation of homosexuality. The only proliferation which would occur would fall into two natural categories—

(a) an increase governed by natural ratios of population;

(b) in an emancipated State more homosexuals would be likely to declare themselves.

In my view the mere passing of legislation to amend the Criminal Code will not increase the actual number of homosexuals. What may happen is that the homosexuals in our community are more likely to declare themselves in certain circumstances. However, in my view this legislation will not cause a proliferation of homosexuality.

I regard the principle contained in this legislation as being reasonable. If the Bill reaches the Committee stage, I believe some amendments could improve it. However, during the second reading debate I support the principle contained in the Bill.

THE HON. R. J. L. WILLIAMS (Metropolitan) [8.36 p.m.]: In December, 1973, I was the target for some criticism from the gallery audience here, because I said not enough was known about this subject for the House to debate it properly. After listening to the debate tonight, I hope all are satisfied that the House is better informed now on the subject under discussion and, contrary to expectations, the report brought down by the Honorary Royal Commission reflected honestly and certainly the feelings of the commissioners and the evidence tendered to the commission at that time. I was a signatory, as was the Hon. Victor Ferry, to this report; in fact, I was the chairman of the commission.

I cannot let this opportunity pass without informing the House properly and constructively that there are several things of which it must be aware. Already several members have told us of their fears about what may occur with the passing of this legislation. I suggest to those members that a further reading of the report would serve to allay quite a number of those fears.

As I understand it, members of the House will decide whether homosexual acts between consenting adults in private shall be legal. It is very difficult to make a decision on this matter when one hears both sides of the story. No doubt many members in the House tonight have the greatest sympathy for these people, but at the same time homosexual behaviour is abhorrent and repugnant to me. I will go further and echo the comments of another member who said there is a danger—and it is a very real danger—that certain members of the community will take this just a little bit too far.

The Bill, as it is presented, is simple and easy to understand. However, I say this: It will do nothing for homosexuals at all. If it gives them a little peace of mind, that is fair enough; but members must be aware that certain questions must still be looked at. The commission considered many questions which it could not answer, and my appeal to the House is this: Before even one scrap more of legislation in regard to homosexuality is introduced in this State, for goodness sake let us have an in-depth inquiry into the total business of sexuality throughout this State, and if necessary throughout Australia. We need a Wolfenden-type committee and report.

In case anyone is a little frightened because of my comments, let me say that I will not move for such a committee tonight. However, I do say sincerely and honestly that not enough is known of this whole subject. If the Bill proceeds to the Committee stage, I would like the Hon. Grace Vaughan to think of the dilemma that faced the commission because of certain extraneous evidence which was presented to it. The commission would have liked to adjudicate on these questions, but the feeling was that they were *ultra vires* its terms of reference. Homosexuals themselves are confronted with these questions, and if this Bill is passed, our society will be confronted with them legally.

I would like to refer to a number of questions which the commission put forward, and I would like to remind members of these observations. This appears on page 44 of the report of the Honorary Royal Commission. It commences as follows—

> Many interesting problems were brought to the Commission's notice during the course of their inquiry.
>
> For example—
>
> (1) Where a bi-sexual partner of a marriage consorts with and has sexual intercourse with a partner of the same gender, is this then sufficient grounds for divorce in a Court of Law on the plea of adultery?

I remind the House that these questions were posed by the commission. To continue—

> (2) Should couples living together in a homosexual partnership, be entitled to the same privileges as regards tax allowances, home loans, etc., as the married heterosexual couple?

(3) Should homosexuals be allowed to adopt children?

(4) In emergency situations, as in consent for anaesthetic for operations, the rights to visit restricted to next of kin, can those living as homosexual partners be entitled to the same privileges?

(5) Can homosexual partners make Wills in favour of each other and can they be assured on the demise of one or the other, that the Will be as valid as a Will between married heterosexual couples, without interference by disapproving relatives who maintain that the "partnership" was not legal or natural?

(6) Does the removal of homosexuality as an offence guarantee on a defacto basis, the above points?

Earlier Mr Hetherington emphasised that other serious matters would have to be considered. We are not considering these matters during this debate, but I, as a member of the House, would demand that before we consider any other legislation a very deep study of this matter must be undertaken throughout Australia. It is no use our quoting the Wolfenden report.

The Wolfenden report was prepared in the United Kingdom for the United Kingdom, and as Mr Hetherington said, it is quite easy to pluck quotes out of context from the Bible, the Wolfenden report, or anything else. I merely ask the House to appreciate that such is the division of opinion in the medical world, the political world, and the church in respect of this subject that to go any further than we will possibly go this evening would be wrong.

It would be wrong of us as legislators to go further than is proposed in the Bill because we would not have thought the matter through, and we owe it to the electorates that we serve to ensure that every step we take in any future legislation is based on sound facts, sound research, and sound premises. Unless we do that as long as I am in this Parliament I shall stand and oppose any future advances in legislation as raised by any broadsheet or as raised by manifestos until such time as I am satisfied. Were I of the opinion that this would follow, *ipso facto*, I would not vote for this Bill; I can assure the House of that.

I am sure the Hon. Grace Vaughan will be able to give certain assurances. As Mr Baxter said, this is a Committee Bill, and in Committee we should ensure no steps will be taken other than those for which the Bill has been designed.

THE HON. GRACE VAUGHAN (South-East Metropolitan) [8.47 p.m.]: I am grateful to the members who have made a contribution to the debate. I would like first of all to deal with the last two speakers, because I consider those two members to be very important members at this particular time. I am sure they are important at most times, but at this time I think of them as key figures in the matter before the House.

Had it not been for Mr Williams feeling insufficient information was available upon which people could make a decision, certainly the Honorary Royal Commission would not have been held, and certainly we would not be as well informed in this place as we are today. I feel the House should be grateful for the findings of the Honorary Royal Commission and to the member who instigated it—to wit, Mr Williams, who moved the original motion seeking a Select Committee which ultimately became an Honorary Royal Commission. Therefore, I am grateful to those two gentlemen.

Mr Ferry drew a very clear distinction between moral obligations and legal obligations, and I am grateful to him for that because I think it is a key point in this whole question of homosexual reform. He spoke about retrospectivity, something which certainly was not in my mind. Certainly there should be no retrospectivity in respect of his statements about the distinction between legal and moral issues. We are here as legislators on the 5th October, and Mr Ferry said we must be concerned only with the facts that are before us at the present time and the conditions prevailing in the community at the moment. Those factors are the only ones upon which we can base our decision. I would be wholeheartedly with Mr Ferry in respect of retrospectivity, and I thank him for his contribution.

Mr Williams brought us back to the fact that we are dealing only with what is contained in the Bill and that other issues have certainly clouded the matter, which is to be regretted. However, I am sure that as legislators we can make a decision on the issue before us, and that is the Bill. Certainly I agree with what was pointed up by the findings of the Honorary Royal Commission inquiring into homosexuality; that is, there is a need for an inquiry into the whole matter of sexuality.

I would certainly join with Mr Williams in saying this could well be done, particularly in respect of some of the unanswered questions he read to us from the report of the Honorary Royal Commission which need to be answered in the future. However, that may be a task for some of us in the future. Maybe there will be new

members and some of us will not be here, but certainly the conditions will be new, and there may be new parliamentarians to make a decision on that matter.

