One does not need to have a great imagination to comprehend that matters from time to time will be placed before this committee. It may well be that a constituent considers that he has been offended by a certain Act which has trespassed upon his rights, personal rights, liberties, etc.; and he may wish that matter to be brought to Parliament.

If Parliament is persuaded by the case put forward, the matter will be placed before the committee. The constituent will appear before the committee, listen to the deliberations, and give evidence. He could be accompanied by his solicitor, and the committee in its deliberation will virtually be acting like a tribunal or court. It will take evidence just like any other court, and it will have the power to deal with people who in some way transgress the rules. Wherever possible provision should be made for an appeal against the decision of a tribunal.

If, for example, a constituent of Scarborough, Karrinyup or Toodyay comes before the committee and is advised by his lawyer that on the evidence given before the committee, the committee has made a wrong recommendation to Parliament—not maliciously, but because the committee comprises fallible human beings it might misdirect Parliament—what remedy will the constituent have? I suggest none at all. The matter is then placed before this Parliament to determine what shall be done.

I say that in many instances Parliament will not be in a position to assess the accuracy, the validity, and the correctness of such a recommendation; whereas the constituent through his legal representative would have heard the whole proceedings and would be in a far better position to determine whether the recommendation was right or wrong.

As I understand it, all political parties in this State believe that where a matter is being determined, the parties concerned should have the right of appeal. The purpose of the new clause is to provide that right of appeal.

I cannot imagine that the lawyer appointed to this tribunal will not receive complaints; but like any other lawyer on a tribunal he should face up to the gauntlet of appeals. This would be a good thing for him, for the committee and for the constituent.

I recommend that the new clause be agreed to. It is consistent with well accepted principles that where a court has jurisdiction to make decisions on the evidence given, there should also be the ability for an aggrieved person to appeal.

Progress

Progress reported and leave given to sit again, on motion by Sir Charles Court (Premier).

House adjourned at 6.15 p.m.

Legislative Council

Tuesday, the 9th November, 1976

The PRESIDENT (the Hon. A. F. Griffith) took the Chair at 4.30 p.m., and read prayers.

BILLS (5): ASSENT

Messages from the Governor received and read notifying assent to the following Bills—

1. Wildlife Conservation Act Amendment Bill.
2. Security Agents Bill.
3. Joondalup Centre Bill.
4. Skeleton Weed (Eradication Fund) Act Amendment Bill.
5. Royal Visit Holiday Bill.

QUESTIONS (4): ON NOTICE

1. TRADE UNIONS

Blacklisting of Farming Properties

The Hon. D. J. WORDSWORTH, to the Minister for Education, representing the Minister for Labour and Industry:

(1) How many wool growing properties have been black-listed by the Australian Workers' Union during the last three months?

(2) Do such black-listings have to be registered with the Arbitration Court?

(3) What are the complaints which the AWU have against these property owners?

(4) What provisions are in the registered agreement between the union and employers in regard to entry of union officials on to a farming property?

(5) How many officials have such a right of entry in the Esperance district?

(6) Do these officials have to be individually listed with the Arbitration Court or Employers' Association?

(7) Are there cases of shearers being assaulted in Esperance by unionists for the use of wide or pulled gear?

The Hon. G. C. MacKINNON replied:

(1) This is not positively known but it is reported that eight Western Australian properties are at present blacklisted by the Australian Workers' Union.

(2) No.

(3) It is alleged by the AWU that in some instances the following breaches of the Federal Pastoral Industry Award have taken place in the industry:

(a) Sheep have been shorn on Saturdays and Sundays;

(b) overwidth shearing combs have been used;

(c) employers have avoided paying minimum rates of pay provided for under the Award;

(d) employers have not been signing contracts of employment with all employees in shearing teams before shearing commences.

(4) and (5) The Federal Pastoral Industry Award provides that accredited representatives of the AWU have a right to enter for the purpose of ensuring observance of the Award. However, the Award also provides that the accredited representatives must—

(i) inform the employer or his representative of the purpose of the visit and produce a certificate of authority when requested;

(ii) not interfere with or interrupt work being carried out.

(6) No.

(7) No cases have been brought to my notice.

2. FUEL OIL

Freight Differentials

The Hon. D. J. WORDSWORTH, to the Minister for Education, representing the Minister for Consumer Affairs:

(1) Since the Federal Government removed the fuel equalisation subsidy, who set the freight differentials charged by fuel companies to consumers in the various country towns in Western Australia?

(2) For the Port of Esperance—

(a) what are the—

(i) metric freight differentials; and

(ii) imperial freight differentials; on—

(i) super petrol;

(ii) standard petrol;

(iii) dieseline;

(iv) L.K. (home) kerosene; and

(v) oils;

(b) when were these freight differentials last updated;

(c) which of these fuels arrives at the port in bulk by ship;

(d) what are the annual imports of each fuel—

(i) via the Port of Esperance; and

(ii) via road or rail;

(e) why the added cost of freight on L.K. (or home) kerosene?

The Hon. G. C. MacKINNON replied:

(1) The Prices Justification Tribunal.

(2) (a) Freight differentials for Port of Esperance:

	Metric cents/ litre	Imperial cents/ gallon
Super petrol	0.3	1.5
Standard petrol	0.3	1.5
Diesolene (Distillate)	0.4	1.7
LK (Home) Kerosene	3.5	16.1
Oils	3.7	16.8

NOTE: Figures rounded to nearest 1/10 th of a cent.

(b) Freight differentials last updated in early November, 1975 (different dates for different companies);

(c) Fuels delivered in bulk by ship include super and standard grade petrols, diesolene or distillate, and kerosene.

(d) Annual Imports:

	1975-76 Kilolitres	Gallons
(i) via Port of Esperance		
Super petrol	26 091.879	5 740 213
Standard petrol	2 933.746	645 435
Diesolene	121 839.606	26 804 713
LK (Home) Kerosene	1 173.179	258 099
Oils	—	—
(ii) via Road or Rail		

Reliable figures are not available.

(e) The freight differential for kerosene was set when it was transported to Esperance in drums by rail. The differential for kerosene has not been reviewed since the changeover to bulk sea transport.

3. FRIENDLY SOCIETIES

Registrar: Administration

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

(1) For the last five years what has been the actual staff and expenditure of the Registrar of Friendly Societies?

(2) In the same years, how many Friendly Societies have been registered?

The Hon. N. E. BAXTER replied:

(1) The staff of the Registrar of Friendly Societies has remained unchanged during the past five years. It consists of the Registrar himself and roughly half the time of a clerk on the automatic range of salary. At current salary rates this represents an expenditure of $17 067 per annum. Apart from this there are normal office expenses but these are not borne by the Registrar General's Department and are not segregated.

(2) In the past five years no new Friendly Societies have been registered. However, the Registrar is

concerned also with co-operative societies. Eighteen new co-operative societies have been registered during the past five years.

4. TEACHING HOSPITALS

Salaries of Medical Staff

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

Would the Minister advise the salary scale of medical staff in State Teaching Hospitals?

The Hon. N. E. BAXTER replied:

As from 20th August, 1976:

	$
Assistant Medical Superintendents—	21 590
	22 516
	23 557
	24 601
	25 643
	26 967
Deputy Medical Superintendents—	25 643
	26 967
	28 093
	29 330
Medical Superintendent—	29 330
	30 286
Medical Superintendent, Royal Perth Hospital—	30 286
	31 241
Specialist Level 1	21 590
	22 516
	23 557
	24 601
	25 643
	26 967
Senior Specialist Level 2—	28 093
	29 330
Intern—	12 325
Junior Resident Medical Officer—	13 252
Senior Resident Medical Officer—	14 179
Registrar—	15 337
	16 553
	17 595
	18 638
Senior Registrar—	19 390
	20 548

The salaries in respect of clinical staff members exclude the loading in lieu of a right of private practice which is payable under the provisions of the Metropolitan Teaching Hospitals Salaries and Conditions of Service Agreement, 1975, Medical Superintendents and Clinical staffs.

EVIDENCE ACT AMENDMENT BILL (No. 2)

Introduction and First Reading

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

Second Reading

THE HON. I. G. MEDCALF (Metropolitan—Attorney-General) [4.49 p.m.]: I move—

That the Bill be now read a second time.

Some important, substantive, and procedural amendments are included in the Bill, which is now before the House.

Perhaps the most important is one which will abolish the right of accused persons to make unsworn statements from the dock during criminal trials. The right to make such a statement has its roots deep in history, but it is felt that there is no longer any need for it under modern conditions. In olden times, an accused was allowed to make an unsworn statement pleading his innocence so that, in the event of his conviction and suffering the supreme penalty, he would not lose his soul as well as his head.

In other words, his soul would not be damned to perdition because he had or might have perjured himself during the course of swearing his innocence, so he was allowed to make an unsworn statement.

The right to make an unsworn statement applies only in the superior courts. Traditionally, an accused person making such a statement from the dock cannot be cross-examined on it, nor can the judge comment to the jury. But there seems no reason why an accused should now be given this privilege. If all other persons are required to give evidence upon oath or affirmation or, as is envisaged in an amendment to be dealt with in this Bill, by satisfying the court that they understand the need to tell the truth, it is hardly appropriate in modern times to allow unsworn statements which may influence a jury to continue to be given.

The matter has come to the fore particularly in rape trials where there have been a number of cases of an accused cross-examining a rape victim mercilessly as to her past sexual experiences and then himself taking refuge in an unsworn statement as to which he is not subject to cross-examination.

The Government has decided that this practice should now cease and all persons should be put upon the same footing in the courts; namely, that they have the right to give evidence on their own behalf in the normal way upon oath or affirmation, etc., and subject to cross-examination by the other side. However, an accused will not be forced to give evidence. He will still have the right to remain silent should he so choose.

The Government believes that the introduction of this change will work in the interests of fair play and justice in the courts; but it will affect defendants in

the Supreme and District courts only, as the right does not apply in the Court of Petty Sessions.

Another important provision in the Bill is an additional alternative method of giving evidence. At the present time, a witness must take an oath swearing by Almighty God to tell the truth, or make an affirmation. Forms of words are given in the Evidence Act for both an oath and an affirmation. It sometimes happens, however, that a witness will not understand the meaning or significance of an oath and this may apply even to an affirmation.

Hence, it has been suggested that in order not to deprive such persons of their ability to give evidence, or the court of the chance to hear their testimony, so long as the court is satisfied that they understand the meaning of and the necessity to tell the truth, their evidence will be admissible. This will enable such persons to give testimony in their own cause in pursuit of a claim in a civil court, or as to the commission of a crime in criminal proceedings. The court may question the person as a preliminary to establish his credibility as a witness.

In such cases, however, regard is to be had to the manner and circumstances in which the testimony is given and received and to the fact that it is given without the sanction of an oath or solemn affirmation, and the judge may comment accordingly.

Any person who gives evidence in this manner, and knowingly therein makes a false statement material to the subject matter, will be guilty of a misdemeanor and liable on conviction to imprisonment for a term of not more than five years.

There is a similar provision in relation to interpreters. An interpreter may take an oath or make a solemn affirmation well and truly to translate the evidence given, but if he objects to doing so or is unable to do so he may still act as an interpreter if the court is satisfied as to his competence and impartiality, provided he makes a declaration well and truly to translate the evidence given. Such a declaration is of the same force and effect as an oath. These are the existing provisions.

The new provision of the Bill is that if for any reason, such as where he does not understand the formal significance of the words of the oath, an interpreter is not required to take an oath or make an affirmation, he may be admitted to act as an interpreter if the court is satisfied as to his ability and impartiality in the same way as for a witness, without an oath and without formality. A similar penalty operates in relation to the misdemeanor committed, should he knowingly fail to translate or should he translate falsely any material matter.

The final important provision is to define that a child of tender years who is a witness shall be a child who has not attained the age of 12. The present prohibition against conviction of an offence on the uncorroborated evidence of a child of tender years—now a child under the age of 12—will be retained.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. D. K. Dans (Leader of the Opposition).

CENSORSHIP OF FILMS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 4th November.

THE HON. R. F. CLAUGHTON (North Metropolitan) [4.55 p.m.]: This Bill has had a mixed reception from the public and is viewed as a serious threat to the existing freedoms enjoyed, particularly by film societies, in the control of the screening of worth-while films and their introduction to the filmviewing public of Western Australia.

The Bill provides the Minister with the power to reclassify films and, in effect, to ban them by not approving any classification. This power is reserved solely to the Minister. Other provisions allow for revocation of the approval and there is a requirement that the person affected be given notice of it. Provision is made for withdrawal of approval for screening and, again, banning of the film, and also for approval of the film at some subsequent stage. The provisions in the Bill extend not only to films but also to film trailers, reproductions, and parts of films.

Limiting conditions may also be imposed; that is, instead of straightout withdrawal of approval, approval is granted so long as the film is shown under certain conditions. The direction given by the Minister under this amendment is to take effect in the circumstances where a film is being shown, without any requirement for notice to be given or prior gazettal of the notice. In consideration of the power given to the Minister the Bill contains a further provision allowing the exhibitor to be relieved of any contractual arrangements he has with the suppliers.

Under the existing legislation the Commonwealth censor acts as the censor for all the States, and a process of appeal is provided for; that is, if exhibitors, suppliers, or other persons or bodies in the community disagree with the decision of the censor they can lodge an appeal which goes to a board of review.

This arrangement appears to have worked very well. No great outcries were made from this State in respect of the way it has applied, until quite recently when it was reported that a petition containing 8 000 signatures was presented to the Minister. We must accept the Minister's word when he says he has received

letters complaining about the screening of "R" certificate films in drive-in theatres where they can be viewed by persons outside the theatres. In those circumstances, although there is a restriction on the age of persons permitted into the drive-in theatre, the law cannot be enforced beyond the boundaries of the theatre. We agree that if that is happening, the matter should receive some attention. However, we would quarrel with the Minister if that is the problem he is attempting to overcome by the method adopted in this Bill.

In the Press statement on the 22nd October informing the public of the Government's intention in this regard, the following appeared in *The West Australian*—

> The State Government is seeking wider powers over the screening of films in WA.
>
> It wants authority to ban the screening of films in extreme circumstances and to impose conditions on the exhibition of films in other situations.
>
> The Government believes that the power is needed to counter a situation that arises with the upholding of an appeal against the rejection of a film by the chief Commonwealth film censor, who acts on WA's behalf.

Later on in the article the Minister is reported as saying—

> There was no intention in seeking the additional authority to set up another form of censorship that could be used generally.
>
> However, it was inescapable that the Minister would have to adopt the role of censor to a limited extent.

From the Press statement it would appear the Minister was referring chiefly to a particular film, because the following was stated—

> Situations had arisen in which a film had been unanimously rejected by the censor and his board but a subsequent appeal had been upheld by the films board of review.

The film in question was exhibited by the International Film Theatre to a subscribing audience who had been advised by an information sheet precisely what they could expect to see in the film. It was not open to the general public, so that anyone who went to view the film did so of his own choice and with good knowledge of what he was to see. That would hardly seem to be a situation which would require a change in the legislation.

As far as we are able to judge, no complaint was made by members of the audience. It was reported that two people walked out, and one of those persons informed me that he had not complained. I think that would be the case also in respect of whoever else was there. I understand only two people walked out of the performance.

If that is the basis of the Minister's argument in favour of bringing forward these amendments, it would ordinarily be considered to be insufficient reason. As has been indicated, the film was imported especially for a festival, and it was imported at considerable difficulty and with a great deal of organisation. It had to pass the Commonwealth censor; and it was subject to reference to the board of review. Under those circumstances there would seem to be little justification for the Minister to be able to step in after all that and say, "No, you can't see it." It is not as though it is a film that will receive wide public exhibition with no control over audiences; it is not a film that will be shown at drive-in theatres.

As a result of the difficulties associated with the importation of the film and the censorship process it had to face in the first place, we on this side cannot see that anything further need be done by the organisers of the film festival.

I think the Minister mentioned a number of letters had been written to him about this particular film, but all those letters must have been written by people who had not viewed the film and who would have no real knowledge of how the subject matter of the film fitted into the context of the film.

For example, recently on a Sunday in Melbourne I saw the film "The Missouri Breaks". That film had an "R" classification, and I considered it to be an excellent film. It included a fornication scene, in the process of which the male concerned was shot. Had any attempt been made to cut that sequence from the film, the significance and impact on the viewer would have been completely destroyed.

The film was a simple story set in the frontier days of America. It was not a comedy or a tragedy; it was simply a view of life in America at that time, and it made no judgment of the people. It simply showed the situation as it was, and could not be regarded as pornographic. I certainly did not regard that scene as objectionable, and it was aesthetically necessary for the film itself.

Again, at a different level, I happened to be present at an all-male show where a pornographic film was exhibited. I would not have deliberately gone along to view that film, and I certainly did not take much pleasure in it. I find people who want to view that sort of thing difficult to understand. However, the point is that there is a world of difference between a pornographic film and a responsible film of the nature of "The Missouri Breaks". The intent in the display of sexual scenes is quite different in films of those two types.

Personally, I would have no objection if pornographic films were banned; in fact, they are. Somehow they get through and are exhibited. However, if action were

taken to censor or to cut in any way or to prohibit the showing of films like "The Missouri Breaks" to mature audiences, I think that would be a great wrong to our community and an unjustified step.

Although I did not see the film "Vase de Noces" I am informed by knowledgeable people that the scene to which some persons have objected was a necessary and integral part of the film itself; in other words, had that scene been removed the whole point of the film would have been lost.

In his speech the Minister said the power of censorship should be referred to him. No other body is suggested in the legislation which would have the task of judging films, and the Bill contains no appeal provisions in respect of a decision. It seems the Minister will become the arbiter of public taste in respect of films shown in this State. I do not think that is a desirable or necessary situation. The Minister told us that two other States have legislation on which this particular Bill is styled, but that is not quite the situation.

In Queensland there is an Act which provides for the review of films with a view to prohibiting the distribution in that State of objectionable films. That law provides for films to be referred to a board, which must judge them within a certain frame of reference. So that members will be aware of the very great difference between what is contained in the Bill introduced by the Minister and the Queensland Act, I will read out the matters which the Queensland board must consider in making its determination.

The following is an extract from the Act which reads—

> 10. Matters for Board's consideration in determining whether a film is objectionable. For the purpose of this Act, the Board, in determining whether a film is objectionable, shall have regard to—
>
> (a) the nature of the film generally and in particular whether it—
>
> (i) unduly emphasizes matters of sex, horror, terror, crime, cruelty or violence;
>
> (ii) is blasphemous, Indecent, obscene, or likely to be injurious to morality;
>
> (iii) is likely to encourage depravity, public disorder or the commission of any indictable offence: or
>
> (iv) generally outrages public opinion.
>
> (b) the persons, classes of persons and age groups to or amongst whom the film is intended or is likely to be exhibited;
>
> (c) the tendency of the film to deprave or corrupt the persons, classes or persons or age groups or any of them referred to in subparagraph (b), notwithstanding that other persons or classes of persons or persons in other age groups may not be similarly affected thereby;
>
> (d) the circumstances in which the film is exhibited or is intended to be exhibited in the State;
>
> (e) the scientific or artistic merit or importance of the film, to the intent that a film shall not be determined an objectionable film unless, having regard to the matters specified in this section and all other relevant considerations, the Board is of the opinion that the exhibition of the film in the State would have an immoral or mischievious tendency or effect.

That is the frame of reference for the board to which, I believe, none of us would object, but that is not the frame of reference the Minister is required to use in his consideration of a film. The Minister would have *carte blanche*—an open book—so far as the matters on which he believes he should base his determination.

I have received correspondence from several people, but chiefly from the International Film Theatre Co. There is also the Canning film group on whose behalf I lodged a petition in this Chamber, and who mentioned the grounds on which it objected to the Bill. I will read part of the covering letter which was received from the Canning and Districts Film Society, dated the 28th October. It reads in part—

> We are disturbed about the Chief Secretary's move to introduce additional film censorship on a State basis. We oppose the move as (1) the Minister, the Chief Secretary, may not be qualified to judge the merits of the film art form, (2) the Bill does not mention the control of screening of R rated films at drive-ins—one of the driving forces behind the proposed legislation, (3) does not allow for the establishment of an advisory body of people expert in film to guide the Minister, (4) does not allow for any system of appeal or review following the Minister's decision to reclassify or ban a film, (5) implies that the Commonwealth Chief Film Censor and the relevant act are ineffectual, and (6) seems to be direct attack on the worthy enterprise of the International Perth Film Festival. As film societies depend on getting most of their film programmes from the Eastern States, with films sometimes arriving a day or

two before their screening, the Chief Secretary could destroy the film society movement by insisting on reviewing films with which he was unfamiliar.

That forms the main argument that was put forward by the society, and I believe all of it is proper comment on the Bill before us.

I should mention that the Queensland legislation has not only a board to review films, but there is also an appeal to the Minister, who acts as a line of defence for the people on both sides; and invariably he would, I think, take the decision of his group censors, but where there is an obvious injustice he would have the board vary its recommendation.

With the International Film Theatre the grounds are much the same, and members will recall that its representative also presented a petition on this matter.

I received a letter from that body today. I do not wish to read all of it, but it requests, really, that the Bill be withdrawn and carefully reconsidered. It is their view, in fact, that there is no justification for the amending Bill to come forward if the move is based on what is reported in the Press; also that the Minister is not really facing up to his main problem, if that problem is the viewing by minors of "R"-rated films at drive-ins; they feel there seems to be sufficient power in the present Act for the Minister to police those provisions if it were done with some determination.

I do not want to go through all of the parent Act, but members who do so will be aware of section 12 and the requirements there which are laid on the exhibitors in respect of their films. There is a condition that can be placed on the showing of the film, and there is also a provision for the police to question people about their ages—they are required to give their age, name, address, and so on.

Also, in section 22, there is provision for the Minister to consult and take action separately from the Commonwealth film censor. Again, members might like to examine that particular portion of the parent Act which deals with appeals from the decision of the censor—and I refer to section 22—and the appeals must be made within a specified time. If a time specification were provided, perhaps an amendment to that particular section may have been warranted rather than the process the Minister has brought forward in the Bill before us.

Without spending a great deal of time on a lot of detail, I indicate that the members on this side of the House are most concerned that this Bill should have come forward, because there is no real evidence that it is needed.

Recently I prepared a report following a complaint by some persons that there were not enough "General" classification films available to which parents could take their children. On examination it was found that the theatre companies in fact go to some lengths to see that such films are made available, particularly during the school holiday period.

The theatre companies recently put on what they termed a "Film Fest" at which quite a number of "General" classification films were shown and which consistently made a loss. When another company attempted to put on Saturday matinees at the request of parents they found there were very few parents who actually sent their children along; certainly not enough for the companies to be encouraged to go on showing such films.

After all, we cannot expect the film exhibitors—whom members opposite will keep on reminding us are in the business for profit—to go on showing films which will make a loss.

The public have consistently shown they prefer the "R"-rated film, and if we are to reduce the number of such films available to them, or to cut them—and I am not talking about the film festival now, but the commercial exhibitor who is in the business to make money—and the films are to be made unattractive to the people who go to see them, then we are not doing the exhibitors a service, nor are we doing the public a service.

I should have thought that this sort of information would have been available to the Minister. I found the exhibiting companies very easy to approach. They provided me with the information, despite the fact that their competitors might have used it. They were so concerned that they gave me the information without hesitation.

The problem for these people is that the majority of film producers overseas are producing this sort of film, and that is chiefly what they have available. If the companies in Australia were to continue the efforts made over the last few years—and particularly during the years of the Whitlam Government when a lot of incentive was given to the Australian film industry to produce films which the public found attractive—I think this would be a much better approach, and the Government should see there is more encouragement given to what is, after all, a rather infant film industry in this State, to produce films on and about Western Australia, rather than have the Government introduce this particular measure for which there seems to be very little justification at all.

It has been mentioned that one film was objectionable, but when the matter was examined it was demonstrated that the film had been shown in very restricted conditions, and that the people who raised the objection could not have seen the film themselves.

In regard to the problem of the drive-in theatres, the Minister has not demonstrated that the powers contained in the Act are insufficient to enable him to deal with the problem. From the comments that have been made in this House and in the Press it appears that the powers provided under the current Act are not being enforced.

We oppose the legislation.

THE HON. GRACE VAUGHAN (South-East Metropolitan) [5.31 p.m.]: In opposing the Bill the Opposition is, in fact, opposing the type of censorship from which there is no appeal. Already, owing to the somewhat enlightened approach of a Federal Liberal Party member, Mr Don Chipp, we have had what appeared to be a rational way of censoring the films which come into this country. This is a logical method and one that enables geographically far-flung countries like Australia to achieve some sort of rationalisation and efficiency in exhibiting films.

Under that procedure there is an appeal to a board of review. As the Minister said in his second reading speech, on occasions the Attorney-General is able to direct the censor not to classify a film. However, the extra opinion provided by the Bill before us will be given by the Minister himself only, and he is the one person to decide that what has been considered to be suitable for the rest of Australia is unsuitable for Western Australia. In fact, if he does not like the cut of the jib of a film for any reason and is satisfied that its exhibition is not in the public interest, he can refuse to allow it to be exhibited.

It seems to us that this is a very backward step for the Government to take in response to the approaches by groups such as the Festival of Light and others who often make a lot of noise in the community, and go to a great deal of trouble to lobby members of Parliament and Ministers. Often these groups make a great deal of noise to indicate that they constitute a greater force in the community than they really are.

Recently a report appeared in the newspapers by Jill Crommelin dealing with the lack of patronage by families of special family films exhibited on Sunday nights. The exhibitors advertised that the films to be shown were suitable for family viewing; in addition they arranged a pet competition and offered free sweets at the viewings. Despite that only 25 cars turned up to see the films. Where then are all the people who are terribly upset about the lack of the family type of films being exhibited? Despite extensive advertising and the offer of inducements only 25 cars turned up.

Quite often a small group within the community can make a great deal of noise about the morals of the community being threatened. Perhaps they are able to bring more pressure than their numbers and intentions warrant.

In the last few years there has been a tendency in several States to restrict the liberalisation that was introduced in Mr Chipp's regime. In 1974 Queensland established a board of review which has exercised the type of final say that the Minister proposes to introduce in Western Australia. Of course, we should bear in mind that in Queensland it is a board, and the decision is not made by one person: therefore more than one opinion goes into the decision making as to whether a film is classified or withdrawn from exhibition.

One of the film review publications contains the following report—

> Censorship of films has always been a state responsibility, but Chipp had managed to persuade the various State Attorneys General to delegate their censorial powers to the Federal Film Censorship Board, thus providing for a logical, uniform censorship all over Australia. (In fact, a Premiers' conference in August 1945 had achieved token agreement from all States, except South Australia, for such a scheme; and certain legislation was passed by Queensland, West Australia and Tasmania in January 1949. But it was not until Don Chipp took over as Minister for Customs and Excise that this became an Australia-wide reality.)

The report goes on to point out that there has been a lessening of this liberalisation, and concern by some people who seem to think that Australians are not able to look at anything other than films like "Goldie Locks and the Three Bears", without being mentally and morally polluted. The report states further—

> The Queensland Board operates in the manner of a kangaroo court wielding the threat of a ban as a big stick to prevent distributors and exhibitors opening contentious films in Queensland. Thus, although the Board has only banned some 35 films since its inception, including (for drive-ins) Australia After Dark and (for all theatres) Fantasm, both Australian productions, it has effectively prevented the release of some 200 or more. No exhibitor can afford to spend thousands of dollars launching a film only to find it banned after one or two days in release.

So, the sort of restrictions that will be placed on the exhibitors, who attempt to bring in a wide range of entertainment to the people of Western Australia, will be very real indeed, because into this matter is intruded the question of whether they will maximise their profits, or whether they will be able to keep on operating.

There are very many aspects, economic and moral, that come into this question. It is the moral aspect with which we are

concerned, because we feel we are selling the people of Western Australia short if the provisions that apply to the rest of Australia are not considered by us to be strict enough to keep the people of Western Australia in line, and their morals intact.

If we have this type of legislation introduced piecemeal in the various States of Australia, then the rationalisation of the exhibition of films will be less effective, because the publication to which I have referred points out—

> If so, film producers and distributors will be faced with the impossible task of providing prints of films cut to different lengths for different states, an expensive administrative burden which will only further reduce profitability at a time when the colour television recession is throttling the industry's revenue flow.

We ought to consider that aspect, as well as the fact that alternatives in the choice of entertainment are not being offered to the people. We seem to be doing something to stifle the enterprise of the exhibitors.

Some of the rubbishy films that are shown at our theatres should surely point out to us that the film exhibitors should be given more leeway to bring in a greater variety of films so that the people are not restricted to the poor type of films shown at the cinemas. If film exhibitors are brave enough to show the old hackneyed type of films they will not attract patronage. We ought not to sell the people of Western Australia short, and assume that all they want to see are the "R" certificate films or the pornographic pictures. What we should do is to provide a wide range of choice in our cinemas. Of course, cinemas like anything else will improve only if films are patronised, and if the public are offered variety in entertainment.

As often happens in times like this, small groups agitate for censorship continuously, in case the moral fibre, the moral rectitude, the moral courage or whatever term is currently used to describe them, is rotted away by the terrible infusion of shocking films and anything else that can be censored! We immediately get a reaction from the people who are attempting to raise the standard of the cinema content of the entertainment industry; that is, they think of what will be a good film, and not of what will be good for what those groups regard as the people who are morally weak. They do not think that the people are so weak that they should not be permitted to look at anything other than the "Goldie Locks and the Three Bears" type of film.

We have been pressured, and I know that members have received letters from the IFTA and the national film theatre group. They have put forward some very good arguments on what the Minister should do. In his letter to the Press, Bill Warnock said that the Minister should respond to the needs of this society which present themselves, such as the insufficient policing or the nonpolicing of drive-ins. He made the suggestion which I hope the Minister has read. In his letter he suggested the Minister should—

> 2. Advise the exhibitors that he will police the screenings of R-rated films at drive-ins.
>
> 3. But apply a moratorium on prosecutions for say, six to nine months. That would give exhibitors a chance to tell their suppliers of the censorship standards to apply from then on in WA.

Apart from that more could be done to police the people in the 2 to 17 years age group who appear to patronise "R" films at particular cinemas.

There are other measures the Minister could take, apart from introducing a blanket cover, which will affect the standard of entertainment presented to the people of Western Australia, and which sets Western Australia apart from the other States that have relied on censorship administered by the Commonwealth.

If there is some loophole and if the Minister feels concerned, surely the logical way to resolve this problem would be to consult with the Attorneys-General of the other States and of the Commonwealth, to try to devise some way in which censorship can be altered to cope with the specific problems confronting the Minister. We will have more to say on this aspect in the Committee stage. It seems to me that the legislation has been ill-conceived.

Increasingly, the attitude adopted in this House is that because South Australia or Queensland has introduced something, Western Australia should do the same, as though Western Australia has to follow, like a puppy dog, behind the other States, instead of itself initiating something to deal with a particular problem that confronts Western Australia.

THE HON. T. KNIGHT (South) [5.45 p.m.]: I am rather concerned with the presentation of this Bill. I believe it will have serious implications, and will affect country drive-ins. Exhibitors throughout my electorate have expressed their concern to me. They believe the public is virtually demanding the "R"-certificate type of film, and the passing of this Bill could mean the closure of many country drive-ins because of the fall-off in attendances.

Several years ago, when television was introduced into this State, Albany had three drive-in theatres and two sit-in theatres. However, TV caused the closure of two sit-in theatres and one drive-in theatre.

The exhibitors to whom I have spoken feel they have to show films which attract the public, and that is understandable. I understand from a statement from

the Minister earlier that he had received 100 complaints. This State contains some 1.2 million to 1.3 million people and it appears to me that the noisy minority is again being heard.

The general and popular concept is that we are not showing films which are popular with children, and as a result children cannot attend drive-in theatres which are exhibiting "R"-certificate films.

Going back over several years, when sit-in theatres were the only form of entertainment in most country areas, those theatres became nothing more nor less than baby-sitting venues. Parents would leave their children at the theatres so that they could watch the Disney type of film, and then go on to enjoy themselves. They would usually pick up their children later, or arrange for the children to be delivered to their homes. I lived in Albany when I was many years younger, and I can recall seeing 20 or 30 cars lined up dropping off their children at the theatre. The children were safe for three or four hours while the parents went on to social functions.

The situation in the country areas now is that the parents are not prepared to go along with their children and view the Disney type of film. They want to view their own type of entertainment and, as a result, the children are left at home to watch TV.

The Hon. J. Heitman: That would not be much of an improvement.

The Hon. T. KNIGHT: Probably not. Several drive-in theatres have endeavoured to work in with the wishes of some sectors of the public by showing general exhibition films, but they have suffered complete and utter financial losses.

I have previously said that I honestly believe the present Minister will not take any extreme steps. Action might not be taken for several years, but this measure will probably remain on the Statute book for a long time. In 10 years' time, under the control of a different Minister with a different outlook, pressure could be applied and the Minister at the time will find himself in a position of having to be the sole arbitrator in any dispute with regard to the showing of a film. A total of 100 letters has been received to this stage, but once it is known that the Minister has power, and the sole responsibility for the showing of films, it is more than probable that complaints in the form of letters will pour in.

I imagine that every member received a letter today from the International Film Theatre Inc. Paragraph 3 of that letter, in part, reads—

> You will find that it gives sole authority to ban or re-classify films to the Minister. There is no advisory board and no right of appeal should a film distributor or exhibitor feel a wrong decision has been made. This seems to us to be quite an unusual procedure for dealing with censorship matter. i.e. to make a Minister the sole censor with no right of appeal. Contrary to common provisions for literary censorship and for film censorship at the national level, it will allow pre-censorship without the need for the work in question to be seen by the censor.