I turn now to the contribution made by the Leader of the House. I am grateful for the technical advice he offered. I am sorry that he, with his most practical mind, could not support the Bill; but he has obviously, as is usual for him, been very businesslike in his approach to the matter. He has had a good look at the Bill, and his comments were not as scathing as I expected them to be. For that I am glad. I might point out here—not by way of excuse because I do not want to do that and I am quite pleased with the compliments I have received in respect of the Bill—that a private member preparing a Bill is at a great disadvantage. I have spoken privately with the Leader of the House about this and he agrees that we could look at this matter, because little assistance is available to a private member in respect of such a complicated matter as amending the Criminal Code.

The Hon. Tom McNeil: Hear, hear!

The Hon. G. C. MacKinnon: I have had the experience myself.

The Hon. GRACE VAUGHAN: I know Mr Tom McNeil would agree with me because he has had some experience with a matter which is of even greater interest than homosexuality as it involves a national pastime.

I will not go through all the details of Mr MacKinnon's suggestions, but I am grateful for many of them, particularly as far as imbeciles and idiots are concerned. I would like to see those provisions thrown on the scrap heap; but, as was pointed out, that would mean going through the entire Criminal Code, and in preparing the Bill I thought I should limit the amendments to those provisions which refer to homosexuality. I certainly support the idea of the suggestion, but I do not think during the discussion on this Bill in the Committee stages—which I hope will follow—we could rightly attempt to do that. However, I am sure I will be happy to see the Minister produce other amendments.

In respect of the Minister's speech, that is where we part company—at the technical stage. His theoretical understanding of what the Bill sets out to do is quite adverse to mine, and I am afraid we can find no real meeting ground on this question. For instance, the objection he raised about sodomy between husband and wife is a matter in respect of which one can only say that if the wife is not agreeable there is at least one section to cover this situation in the Criminal Code at present. I refer to section 328.

The Leader of the House also referred to what is a public place and whether people can be offensive to others if they are in a private place but in view of the public. I would be glad of suggestions as to how we could tighten up this provision. I am afraid such tightening up has not been achieved in other sections of the Code. Section 203, which deals with indecent behaviour, contains almost the same wording, and I used that section as a model for the provision in this Bill. I would agree with the Leader of the House that there are some situations in which people in private may still be able to be seen by the public.

There is some support for the contention of the Leader of the House—which I think he feels in his bones—that homosexuals are not sexually as active as heterosexuals. There is some basis for this opinion in the findings of some people who have investigated the matter. Most of the other matters referred to by Mr MacKinnon dealt with our differences in our philosophical approach to homosexuality, so I will not touch on them.

The other questions he raised have been very well answered by other speakers who spoke in support of the Bill, and particularly the Hon. Norm Baxter. The point has been raised that the current law is not enforced by the police. I am aware of that, and I could not agree more with the point; but surely that is one of the best arguments for getting rid of the law.

The Hon. G. C. MacKinnon: I don't think it is.

The Hon. GRACE VAUGHAN: I think the police obviously recognise it is inappropriate to pursue the matter.

The Hon. G. C. MacKinnon: Yet they are anxious to retain the law.

The Hon. GRACE VAUGHAN: Let us take the case which arose in August, 1976, to which the Hon. Fred McKenzie referred in passing, in which a homosexual was arrested because he confessed to a situation which he thought was legal. He was prosecuted only because he confessed and not, as the Minister pointed out, because the police were racing into bedrooms to discover homosexual activities between consenting males in private. His crime was discovered accidentally when the police were investigating some other matter. This was the matter which was reported in *The West Australian* of August, 1976.

The Hon. G. C. MacKinnon: You have to bear in mind that does not make your contention true. What I said could well be true, even though it was not the case that *The West Australian* printed.

The Hon. GRACE VAUGHAN: I am agreeing with Mr MacKinnon about the prosecution. Mr McKenzie told us what the judge said at that time, and what was printed in the newspaper. The police were placed in a ridiculous situation because a person confessed to a crime which they were not investigating, and they were forced to prosecute.

The Hon. G. C. MacKinnon: That is my point. I wonder if the person really did think it was not a crime.

The Hon. GRACE VAUGHAN: He may or may not have thought it was a crime; perhaps he was just boasting. But the point is that the police would not have prosecuted had he not told them about it.

Some criticism has been produced about homosexuals who claim to represent homosexuals as a whole but who, of course, represent only those homosexuals they know. They cannot represent all homosexuals, because not all homosexuals come forward and say, "We want to join together and have some sort of social behaviour as a group of people who recognise we are being oppressed in the community, and by coming together we will have some sort of comfort and be able to form a lobby group."

Of course, some of these people exceed their duty by perhaps going a little too far; being somewhat cloistered and frustrated, they are likely to do something which is a little rash and perhaps overzealous and which may irritate the people who are attempting to solve their problem. Bear in mind we are dealing with a minority group of people, and we cannot expect that they are all angels. They will not all behave in an exemplary manner. They are a group of people, just as members of Parliament are; and, as you know, Sir, parliamentarians do not always behave in the manner in which you would like them to behave.

Therefore, everybody is likely to be overzealous and to do and say things which may even prejudice the case. I do not think we, as legislators, should be thinking of outside influences in that way. We should be looking at the Bill and what it purports to do.

I respect many of the things which the Leader of the House has said, but I am sorry that he has said that sexual intercourse is designed only for reproduction and that is all one can use it for. I hope he does not mind people indulging in it a little for comfort and as an expression of love because I have had a hysterectomy and cannot produce any more children, and I should hate to think I could not have a full love life.

The Hon. G. C. MacKinnon: You have, of course, produced children.

The Hon. R. H. C. Stubbs: Do not talk about it too much; they might put a tax on it!

The Hon. GRACE VAUGHAN: I am sorry I confessed to that because I might be prosecuted by the Taxation Department if the anticipation of the Hon. Claude Stubbs becomes true and a tax is put in it.

I think fear was also expressed that such an attempt to change attitudes and to bring about greater understanding and tolerance may lead to brainwashing of children at school. I am sure that even the most zealous reformers would see such a reform only in the sense of bringing about an understanding of sexuality, for which the Hon. John Williams has called, rather than brainwashing to turn people into homosexuals.

I am very grateful to every member who has spoken and to other members who have not spoken today but who have made a great study of the subject. I know that the library has received many demands for literature, and it is a great comfort to me to know that people are actually looking into the matter. I think they will understand that the sort of permissiveness and the extreme reforms which some people seem to think might emanate from this Bill really are not borne out by the evidence.

Although the Hon. Bill Withers was very amusing he showed great compassion and understanding; and I am grateful for that. He showed that the way we are socialised can produce the sort of people we are. That was something I would have talked about myself, but he has done it for me. Following from Mr Withers' contribution one can see the many types of malformed human beings who are born; and anybody who listened to the ABC radio programme "The Science Show" a few weeks ago and heard the report of the Social Biology Conference in Canberra would know the many things, as the Hon. Norman Baxter said, which can influence the chemistry of the body.

There are so many things which come into the determination of other than heterosexual preferences that I shall not attempt to cover them and I am sure nobody wishes to hear them all.

The Hon. Margaret McAleer showed her compassion and understanding, but I thought she also was very analytical about the contents of the Bill. She expressed the feeling that as the opportunity had arisen and another opportunity might not arise for a long time we should take the initiative when it is presented to us.

I hope I have mentioned everybody. I hope

those I have not mentioned will not feel I have neglected them. I know the sort of courage it takes to stand up for things which are unpopular and I wish to thank those who will vote for this Bill, those who have spoken, and those who have not spoken but who have expressed their concern about the matter to me. Mr President, I also thank you for your tolerance.