That is an unenviable position for the Minister to be placed in. He will be faced with having to make a decision, and I believe the pressure will be applied from individuals within our community.

The Hon. N. McNeill: Would you consider the statement of that organisation to be right?

The Hon. T. KNIGHT: I believe the Minister will be placed in an awkward situation. I am not saying that what has been said is right or wrong, but it is the attitude of those people who have expressed the opinion.

In *The Sun* of Wednesday, the 15th September, an article appeared under the heading, "Family Films a Flop". The article reads—

> Trial "Family" films screened at an Adelaide suburban drive-in for 14 weeks have been dropped because of substantial losses.
>
> But a spokesman said the drive-in at Hectorville would not show "R" rated movies again because it was "too open to the passing public."
>
> The venture into family "G" rated films had been "totally unprofitable," the spokesman said.
>
> "It all collapsed because of the apathetic attitude of people who cry out for more family entertainment."
>
> "We had been convinced that people were au fait about the lack of family movies because of letters we had received, talk-back discussions on radio, and letters to newspapers.
>
> "But after five weeks it was evident that we were set to lose money.
>
> "Of the 14 weeks we ran the trial program—from April to the end of August—only four were profitable.
>
> "Even during the school holidays only one week was profitable.
>
> "It is difficult to obtain good films at the moment.
>
> "To try solely to screen good wholesome family features would be suicidal," the spokesman said.

The 100 complaints which have been received have been the result of theatres exhibiting "R" and "NRC" certificate films. However, no-one is forced to look at those films. People generally know that "R" and "NRC"-certificate films show sex or violence in a form which is unacceptable to some. Those people know that such films have been perused by the film censor. Mr Prowse, the Commonwealth censor, views most of the films and I

think members would agree that he is doing a good job. It is now proposed that his job will be done by an additional censor—the Minister.

An article published in *The Australasian Cinema*, of Thursday, the 19th August, 1976, states that it is a strange fact a film has to be screened in a cinema before it is banned. That has happened in Queensland. It means distributors and exhibitors have to go to the trouble of advertising a film, and paying for it, but because of an outcry from a section of the public the Minister will be able to walk in and close off the showing of the film. I know the Bill now under discussion has not been drafted along those lines, but I believe this problem could crop up in future years, and we have to safeguard against such a situation.

In the *Daily Mirror*, of the 23rd September, it was stated that a Sydney firm is on the way to perfecting a screen to stop children stealing free looks at "R"-rated sex films in drive-in theatres. However it was also stated that the optically-designed embossed aluminium screen will cost up to $25 000, and that drive-in managements will almost certainly not buy it. They will not buy such screens; they will not be able to afford them in country areas because of the high cost which would not be viable in small communities.

In the case of the Strathfield drive-in theatre at Katanning, I have with me a graph covering the period from the 23rd January, to the 3rd July. The graph appeared in the *Great Southern Herald* of the 17th September, 1976. One of the managers stated that as a result of showing general exhibition films, three "R"-certificate films made up 49 per cent of the gate revenue. Unfortunately—or, perhaps, fortunately—they were not all "R" certificate movies. He also said that people want to see "R"-certificate movies, and they are prepared to pay to see them.

The Hon. D. W. Cooley: What sort of people?

The Hon. T. KNIGHT: There are various age groups, and it must be remembered that persons under the age of 18 years are not supposed to be present. I fully appreciate the point raised by the honourable member, but people involve themselves in business to make a living. Drive-in proprietors cannot get a sufficient return when they show films rated "G". The children do not get to see those films. Whether that is the fault of the parents or the children, we have never found out.

The Hon. D. W. Cooley: Those theatres would be better closed than showing some of the muck which is exhibited.

The Hon. T. KNIGHT: Perhaps so, but what do the children do? Drive-in theatres are situated right throughout country areas, and they are showing the type of entertainment people want to view. A person connected with a drive-in theatre told me it takes five children to make up for one adult. No-one can afford to go broke in business, and working on the basis I have just stated, drive-in theatres in country areas have to cater for what the people want to see.

People living in country towns do not have access to the concert hall or stage show type of entertainment. The local drive-in theatre becomes their only outing for the week. They want to view shows other than what is shown on TV. Many people living in country areas are limited to what is shown on the ABC channel. I agree that the variety of films shown on that channel is not as great as is shown on commercial channels.

I believe we should look more closely at the contents of this Bill before it is passed. Many matters should be taken into consideration necessitating a stay of proceedings. I really and truly feel sorry for the effect the passing of this measure will have on the Minister in having to be the sole arbitrator. I am not particularly worried about the present Minister; he has explained the situation to me. However, we have to look 10 years ahead. Legislation is amended year after year and when this Bill becomes a Statute it will become subject to further amendment. In stating my view, I say that I cannot support the Bill.

THE HON. CLIVE GRIFFITHS (South-East Metropolitan) [5.55 p.m.]: It is my intention to support the Bill, and the Minister's action in presenting the measure is most worthy and, indeed, I believe the House should support his effort.

The Hon. T. Knight suggested that the Minister had received approximately 100 complaints, but I am not familiar with that statement. I certainly have not read it, but that was the basis on which he is opposing the Bill. I would like to hear the Minister state, at a later stage, that the 100 complaints was one of the bases on which he presented this amending Bill, but I do not think that will be the case.

Recently I attended a meeting in my electorate which was attended by 400 people. Those people were most concerned and they unanimously supported a motion stating their concern with the type of film being shown in theatres in Western Australia. On that occasion they supported the action of the Minister.

Mr Knight quoted from an article regarding the showing of family films. The article stated—

> Of the 14 weeks we ran the trial program—from April to the end of August—only four were profitable.

I do not know what that is supposed to mean. The spokesman making the comment went on to say—

> It is difficult to obtain good films at the moment.

> To try solely to screen good, wholesome family features would be suicidal.

That spokesman was simply saying it was difficult to get good films. I presume he was suggesting we ought to have films which are not good because they are not difficult to obtain. He was also suggesting that to try solely to screen good, wholesome family features would be suicidal. I presume he means financially suicidal. Surely his description is of the sort of film we ought to want.

The Hon. D. J. Wordsworth: They ought to want it!

The Hon. CLIVE GRIFFITHS: The reason they are not shown is, as the spokesman said earlier, they are difficult to obtain.

The Hon. D. J. Wordsworth: I did not get that message.

The Hon. CLIVE GRIFFITHS: That is what he said. There is no difficulty in getting the message because it is very clear: it is difficult to obtain good films at the moment.

The Hon. T. Knight: He then went on to clarify the situation and said it would be suicidal to screen them.

The Hon. CLIVE GRIFFITHS: The point I am making is that he is saying good clean wholesome films are difficult to obtain and it would be financial suicide to show them. The message I got from the article is that there are no good films available to show, therefore, during the trial of 14 weeks, only four or five weeks were profitable. That indicates to me that after four or five weeks, all the people had seen the films.

The Hon. D. J. Wordsworth: Come off it!

The Hon. D. K. Dans: Do you know what you are saying?

The Hon. CLIVE GRIFFITHS: Yes.

The Hon. D. K. Dans: I doubt it.

The Hon. CLIVE GRIFFITHS: I am not saying it, I am reading the words of this particular article.

The Hon. T. Knight: No, you are saying it as you see it, in a clairvoyant manner.

The Hon. CLIVE GRIFFITHS: No, I am saying it as the article says it.

The Hon. D. J. Wordsworth: You will find he showed films for some months—

The Hon. CLIVE GRIFFITHS: Fourteen weeks.

The Hon. D. J. Wordsworth: —and in five weeks he showed "R"-classified films, so he must have found films for the other weeks.

The Hon. CLIVE GRIFFITHS: He did not say that at all. The article states that he showed these family-type films for 14 weeks, but after the first four or five weeks they were not profitable.

The Hon. T. Knight: He did not say after four or five weeks.

The Hon. CLIVE GRIFFITHS: He said that only four or five weeks were profitable.

The Hon. T. Knight: Yes, but with different programmes every week you will find.

The Hon. CLIVE GRIFFITHS: It does not say that.

The Hon. R. F. Claughton: An intelligent person reading it would understand it.

The Hon. T. Knight: I do not think it was the fact of the films that worried him, but rather the lack of people coming to see them.

The Hon. CLIVE GRIFFITHS: He clearly said that this type of film was not readily available. I believe what is happening in the community today is that we are given what the producer of films wants us to have. We are not given what the viewer of films wishes to see.

The Hon. T. O. Perry: Very true.

The Hon. CLIVE GRIFFITHS: We see this same thing happening in all walks of life. One can go into a shop to ask for a certain article only to be told by the shop assistant that people no longer want that article and therefore it is not stocked. longer buy the article is that it is not longer buy the article is because it is not there to buy. The shopkeeper stocks some different article, so rather than have nothing the customer will buy this other article.

In my view the film manufacturing business is no different, and a theatre owner who earns his living from the theatre must ensure that films are available to be shown. If only certain types of film are available, obviously these are the ones that will be shown. If the film producers are not making good wholesome family-type films in the quantities necessary to satisfy the film-going needs of the public, then obviously this section of the community is at a disadvantage. I am not saying that we ought to ban "R"-classified films.

The Hon. D. K. Dans: What are you saying?

The Hon. CLIVE GRIFFITHS: At no stage have I suggested that. However, I said I supported the Minister's proposal that he should have power to take some action when necessary. As I understand it, the current situation will not alter except in circumstances as explained by the Minister where he will have the opportunity to take some action which he cannot take at the present time.

Anyone who reads something diabolically sinister into this measure has a very vivid imagination. The Minister does not intend to alter the current situation in regard to the films being shown; he should be commended for the legislation which I support.

Sitting suspended from 6.06 to 7.30 p.m.

THE HON. I. G. PRATT (Lower West) [7.30 p.m.]: In supporting this Bill, I wish to make it clear I am not seeking stricter censorship of films. I have no objection to anyone viewing an "R" certificate film, if that is his wish; nor do I object to a person wishing to exhibit an "R" certificate film. For that matter, I have no objection to any adult persons choosing to attend one of the functions mentioned by an honourable member earlier in the debate; if they are not interfering with anyone else in the pursuit of this activity that is either their privilege or the price they must pay for their attitudes.

However, I am firmly convinced that there should be some mechanism whereby a control—either specific or implied—is imposed so that exhibitors may react accordingly in relation to some of the films now being shown at drive-in theatres. As I understand it, the problem surrounding "R" certificate films being shown at drive-in theatres is one of the main reasons for the introduction of this Bill.

Country members have referred to the possible deleterious effect of stricter censorship on country drive-in theatres. However, from my experience with country drive-in theatres, I believe their situation is considerably different from the metropolitan drive-in theatres in that for the most part they are situated in relative privacy on the outskirts of the country towns whereas the metropolitan drive-ins are situated in the middle of urban areas.

There is one very notable example of this in my own electorate, where a drive-in theatre is situated on the curve of a major road, and people driving along that road find themselves looking almost directly at the screen and, whether or not they like it, they get at least glimpses of some of the "R" certificate films being exhibited. In addition, youngsters today enjoy the freedom to move around the community, something which they have every right to do, and they are obviously aware of what is being shown on the screen at this particular drive-in.

As I said earlier, I have no objection to adults choosing to watch a certain type of performance. However, I do object to some of the scenes contained in "R" certificate films being exhibited in full view of young people who are going about their normal way of life in the community. It is all very well to say they are not compelled to watch, but we all know youngsters; if there is something they are not allowed to do, and they get the chance to do it, they will take that chance. It is not uncommon to see a crowd of youngsters outside the metropolitan drive-in theatres, staring through the wire fences.

We were urged by one contributor to the debate to consider the artistic merit of some of these films, and the relevance of various scenes to the overall plot. This may be so. But whereas that argument could be applied to people sitting in their cars at drive-in theatres, listening to the dialogue via the extension speakers, it could not equally apply to people standing outside the grounds of the theatre. When dialogue and plot are taken into consideration, some of these scenes may not be pornographic. I have seen some "R" certificate films containing scenes which, taken by themselves, I would regard as pornographic but which, when taken in the context of the film could not be so considered.

However, a group of youngsters moving around the streets in the vicinity of their homes, or simply sneaking off to the drive-in theatre to watch the film through the fence could not hear the dialogue or gain any real idea as to the plot but could see only glimpses of the film being exhibited. In my view, the scenes can then be considered as pornographic, no matter what the quality of the complete film, because they are being viewed in isolation. I firmly believe there should be some method of controlling this situation.

I would hope, if this Bill becomes law, the Minister will never have to use his powers and the mere fact he possesses them will be sufficient to dissuade exhibitors from showing films which could be objectionable to the ordinary members of the public—not the patrons—who are going about their lawful business in the streets of the town. I do not believe people, particularly the younger members of our community, should be subjected to this sort of thing.

The other point I wished to raise also concerns the drive-in theatre to which I referred, which is situated on the curve of a main road. People in cars travelling along that road find it difficult not to observe what is taking place on the screen which is almost directly in front of them. Therefore, these people find it is almost a lottery as to what their children will see on the screen.

The Hon. G. E. Masters: It is also hazardous to driving.

The Hon. I. G. PRATT: It could create something of a traffic hazard although luckily to my knowledge there has not been an accident outside this theatre.

Seriously, however, we could envisage the situation arising where parents, who would never allow their children to view some sections of these films, have actually unwillingly presented those objectionable scenes to their children while driving down that road. This is something which should never occur. I support the Bill, not because I wish for stricter censorship but because I have an appreciation of the rights of the people who do not wish to see such films.

THE HON. D. K. DANS (South Metropolitan—Leader of the Opposition) [7.39 p.m.]: I am opposed to the Bill, but not for some of the reasons mentioned. I am

a firm believer in the principle that the best censors in the community are the people themselves, and that the best protectors of children's morals, attitudes and activities are the parents of those children. However, it is unfortunate that more and more people these days try to shelve their responsibilities, and pass them on to other people, particularly to teachers; sometimes we hear them making the erroneous statement that their children "learn all these kinds of things at school".

I am worried about one particular part of the Bill. In his second reading speech, the Minister stated as follows—

> The purpose of this Bill is to provide the Minister charged with the administration of the Censorship of Films Act, 1948-1973, with the necessary authority to take action—

It does not say what action, but I can assume what the action would be. The Minister continued—

> —in extreme circumstances.

I am not clear as to what are those extreme circumstances. Perhaps this Bill would have my support had it made provision for the Minister to make decisions and for a board of either two or three members to which some form of appeal may be made by an exhibitor when the Minister takes action "in extreme circumstances", no matter what they may be. In other words, if the Minister, on the recommendation of his advisers, takes certain action, the individuals concerned should be given the right of appeal if they are unhappy with the decision.

There is censorship and censorship. Circumstances may arise from time to time where perhaps something may need to be done. I am not so worried about the sexual connotations of some films; I find many of our young children are better informed at 10 or 11 years of age than I was at 20 or 21 years.

The Hon. G. E. Masters: You are being modest.

The Hon. D. K. DANS: What does concern me is the amount of violence displayed on our screens. It has been demonstrated overseas that the portrayal of extreme violence in films can have a very bad effect, not only on young people but also on people who may have some weak mental traits.

I do not envy the present Minister or any future Minister who may have to take action under extreme circumstances. One could well imagine the hue and cry which could arise if some sections of the community did not agree with the decision. It is generally accepted that when anyone in authority takes some action, people in the community do not have a very hard job to get a great number of people onside with them; those who sometimes perhaps do not look at the merits of the action taken. It is just an attitude of being anti-something.

Mr Knight referred to the question of drive-in theatres, and whether we were sincere in relation to drive-in theatres being allowed to continue to operate. I am not particularly interested in what happened in South Australia, because the same kind of exercise has occurred here in Western Australia, where proprietors of drive-in theatres have presented what is popularly known as family entertainment during school holidays, and it has been a dismal failure. After all, we are in a market economy situation. I do not accept what Mr Clive Griffiths said.

The Hon. Clive Griffiths: What was that?

The Hon. D. K. DANS: I thought that would bring Mr Griffiths around. In effect, he said that the public views only what the producers want them to view. But that is not the situation at all. The public buys what they want to buy, and in this case, they do not appear to buy the family kind of entertainment, by way of the box office at drive-in theatres. However, they do appear to wish to buy the so-called pornographic films now being shown. It appears to me that the majority of families evidently like "R" certificate films, because they are the only ones that are attracting people to the drive-in theatres.

Members will recall that a little time ago we were most concerned about the future of our drive-in theatre industry because of the possible introduction of daylight saving. That was a different argument altogether. The drive-in theatre industry put forward a case that they would go out of business—possibly it would be too light to see "R" certificate films! What I am saying is really a fact of life. It was not so long ago—even before the daylight saving issue—that the whole cinema industry in Australia was in a very bad state. In fact, most of our suburban theatres had been sold, and a great number of city theatres, even in Perth, had been disposed of. They were being replaced by small, intimate theatres which were exhibiting—if I may be excused for using the expression—the "arty crafty" type films.

The kind of movie that is attracting people to drive-ins and to city theatres is probably the "R"-rated movie. Every movie is rated and whether one goes to see it is up to oneself. I am not square but I have been to only one "R"-rated movie, not because I do not want to go but because I do not seem to be able to get around to it. As time goes by these movies will run their course and there will be no more call for them.

The advent of television is killing every original plot that Shakespeare thought of. We are over-stuffed with entertainment; and there is plenty of family type entertainment on television. It has been said that television is the greatest destroyer of good actors and actresses ever invented.

One sees so much of the same people that they become burnt out. The only type of film left for some of our cinemas to show is this type of film. But those matters are only some of the side issues.

My opposition to this Bill is that the responsibility will reside in the Minister acting alone. What a lonely job! He will take action in "extreme circumstances". I think members would have to agree that unless we have some kind of schedule, the circumstances which Mr McNeill might consider extreme might not be considered extreme by a future Minister. We all possess human fallibility and it would be the Minister versus the rest. For those reasons I think it would have been far better for the Minister to have some advisers to spread the blame or the responsibility—I say that advisedly—and also for some provisions for appeal to be made so that the circumstances regarded as "extreme circumstances" by the Minister as an individual or in concert with two or three advisers, if that were deemed necessary, could from time to time be challenged.

I think the Minister who introduced this Bill should think about this matter because it will cause a great many problems. If, as some of the speakers have said, the Minister does not believe that any action would ever need to be taken or that these extreme circumstances would ever arise, there is probably no reason to bring in the Bill. Quite obviously there have been some extreme circumstances but what criteria have been used to say they were extreme circumstances I do not know.

I think it would be advisable, to say the least, if the Minister were advised by a board of two or three people to which there could be an appeal. I think this would admirably suit the circumstances. We would not have the opinion of one person versus a small or large section of the community, as might arise from time to time.

I oppose the Bill in its present form for the reasons stated. I do not deny that in some circumstances there could be justification for withdrawing or investigating a certain film, but I think we are placing on one man an extremely onerous task, which task, if I were in that situation, I would not like to shoulder.

Debate adjourned, on motion by the Hon. D. J. Wordsworth.

WATERWAYS CONSERVATION BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. G. C. MacKinnon (Minister for Education), read a first time.

Second Reading

THE HON. G. C. MacKINNON (South West—Minister for Education) [7.50 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to make provision for the conservation and management of certain waters and of the associated land and environment; for the establishment of a waterways commission and certain management authorities, and to repeal the Swan River Conservation Act, 1958-1975.

In broad terms, the Bill will vest in local management authorities the day-to-day management of particular estuarine systems, and will provide for finance to be made available from Government sources for this task.

The opportunity has also been taken, with the proposed repeal of the Swan River Conservation Act, to update the provisions of that Act in the interests of providing uniformity in waterways management in this State.

Appreciation is recorded for the many years of work and effort given by both past and present members of the statutory and advisory bodies.

The Swan River Conservation Board and the Peel Inlet and Leschenault Estuary Conservation Committees all have excellent records in practical river and estuarine management and, no doubt, their past experience will provide great assistance in the formative period of the new authorities.

The Bill itself is the result of fruitful discussion with those three bodies and with local government representatives.

In addition to the management authorities, there will be set up a waterways commission for the purpose of co-ordinating the activities of the management bodies in the interests of uniformity and economy. Strong local flavour is again evident on this body, for only the commissioner will not be drawn directly from the membership of the management authorities.

Finance provided from Government sources will be channelled through the commission for use directly by the local bodies who will submit yearly budget estimates in the normal manner for such accounting procedures.

The commission also has the general duty of advising the Environmental Protection Authority. The authority already has overall statutory responsibility for conservation and environmental management in the State, and it is appropriate that the authority should, in turn, provide policy advice to the commission. In addition, the commission will also have direct access to the Minister for Conservation and the Environment, as well as to the authority, should the need arise.

Management authorities are to be provided in this Bill for the Swan and Canning rivers, the Peel Inlet system and for Leschenault estuary. Provision is also included for other estuarine and waterway systems to be declared from time to time as is deemed appropriate.

These locally based authorities will be composed, in the main, of local people who have a direct interest in their own particular area. Secretariat and advisory services will be provided by the waterways commission, at least in the short term until the management programmes are well established. These authorities will be responsible generally for the conservation and management of the water and land placed under their control, to advise the Minister, the Environmental Protection Authority, and the commission, on matters of local interest related thereto, and to carry out any duties delegated by the commission. In this regard it is stressed that it is the intention of the Government that as many functions as possible should be performed by the local bodies.

The Bill contains a number of provisions to facilitate interaction and consultation between the Minister, the various management authorities, the waterways commission, and relevant local authorities. It is not the intention of this legislation that local government should be excluded from the areas under the control of management authorities. Without adequate co-operation by all parties concerned, and legislative support, the ultimate preservation of our estuarine and waterway systems will be much too difficult a task. Local authority representation on the management bodies is only a first step, as active liaison and co-operation is the spirit of this legislation.

The Bill details many duties and responsibilities to be performed by the management and policy bodies to be set up by this legislation. Suffice it to say that the time is fast approaching, in fact it has arrived on some of our waterways, when conflicting pressures of public usage for recreation, transportation, and industry will place considerable stresses on efforts to conserve and manage our valuable water assets.

The Government is meeting these challenges, and in this legislation aims to provide the machinery for competent management of yet another of our valuable recreational and environmental resources. I commend the Bill to the House.

Debate adjourned, on motion by the Hon. R. F. Claughton.

LEGISLATIVE REVIEW AND ADVISORY COMMITTEE BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. N. McNeill (Minister for Justice), read a first time.

Second Reading

THE HON. N. McNEILL (Lower West—Minister for Justice) [7.56 p.m.]: I move—

That the Bill be now read a second time.

This Bill is to provide for an Act to establish a committee to examine and report to the Parliament upon whether regulations, rules and by-laws which may be disallowed by the Parliament, trespass unduly on personal liberties, or are otherwise undesirable in certain other aspects; and also to examine and report to the Parliament upon other legislation and proposals for future legislation referred to it for the purpose.

The Bill introduces two proposals referred to in the Premier's policy statement at the last State election—to establish an independent body to ensure that laws and regulations do not trespass unduly on personal liberties, and to establish an impartial committee on freedom and responsibility for identification of guidelines between freedom and licence.

There is a close connection between the two proposals and there is no reason that one body cannot carry out both functions.

It is emphasised at this point that there is no intention of usurping any of the functions of Parliament. The new body will in all respects be subservient to and an instrument for Parliament to make use of an advisory capacity. Private members will be expected to continue to scrutinise governmental regulations—as some have in the past—and there will be no lessening of the rights of private members to move for the disallowance of such regulations. Indeed, this Bill does not affect private members' rights, privileges or duties in any way whatever. It supplements those rights by providing an additional venue of skilled and technical review of the mass of subordinate legislation. But I again emphasise that members of both Houses of Parliament will continue to have an obligation to their constituents in regard to overseeing regulations and indeed will—as in the past—be expected to do so.

The overviewing of certain aspects of subordinate legislation is, however, only one part of the charter of the legislative review and advisory committee which the Bill seeks to establish.

The functions of the committee will be conveniently divided into three areas. The committee's first function will be to examine promptly, after publication in the *Government Gazette*, all regulations, rules and by-laws required by Statute to be tabled in Parliament.

The committee will examine all such regulations, rules and by-laws to determine whether the attention of Parliament should be drawn to their provisions on any of five grounds, namely—

That they are *ultra vires* or not in accordance with the general objects of the Act under which they have been made;

That their form or purport is unclear or unsatisfactorily expressed and requires clarification;

That they unduly trespass on rights or liberties previously established by law;

That they confer too much discretion on the Executive in that they create authority which should be dependent upon judicial rather than administrative decisions;

That they contain matter which should properly be in an Act of Parliament rather than in regulations, rules or by-laws.

These five criteria may be said to be technical but are, nevertheless, basic to the preservation in our law of democratic principles. It will be appreciated that our law comprises not only the Statutes passed by Parliament, but also the regulations and by-laws made under those Statutes by persons—mainly civil servants —charged by the Executive to do so.

Parliament passes the Acts, public servants frame the regulations under the Acts, and these may be disallowed by Parliament. Some have advocated a parliamentary committee to scrutinise the regulations. We believe that members of Parliament are already heavily committed to their many other duties and this task would be best performed by a committee of citizens with good technical assistance, who could advise Parliament when there are grounds for objection.

At the same time, members of Parliament who have an interest in any particular regulations may make their own inquiries independently. Of course, the final say in whether or not any advice of the committee is to be acted upon, or any regulations disallowed, will always rest in the hands of the members of each House.

Under the terms of this Bill, the committee is obliged to furnish any report, where practicable, to each House of the Parliament within six sitting days of the day on which the subordinate legislation to which each report relates has been tabled. This should provide members of both Houses of Parliament with sufficient time to examine the report before the expiration of the period in which a motion can be made for the disallowance of the legislation under the Interpretation Act.

The committee's second function will be to examine legislation of any kind, Acts of Parliament, regulations, rules and by-laws, Orders-in-Council, proclamations, and any other form of statutory instrument, and to consider and report on whether they unduly trespass on personal rights and liberties, make rights unduly dependent upon administrative and not judicial decisions, or unduly restrict or inhibit rights of appeal against administrative decisions.

The committee may consider and report only upon existing legislation. It cannot consider legislation currently before the House in any way.

The Bill proposes that either House of Parliament or the Minister administering the Act may refer such legislation to the committee for examination and report.

It is felt that this particular function of the committee will serve the useful purpose of enabling either House of the Parliament, or the Minister, to require the committee to review the actual operation of legislation which may have been passed or promulgated years ago. This will have particular effect in circumstances where either House, or the Minister, is of the opinion that in actual operation the legislation may, without proper community justification, be producing some unfair or arbitrary result.

The final function of the committee is to investigate and report upon general principles to be adopted in the preparation of future legislation, either generally or in respect of particular subject matters. One typical matter which a Parliament might wish the committee to examine is whether, in compulsory marketing schemes, there should be a right of appeal to a court against the quota allotted to any individual producer.

Here again the committee cannot take a matter up on its own initiative, but only on reference by either House of the Parliament, or by the Minister. Its function will be to advise only, and there will be no obligation on the Parliament to accept its findings.

Because the committee's functions in total are much broader than those of any committees hitherto established by any of the Australian Parliaments, it is the Government's view that the committee ought not to be a parliamentary one. The Government expects that the members of the committee will be required to devote a considerable amount of time to their duties if the committee is to perform satisfactorily, which in itself is a valid reason for the committee not being a parliamentary one.

It also must be appreciated that the committee's function will not be to write legislation or even to recommend the full scope of legislation on any particular subject. Its task will be to consider the principles which Parliament should adopt either generally, or in a particular context, in order to preserve fundamental liberties.

The Government anticipates that if the committee is to operate effectively, it will need to be able to call on expert advice, including legal advice, and the Bill so provides.

To perform its first two functions—namely, examination of regulations, rules and by-laws immediately after promulgation, and examining existing legislation referred to it—the committee will have all the powers of a parliamentary committee, and will be able to compel persons to attend before it and answer questions.

The Bill provides that, in effect, the provisions of the Parliamentary Privileges Act extend to the powers of, and proceedings before, the committee so that persons who fail to attend after being summoned, or who fail to answer questions, or who disrupt proceedings of the committee can, if Parliament thinks fit, be dealt with by the Parliament as if they had committed contempt of a parliamentary committee.

The Government's undertaking in its pre-election policy statement, to establish a body or bodies to perform the functions I have outlined, was motivated by its concern, which is shared by many people in the community, that on occasions insufficient consideration is given to the rights and freedoms of the individual when legislation is being prepared or reviewed. The passage of this legislation will enable the Government to fulfil its undertaking to enable such a body to be established as to ensure that the rights and privileges of the citizens of the State are not taken away or interfered with by hastily or ill-conceived legislation, or by a lack of review of existing legislation.

I wish to inform the House that I will be moving certain amendments to the Bill during the Committee stage which are the result of an undertaking given by the Premier to seek advice on a proposal put forward during the passage of the Bill in another place.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. Grace Vaughan.

SMALL CLAIMS TRIBUNALS ACT AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. G. C. MacKinnon (Minister for Education), read a first time.

Second Reading

THE HON. G. C. MacKINNON (South-West—Minister for Education) [8.06 p.m.]: I move—

That the Bill be now read a second time.

Since the commencement of the Small Claims Tribunal in April, 1975 the number of claims being lodged has shown a steady increase to a stage where they now approximate 80 each month.

Members will no doubt appreciate that it is desirable for claims to be dealt with as expeditiously as possible, which is becoming increasingly difficult.

The tribunal has reached the maximum number of cases which can adequately and successfully be heard in a month without causing excessive delays to claimants. It is therefore considered desirable, indeed essential, to appoint an additional part-time referee to reduce the average time between lodgement and hearing of claims from the present seven to five weeks. Any period longer than five weeks is considered undesirable.

Section 5 of the Act provides for the appointment of more than one referee, and action has been taken to obtain the services of a stipendiary magistrate on a part-time basis to relieve the pressure on the existing full-time referee, and also to cover absence on annual and sick leave.

Section 8 (1) (a) of the Act as it stands provides that a referee shall not engage in any paid employment outside the duties of his office. This section in its present form, therefore, precludes the appointment of a stipendiary magistrate as a part-time referee, as he is already engaged in other paid employment.

Similarly, the section would apply to practitioners in private practice. There would be few, if any, retired practitioners available who do not practise in some form or other, or receive some payment from the practice. The amendment will remedy this and allow the appointment of a stipendiary magistrate as a part-time referee on terms and conditions no less favourable than those which would apply if he remained in the office he now holds.

I commend the Bill to the House.

THE HON. D. K. DANS (South Metropolitan—Leader of the Opposition) [8.08 p.m.]: I seek some direction from you, Mr President. The Opposition has considered this Bill and is in full agreement with its provisions. Is it possible for us to proceed with the debate forthwith?

The PRESIDENT: The House has agreed to the suspension of Standing Orders and the Bill can go right through all stages.

The Hon. D. K. DANS: We have considered the legislation and we agree with its contents. It can do only good and will certainly speed up the proceedings of the tribunal. The Opposition therefore supports it.

The Hon. G. C. MacKinnon: Thank you very much.

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. G. C. MacKinnon (Minister for Education), and passed.

RIGHTS IN WATER AND IRRIGATION ACT AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. N. McNeill (Minister for Justice), read a first time.

Second Reading

THE HON. N. McNEILL (Lower West—Minister for Justice) [8.12 p.m.]: I move—

That the Bill be now read a second time.

Prior to explaining the purpose of this Bill, I wish to point out to members that the principal Act which the Bill seeks to amend is the Rights in Water and Irrigation Act Amendment Act, 1974. The reason for this is that the 1974 amendment Act, No. 48 of 1974, has not yet been proclaimed.

It has been found that the 1974 amendment requires alteration to ensure beyond any doubt that those industries subject to a ratified agreement could be exempted from the provisions of the Act.

The Bill also provides that certain portions of water and land subject to any other Act, or waters within a specified area, may be excluded from the provisions of the Act.

This is necessary to provide flexibility to permit partial control over an area and to avoid a situation where there may be two authorities having jurisdiction over one area. For example, the Swan River Conservation Board already controls the Swan River and certain portions of its tributaries.

There is no desire to interfere with that control. However, it is necessary to be able to control the possible pollution of the underground aquifers in the same general area which are now being exploited more and more for water supply purposes.

This Bill also includes provisions to permit the making of regulations and the charging of fees—matters which were not included in the 1974 amending Act.

I commend the Bill to members.

THE HON. R. F. CLAUGHTON (North Metropolitan) [8.14 p.m.]: Again the Opposition has studied the provisions of this Bill and agrees with them.

The Hon. N. McNeill: Thank you very much.

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. N. McNeill (Minister for Justice), and passed.

ROAD MAINTENANCE (CONTRIBUTION) ACT AMENDMENT BILL (No. 3)

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. N. E. Baxter (Minister for Health), read a first time.

Second Reading

THE HON. N. E. BAXTER (Central—Minister for Health) [8.17 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to provide the Commissioner of Transport with power to conduct inquiries to ensure compliance with the provisions of the Act.

At present the Act has an inherent weakness in that, although a transport operator is required to keep records, the commissioner has no authority to verify the accuracy of these records. The operator is required to submit returns, keep records, and pay moneys, but there is inadequate provision for an authorised officer to conduct inquiries in order to determine the amount of money due and payable by that operator.

Furthermore, although it is possible on sighting a vehicle to take legal action for the nonsubmission of returns, there is no authority to investigate the operator's activities so as to establish the length of the journey, or to make a claim which is satisfactory to the court. It is known that certain organisations include a component in cartage rates to cover road maintenance charges, but there is no authority to require the production of records.