Question put and a division taken with the following result—

Ayes—18

Hon. N. E. Baxter	Hon. M. McAleer
Hon. R. F. Claughton	Hon. F. E. McKenzie
Hon. D. W. Cooley	Hon. N. F. Moore
Hon. D. K. Dans	Hon. R. H. C. Stubbs
Hon. Lyla Elliott	Hon. J. C. Tozer
Hon. R. Hetherington	Hon. Grace Vaughan
Hon. T. Knight	Hon. R. J. L. Williams
Hon. R. T. Leeson	Hon. W. R. Withers
Hon. A. A. Lewis	Hon. V. J. Ferry
	(Teller)

Noes—10

Hon. G. W. Berry	Hon. O. N. B. Oliver
Hon. H. W. Gayfer	Hon. R. G. Pike
Hon. G. C. MacKinnon	Hon. I. G. Pratt
Hon. T. McNeil	Hon. D. J. Wordsworth
Hon. I. G. Medcalf	Hon. G. E. Masters
	(Teller)

Question thus passed

Bill read a second time.

In Committee

The Chairman of Committees (the Hon. V. J. Ferry) in the Chair; the Hon. Grace Vaughan in charge of the Bill.

Clause 1 put and passed.

Clause 2: Section 6 amended—

The Hon. N. E. BAXTER: I do not believe an amendment to this section of the Criminal Code is really needed to prove anything. I think section 6 of the Code is quite sufficient and I trust the Committee will not agree to this clause.

The Hon. GRACE VAUGHAN: I cannot understand why the Hon. Norman Baxter wishes to oppose this clause because the whole thrust of the Bill depends upon it. If carnal knowledge is to be seen as including penetration *per anum*, that fits in with the rest of the Bill. But if we take out section 181 we have to have included somewhere in the Criminal Code a definition of what we are talking about when we use the expression "carnal knowledge *per anum*". If we do not do that the remaining sections will not make sense.

The Hon. N. E. BAXTER: Perhaps I had better read section 6 of the Code which states—

> When the term "carnal knowledge" or the term "carnal connection" is used in defining an offence, it is implied that the offence, so far as regards that element of it, is complete upon penetration.

Therefore, I do not see any reason to alter section 6 of the Code in the way the honourable member is proposing to amend it in the Bill.

The Hon. GRACE VAUGHAN: I agree that the Hon. Norman Baxter is right, but the interpretation of that clause, including penetration, is and has been taken to mean penetration *per vagina*. I agree that it ought to be interpreted to mean any sort of penetration, but that has always been the interpretation of it even though the legal interpretation would certainly support what has been said. I think for the purpose of carrying along with past practice and precedent we must simply make it more explicit.

The Hon. R. HETHERINGTON: I want to support the inclusion of this clause. It seems to me that even if what is proposed is redundant, it makes the matter more specific. It makes no doubt what the Bill is talking about. I can see no reason for removing it and I think it should be well left in.

Clause put and passed.

Clause 3: Section 181 repealed and re-enacted—

The Hon. N. E. BAXTER: In moving my amendment which appears on the notice paper I wish to alter it by striking out the words "a homosexual nature" appearing in subsection (2) and substituting the words "gross indecency". I inserted these words because there was no interpretation of the words "gross indecency" in the Act. Therefore, I thought the meaning should be made clear. However, the Leader of the House explained that this is an acceptable term in law. With that alteration to my proposed amendment I move—

> Page 2, line 6—Insert after the section designation 181 the subsection designation (1).
>
> Page 2, after line 8—Add the following passage—
>
> > (2) any person who procures the commission of an act of gross indecency by any person with another person other than himself is guilty of a crime and is liable to imprisonment for seven years.

In moving the amendment I would point out that section 181 of the Criminal Code reads as follows—

> 181. Any person who—

(1) Has carnal knowledge of any person against the order of nature; or

(2) Has carnal knowledge of an animal; or

(3) Permits a male person to have carnal knowledge of him or her against the order of nature;

is guilty of a crime, and is liable to imprisonment with hard labour for fourteen years, with or without whipping.

The honourable member's proposed amendment in the Bill reads as follows—

Any person who has carnal knowledge of an animal is guilty of a crime and is liable to imprisonment for ten years.

I propose to add additional wording in order that the section reads as follows—

Any person who procures the commission of an act of gross indecency by any person with another person other than himself is guilty of a crime and is liable to imprisonment . . . .

I believe this should be added to cover the particular feature of the situation whereby any person who procures the commission of an unnatural act of homosexuality should be liable under this provision.

The Hon. R. HETHERINGTON: I am a little confused. I would have thought that what the honourable member was referring to was covered by clause 6 of the Bill and I cannot see why his amendment should come in here. It seems to me that it adds nothing to what is contained in clause 6 and therefore I think the amendment should be opposed.

The Hon. GRACE VAUGHAN: I understand what the honourable member is attempting to do, but I think it has already been covered. Not only is it covered in section 184 of the Code but it also comes under section 189 if it is in regard to age limits, and under section 192 in relation to procuring.

I believe imprisonment for seven years is a very strong measure compared with the other punishments already in the Criminal Code dealing with procuring. If the honourable member can point out where this matter is not covered, I would certainly have another look at it; but I cannot see that it is not covered in the other sections.

The Hon. N. E. BAXTER: I would like to refer to the amendment to clause 6 because this is the key to my amendment to clause 3. Clause 6 subclause (3) in the Bill reads as follows—

Attempts to procure the commission of any such act by any person with himself or herself or with another person;

I intend under that particular clause to ask that the words "or with another person" be struck out. This is the key to my amendment in that the person procuring the commission of an act of homosexuality with a person other than himself is guilty of a much more serious crime than I believe is laid down under section 184 of the Code as proposed to be amended by this Bill.

For that reason I believe it should come under section 181 where the penalty is higher than that proposed under clause 6. I believe it is a very serious matter where a person procures homosexuality with another person other than himself. It is in line with prostitution in heterosexual people.

The Hon. GRACE VAUGHAN: I believe the honourable member is putting an interpretation on "gross indecency". It certainly would include homosexuality.

The Hon. O. N. B. Oliver: Not at all.

The Hon. GRACE VAUGHAN: Yes, he is placing an interpretation on it because he is saying that people who procure others to commit an act of gross indecency with someone else must necessarily be committing a homosexual act. However, it could be some other act. It could be the sort of act that one sees in performances at football clubs for which people are prosecuted. Those sorts of things could be called "gross indecency". That is, an act of fornication before a group.

The Hon. N. E. Baxter: No, I did not say that.

The Hon. GRACE VAUGHAN: "Gross indecency" could cover all sorts of acts other than a homosexual act. However, the honourable member is putting an interpretation on "gross indecency" as being a homosexual act. I am not saying it is a homosexual act. It is "gross indecency", not a homosexual act exclusively.

The Hon. N. E. Baxter: You have it in clause 6.

The Hon. GRACE VAUGHAN: Yes; but although the Bill is dealing with homosexual law reform, it is not exclusively doing that because as we go on in the Bill we see it tightens up the provisions for a number of other offences against morality. It is not exclusively concerned with homosexual acts, so I believe the honourable member is interpreting it himself, then putting it into the Bill with his own interpretation which other people may not see as being their interpretation.