From experience it has become obvious that some operators are using the lack of investigatory powers to avoid their responsibility for the payment of road maintenance charges.

Existing provisions require that records shall be kept. This amendment will make it necessary for operators also to retain the documents from which the records are compiled. The documents will need to provide specific information in relation to the identification of the vehicle and its journeys. They will also nominate the person involved in the operation of the vehicle for the purpose of identification in the course of any inquiry.

Currently the documents are to be retained for six months. This period has been found to be inadequate to establish accurate information and therefore the period of retention is to be increased to 12 months.

The Bill also permits authorised officers to make copies of records and documents and, provided these copies are certified as correct, they shall be accepted by the courts as being of equal value to the original papers.

An additional section will be added requiring the owner, the driver, or any other person involved in the operation of a vehicle, or its hirer, to provide such information as may be necessary to establish compliance with the provisions of the Act.

Much has been said about the alleged evasion of payment of road maintenance charges by operators, and the unfair competition that results from those operators

who do not meet their statutory obligations. It is for this reason that the amendments are sought, and I commend the Bill to the House.

Debate adjourned, on motion by the Hon. S. J. Dellar.

HEALTH ACT AMENDMENT BILL

In Committee

Resumed from the 4th November. The Deputy Chairman of Committees (the Hon. Clive Griffiths) in the Chair; the Hon. N. E. Baxter (Minister for Health) in charge of the Bill.

Clause 9: Section 300 amended—

The DEPUTY CHAIRMAN: Progress was reported after the clause had been partly considered.

The Hon. R. F. CLAUGHTON: When debating this clause previously I asked the Minister a question in relation to paragraph (b), where it is not clear whether a double charge may be made. The proposed new subsection (2a) provides that the Government may make a payment to the laboratory for the analysis of a sample but there is no indication what happens in respect of the doctor who referred the sample to the laboratory. I understand the process is that the doctor takes a sample and sends it to the laboratory for testing for whatever purpose, and if the test indicates a venereal disease is present the laboratory is required to report to the Government.

Perhaps I am misunderstanding the intention, and that the sample has been specially taken for testing in this case. In either case, is payment required from both the Government and the doctor who sent the sample?

The Hon. N. E. BAXTER: No. There is little chance of the laboratory being paid twice—once by the commissioner and once by the doctor who requests the analysis. In the event of its being sent to the State laboratories for analysis there is no worry at all. If it is sent to a private laboratory, the laboratory must advise the commissioner if the specimen is positive for venereal disease. It must also advise the name and address of the medical practitioner who requested the analysis. Therefore, if the sample is sent to a private laboratory the commissioner knows a payment is due to that laboratory and no bill will be sent to the doctor covering this request for analysis.

The Hon. R. F. CLAUGHTON: In the second reading debate I raised the general question of venereal disease control and urged the Government to give consideration to the promotion of the sale of condoms. I intended to circulate a graph based on the table which has been circulated. If members examine the table they will see the safest method of contraception is a combination of the condom, the IUD, and abortion. That was illustrated in the graph. In replying to the second reading the Minister indicated his belief that Australians preferred to use something other than a condom.

The DEPUTY CHAIRMAN: Order!

The Hon. R. F. CLAUGHTON: We are discussing clause 9, dealing with venereal disease. I will now relate my remarks to the clause.

The intention of this clause is to attempt to control the incidence of venereal disease and the Government is proposing a method by which it may be achieved. I am suggesting it is only one part of a programme which the Government should undertake, and the programme should include the promotion of the condom not just as a contraceptive but also as a prophylactic.

The position is that the sale of condoms in Australia as a proportion of the total sales of contraceptives is about 9 per cent, which is dramatically below sales in some other countries. I mentioned Sweden with 38 per cent and Japan with 68 per cent. There is a very marked difference in the size of the population in Japan and Australia. I think the population of Japan at the present time is in the vicinity of 100 million. The incidence of venereal disease in Japan in 1973-74 was 12 656. In Australia, with a population of about one-tenth the population of Japan, there were 12 630 reported cases of venereal disease in the same year. So if we are looking for an indication of what might be an effective form of control of the disease, I suggest those figures are highly significant and the lesson is obvious.

The Hon. N. E. Baxter: I do not see how you can read what you are saying into the amendments in the Bill.

The Hon. R. F. CLAUGHTON: The Government is attempting by this method to improve control of the disease.

The DEPUTY CHAIRMAN (the Hon. Clive Griffiths): Order! The provisions in clause 9 set out the procedure which will be adopted when a person is found to be suffering from venereal disease. The clause has nothing whatsoever to do with any preventive action which may be taken in regard to the disease. I suggest there is perhaps a more appropriate clause later in the Bill on which the honourable member might talk about this subject; but whether or not there is a more appropriate clause, this particular clause is not appropriate to this subject.

The Hon. R. F. CLAUGHTON: I do not think it is necessary to take a very strict interpretation of that, Mr Deputy Chairman; but I have covered the points I wanted to make. The clause deals with the reporting process by which the Minister hopes to control the disease.

If this Bill will merely leave the situation much as it is, then we question its value and ask why it is being done. That is the relationship my argument has to this clause, and I am sorry the Deputy Chairman adopted that view.

Clause put and passed.

Clause 10: Section 300A added—

The Hon. GRACE VAUGHAN: I ask the Minister whether he has looked at this clause from two angles. The first angle is that of how we will define whether a person does something in good faith or whether he does it with malice aforethought. In the latter case a visit by an investigator attempting to trace the source of venereal disease may in fact present a great insult to someone. If it cannot be established the action was carried out with malice, then the person, who may be innocent, is done a very great injustice indeed; yet he does not have the right to bring a suit to satisfy his feeling of having been insulted and perhaps held up to ridicule in the community.

The other angle is that if it is difficult to prove the notification was made in good faith, the person who does the notifying may be sued for libel and slander because he cannot prove it was done in good faith. So a person who thinks he is helping the community by notifying the source of disease may be open to court action.

It seems this clause is vague and loose from both those angles, and is likely to fall down in both respects. We are not likely to make the sort of progress we all hope we will make with this kind of clause.

The Hon. N. E. Baxter: Have you any suggestions to make?

The Hon. GRACE VAUGHAN: I did not hear the Minister. I am asking what he sees as the likely outcome of the passage of this provision.

The Hon. N. E. Baxter: Didn't you listen to my reply to the second reading debate?

The Hon. GRACE VAUGHAN: I listened to it.

The Hon. N. E. Baxter: You certainly didn't.

The Hon. GRACE VAUGHAN: I listened to what the Minister said but I was not satisfied the matter had been properly pursued and investigated.

The Hon. N. E. BAXTER: It is obvious the honourable member did not listen to my reply to the second reading debate, because I explained this matter. At present there is no provision to protect persons who advise they have been infected with venereal disease by someone else. If they notify a medical practitioner and he notifies the commissioner, then the person who is named may take action against those who name him, and there is no defence by the latter. Fortunately this has not occurred so far.

However, it was felt while we were amending the Act we should make provision to protect people who in good faith and without malice report they have contracted a venereal disease from some other person, and name that person. Of course, the names are kept confidential.

There was a case not very long ago in which a person believed he had contracted venereal disease from another person, and reported this to the authorities. The person who was reported went to the clinic and was checked, and her husband was also required to be checked. It was found neither had venereal disease; although obviously the person who originally reported it thought he had contracted it from that source. The person named could have taken legal action against the person who named her. This is where the danger lies, because the person who named her would have no defence at all. This clause provides a method of defence to cover such cases.

Conversely, where a person believes someone has reported with malice that he contracted VD from the first person, the opportunity is provided to have the case pleaded before the court to obtain justice.

Clause put and passed.

Clause 11 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by the Hon. N. E. Baxter (Minister for Health), and passed.

FISH FARMING (LAKE ARGYLE) DEVELOPMENT AGREEMENT BILL

Second Reading

Debate resumed from the 3rd November.

THE HON. R. F. CLAUGHTON (North Metropolitan) [8.38 p.m.]: This Bill seeks to ratify an agreement between the State and Fish Farms International Ltd. to develop principally the farming of barramundi on the Lake Kununurra-Lake Argyle complex. The aspect that strikes one most forcibly in reading this agreement is that it is a step in the dark. Quite obviously nothing more than minimal investigations have been made at this stage, and the agreement makes provision for a feasibility study.

A number of questions could be raised in respect of this matter, but I see no value in doing so at the moment.

There is to be an indeterminate initial period while the feasibility study is undertaken; it may be for six months or six years. No definite timetable is given in respect of that part of the operation. From the date of commencement of the project

there will be a further six-month period in which the company can decide whether it will commence work, and from that point there will be a further five-year period before the State will receive any payment for the concessions given to the company under the agreement.

I trust the interest of the public will be cared for in what is done. While we are very sceptical regarding whether the project will actually get off the ground, that does not mean we do not wish it well. We hope the scheme is a real possibility and that the company receives encouragement to make an early start; and that it is finally successful in its work.

With those remarks, I support the Bill.

THE HON. J. C. TOZER (North) [8.41 p.m.]: I think it is desirable that we discuss one or two of the aspects of this Bill before us tonight. I think, personally, we should look at some of the side effects it will have on the local community and, of course, on visitors.

In the first instance, the desirable side effects would include the improvement of fishing there. Despite the comment made in another place, in point of fact it is unlikely that there are any barramundi at all in Lake Argyle; if there are, they are mixed up in an awful lot of water and certainly are not being caught. It is not only the local people who will enjoy the fishing but, of course, the many visitors who come to the area.

I think the Minister in another place when summing up the debate described the cycle of the barramundi fish and how they move downstream to spawn in the ocean and make their way upstream as immature fish. Obviously the flow from the diversion dam, and certainly the overflow from the main dam on Lake Argyle, is such that it is quite impossible for the barramundi to make their way upstream; and thus there is no apparent way in which they can go back.

We have seen a great change in the pattern of the occurrence of fish in the northern rivers. Usually in rivers like the Fitzroy and the Ord, and many other smaller rivers, there are odd deep pools, and the barramundi caught in these are quite large fish and are indeed hard to catch. But on the Ord it is quite changed now, and below the diversion dam and above the old Ivanhoe Crossing, in a relatively short stretch of river, we often find good catches being made of fish of about two to three pounds—the sort we would never have found before. They are now caught in this changed environment.

If anyone went to the Royal Show and saw the Kimberley display there, he would have seen a typical barramundi that is caught in the vicinity of the Ivanhoe Crossing now, weighing two or three pounds.

I believe we will see a great improvement when we see the stocking of Lake Argyle with barramundi, and I find this is a most desirable side effect of the operation of this company.

Bag limits and a total limitation on the fish to be taken from the lake have been set down in the schedule of this agreement Bill, and I think time alone will indicate how restrictive this is to amateur fishermen.

I think Mr Claughton must have been referring to clause 25 of the schedule when he criticised the surveys that have to be done, and, personally, I find this a most attractive part of this agreement, as the company is committed to an on-going survey. The term "limnological" is used which, quite frankly, I could not find in my dictionary. Clearly the reference is that an on-going and permanent survey will be carried out, and I believe it is a good thing that the company has accepted this on-going commitment in this respect. I believe this is essential if we are going to properly farm this resource.

Another rather unusual but interesting provision is contained in clause 27 of the schedule which provides that the company is committed to look for markets. Logically we can expect that the company will look for markets throughout Australia and, in point of fact, in many respects some of these markets have been established for the restaurant trade in the capital cities of Australia; and if there is to be a limit on what can be sold there will be an export market.

It is rather interesting that we should have written into the Bill the need to provide fish for the local market—for Kununurra and Wyndham. Quite frankly I would expand that to Darwin, and the West Kimberley; though areas like Broome and Yampi Sound have ready access to fish in abundance and would probably not need the barramundi. Very often I have found while in Carnarvon that I have not been able to obtain any prawns—although hundreds of tonnes are being processed—unless I knew the right people. The same applies to obtaining crayfish in Geraldton; one must know the right people to be able to get any crayfish. So I find rather interesting—indeed it has quite a human touch—the provision that fish have to be available to the local community.

There are certain disabilities written into this agreement, and I think some of them may prove to be an aggravation; but that is the sort of thing we have to live with. For example, fishing in the lake will be closed from the 1st December to the 30th April. I will say that it is at that time of the year that we get the sudden thunderstorms, and it is quite dangerous for anyone to go out on Lake Argyle in a boat. The squalls are very sudden; they come out of the blue without any warning and are very vicious indeed.

So there will not be much activity on the lake in those months, and perhaps it will not be an impediment for the local people. Professional fishermen, other than the company, are not permitted to fish Lake Argyle, and I do not find any argument in this.

There are, however, certain areas of the lake from which fishermen will be excluded at all times. The obvious one is the spillway area, and anyone who went fishing in this general area would be asking for trouble.

There is going to be a barrier placed across Lake Kununurra; that is, the old diversion dam. Probably not many people get up as high as that point, but the barrier is to be put across. Some family groups do, however, move up as far as they can on Lake Kununurra and the company will certainly have to meet its obligations, as provided for, to ensure that the barrier across Lake Kununurra can be opened as and when required.

We did see a reference in the other House to the environmental clause embraced in this agreement. I was surprised that anyone should have thought that people had not given major consideration to the environmental question on the Ord; because, quite frankly, I believe the general questions of ecology and environment have been examined very intimately and particularly the ecology as it would affect the wildlife.

One of the recent publications that do refer briefly to this question is a booklet called *An Outline of the Ord Irrigation Project Western Australia* which was published by the Department of National Resources in April, 1976. The publication outlines the project generally—its history, its resources, a description of the project in respect of engineering and agriculture plus, of course, a good deal of detail on the agricultural activities, and Kununurra town. It then goes on to refer to the ecological aspect, and one clause relates to fish fauna. I read briefly—

> Water flow in the Ord River Dam spillway and through the diversion dam gates is too fast for barramundi to achieve their normal upstream movement.

It then goes on and states—

> In downstream reaches of the Ord River, substantial mortalities of fish have been reported adjacent to irrigation area drains and to the Research Station over three successive years at about the same time of the year. Observations in 1973 failed to implicate any other cause of mortality except pesticides, and it is significant that fish deaths occurred at about the period of maximum pesticide application.

The publication then goes on to describe the types of pesticide and the effects we have seen in this and other countries. It also refers to the apparent disappearance of the cherabin, which is a spidery sort of marron or gilgy found in northern waters below the diversion dam.

I think it is disappointing that this examination should have only referred to the latest reports up to 1973, because we must realise that at about this time, or immediately following this time, the degree of pesticides or weedicides used on the cotton crops was cut out and thus we could reasonably anticipate the run-off through the drainage channels would be diminished. In addition 1974 was the first time we had a real flow from the spillway, and it was from that date onwards that there has been a permanent flow of water from the spillway down through the diversion dam and down to the area where deaths occurred at that time, to flush it out.

However, I do think that this type of warning which has been made by the national resources team does highlight a problem about which we have to be concerned and ensure that it does not affect a project such as this put forward by the new company.

I might add that the barrier across Lake Argyle, where the fish will be trapped, is above any point where there is any agricultural activity, but it is quite close to the Packsaddle Plains area where, because of the broad-acre type of farming we will see aerial spraying done. Obviously this is a note of warning and has been written into the Bill so that we may watch this environmental question. I think it is apparent that the people concerned in this venture will be watching particularly for any possible damage that might be done by the pesticides.

I did refer to the cherabin, and I think it is of interest that this has not been mentioned elsewhere in the debate in this House or the other place, that the ponds which will be created or are, in fact, constructed will be stocked with cherabin and the offal—the bones, the heads, and so on—will be put through a digester and mixed with the local rice to make pellets which will be fed to the cherabin. Thus, associated with this venture will be the culture of cherabin also. It is not written into the agreement, and quite wisely so, because this would create a commitment which possibly could not be fully adhered to; or we are not too certain what terms will have to be adhered to.

It is clear that the use of the digested offal, the feeding of it to the cherabin and the growing of cherabin, will provide a broader base for the operation of this fish culture in the Kununurra region.

I might add that the areas where there appear to be the most satisfactory market for the growing of cherabin will probably be the Scandinavian countries where there is a great demand for this gourmet dish.

I have already referred to the ponds, and it is quite interesting to note that it will be necessary to make some of this salt;

in fact the barramundi which are trapped will be held for a few days in the salt-water ponds to harden off the flesh. This salt will come from another part of North Province around Port Hedland.

There is a point about the agreement that really concerns me—and in fact Mr Claughton, I think, was inclined to feel that the State was being very liberal to the company in permitting some measure of freedom from the payment of fees for a given period. Quite frankly I see the position the other way. I will read briefly from a company newsletter which was put out by Aquaculture International. It is headed Newsletter No. 7.B but in point of fact we might describe it as an information sheet to investors, a sort of supplementary prospectus. At the back of the newsletter there is a form which can be filled in if one desires to buy some shares in the company. Quoting briefly, it says—

> From comparisons with other tropical lakes, we estimate that each acre will support betwen 10 lb. and 100 lb. of barramundi. This will result in a total productivity of between 2 000 000 lb. and 20 000 000 lb. of barramundi from the 200 000 acre lake.

On the following page it continues—

> During the period 1971 to 1974, wholesale prices increased from approximately 60c per lb. of fillet to 130c per lb. of fillet, i.e. 116 per cent in four years of 21 per cent per year.

I will now read clause 28 of the Bill, but before doing so I will qualify this by saying it is between the year 5 and the year 10 to which it refers. Clause 28 reads—

> The Company shall pay to the State in addition to any fees otherwise payable under this Agreement—
>
> (a) for a period of 5 years commencing on the fifth anniversary of the project commencement date an annual fee of $5 000 (payable at a rate of $416 per month) or an annual fee calculated at the expiration of each period of 12 months, in accordance with the following formula—
>
> $$F = \frac{1}{100} \times \frac{Q}{1} \times \frac{P}{1}$$
>
> Where—
>
> F = the annual amount payable by the Company,
>
> Q = the net equivalent filleted weight in kilogrammes of barramundi shipped during the said 12 months period ex processing plant calculated for that 12 months period,
>
> P = the weighted average monthly wholesale price of barramundi fillets obtained by the Queensland Fish Board ex its store at Colmslie in the State of Queensland during the said 12 months period,
>
> whichever is the greater amount

This is what will be paid by the company. Taking the minimum harvest anticipated by the company, and taking a figure of, say, $1.50 per kilo—which is very conservative when we look at 130c in 1974—we find by applying this formula that, as far as I can see, when this company is operating, the minimum that can be paid is $6 000; and in point of fact if the company reaches that maximum figure it will pay $35 000 per annum and after year 10 it will pay half as much again.

Quite frankly I find it iniquitous that such fees should be exacted. I believe the Government cannot justify such a rip-off from a company which is being established in an isolated area like Kununurra. Personally I believe that for every $50 000 in revenue it ought to be given $5 000 in bonus, and a similar inducement should be offered for every two or three families that are introduced into the Kununurra area.

I find it quite iniquitous that these people should be charged a fee at all. In the case of the two marron operations in the south-west there is no fee charged, although we know that those two enterprises are only in their formative stage and no agreement has been drawn up.

It will be recalled that last year we amended the Fisheries Act to control aquaculture generally, and I understand regulations are in the process of being formulated. However, at this stage there is no discussion about a fee being imposed. In my view I do not think there should be one imposed.

In the case of the crayfishing industry, a crayfisherman pays $3 as an annual licence fee for a pot, and perhaps in total he pays between $300 and $400 a year, but it should be remembered that he is depleting a natural resource, as against the people engaged in the operation at Kununurra who will be creating a resource. Yet it is proposed to charge them this sort of fee. I find this quite distressing.

It seems that I am in constant conflict with the Minister for Industrial Development, because there is a complete absence of incentive to people to establish any sort of industry or activity away from the settled parts of the State.

The Hon. G. C. MacKinnon: This agreement is implemented by the Minister for Fisheries and Wildlife (Mr P. V. Jones), and not by the Minister for Industrial Development (Mr Mensaros).

The Hon. J. C. TOZER: It should be pointed out that I am referring to Government policy.

The Hon. G. C. MacKinnon: I am talking about this Bill.

The Hon. J. C. TOZER: Both Ministers mentioned belong to the same Government. Having criticised the Minister for Industrial Development for introducing a rebated pay-roll tax scheme for decentralised areas, and finding that in the North Province of 61 applications 58 have been rejected—in other words they had to be going broke before they qualified for assistance—I say it was not an incentive but a salvage operation after a person is almost bankrupt. I feel that was the sort of disincentive that the Government was developing towards decentralised industries. I regret to see that another Government department seems to be following the same course.

However, having said that, I refer to a letter dated the 8th November which I received today from the Minister for Industrial Development in which he said—

> However, I clearly agree with your view that different and better forms of assistance are required.

Further on the letter states—

> I certainly hope that in the not-too-distant future you may be able to write me a more complimentary letter as a result of an improved incentive scheme.

With the assistance of the Minister for Education, the Minister for Fisheries and Wildlife, and the Minister for Industrial Development we may eventually reach the situation in Western Australia, as exists in the other States and most parts of the world, where we can give direct incentives to encourage people to develop industries away from the settled parts of the State.

The Hon. G. C. MacKinnon: And also with your assistance!

The Hon. S. J. Dellar: You would be better served by asking the Leader of the Opposition (Mr Jamieson) for his assistance.

The Hon. G. C. MacKinnon: That would be the last card.

The Hon. D. K. Dans: One thing that disturbs me is that not all the barramundi produced in Darwin can be sold.

The Hon. J. C. TOZER: On the question of markets, contractual arrangements have been made to sell all the barramundi that can be produced at Kununurra. I have mentioned briefly the supplementary prospectus of the company. It is interesting to note that over the course of three or four years this company has advertised for people to take up shareholdings. It has surprised me to learn of the large number of small shareholders who came forward with their $100 or so to make up a total of almost $2 million in subscribed capital for this type of risk venture. However, I am delighted that they have subscribed.

Some of the shareholders are resident in Perth, many are resident in the east, and probably the biggest bulk of them reside in South Australia. In point of fact some of those who have taken up shares are restauranteurs operating in Adelaide and the other capital cities.

There are also some small shareholders of the company who reside in the Ord area, but not many people in that part of the State have money to invest in any business venture, let alone a risk venture of this type.

Earlier in this session I spoke in the second reading debate of the Irrigation (Dunham River) Agreement Act Amendment Bill. There we find a comparable situation. A person came forward with an imaginative project but, unfortunately, it was not completely successful.

I hope the aquaculture venture referred to in the agreement will be successful. I sincerely hope that we keep on getting entrepreneurs like these people, because in our part of the State we are lost unless we get people coming forward with imaginative and worth-while ideas to create industries. I congratulate Fish Farms International for being prepared to embark on this project.

It is worth while noting the almost sombre remarks in the last paragraph of the second reading speech of the Minister. I felt it was quite temperate and there was an element of doubt, because he said—

> There are many technical difficulties for the company to overcome, but the company has displayed considerable initiative and expertise and the Government has every confidence in its operations.

Those comments are quite complimentary, but they do not bubble over with enthusiasm.

It is implicit in the Bill before us that the prime function of Lake Argyle and Lake Kununurra, and the waters contained in these waterways, will not be interfered with.

In his second reading speech the Minister also said—

> Recognition by the company that the primary use of the Ord River Dam is the supply of water for industrial, domestic and irrigation purposes, and for the generation of hydroelectric power, . . .

The important fact is that there can be no misunderstanding that the water contained in the dam will be used to supply

the water requirements of industry, domestic and irrigation purposes, and for the generation of hydroelectric power. A tremendous asset has been created there, and one day that asset will be recognised. If, in fact, we can broaden the scope of what can be achieved from that asset we should make every effort to do so. Primarily, in the long term the asset will be used for the development of agriculture.

Earlier in the session when I spoke in the second reading debate of the Irrigation (Dunham River) Agreement Act Amendment Bill, I pointed out that I believed beef cattle would still play a major part in the total Ord scheme. In the announcements we have seen in the last few weeks, the Minister for Mines gave every encouragement that we will see mining ventures in the Kununurra area getting off the ground, if we can get over the tremendously high cost structure in that part of the State.

There is also the industry of tourism. It is worth while to note what the Minister for Tourism, who is also the member for Kimberley, had to say on the fish farming project. His comments appeared in the *Kalgoorlie Miner* of the 27th October, 1975, as follows—

> If it succeeds, this exciting new venture could attract tourists from all over Australia within five years.
>
> Together with the old attractions planned for the lake, such as horse-riding and water sports, fishing for barramundi could become a major attraction in its own right.
>
> With the numbers of amateur fishermen growing rapidly throughout Australia, the Kununurra-Lake Argyle area may eventually be recognised as Australia's finest inland fishery.

In the Bill before us we have aquaculture adding a wider dimension to this total picture which we hope will unfold in that part of the State. The success of aquaculture on the Ord could see the same sort of thing happening on the other major rivers, particularly the Fitzroy. We are aware of the huge volume of water in the Fitzroy and Geikie Gorge. There is no doubt that if aquaculture can work in the Kimberley, that would be another admirable place for it to be located.

I am delighted to support the Bill, and I look forward to the activities of Fish Farms International with enthusiasm.

THE HON. G. C. MacKINNON (South-West—Minister for Education) [9.12 p.m.]: There are not a great number of matters to which I need to give an answer. Naturally I am very enthusiastic about the agreement which the Minister for Fisheries and Wildlife has been able to bring to fruition, because I had the responsibility of sending Mr Morrissy to the Kimberley region to carry out the initial research investigation into the fresh water species—the barramundi and the cherabin. It was with deep regret we learnt that most of the rivers in the north had been blocked by causeways across roads or by dams, and that such blocking had inhibited the normal breeding processes of most of the fresh water species, including barramundi and cherabin.

As I am a keen fisherman it was a matter of real regret to me, because I consider barramundi to be the second best eating fish. I regard our southern Hebrew perch, the Jewfish, as the best. I understand they are closely related species. Many people have argued which is the best eating fish but Jewfish happens to be my preference.

I disagree with one comment made by Mr Tozer regarding the payment of fees. I believe it is fair that a fee be paid by these people, and it is only a modest fee. Mr Tozer was quite incorrect in his comparisons with the marron industry, because marron farmers have to use dams of their own. There is one member in this House who does grow marron, and I refer to Mr Perry. He has been promising to bring me some but I have not yet got any. Perhaps I am supposed to pick them up, but I have not been able to manage to get to his place.

The Hon. H. W. Gayfer: I am told that a farmer has to pay an export fee of $100 for marron.

The Hon. G. C. MacKINNON: I know there will be a fee. The licence fees applicable to rock lobster fishermen are quite heavy. We should recognise the fact that they do a tremendous amount of work in collecting research data for the department. I think the agreement contained in the Bill is a fair and proper one. Perhaps the comment that best deserves an answer was the one made by Mr Dans by interjection, when he referred to the possible oversupply of barramundi.

I do not think there will be an oversupply in the case of barramundi produced under this project. At best the barramundi supply has been intermittent. Occasionally one has been put off the fish because one has found it has been stored in conditions which were not ideal and there was a certain amount of staleness in the fish. With regular markets arranged the supply position has been investigated by the company. With regular demand, proper storing arrangements, and a guaranteed supply I am certain markets will be found within Australia for all the barramundi that can be produced.

Barramundi is a top-line fish and, in fact, it is comparable in the fish field with rock lobster in the crustacean field. It is a commercial prospect, and as a result of proper investigation of markets it will produce top-line prices.

I will add my congratulations to those already expressed to Mr Jones for his imaginative effort in aquaculture. I believe it is the best in this sort of field. In the luxury line of foods, Barramundi will always be a specialty.

I wish the company the best of luck, and I am grateful for the indication that this Bill has the support and good wishes of all members in 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. G. C. MacKinnon (Minister for Education), and passed.

TOWN PLANNING AND DEVELOPMENT ACT AMENDMENT BILL

Second Reading

Debate resumed from the 3rd November.

THE HON. R. F. CLAUGHTON (North Metropolitan) [9.18 p.m.]: This Bill contains two main provisions: to replace the present Appeal Court with a tribunal, and to provide for a process of town planning statements.

The Minister who introduced the measure in another place has an almost unblemished record with regard to legislation which he handles: there has not been one Bill which has not been amended during its progress through Parliament. This measure is no different.

The Minister in this place, in introducing the measure, indicated the reason for the change in the appeal provisions and said that very few people had recourse to the courts. I think he said only 11 appeals had been made. He gave no indication as to whether he, or his department, really had investigated the reason for the small number of appeals. An Appeal Court is not very different from a tribunal, and it does not appear that there has been any examination of the situation to determine whether this procedure will, in fact, be a solution to the problem. It may simply be that those people with problems find it more convenient to appeal to the Minister without having to go through the procedure required to make an appeal to either a court or a tribunal. Formal procedures are involved in both processes.

We do not oppose the Bill; we believe the Minister should be allowed to have his little game with this particular aspect of his portfolio.

The Hon. G. E. Masters: You are being very unkind to a very good Minister.

The Hon. R. F. CLAUGHTON: He needs some flattery. He would have to be the most incompetent Minister in the present Government.

The Hon. G. E. Masters: You ought to talk to local governing authorities and town planning authorities to find out what they think.

The Hon. R. F. CLAUGHTON: It may depend on whom they know they are talking to, because that is not the story I hear.

The Hon. G. E. Masters: Perhaps you do not get around enough.

The Hon. R. F. CLAUGHTON: As I said, the Minister needs a little covering up, and I have no objection to Mr Masters attempting to do that.

The Hon. G. E. Masters: He does not need any covering up.

The Hon. R. F. CLAUGHTON: On the question of town planning statements, again it is not very clear just how it is expected this process will work. Since the statements are to apply generally, they need to be of a general nature. When a particular proposal within a town planning scheme is being examined in specific detail, it will not be very easy to fit that detail into a general statement of policy. Again, this seems to be something of a harebrained proposition.

We will let the Minister have his experiment, but I have no doubt that the process is unlikely to work successfully. However, I will be happy to be proved wrong.

THE HON. I. G. MEDCALF (Metropolitan—Attorney-General) [9.23 p.m.]: I hoped the comments of the honourable member would have produced something to which I could reply substantially. But, unfortunately, all I could hear were comments about a little game the Minister was supposed to be playing, and how the introduction of this Bill was a cover-up in some way. He also said the idea of having town planning statements was a harebrained proposition. I am glad to say the honourable member who made those statements said he would be happy to be proved wrong.

The Hon. G. E. Masters: It would not be the first time.

The Hon. I. G. MEDCALF: I am glad to say that events will make him happy, and not sad, because this Bill represents an important contribution to town planning in this State. I propose to put the honourable member into the picture a little more since his reading of the second reading speech, and his statement on the Bill obviously found him lacking in a basic understanding of what this is all about.

The fact is that there has not been, in this State, an adequate system of bringing an appeal on the part of a person who is aggrieved by a decision of the Town Planning Board. As the honourable member

presumably knows, until 1970 the only system of appeal was to the Minister. That was provided in one section of the Act, and the decision of the Minister was final and no appeal could be made against it, even on a matter of law.

During the term of the Brand-Court Government, the Act was amended to allow for appeals to a special court which was set up, and which is now to be changed under the present Bill. That is the court to which only 11 appeals have been made. I would have thought from the fact that only 11 appeals had been brought to the court, whereas many appeals had been brought to the Minister, it would have been evident that the court is not popular. The court has not met the needs of the citizens aggrieved by town planning decisions.

During the last stages of the Brand-Court Government it was observed that the town planning appeal provisions were not adequate.

The Hon. R. F. Claughton: The Tonkin Government made some changes.

The Hon. I. G. MEDCALF: The Tonkin Government left the situation as it was. As I said, when it was seen that the appeal system was not working satisfactorily, Sir Charles Court, in his policy speech in 1974, said that provision would be made for the setting up of an adequate town planning appeal tribunal. This measure has arisen out of that undertaking, and will fulfil the promise made in the policy speech.

This matter cannot be dismissed lightly, as I think the honourable member opposite is inclined to dismiss it. He has indicated his general support and I presume, from that, he accepts it is a valuable contribution. However, it cannot be dismissed lightly; it does represent a very forward step in appeal procedures.

I will draw the attention of the member opposite to some of the matters which come within the scope of the tribunal. It is to consist of three persons, one of whom is to be a senior legal practitioner—not necessarily the chairman. The tribunal will do what is rarely found in the case of appeal tribunals but which ought to commend itself to the honourable member. It is to publish reasons for its decisions which I think the honourable member will agree is an unusual and very salutary point. The tribunal is also capable of being appealed from on a question of law, which does not apply either to the decisions of the Minister under the old Act, or the court which was set up. So, an appeal will now be able to be taken on a question of law from the decisions of the tribunal.

In order to safeguard the important area of the public who are interested, town planning statements will be promulgated by the Minister. I think the honourable member referred to the statements as "harebrained propositions". However, statements on town planning policy which are now to be introduced for the first time will be promulgated in general terms as, of course, they have to be. But, they will lay down the general planning policy for a whole area or a district, including local government areas.

Local authorities will have the opportunity to comment in advance on those policies so that they will have some say, and the legislation lays down a method of consultation that is very satisfactory to the local authorities.

This is a new departure and it is to safeguard the public interest. Obviously we cannot set up a tribunal which simply adjudicates on the rights of A or B and neglects the public interest. We have to consider the general requirements of town planning policies and therefore this new concept of statements of planning policy has been introduced. The Minister can promulgate these statements and the tribunal shall have regard for them.