The Hon. N. E. BAXTER: All I am doing is

transferring this particular provision from clause 6 of the Bill into clause 3 to provide a more severe penalty for this particular crime of procuring than is provided under clause 6 of the Bill. That clause provides only for three years' imprisonment, whereas my amendment provides for seven years' imprisonment for this type of procuring, which I believe is a very serious matter. I leave it in the hands of the Committee.

Amendment put and a division taken with the following result—

Ayes—2

Hon. N. E. Baxter	Hon. G. W. Berry *(Teller)*

Noes—24

Hon. D. W. Cooley	Hon. I. G. Medcalf
Hon. D. K. Dans	Hon. N. F. Moore
Hon. Lyla Elliott	Hon. O. N. B. Oliver
Hon. R. Hetherington	Hon. R. G. Pike
Hon. T. Knight	Hon. I. G. Pratt
Hon. R. T. Leeson	Hon. R. H. C. Stubbs
Hon. A. A. Lewis	Hon. J. C. Tozer
Hon. G. C. MacKinnon	Hon. Grace Vaughan
Hon. G. E. Masters	Hon. R. J. L. Williams
Hon. M. McAleer	Hon. W. R. Withers
Hon. F. E. McKenzie	Hon. D. J. Wordsworth
Hon. T. McNeil	Hon. R. F. Claughton *(Teller)*

Amendment thus negatived.

Clause put and passed.

Clauses 4 and 5 put and passed.

Clause 6: Section 184 repealed and re-enacted—

The Hon. G. C. MacKINNON: I do not intend to move an amendment. This Bill obviously will be carried; but I would point out that there may be an error in it. The Hon. Grace Vaughan may be prepared to accept some advice on the matter. The proposed new section 184 provides that any person who commits an act or procures another person or attempts to procure in any place where the public are permitted to have access is guilty of a misdemeanour. It means if they do those things in a place to which the public are not permitted to have access—which could be my front lawn—they do not commit an offence.

I am suggesting while the Bill is in transit from one place to another the honourable member might have someone with a greater knowledge of drafting than I have to look at that clause, on the basis that if we pass legislation it should be proper and sensible legislation.

The Hon. GRACE VAUGHAN: I believe this clause needs tightening up, as does another section of the Criminal Code. I am not competent to say how it should be done, but it should say something about being in public view, to start off with.

Clause put and passed.

Clauses 7 and 8 put and passed.

Clause 9: Section 187 repealed and re-enacted—

The Hon. N. E. BAXTER: This is another clause to which I referred in my second reading speech. It deals with the age at which a young man is committing a crime if he has carnal knowledge of a girl under 16. I will propose an amendment to reduce the age to 14.

I explained my reasons during my second reading speech. It is a matter we should look at in these modern times. Quite often a girl encourages a young man and it can be difficult for him to resist. Many young girls of 14 or 16 become pregnant, have their babies, draw money from the Commonwealth, and ninety per cent of them keep their babies and do not put them out for adoption. With the development of the modern girl, I think it is high time protection was given to young men.

Someone who has been closely connected with this matter for many years agrees with the proposal to reduce the age to 14 years. I do not want to name the person—she is well known in the community—but that is the view which has been expressed to me.

This clause has been inserted in the Bill to cover boys as well as girls in respect of sexual acts, but surely boys of that age are covered in the proposed section 189(1) in clause 11 of the Bill. The existing section 187 of the Act relates to carnal knowledge of a girl under the age of 16, and I think the word "girl" should be retained. I move an amendment—

> Page 4, line 4—Delete the word "child" and substitute the word "girl".

The Hon. GRACE VAUGHAN: The honourable member is concerned about young men who make mistakes in relation to the age of a girl or who are charmed by a girl before such a mundane matter as age enters into the question. I do not believe we are here to legislate for particular instances, although I can be sympathetic and I know this happens.

The proposed new subsection (2) states—

> (2) It is a defence to a charge of either of the offences defined in this section to prove that the accused person believed, on reasonable grounds, that the child was of or above the age of 16.

Such circumstances will always be considered by the court. My main argument is that the amendment defeats the whole purpose of the clause, which aims at amending the section to include boys as well as girls. In amending section

181 we put ourselves in the position of having to ensure children of both sexes are protected all the way through. Section 181 deals with carnal knowledge against the order of nature. We have taken that out. Therefore we have to protect boys as well as girls. Girls are already protected in the Criminal Code, and boys now have to be protected.

Clause 11 is not relevant to this matter. It relates only to indecent dealing and not to the more serious charge of carnal knowledge.

The Hon. N. E. BAXTER: Existing section 187 of the principal Act was inserted to provide a penalty for the defilement of girls under 16. The honourable member's problem is covered in clause 11, which refers to boys under the age of 16. I believe the Act should be left as it is.

Amendment put and negatived.

Clause put and passed.

Clauses 10 to 19 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

INDUSTRIAL ARBITRATION ACT AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. D. J. Wordsworth (Minister for Transport), read a first time.

BUILDING SOCIETIES ACT AMENDMENT BILL

Second Reading

Debate resumed from the 21st September.

THE HON. D. W. COOLEY (North-East Metropolitan) [9.45 p.m.]: The principal purpose of this Bill is to remove the uncertainty which exists as to the authority of building societies to negotiate bills of exchange. Mr President, I am not a financial expert, and I was at a loss to know what a bill of exchange was. I have made some inquiries in the House but was unable to obtain complete satisfaction. However, I have come across the following definition which explains the position in clear terms, and which has considerably enlightened me—

> A Bill of Exchange (B/E) is "an unconditional order in writing addressed by one person to another, signed by the person drawing it, requiring the person to whom it is addressed to pay on demand, or at a fixed or determinable future time, a sum certain in money to or to the order of some specified person or to bearer."

To all intents and purposes, it sounds like a cheque.

The Hon. I. G. Medcalf: It is.

The Hon. D. W. COOLEY: However, it would not be as negotiable as a cheque unless the person drawing it had some guarantee of tangible security; in this way, it is distinct from a cheque. This was not pointed out in the Minister's second reading speech, but I have gathered this information from my own inquiries.

The banks drew to the attention of the building societies that perhaps they were acting illegally in negotiating bills of exchange, because the Act did not so provide. It seems rather strange that this anomaly should arise when the legislation to consolidate the law with respect to building societies passed through this Parliament as late as 1976, yet here in 1977 we are called upon to amend the legislation. It seems strange to me that such a thing could have been overlooked by people who are supposed to be experienced in banking matters. One would have thought the matter would have been drawn to the attention of the people framing this legislation in 1976, making it unnecessary for us to amend the Act now.

Today's *Daily News* contains a full-page advertisement on behalf of the Town & Country Permanent Building Society which invites us to meet the people who manage our money. Of the 10 people comprising the board of directors and top management, no less than six have banking experience, some of 20 years. It is completely beyond me why in the name of goodness they could not have drawn attention to this matter when the Bill was being framed in 1976.

The Hon. G. W. Berry: We are not infallible.

The Hon. D. W. COOLEY: That is so, but these people are supposed to have considerable banking experience. I assume the same situation would apply in all building societies, yet we are called upon to amend the legislation now.

The legislation we passed last year provided that bills of exchange could be regarded in some situations as liquid funds of societies. Now we are told by the banking experts that the Act contains no such provision for building societies to negotiate bills of exchange. Perhaps in future such legislation will be more carefully framed before it is presented to the Parliament.