As I said, this is a new concept; we are embarking on a new area of administrative law. It is a quite significant move and a quite significant departure. I am sorry the honourable member has not perceived this and I hope as a result of my comments he will give greater study to the Bill in the days to come.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (the Hon. J. Heitman) in the Chair; the Hon. I. G. Medcalf (Attorney-General) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Section 5AA added—

The Hon. R. F. CLAUGHTON: I could not let the comments of the Attorney-General in respect of the Act pass unchallenged. I had indeed studied it, and that is why I made my remarks. These general statements which are the subject of this clause will provide a good deal of room for argument; a dozen different lawyers will have a dozen different ideas of what the clause means.

Subclause (3) lists seven different factors to which the board shall have regard, and this allows room for argument. Perhaps the Attorney-General is quite correct in saying that this legislation is a big advance. I simply indicate that I fail to see it at this point of time.

The various local authorities will be required to prepare their town planning schemes which, up to this time, have been prepared in co-operation with the Town Planning Department. I am reminded of a booklet entitled *Indicative Planning*, and wonder whether the Minister is thinking of something along these lines or along the lines of the concept of the Corridor Plan for Perth. As I say, the requirement that

the tribunal must consider these seven factors leaves a vast area for differences of opinion.

I would like to add something more about the comments of the Attorney-General on the tribunal, but I do not see any value in discussing it at this time.

The Hon. I. G. MEDCALF: Perhaps I can make it clearer to the honourable member if I explain why it is absolutely essential that the Bill contain a provision such as this reference to statements and planning policies.

If the honourable member casts his mind back to the situation that obtained prior to 1970, he will remember that it was the Minister alone who could entertain an appeal, and the Minister's decision was final.

When the Minister was considering an appeal in relation to a subdivision—or indeed on any other subject where there was provision for appeal—the Minister had in his mind the advice of his department, the knowledge of the metropolitan scheme or any other scheme applying to the area, and the town planning programmes involved. He could decide the question put to him by a citizen on the facts before him and the knowledge he possessed of the town planning requirements. The Minister's decision was final—there was no further avenue of appeal.

Then we had provision for an appeal to the court and nothing was said about planning policy. The court was to adjudicate on appeals but it was not bound by any statement of planning policy, nor did it have in mind the things the Minister would have had in mind in regard to his department and the overall planning scheme. So a safeguard was incorporated into the legislation and the Minister had the power of veto; he could take an appeal out of the hands of the court and this happened on two occasions.

It is now planned to abolish the court and a new tribunal is to be set up to act on its own, unless an appeal goes to the Minister who then uses the old procedures.

When an appeal goes to the tribunal, the tribunal has nothing to go on either unless it has the statements of planning policy. So subclause (3) was included to provide the opportunity for the board, with the approval of the Minister, to issue statements of general planning policy.

The board itself cannot have the whole blackboard; it must be limited in some way. It is for that reason that these various aspects are referred to in subclause (3). The board is confined within these parameters, and I believe, when the honourable member thinks about it, he will come to the decision that we must have these parameters otherwise the board could disregard planning policies which would have the effect of destroying the rights of citizens. We had to strike a balance and this was very difficult. It is a little unfair of the honourable member to say that this provision is a harebrained proposition.

Clause put and passed.

Clauses 4 to 21 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

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

UNITING CHURCH IN AUSTRALIA BILL

Second Reading

Debate resumed from the 3rd November.

THE HON. S. J. DELLAR (Lower North) [9.43 p.m.]: If members refer to the commencement of the Minister's second reading speech they will see that he explains quite clearly the purpose of the legislation which is to unite the three well-known Protestant churches into the Uniting Church in Australia. The three churches are the Congregational Church, the Methodist Church, and the Presbyterian Church.

I am sure the Government would not have introduced the legislation had not the churches been in agreement with it, and certainly the Opposition has no intention to hold up the measure or the next order of the day which is consequential on the passage of this Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by the Hon. N. McNeill (Minister for Justice), and transmitted to the Assembly.

PRESBYTERIAN CHURCH BILL

Second Reading

Order of the day read for the resumption of the debate from the 3rd November.

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. N. McNeill (Minister for Justice), and transmitted to the Assembly.

NURSES ACT AMENDMENT BILL (No. 2)

Second Reading

Debate resumed from the 21st October.

THE HON. M. McALEER (Upper West) [9.48 p.m.]: I should like to make a few comments on the Bill, because it deals with a matter which concerns a number of my constituents, as well as being of general interest to women and people in Western Australia. I believe the problem of family planning in the country arises not simply from the shortage of medical men in some areas or occasionally because a medical man is unsympathetic to contraception or even because some medical men quite properly do not feel themselves fully equipped to deal with all aspects of contraception, such as the fitting of IUDs; it also arises because a number of women, particularly young women, do not care to discuss these matters with the local doctor in a small community.

It might be argued that in many such cases the woman could go further afield to a larger centre where there are obstetricians or visting gynaecologists, or could perhaps go to Perth. However, all this is extremely inconvenient and costly. There are, of course, a large group of people who to a great extent are unaware or ignorant of the possibilities and methods of family planning. The girls in this group quite often are at risk from the age of 13 or 14 years and onwards. It is in this group that particular difficulty arises in getting men, women and young girls to use any contraceptive methods, or to use them consistently—or consistently enough to be effective.

For those reasons, I am sympathetic to the intention which lies behind this Bill of extending the opportunities for family planning into the country and the remote areas. Nevertheless, I believe the matter is not entirely straightforward or easy. When, for instance, it comes to dealing with Aboriginal people, it is not always a question of fear or ignorance which causes them to reject family planning methods; sometimes difficulties are caused because family planning cuts across their traditional view of life. In these cases, family planning is seen as an attack on a time of privilege or prestige for a woman when she is carrying a child.

While many, many women are on the pill and many others make use of IUDs, these matters are medically speaking more complicated than this Bill would lead us to believe, and the standard of family planning services as delivered now by some doctors at least is lower than desirable. In some cases, for instance, patient examinations are very cursory, and occasionally, IUDs are inserted unskilfully and without full appreciation of the attendant risk involved, or the possible future complications.

Sometimes, the pill is prescribed very freely and without due regard to possible side effects, or without advice regarding other, more desirable alternatives. Of course, there are bad doctors as well as good ones, and this is not to say the care delivered by specialist nurses would not or could not be good, given suitable training and proper supervision. But opinions do vary as to what should constitute suitable training, and there is a real problem in the area of supervision.

The main questions posed by this Bill seem to be, firstly, the type and scope of the training which would adequately equip the specialist nurses not simply to prescribe all types of contraception but also to recognise abnormalities as well as normal conditions in their patients. They would need a type of training which would give them as full an experience as is possible, as well as an adequate knowledge of physiology and anatomy. Secondly, there is the question of in what areas the nurses should be encouraged or even allowed to work. For instance, is it envisaged that they should be confined to working amongst people in the more remote areas, or among Aboriginal people or people in depressed circumstances?

Finally, who would be legally and practically responsible for their work? The Hon. Lyla Elliott envisaged in her second reading speech that the specialist nurses would liaise with an appropriate doctor, which would include hospital-based doctors, or local general practitioners, Government medical officers or the flying doctor in remote areas.

One of the difficulties associated with this is whether the various medical men would in fact accept such a responsibility, because if we cannot get enough medical men to accept the responsibility, we must provide another system of responsibility. The specialist nurses may be very readily accepted in the United States and other countries, but I do not know whether there has been any test of their general acceptance among the medical fraternity in Australia. I do not doubt there is a need for improved, extended family planning services in education, and counselling as well as other aspects, and that this Bill is a very genuine attempt to help solve the problem.

However, I believe more investigatory work needs to be done. The Government should undertake proper planning before we legislate to bring into existence a scheme of specialist nurses. It may well be that the medical profession and the Government have been dilatory in applying themselves to this problem. Although I am not able to support this Bill, I see it as an important means of spurring all those concerned into much greater activity.

THE HON. A. A. LEWIS (Lower Central) [9.57 p.m.]: Like the Hon. M. McAleer, I agree that this Bill should be

a spur to those involved in this area. I have in my possession some letters written to the Minister, and his reply, from August last year. In his final sentence the Minister stated—

> If there is any evidence to suggest these practices are changing, please let me know and the matter may be reconsidered.

That is a fairly open invitation to any organisation to go back to the Minister with some suggestions that something more should be done. I believe a letter was written in October to the Commissioner of Public Health which as yet has not been answered. However, if the Family Planning Association was dealing with the Minister in the first place, it should continue to deal with him, especially in the light of the reply which I read to the House. Most of us in this place know that usually a Minister's reply is not nearly as encouraging as that one.

I have done a little homework on this Bill and have talked to the President of the Obstetricians and Gynaecologists College of Australia, who informed me a working party had been set up by his organisation. They realise the problems, and now are awaiting the report of that working party which, I understand, is made up principally of maternal health and drug advisory committee personnel. I believe it would be wrong to push through this Bill before receiving such expert opinion; another few months would not matter in the scheme of things, and the working party could well come up with some new and far-reaching ideas.

I believe there is abundant literature to back the appointment of family planning nurses. An interesting comment was made by Timothy Black in *New Concepts of Contraception* which was published by the Oxford Medical and Technical Publishing Company Ltd. Under a section headed, "The growing entanglement of the medical profession" he refers to the involvement of the medical profession in this area, and states—

> This development and the long-standing 'clinic' tradition in family planning has meant that the medical profession has become increasingly involved in the delivery and administration of birth-control services. While it is desirable that contraception should be a prescriptive tool in clinical practice it would be unfortunate if the delivery of such services were to become unduly dependent on this profession. This would mean drawing upon scarce and expensive health personnel to care for the fertile and fit, thus imposing restrictions on the expansion of future programmes. Health services in most parts of the world are already unable to cope with the sick, let alone assume responsibility for the fertile and well.

I believe that the healthy and fertile can be catered for in all cases by family planning nurses. According to the figures quoted in *Population Reports*, in Singapore the uterine perforation rate is seven to 8.7 per 1 000 insertions compared with .7 per 1 000 normally. The publication goes on to say—

> The reason for the high perforation rate in Singapore is not fully established. Faulty insertion technique was probably an important factor. Higher perforation rates occurred when insertions were done by part-time general practioners and house officers . . .

Another edition of the same publication talks about Barbados and the course available there for family planning nurses. So all the evidence points to the fact that technicians specialising in the insertions would be welcome in the field.

Countering that, we have a report in Great Britain which rejected it and said that the pill should not be prescribed, but should be available on open sale. This was rejected and it was interesting to note the comment made. It was stated that the proposal was being rejected for the United Kingdom alone because it was believed that in the UK the pill was quite easily obtained, but that in underdeveloped nations and in places over which great distances must be travelled maybe the pill should come off the prescription list.

I believe that the Government should consider the Bill and obtain the approval of the whole of the medical profession, the Nurses Registration Board and everyone behind it, and the department and then introduce legislation in the next session of Parliament. I believe that the O & G report will be especially useful. That body has established its own committee and I do not believe that such a highly professional organisation like that would do so from any selfish motive, but only in an endeavour to be helpful and obtain some further advances in this science in Australia.

So I believe that the people to whom I have referred, together with the Family Planning Association, the Minister, and any committee he establishes, should consider any possible legislation. Therefore we should not pass the Bill before us. I believe that it is a good move, but I would like a lot more evidence before voting on it.

THE HON. GRACE VAUGHAN (South-East Metropolitan) [10.05 p.m.]: The surprising thing about the two speakers who said they did not support the Bill tonight is that they have given us plenty of reasons why it should be supported.

The Hon. A. A. Lewis: And why it should not be, too.

The Hon. GRACE VAUGHAN: Mr Lewis pointed out how necessary it was that technicians, as he called them, should be specially trained in order that the likelihood of uterine perforations and other injuries caused by the insertion of IUDs could be avoided. This is the purpose of the Bill, as well as to extend the family planning services in this State of ours which, of course, is so widespread and has such a low density of population outside the metropolitan area. Special training is necessary in these days of medical advances when the specialist services are growing much faster than we are able to provide people to cope with them. A person who is specially trained in an area in which he or she will work all the time will be more expert than would otherwise be the case. As the Hon. Margaret McAleer said, there are good and bad doctors. However, in the main as general practitioners doctors try to do everything. Nevertheless, they are only human and they are unable to become expert in all areas. One cannot say good or bad about them. One cannot say they are experienced or inexperienced. Some general practitioners may have the good fortune to specialise in one particular aspect, say, geriatrics or gynaecology. However, in the main, we can expect them to be only moderately good at most things if they have too much dissipation of their expertise over too wide an area of specialities.

This Bill has been introduced to allow for the training of family planning nurses which is the step we need to take in order that the stimulation about which Mr Lewis speaks might be possible and people will work out ways and methods to cope with what is a very important problem.

This stimulation will occur because of the initiation in this place which is the top decision-making body in the State. It will have decided that there is a need for such training and for this type of nurse. Then surely it follows that we should not be waiting until someone says, "If we do all this investigation and research and produce all this data and evidence then perhaps our legislators will decide they will give us the machinery by which we can do it." We are supposed to be taking the lead. We are supposed to be concerned with what happens to the people.

The Hon. A. A. Lewis: Surely based on evidence?

The Hon. GRACE VAUGHAN: There is plenty of evidence and many examples of what can be done by specialist nurses in particular areas.

The Hon. Lyla Elliott: I gave the evidence.

The Hon. GRACE VAUGHAN: I can only say that either there is a shocking lack of concern or there is an ignorance of the ability of nurses and of the increased academic and experiential education in the nursing profession. Members are certainly underrating this. Nurses spend a number of years in general training and pack a tremendous amount of work into those years. They are now moving into specialist areas and the intensive academic and experiential training which takes place there is something we should acknowledge and, indeed, praise. We are inclined to under-estimate what our nurses can do.

We have to understand that in this day and age in an affluent society the demand for the delivery of health and social services in the community is increasing, although not quickly enough for some of us. Therefore we need to educate more people in order to cope with that increase. We cannot hope that any of the major professions, shall we say, in any particular area will be able to cope with the increased volume of work. We will have to spread the load and we will have to give specific training in order that these services can be provided.

In Western Australia with its vast area and low-density population outside the metropolitan area we have a particularly pressing need to provide the stimulation to the people in the community to establish courses and recruit the necessary people, particularly for isolated areas which would otherwise be without the services we recognise as being important.

In the second reading speech the Hon. Lyla Elliott gave us plenty of data about the restricted amount of information on contraceptives and the restricted availability of contraceptives in the country compared with the situation in the city. This surely points to the fact about which no-one can argue that women in the country are being discriminated against. This is something about which we are all conscious in this House particularly as we have such an over-representation of country areas—not people, but areas.

We are all—particularly women—conscious of the tremendous burden placed on women when they must worry about the possibility of unwanted pregnancies. This is something which in the city is almost a nonissue because of the availability of contraceptives and the lessening of the restrictions in regard to abortion. However, in this regard the country is 50 years behind the city. They must worry about the sort of thing our mothers used to worry about—the sort of thing which not only imposes an ever-present worry in regard to unwanted pregnancies and babies but also reflects on the marital relationship so that the satisfaction of sexual appetites becomes a matter of tension rather than joy and pleasure.

The Hon. D. J. Wordsworth: Would you expand on what areas are 50 years behind?

The Hon. GRACE VAUGHAN: I am quite certain that the women in the country would be extremely grateful for what this Bill would provide. It would provide stimulation by introducing a new group of people into the medical services in this State so that a very real need would be satisfied.

I cannot emphasise too much how unnecessary it is to oppose something which is simply getting us prepared for a group of people to be able to cope with the problem. It is not as though we are saying this is exactly what we want. We know we want a family planning nurse—a specialist—but the Hon. Lyla Elliott has not gone into the details. She knows certain regulations will have to be made, certain requirements met, and certain courses set up. Those matters will be followed up.

So it is not as though we are rushing into it, as some speakers have indicated, saying, "Yes, we must have family planning nurses immediately." I find it very difficult to believe that a House which has any pretensions to being progressive will not back a Bill like this which will open the door to a very real service to the people in the country.

THE HON. R. F. CLAUGHTON (North Metropolitan) [10.16 p.m.]: I rise to support the Bill introduced by the Hon. Lyla Elliott in an extremely competent and detailed fashion. I am surprised that the question of training has been raised.

The Hon. A. A. Lewis: Why are you surprised about that?

The Hon. R. F. CLAUGHTON: It has been amply demonstrated elsewhere that nurses and other health personnel are extremely capable in carrying their services to all kinds of populations. Their services are widely used in less developed countries. I could refer to some of them but I do not think it is necessary to do so. The literature of the Family Planning Association is available to anyone who is interested in it.

I might mention a few of the recommendations arising from some of the studies. I refer first of all to "Research for action No. 1—Nigeria—Selected Studies", published by the International Planned Parenthood Federation, which reports a survey carried out in Nigeria. These are some of the results summarised from the study. I quote first of all from page 22—

> Sources of family planning information most often mentioned by clinic patients in the Institute study were social workers and friends. Mass media was the source for only 2 per cent. Hartfield found that 63 per cent of his clients learned of the services directly or indirectly from the hospital and its workers. A wife rarely informed co-wives about family planning.