The Bill also seeks to extend the period for which building societies are permitted to purchase bills of exchange. Under the present legislation,

they can be made payable within 200 days, but this is to be extended to two years. I do not think there could be any possible objection to the Bill from our side of the Chamber, and apart from the reservations I expressed about the necessity of amending the Bill so soon after it last came before the House, the Opposition supports the Bill.

THE HON. O. N. B. OLIVER (West) [9.50 p.m.]: Mr President, I support the Bill. I was a little surprised at Mr Cooley's comments in relation to this legislation passing through the Parliament in 1976. I understood from the Minister's second reading speech that there was a possibility of some doubt, and that is why the Bill is before the House now. Our legislation relating to building societies is second to none throughout the Commonwealth.

As Mr Cooley said, a bill of exchange is a cheque. It can be endorsed, if it is not crossed "Bank Account Payee—Not Negotiable". Like a cheque, it is a negotiable item.

This Bill seeks to further improve the level of lending and funding to the building industry in Western Australia. A very steady level of lending of funds for housing is not only desirable but also essential to a healthy economy in Western Australia.

It may appear strange that the level of lending of funds is applicable to the level of activity which prevails in the building industry. Therefore, I am very pleased to see the Government coming forward with a further improvement in the level of lending, because that lending will lead to stability in prices and in the labour force; it will lead to recruitment of labour and the maintenance of the high standard of workmanship in the community about which we hear so much. It also enables business to plan opportunities for capital expansion and provides a continuity of supply of manufactured items for the housing industry and the consumer goods which flow from them.

I am particularly concerned that certain Governments, for various soundly based economic reasons, tend to interfere with the flow of funds to the community. Of course, I am referring to the restrictions placed by the Federal Government through the Reserve Bank of Australia. Perhaps there are justifiable reasons for such restrictions, but unfortunately they greatly affect the housing industry and the people who are purchasing homes. I am sure all members are concerned about such people, particularly those who have just entered into wedlock, and are contemplating the purchase of their first home. Perhaps because of legislation introduced by the Hon. Grace Vaughan, we may have to change the Act to enable us to lend money to people of the same sex. I can see a great series of amendments coming forward as a result of that Bill, and I hope Mr Cooley will not be too upset if he sees them coming before the House in six months' time.

This manipulation of funds by the Federal Treasury through the Reserve Bank tends to interfere with the long-term funds for housing, and lending funds generally. Of course, housing is the largest user of these long-term funds. I think the terminology for this interference with the supply of money is "M3", although it is difficult to keep up with the various terminologies used in banking circles. If I am wrong on that point, I would appreciate being told.

Although this Bill seeks to improve the level of stability of lending, I should like to see it go a little further. I am disappointed this Bill does not mention or even anticipate the establishment of a home loan bank. To put it simply, this is a further method of regulating the flow of funds into the industry, consistent with demand. It could be funded through the lending institutions.

The Hon. D. W. Cooley: Could you tell me what this has to do with the Bill?

The Hon. O. N. B. OLIVER: It has to do with the level of lending for housing. I notice the Minister mentioned this point in his second reading speech, so surely it is in order for me to raise the matter.

The PRESIDENT: Order! I ask the honourable member to direct his comments to the Chair.

The Hon. O. N. B. OLIVER: Such a scheme could be funded through existing lending institutions from their excess liquidity. There is every reason that such a loan bank could also borrow from other institutions or redeem its notes, or borrow from its deposits, if need be.

I am also disappointed there is no amendment relating to the Commonwealth-State Housing Agreement. I refer specifically to the home owners' account, often called the "5¼% fund". We have failed to legislate to provide a mixture of these funds. Currently, there is a 1 per cent management fee and the cost of the borrowing under this agreement is 4.75 per cent. The loans are placed on a first-come-first-served basis. I believe that in the current interest rate structure in Australia a rate of 5.75 per cent is quite unacceptable. These funds should be balanced out and allocated on a needs basis.

I notice that during discussion in another place on this Bill, mention was made of liquidity. Frankly, I am very concerned that people should question the liquidity of lending institutions; it is

quite irresponsible, and not in keeping with the leaders of our community, which is what I believe parliamentarians should be.

It is in the same manner we see people in another place speculating on the Australian dollar. Frankly, I wonder whether I should even bring this matter forward, because I would not like to get any publicity on this point. There are enough people in the ordinary way speculating in currencies throughout the world without parliamentarians joining the queue.

Mr Cooley mentioned that the Bill seeks to extend to two years the period of currency of a bill of exchange. This is good housekeeping. Further good housekeeping is that when the bills of exchange are drawn, the collateral security offered against them will be deducted from their liquidity, enabling us to gain an accurate picture of the liquidity situation of the various institutions.

With the exception of my remarks in connection with a home loan bank, and the mixing of the home owners' account funds of 5.75 per cent, I have much pleasure in supporting the Bill.

THE HON. I. G. MEDCALF (Metropolitan—Attorney-General) [10.00 p.m.]: I thank honourable members for their contributions to the debate. Mr Cooley provided us with the classic definition of a bill of exchange which every student of mercantile law learns by heart. It was the correct definition. He appreciated it is simply a cheque or a promissory note. He said he could not understand how anyone could say that would be a security. However, I draw his attention to the second page of the speech notes in which he will see that there is a reference to another security being given to support that bill of exchange, in the form of debentures and so on.

The Hon. D. W. Cooley: I think you misunderstood me. I made the point that the building societies would no doubt obtain sufficient security to cover the bill.

The Hon. I. G. MEDCALF: In any event it is simply a means whereby one can get money in advance. If a society knows that someone will pay it $100 000 in three months' time and it wants to put out that money to people to build homes, instead of waiting for the three months it can write a cheque or a promissory note promising to make the payment in three months' time. That is exactly the way it is done. A bank will lend a lesser amount if it has security in advance. It is a way to get money into the hands of building societies so that they can lend it out knowing that they will get it back. It is a practice commonly used in businesses and building societies have been using it, but only to a limited extent; and some doubt has been recently cast on the practice.

As the honourable member must know, one cannot really foretell what the future holds. Changes are imposed on institutions from time to time and building societies sometimes find that someone has taken a point which had not occurred to them. Every year we have at least three or four amendments to the Local Government Act which is perhaps the classic in this respect. Many things are changing all the time and finance is an area in which change is occurring and it is therefore excusable that this matter should have cropped up so soon after the passage of the legislation last year.

In connection with the comments of Mr Oliver, I might say that I have made a note of the points he has raised and I will draw them to the attention of the Minister who will no doubt advise him of his views in due course. Perhaps that information will answer some of the queries which have been raised.

With those comments I commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by the Hon. I. G. Medcalf (Attorney-General), and passed.

INDUSTRIAL AND COMMERCIAL EMPLOYEES' HOUSING ACT AMENDMENT BILL

Second Reading

Debate resumed from the 21st September.

THE HON. F. E. McKENZIE (East Metropolitan) [10.05 p.m.]: The Opposition agrees with the Bill. The amendment will make provision so that all members will not be due for election at the one time. The amendment is sensible and the Opposition has pleasure in supporting it.

Question put and passed.

Bill read a second time.

In Committee, etc.

Bill passed through Committee without debate,

reported without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by the Hon. I. G. Medcalf (Attorney-General), and passed.

ADJOURNMENT OF THE HOUSE

THE HON. G. C. MacKINNON (South-West—Leader of the House) [10.08 p.m.]: I move—

That the House do now adjourn.

Transport: Dispute with Owner-drivers and Prime Contractors

THE HON. J. C. TOZER (North) [10.09 p.m.]: I believe that before the House adjourns tonight it is important we speak briefly on a matter of great importance to the State. At the moment road freight is not reaching north-west centres. Builders are not receiving their building materials and people are being laid off. Perishable goods are not getting through. In Shay Gap there are no perishables in the shop but as yet there are some in the single men's quarters.

This morning I attended a meeting at the Entertainment Centre attended by about 400 owner-drivers. It was a very well attended meeting. An indication of the type of driver who was there is revealed when I say that about 90 per cent of those in attendance were long distance owner truck drivers. That means that a relatively small percentage of them were engaged in metropolitan area work.

The Minister for Labour and Industry together with the Secretary of the TWU, had arranged the meeting. He delivered an address of outstanding quality which gave an essential explanation to the large number of owner-drivers present.

However, I thought it was pretty obvious early in the meeting that he was in fact flogging a dead horse. There was no doubt at all that no matter what the Minister had to say there was going to be no resolution—no conclusion—reached at the meeting.

In point of fact all he could do was firstly to repeat the terms offered by the prime contractors of whom I understand there are about 14 in all, but we must remember that Bells, Brambles, and Gascoyne Traders carry about 85 per cent of the freight to the north-west of Western Australia.

In addition to this the Minister offered to everyone in the hall the opportunity to participate in a working party which would consist of two representatives from the Road Transport Association—the employers—the prime contractors; two from the owner-drivers' association or the TWU, or perhaps one from each; one from the Transport Commission; and one from the Department of Labour and Industry, making a total working party of six.

It was certainly underlined at the meeting that there is a great complexity in the task of moving freight to the north. No two types of freight can be compared. In the same way, no two types of vehicles or destinations can be compared. The range of freight rates is very complex indeed.

It seemed to me that the idea of a working party was excellent, and of course the only thing the Minister could offer concrete was the Government's good offices in trying to negotiate some form of settlement.

I have a personal feeling that this was the place where the Government maybe should not have been. There was no way in which the Government could really enter into this discussion. There was one set of businessmen on the one hand—the Road Transport Association—and on the other hand there was another set; that is, the owner-drivers. Clearly, these people had to negotiate a settlement.

Unfortunately there was a popular and strange opinion held by the vast majority of men in that hall this morning which was that the Government could and should do something about it.

In the north there is fierce competition between the prime contractors particularly the three major companies to which I referred. This fierce competition is forcing the tendering of lower prices to gain contracts, and these are very lucrative and sometimes long term. The situation is that the prime contractors are able to offer the subcontractor—the owner-driver—pretty tough conditions. It is a take-it-or-leave-it situation.

The owner-drivers believe they can make a go of it at the prices applying. They are always confident even though they know others have failed. I know scores who have failed on the north-west run but there are always those who are confident they can get away with it. However, many do not. They undertake great commitments on loan repayments on their vehicles. It is not unusual for payments of $1 000 a month to be made. If a person has five blow-outs on one trip he is battling to meet his commitments.

So, the owner-drivers are really having a tough spin. My personal view is that the prime contractors have been intransigent, not only at the present time, but in the period leading up to this dispute. They are a hard team to negotiate with,

and I think I should refer particularly to Bells. That company seems to want to stand out of all negotiations. I believe Mr Holmes A'Court has not helped one iota during the long period leading up to the current confrontation, and also in the present dispute. This prime contractor has the strength to stand alone and it thinks it can make all decisions relating to its own business.

There is no way in the world the Government can compel anyone to enter into negotiations. The owner-drivers do not have any standing under industrial law; they do not have an industrial commissioner to whom they can take their case. They are really left with the only alternative of withdrawing their services and trying to seek work with another major contractor.

It is a tough job to try to achieve a fair deal for themselves. One thing is quite sure; there is no way they can go on strike. All they are doing is striking against themselves. They are their own employers.

What worried me today at the meeting was that the term "strike" was used time and time again. The same has applied in the Press over the last few weeks. I believe the word "strike" is clouding the whole issue, and that is very disappointing.

Some other strange ideas were canvassed at the meeting today. Time and time again the matter of Road Transport Department permits—a licence to carry—came under question. Strangely, this approach was encouraged by Mr Rob Cowles, the Secretary of the Transport Workers' Union, who obviously knows much better than to encourage that line of thought.

What in fact was said was that part of the permit fee should be waived in order that the amount saved—a sum of $4 on a trip to Port Hedland—would in fact be paid to the subcontractors. That would give the 18 per cent increase in the rates they seek.

The permit fee on a semi-trailer carrying 20 tonnes to Port Hedland is $118, which works out at $5.90 per tonne. The income from these permit fees is used to support the Transport Commission and to provide the administrative structure of all forms of transport control in Western Australia. Quite frankly, I have never heard of such an unfair and illogical impost as the manner in which this permit fee is charged.

The permit fee is calculated on the distance over which the freight is to be carried. The longer the trip, the greater the permit fee. I find that to be quite ridiculous. A clerk in the commission in Stirling Highway writes out the permit and collects the licence fee. It takes the same time to issue the permit, whether the trip is to Toodyay, Port Hedland, or Kununurra. Similarly, it does not matter whether a road inspection is made at Nanutarra or Cataby; the same time is involved. I think that it is most iniquitous. It is a tax on isolation. It would be just as logical to calculate the cost of a motor drivers' licences so that if a bloke was to do 1 000 kilometres a month he would pay more than would the lady who only drove to the shop around the corner.

Hon. D. K. Dans: Do not encourage the Transport Department.

Hon. J. C. TOZER: The point I am getting at in this relation is that the argument was used today that the transport fee—and by the way, it is my aim to see this permit fee eliminated in some way so that the people who will benefit when the fee is made more reasonable will be the customers at the end of the trip—would be paid to the transport drivers to offset in some way their bad business arrangements which they may have entered into with the prime contractors.

This is a quite ridiculous point of view, and for some reason or other it could not be explained to the men at the meeting. The two issues are completely different; one is a permit fee to run the administration of the Transport Commission and the other is a freight rate negotiated between the prime contractor and the subcontractor.

The worst feature was that Mr Rob Cowles, well experienced in this field, persisted in pulling this red herring across the trail. I believe he misled a large number of the men present. Mr Don Dyson, the Commissioner of Transport, repeatedly explained that he collected permit fees because of a Statute which told him to do so. In point of fact, I do not think that is a valid argument; the Statute can be changed. If it is to be changed, it has to be for the benefit of people in the remote areas—the customers at the end of the trip, not the way these fellows sought today.

We can go on to the road maintenance charges. The truck drivers wanted relief. They were advised repeatedly that the road maintenance charge was different from the road freight rate. Again, I think members will be interested to know that a trip to Port Hedland, again with a 20-tonne semi, costs $141. That is over $7 per tonne, which the people—the customers—at the other end of this trip have to pay on top of what they would be expected to pay in Perth. The people in Port Hedland are paying $259 extra per 20-tonne load—up to $13 per tonne loading—for all items transported by truck additional to cartage charges. That is over and above what people in the metropolitan area are expected to pay.

The Commissioner of Transport has said that the road users must pay, and that the funds are needed for maintenance of the roads. However, we exclude trucks under 8 tonnes; we exclude cars, no matter how badly they are driven; and we exclude road trains carrying cattle.

If funds have to be found for this purpose we have to do it less selectively, less discriminately, and with a less specific penalty on isolation. Many ideas have been put forward with regard to how the funds can be raised. I have suggested probably a tax on fuel which would be spread right throughout the community. There has also been the suggestion of a tax on axles and a tax on tyres. In those instances we would not be penalising only the people who live a long way away.