Item 10 on page 23 reads—

> Large numbers of the rural population are fatalistically ready to accept large families. While knowledge and practice of family planning may be spreading throughout Nigeria as Caldwell and Igun have suggested, the question remains how to reach this traditional rural population, how to give family planning information, and extend maternal and child health care.

The Hon. D. J. Wordsworth: Are you comparing the rural population of Nigeria with that of Australia?

The Hon. R. F. CLAUGHTON: The problem is the same; that is, the lack of health personnel in country areas who can be used to carry out these services.

The Hon. M. McAleer: But it is not lacking to the same extent, by any means.

The Hon. R. F. CLAUGHTON: I agree Australia is much better provided for than Nigeria, but the nature of the problem is the same. There is a deficiency of qualified doctors throughout the country, as the Hon. Miss McAleer would know, and to deny this Bill is to deny these services to those people.

The Hon. D. J. Wordsworth: Would you repeat that last statement about the deficiency of doctors?

The Hon. R. F. CLAUGHTON: The honourable member would agree there is a general deficiency outside the metropolitan area.

The Hon. D. J. Wordsworth: I think you are a little bit out of date. Recently the town of Ravensthorpe, which is one of the smallest towns in the State, advertised for a doctor and got six applications.

The Hon. R. F. CLAUGHTON: I think that is an isolated instance. I do not know what is the particular attraction of Ravensthorpe.

The Hon. N. E. Baxter: Can you name any place where there is not a medical service?

The Hon. R. F. CLAUGHTON: It depends what one calls a medical service—

The Hon. N. E. Baxter: Service by a doctor.

The Hon. R. F. CLAUGHTON: —how far they have to go, and the size of the population demanding the services of the doctors who happen to be there. It is all very well to say there is a doctor in the town but where his practice is overloaded it can hardly be called a sufficient medical service.

The Hon. N. E. Baxter: Where are the practices which are overloaded?

The Hon. Lyla Elliott: Why don't you stand up and talk about it?

The Hon. R. F. CLAUGHTON: The Minister has raised that matter and will have an opportunity to deal with it when he speaks.

The Hon. V. J. Ferry: Substantiate your statement.

The Hon. Lyla Elliott: We do not have to. The Minister's own department has already pointed to it.

The Hon. R. F. CLAUGHTON: If the Minister can prove I am wrong on this point—

The Hon. N. E. Baxter: I am asking you to prove you are right.

The Hon. R. F. CLAUGHTON: —I will be extremely delighted.

The Hon. Grace Vaughan: Are you saying people in the country do have a service in family planning?

The Hon. N. E. Baxter: I am talking about the services of medical practitioners.

The Hon. R. F. CLAUGHTON: I have been informed there is no doctor at Shark Bay, Mt. Magnet, Cue, and Yalgoo.

The Hon. N. E. Baxter: You have the Flying Doctor Service.

The Hon. R. F. CLAUGHTON: When he arrives.

The Hon. G. C. MacKinnon: Do not denigrate the Flying Doctor Service.

The Hon. R. F. CLAUGHTON: If the Minister wants to contest that point he can do so when he rises to his feet.

The Hon. N. E. Baxter: That is the way to get out from under.

The Hon. R. F. CLAUGHTON: All the comments I have heard up to date have indicated there is a shortage of doctors in country towns, and as recently as this year there have been Press statements about it. It was suggested it should be a requirement that interns and medical trainees serve a period in country towns to overcome the problem. I challenge the Minister to get up on his feet and prove that the country areas are adequately catered for with qualified medical practitioners.

The Hon. N. E. Baxter: You are saying they are not and I am asking you where.

The Hon. R. F. CLAUGHTON: I read a list of places which are not adequately catered for. The Minister knows very well I do not have a list of all country towns. He is trying to make an argument out of one point and his assertions are extremely doubtful, to say the least. I will continue quoting from the document I mentioned in regard to the use of other health personnel for the dissemination of family planning services. Item 3 on page 24 reads—

> Family planning training and orientation would be appropriate for all types of medical workers.
>
> (a) Medical, paramedical and all auxiliary workers in medical establishments. The former may give professional advice on family planning; the latter live in the community and many are influential in medical matters with their neighbours.

It is the ease with which people approach the different personnel that is often most important in the matter of family planning.

The Hon. N. McNeill: Were you referring to Nigeria?

The Hon. R. F. CLAUGHTON: Yes.

The Hon. N. McNeill: And you are comparing the conditions in Nigeria with those in Western Australia?

The Hon. R. F. CLAUGHTON: No. They are people in Nigeria just as they are people in Western Australia.

The Hon. N. McNeill: I am asking you whether you are making a comparison of the conditions.

The Hon. R. F. CLAUGHTON: The Minister for Justice is making a comparison of the conditions; I am not. I am making a reference to the manner in which these matters are approached elsewhere. In a number of developing countries where there is a shortage of qualified medical practitioners the use of other paramedical people is quite common and highly successful. We recognise of course that in a country like Australia the number of qualified medical practitioners per head is much higher than in those developing countries but it is still true that this other level of personnel carries out its functions extremely successfully and has rapport with the people it is trying to reach which is much better than that of qualified doctors. That is true whether it be Nigeria, Western Australia, or any other place in the world. If members care to examine the literature they will find that trend all the way through.

A study made in England was reported in the *British Medical Journal* of the 17th April, 1976. I do not know what objections will be raised to that. I will not go through all the details but it was a study of the training and efficiency of nurses for these particular functions. On page 951 of that publication it was stated—

> Critics of using nurses in family planning have often emphasised the inability of the nurse specialist to diagnose side effects accurately or to fit IUCDs adequately. This series of 778 patients seen in the first year of work shows the ability of the nurse specialist to diagnose important side effects (such as hypertension on oral contraception), and her ability in fitting IUCDs is seen with the 187 patients without a uterine perforation, or excessive expulsion.

That situation is not greatly different from our own. The article goes on to comment that very few of the European countries have implemented such a scheme. At the present time there are two research clinics in England and this scheme

is being applied more generally in the Netherlands. The report comments on the absence of it in other countries and the consequent less efficient service delivery.

A study entitled "Study of some women at-risk of experiencing unplanned pregnancies, so as to asses suitable methods of birth control education and service delivery" was carried out in July this year by Carol Hawken and Jenny Banfield of the Department of Preventive and Social Medicine, School of Public Health and Tropical Medicine, University of Sydney. Some of the points I made in relation to Nigeria come through in the recommendations. On page 4 of the report it is stated—

> Educational programmes must be motivational not just informational. The message must either be linked with something that is important to the women, or be presented by someone whose advice is respected. This may reduce the incidence of knowledgeable risk-taking.

Item 7 is as follows—

> Nurses need training in Family Planning, so they can be seen as experts. They also need skills in subtly introducing the topic into discussion of general post-natal mother and child care, and post-abortion care.

Then item 13 states—

> Consideration should be given to changing the laws regarding who delivers health care. Trained local women (home and work) should be trained and paid to provide non-prescription services in their social networks, and community nurses prescription services. The community nurse is the ideal situation to introduce Family Planning when discussing child care, and other family problems.

The Hon. G. C. MacKinnon: Is that in Nigeria?

The Hon. R. F. CLAUGHTON: If the Minister had listened when I read it out—

The Hon. G. C. MacKinnon: You are terribly difficult to hear.

The Hon. R. F. CLAUGHTON: Mr MacKinnon makes it terribly difficult for himself to listen. This survey was carried out by the ladies I mentioned for the Australian Health Department. It was carried out at the University of Sydney in the Department of Preventive and Social Medicine, and is a comment on Australian conditions.

There is a great value to the Government in that the cost of services performed by such people is far less. There is a shorter training period; of course, they are trained in the other areas of nursing, and this is extra training which is done on top of the normal training. There is a great interest in these services amongst the nursing profession.

Many public health nurses have already completed courses provided by the Family Planning Association. There is a much readier availability of such personnel in the community, and because the service they provide is more of a routine nature, those country doctors that we are talking about, and also city doctors, would be relieved of this function.

In the provision of contraceptives there is a check list provided which has been shown to work highly successfully. By reason of the acceptability of this type of health personnel, there is also greater rapport and ease of communication with people. Then there is the final possibility of linking this service with others in the community, such as child health services.

I would hope the Minister adopts an attitude different from that he has displayed up to this point.

The Hon. N. E. Baxter: What attitude have I adopted to date?

The Hon. R. F. CLAUGHTON: It has not been very encouraging.

The Hon. N. E. Baxter: I merely asked a question about doctors; that is all I have said.

The Hon. R. F. CLAUGHTON: It has not been a very encouraging attitude. I would hope the Minister is sympathetic to the idea. I would commend him on the interest he has taken in the service. I do not criticise him at all. As far as the Family Planning Association is concerned, so far we have no cause for complaint, and we hope that situation continues. This is a measure which would make it possible for us to extend the service outside the metropolitan area. At the moment we seem to be hemmed in with very little possibility of reaching country people. Records show there are far more unplanned—not necessarily unwanted, although the probability is there—pregnancies, particularly amongst single women in rural districts. That in itself should motivate country members to take an interest in this proposal.

THE HON. I. G. PRATT (Lower West) [10.36 p.m.]: My intention originally was to rise briefly to congratulate the Hon. Lyla Elliott on the Bill she has brought forward. I support wholeheartedly the principle of it. We are accustomed to the fact that the topics she raises in this House usually concern the welfare of the people, and I am sure her motives are appreciated and usually supported. It was my intention also to state briefly at this stage why I support the principle but cannot support the legislation.

However, it is unfortunate—and from time to time it must be an embarrassment to the honourable member—that she manages to have someone on her side to put a spanner in the works, although probably with all good intentions, when things are going reasonably well. Even if I did

not have good reasons not to support this Bill at the moment, the Hon. Grace Vaughan gave me some very good ones when she pointed out how the Hon. Lyla Elliott was not rushing into this and trying to impose something on us. She went to great lengths to point out how indefinite the Bill is. In effect she said, "We do not quite know what we want; we have not put in all the details, because we are just preparing the way."

The Hon. S. J. Dellar: That is no different from a Government Bill where regulations are written later.

The Hon. R. F. Claughton: It is like those town planning statements.

The Hon. I. G. PRATT: I thought the honourable member would have received a fairly good lesson from his previous effort in respect of town planning statements. I thought he would have learnt to keep his court in reasonable order. However, he is a tiger for punishment, and he deserves it.

The Hon. S. J. Dellar: I think you are talking about the wrong member. It was I who said that.

The Hon. I. G. PRATT: Now that the noise has subsided, I will get back to the Bill. This is a matter concerning public health—the health of approximately half of our society. We should be absolutely sure when intending to legislate in regard to this matter, and we should know exactly where we are going. We should be sure of what we want.

The Hon. Lyla Elliott: I am.

The Hon. I. G. PRATT: I did mention that it is a rather unfortunate fact that the honourable member has other people who do not do her justice when supporting her Bills.

The Hon. Lyla Elliott: Have you read my second reading speech?

The Hon. J. Heitman: He is talking about your offsider.

The Hon. I. G. PRATT: Mr President, *Hansard* will tell the story.

When legislating in this regard we should be sure we will achieve the most advantage from these specially trained personnel when they are actually brought into the system. To do this very close consultation is required with those responsible for training, and also with the system in which they will operate. Close consultation is also required with other trained personnel with whom they will work. These are the definite points we should be sure of. We should be sure of exactly how this will work before we introduce legislation.

It would appear that perhaps those who advise the honourable member either have not done her justice or have not done their homework, because it seems strange to me that while there are investigations going on in this country at the moment into this very matter, there should be pressure to legislate before the results of those investigations are known. These investigations were mentioned by Mr Lewis in his speech.

If this is a matter on which we need to be sure—and I think it is—we should be aware of the findings of anyone who is investigating it before we commence to make laws.

There is one other matter on which I cannot help but comment, and that is the comparison that was made with undeveloped countries. I say this is an entirely different problem. In those countries the situation is that birth control is next to unknown and the problem is that children are being born who will not survive because the countries produce insufficient food to feed them. In many cases the mothers suffer from malnutrition during the term of pregnancy. The conditions in respect of mother and child are so severe that almost anything that happens is an improvement—even if it is not done efficiently, it is an improvement. I cannot see how we can honestly compare that with the situation in Western Australia.

Our problems as I see them are also mainly economic, but to a lesser degree. We have reached the stage in civilisation where we want to be able to care for our children in what we regard as a proper manner. We want to be able to afford to give them the things in life we want them to have. The other reason is the psychological effect on the mother. There are many cases where it is probably very harmful for a woman to have a child at a particular time of her life and in the situation in which she and her family are in.

I support completely the intentions of the Hon. Lyla Elliott. However, I want to be sure that we have the support of such bodies and people as the AMA, obstetricians and gynaecologists.

The Hon. R. F. Claughton: You have to be joking.

The Hon. I. G. PRATT: I am not joking.

The Hon. R. F. Claughton: There would not be a Family Planning Association if it were not for them.

The Hon. I. G. PRATT: Perhaps the honourable member is an expert on the effects of various contraceptive pills—

The Hon. R. F. Claughton: I know a little more than you do.

The Hon. I. G. PRATT: Probably he does.

The Hon. R. F. Claughton: I know more about the attitude of the AMA than you do.

The Hon. I. G. PRATT: We never cease to hear Mr Claughton tell us how much he knows about everything, and tonight he has again given us a typical performance.

The Hon. S. J. Dellar: He knows more than you do.

The Hon. I. G. PRATT: Frankly, I do not care if Mr Claughton knows more about the contraceptive pill than I do.

The Hon. R. F. Claughton: I do not know why you got on your feet.

The PRESIDENT: Order! In any case, this is hardly within the scope of the Bill.

The Hon. I. G. PRATT: The point I was going to make before I received those highly informed comments from our expert on contraceptive pills in this place, is that amongst my friends I have seen the emotional effect of having a contraceptive pill prescribed which is not suitable for a particular woman.

The Hon. Lyla Elliott: By a doctor?

The Hon. I. G. PRATT: Yes, by a properly trained doctor. I have seen the effect this has had on a woman. Perhaps Mr Claughton might like to contradict me and say it does not happen.

The Hon. J. Heitman: He doesn't take the pill.

The Hon. I. G. PRATT: That is the point I was making.

The Hon. R. F. Claughton: The doctor doesn't know what the effects will be, either.

The Hon. I. G. PRATT: It has also been my experience to note that when this happens usually the doctor has some knowledge of the woman and her situation; and if he is the family doctor he usually has very close knowledge.

When this happens the doctor usually very quickly takes the woman off the pill or prescribes another pill. These are people with long and thorough training. By saying this I do not say that I am against the nurses having this training. What I am saying is that this is something that must be approached very carefully.

If the Hon. R. F. Claughton wishes to make the point, as he has done at various stages during my speech, that this is not worthy of consideration, I say that shows very little concern for the womenfolk of our community because it is they for whom I am concerned. When we are dealing with their welfare we should do it very carefully and with the utmost consideration.

I support very sincerely the attempt of the Hon. Grace Vaughan—

The Hon. G. C. MacKinnon: You mean Miss Elliott.

The Hon. I. G. PRATT: The Hon. Grace Vaughan has had that much to say by way of interjection that one could quite easily be confused as to the originator of this Bill. I apologise to the Hon. Lyla Elliott most sincerely and deeply. This is a worthwhile proposal and I am quite sure that when it has been thoroughly investigated and we are absolutely sure where we are going it will be an aim of hers which will be achieved and will do her credit.

Debate adjourned, on motion by the Hon. D. K. Dans (Leader of the Opposition).

House adjourned at 10.56 p.m.

Legislative Assembly

Tuesday, the 9th November, 1976

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

CANNING VALE INDUSTRIAL AREA

Land Acquisition: Petition

MR BATEMAN (Canning) [4.31 p.m.]: I have a petition to present to the House. It is as follows—

> To the Honourable Speaker and Members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We the undersigned wish to protest against the proposed legislation currently before Parliament to make legal the Land Development Authority Act Amendment Act, 1976, regarding the fact the Government is desirous of putting beyond doubt and also ensure that the transactions already completed in the Canning Vale Industrial Zone were placed beyond question and in point of fact sets up the Industrial Lands Development Authority as a real estate firm it gives the Minister of the Industrial Lands Development Authority tremendous additional powers of acquisition which will make a mockery of the Metropolitan Region Scheme Act and every existing local authority town scheme.
>
> Your petitioners therefore humbly pray that your Honourable House will give this matter urgent consideration and your petitioners as is duty bound will ever pray.

I have signed the petition in accordance with the Standing Orders, and it contains 426 signatures.

The SPEAKER: I direct that the petition be brought to the Table of the House.

The petition was tabled (see paper No. 534).

DEATH DUTY ASSESSMENT ACT AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by Sir Charles Court (Treasurer), and read a first time.