It is interesting to note that the imposts on the same load—a 20-tonne semi—cost $388 by the time the load gets to Kununurra, additional to cartage costs. That is mostly for road maintenance charges, because by the time the load reaches Goldsworthy there is a ceiling of $6 per tonne for the permit fee.

The men who attended the meeting did not understand; they thought that by reducing the road maintenance charges it would be a saving to them. Clearly, that is not the case. Any saving must be to the benefit of the people at the other end and not a saving to the owner-drivers. That was not understood today.

To resolve this impasse which we seem to have reached in this dispute, clearly an equitable freight rate has to be agreed on between the prime contractors and the owner-drivers. An offer has been made. I wonder how reasonable the offer is: a 7½ per cent increase now, a 5 per cent increase on the 1st January, 1978, and indexation after the 1st July, 1978. The indexation will take in all factors such as wages, fuel costs, tyre costs, and other costs.

Quite frankly, I support Mr Grayden in his admonition to go back to work and use the promises given is a basis to negotiate some arrangement that would be acceptable to all those concerned.

I have one last point to make. I have told members in this Chamber on more than one occasion I believe the State Shipping Service has lost the battle to road transport as far as the Pilbara is concerned. I am sure that is the case, but we have to remember that if road transport rates do go mad there is no doubt at all that some bulk loading will go back to the ships. Unless there is compromise and reasonableness, perhaps those statements I have made on previous occasions may prove to be wrong after all.

THE HON. D. K. DANS (South Metropolitan—Leader of the Opposition) [10.27 p.m.]: I could not allow this opportunity to pass without making some comments on the statement by Mr Tozer. Although I do not agree will all he had to say, the same problems face owner-drivers throughout Australia generally. I would imagine that in line with builders, the level of bankruptcy amongst these people would be the highest in the land. Every time one of these small businessmen goes broke, there are others to follow.

We come back to the road maintenance tax. During the time of the Tonkin Government there was talk about a fuel tax which would have been similar to the road maintenance tax, but would be spread over a wider field. Whatever is done, and whatever method is used, someone has to pay for the care and maintenance of the roads. I hope the Minister for Transport is listening, but through you, Mr President, I suggest to the Hon. John Tozer that the problem is not between the Government and the owner-drivers; it is between two groups of businessmen. It is rather strange to hear the claim that the Government is responsible.

To my way of thinking, the way to resolve the present situation—not only in Western Australia; others are involved—is for the Government of this State, and the other Governments of the Commonwealth, to take some initiative. One initiative would be to set a minimum economical freight rate which the prime contractors would have to observe. There is nothing strange about that suggestion. I do not know whether or not it still occurs, but this system used to apply in North America where vast distances had to be covered. In that country it was found necessary to set a minimum economic freight rate. That is one area the Government should examine.

When trucks go to the north-west they meet the same problem as was met by the State Shipping Service; there is no backloading. Competition then becomes very keen. An owner-driver blows a few tyres and the roundabout begins again. The Government should also set a minimum truck performance.

This is another important matter that could be looked at. I stand to be corrected, but I believe that a minimum performance regulation operates in Europe and in the United Kingdom. It is obvious that where there are heavy traffic flows, trucks must perform up to a certain standard. For instance, with a heavy traffic flow, we would not

want trucks driving up Greenmount hill at a very slow speed.

I do not want to pin conditions on two separate parties, but if these things were examined, we might be able to answer the whole problem. After all, the shipping companies that ship out of Australia use conferences to set the freight rate. This system was brought in to do away with the very situation we are facing here. I well recall what happened when the Russian shippers offered to carry wool at $2 a bale less than the other shippers. Despite the opposition amongst country folk to anything communistic, the farmers streamed into Fremantle with bales of wool to take advantage of this lower freight rate.

The members of the conference were very shrewd, because they invited the Russians to join them. Of course, the Russians then commenced to charge the same freight rate as the other companies. I suppose this could be called a rationalisation of an industry, and that is very necessary in this day and age, because no matter what we do in regard to transport permits and road maintenance tax the same situation will continue.

I am glad to hear that Mr Tozer has some sympathy for these people because they are working under tough conditions. Many of them have large investments in the industry and already some trucks have been repossessed. I do not suggest that the Government should impose any conditions on these people, but it should at least make some suggestions so that the freight may flow fairly and freely and so that the people who can measure up to the necessary performance can enter and stay in the industry.

I point out that some people in the transport field have become millionaires by operating the very simple device of employing owner-drivers to cart into railway freight terminals in Western Australia and other parts of Australia, and owner-drivers to cart out of terminals at the other end. This is a system which operates in Sydney and Melbourne, and some people have made considerable profits simply by obtaining the contract for the freight. Any loss that resulted—and we all know what happens in regard to public transport—was incurred by the Government. The owner-drivers found themselves in all sorts of trouble, but companies such as Thomas Nationwide Transport System and Brambles made profits. I am not knocking that fact. It was once suggested to the State Shipping Service that Thomas Nationwide Transport System would cart to the ships and from the ships, and all the loss would have been sustained by the State Shipping Service. The Brand Government was in office at the time, and it did not intend to fall for that one!

I suggest to Mr Tozer that he should talk to his own party about setting some minimum truck rates and minimum standards. These conditions may not be agreed to by all parties but it seems to me in the long run that is the only way to overcome a problem that will recur frequently because of rising costs.

Roads: TWU Signs

THE HON. N. E. BAXTER (Central) [10.34 p.m.]: In the 25 years I have been in the House I have never before availed myself of the opportunity to speak on this particular motion mainly because I do not believe one should raise matters at this time unless they are very urgent or perhaps because something should be suggested to a Minister for urgent consideration.

Although the first matter raised tonight was said to be urgent, we cannot do anything in this place to affect the outcome anyway. Therefore, I say it is high time for the Standing Orders Committee to look at our Standing Orders so that you, Mr President, may be advised by anyone who wishes to raise such a matter and you can then decide whether or not it is of sufficient urgency to be considered.

I have expressed my reluctance to rise at this time, but I felt compelled to because I am extremely incensed at the cavalier treatment I was given by the Minister when he answered my questions about TWU signs. Yesterday I asked the Minister for Transport a question, and I received the following answer—

> No, it was considered that those are not advertising signs within the meaning of section 33B of the Main Roads Act.

Thinking I had made a mistake by referring to section 33B of the Main Roads Act, I then asked a question which referred specifically to the regulations. I received a very cavalier answer to this question. Although all members have heard the answer, I will repeat it. It reads—

> (a) to (c) The regulations the honourable member quote come under the same section of the Main Roads Act quoted in his question without notice yesterday; therefore the answer given yesterday is applicable to the present question.

Today I asked specific questions about the regulations in this form—

> Would the Minister agree that under Main Roads (Control of Advertisements) Regulation 1973—

(a) regulation No. 2 does not exclude these signs from provision of the regulations;

Did I receive an answer to say whether the provision does or does not exclude the signs? I then asked part (b) of the question which reads as follows—

(b) the signs referred to contravene regulation 3(e) and 5;

Did I receive a specific answer? No, I was fobbed off. Part (c) asked the following—

(c) that therefore is there any valid reason why the signs should not be removed in accordance with regulation 11?

Again I was fobbed off with an across-the-board answer, and I am not prepared to take that treatment. When I ask a Minister in this House a question, I want a decent answer and not this sort of treatment. Having been a Minister myself, I do not believe I meted out such treatment to any member of the House during my term of office. If the Main Roads Department served this answer up to the Minister, he did not look at it before he read it to the House.

If the Minister's answer is correct, then section 33B of the Main Roads Act is not worth the paper it is written on; it is a complete and utter farce. I could go out today to paint a sign as large as I liked to say that Bill's cows will be passing this way. If I put this sign up on a main road, there would be no power at all to require me to shift it or to take any action against me. That is what the Minister is saying; I ask the Minister to have another look at the matter and to come back to give me a decent answer.

THE HON. D. J. WORDSWORTH (South—Minister for Transport) [10.37 p.m.]: I thank the honourable member for raising this matter, and I am sorry that he should think he was treated in a cavalier fashion. What he is saying is probably correct. He may think he is doing a service by helping the department to remove the signs. To the contrary, he is drawing attention to its inability under Section 33B to remove them. The member's comment that regulations under section 33B of the Main Roads Act are not worth the paper they are written on is probably correct.

Question put and passed.

House adjourned at 10.38 p.m.

QUESTIONS ON NOTICE

UNIVERSITY OF WESTERN AUSTRALIA

Physical Education Degree

160. The Hon. R. F. CLAUGHTON, to the Minister for Transport, representing the Minister for Education:

(1) Is the Minister aware of concern among third year Physical Education Degree Students at the University of Western Australia at reports that there will be two only places available at Secondary Teachers College in 1978 for these students in units they must complete at the College in order to fulfil their degree requirements?

(2) Will the Minister give assurances that sufficient places will be available to satisfy the needs of these students?

The Hon. D. J. WORDSWORTH replied:

(1) and (2) Fully qualified students, having completed a degree, enrol in studies for the Diploma in Education. While the overall number of places in the Diploma at Secondary Teachers College is controlled by funding procedures and by the need to maintain at present levels the output of teachers, there will be no discrimination by the College against University of WA graduates.

There is another group of students who have failed one or two subjects in their Degree studies. In the past Secondary Teachers College has provided places for such students to become qualified as teachers. This applied to students in several subject areas and not just in physical education. With the greater numbers of fully successful students competing for a static number of places the opportunities for less successful students will be restricted.

POLICE

Tammin Quarters

161. The Hon. N. E. Baxter, for the Hon. H. W. GAYFER, to the Leader of the House, representing the Minister for Police:

(1) What use does the Police Department propose to make of the now empty police quarters at Tammin?

(2) Is it possible that pending finalisation of a decision for the use of the quarters, work could be carried out on the grounds so that it is in presentable condition for the judging of the Tidy Towns Competition in a fortnight's time?

The Hon. G. C. MacKINNON replied:

(1) On closure of the Tammin Police Station the land and buildings were returned to the Public Works Department. No decision has yet been made by that Department.

(2) An inspection will be made and if warranted the necessary work will be carried out within the required time.

SCHOOL

West Morley

162. The Hon. LYLA ELLIOTT, to the Minister for Transport representing the Minister for Education:

With reference to the West Morley primary school—

(1) Who requested the division of the two year-one classes into three classes?

(2) What consultation was there by the Education Department with the school's Parents and Citizens Association, or the Principal and his staff, regarding the effects of such a move on the children?

(3) Is it Departmental policy to reorganise classes so late in the year?

(4) Is it a fact that an additional teacher was requested for the school at the beginning of the year but the request was rejected?

(5) How has the situation changed during the year to cause the Department to reverse the decision?

The Hon. D. J. WORDSWORTH replied:

(1) The school asked for a re-organisation.

(2) The Superintendent was consulted by the Principal.

(3) No, a change during the year would take place only in exceptional circumstances.

(4) The school was not entitled to an additional teacher at the beginning of the year.

(5) More children have been admitted to the Year One classes during the year.

SCHOOL CROSSINGS

Scarborough District

163. The Hon. R. F. CLAUGHTON, to the Leader of the House, representing the Minister for Police and Traffic:

(1) For each of the schools within the Scarborough electoral district having a guarded crossing, would the Minister supply the following information—

(a) name of school;

(b) name of street where crossing guard is located;

(c) traffic count on the above streets at the time the guard was first appointed; and

(d) school enrolment?

(2) Which schools within the electorate do not have a guarded crossing?

The Hon. G. C. MacKINNON replied:

(1) and (2) It will take some time to collate this information. I will arrange for the Hon. Member to be advised when the information is available.

ROADS

Guildford District

164. The Hon. LYLA ELLIOTT, to the Minister for Transport:

(1) Did the Government receive a petition signed by 700 residents in Guildford requesting an immediate commencement of the construction of bypass roads, and opposing any proposed flyover or extensions east of James Street?

(2) Is the Minister aware of the concern of the Guildford residents that the unique character of that suburb will be destroyed by a heavily increased traffic flow through its heart?

(3) (a) Has land already been resumed for a bypass road;

(b) if so, will the Government take urgent steps to construct the bypass road to ensure the preservation of one of the State's most historically valuable districts?

The Hon. D. J. WORDSWORTH replied:

(1) Yes.

(2) Yes.

(3) (a) Some land has been acquired for the Redcliffe-Bushmead Controlled Access Highway and the Roe Freeway which could form the basis of a by-pass

(b) The Metropolitan Region Planning Authority is at present carrying out a planning study of the Eastern Corridor and Midland Regional Centre. As the question of by-pass roads for Guildford is part of this study, no action regarding by-pass roads will be taken until the study has been completed. It is likely to be a costly project and funds for construction will need to be considered in relation to many other important projects in the metropolitan area.

TECHNICAL EDUCATION

Conferences

165. The Hon. LYLA ELLIOTT, to the Minister for Transport, representing the Minister for Education:

(1) How many staff from the Technical Division of the Education Department have attended conferences or conventions outside the State during the past three years?

(2) What were the conferences or conventions involved?

(3) How much time was involved in each attendance?

The Hon. D. J. WORDSWORTH replied:

(1) 81 staff members excluding senior administrative officers.

(2) I will Table a list giving this information.

(3) 236 days (1976 and 1977 only).

The list was tabled (See paper No. 274.)

HOUSING

Programme

166. The Hon. Lyla ELLIOTT, to the Attorney General, representing the Minister for Housing:

How many units have been built by the State Housing Commission during the last five years for the purposes specified in Section 69 of the State Housing Act?

The Hon. I. G. MEDCALF replied:

The Housing Commission has never built any houses under Section 69 of the State Housing Act.

QUESTION WITHOUT NOTICE

ROADS

TWU Signs

The Hon. N. E. BAXTER, to the Minister for Transport:

Apropos of my question without notice of Tuesday, the 4th October, 1977, re TWU signs erected on main roads and the Minister's reply and as the word "advertisement", according to The Oxford Dictionary means "public announcement (usually placards or injournals)" and the TWU sign is a placard—

Would the Minister agree that under Main Roads (Control of Advertisements) Regulation 1973—

(a) regulation 2 does not exclude these signs from provision of the regulations;

(b) the signs referred to contravene regulation 3 (e) and 5; and

(c) that therefore is there any valid reason why the signs should not be removed in accordance with regulation 11?

The Hon. D. J. WORDSWORTH replied:

(a) to (c) The regulations quoted come under the same section of the Main Roads Act quoted in the honourable member's question without notice yesterday; therefore the answer given yesterday is applicable to the present question.