

they should be made aware of their responsibilities and should obtain gravel from sites which are closely related to the roads they are making.

Several other points were made with reference to the amendments. Those speakers who have reminded the House that some of the amendments are perhaps a little trivial and could have been left until a later date should be acquainted with the facts. I remind the House that these amendments have been considered by the various local authority associations, and I understand a considerable amount of discussion and debate took place before the amendments were recommended to the Minister.

Mr. Toms: Not all of them were recommended.

Mr. NALDER: This is the information that has been given to me by the Minister for Local Government. Even in a case such as this we have to be prepared to accept the recommendations that come forward from these responsible people. I think every member of this House recognises the value of the work performed by any local authority. I do not think that in any instance we can deprecate the importance of the work done by these responsible people who, as we all know, without any recompense for their labours, volunteer to look after the interests of the ratepayers in the areas they represent.

Mr. Toms: You do not think I would be one to do that, do you?

Mr. NALDER: No, I am not pointing the finger at the honourable member. I do not think anyone would say anything derogatory about local authorities or deny that they are all doing a wonderful job throughout the State. I know that Governments in the past have endeavoured to assist them in every way, and we should continue to do so. We should assist and offer advice to them and be eager to amend the Local Government Act when the Minister is approached by them to do so.

Mr. Toms: As long as you know when to defer.

Mr. NALDER: There are quite a number of amendments which, because they can probably be dealt with by a little common sense, will never see the light of day, in spite of the fact that they have been recommended by local authorities, and even though at the time they were suggested there appeared to be great problems.

The Minister will be informed of the comments that have been made by members, and I assure them that the amendments to the Act that are brought forward from time to time are designed to assist local authorities to carry out the work they endeavour to do on behalf of the ratepayers in their various districts.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

*House adjourned at 9.41 p.m.*

## Legislative Council

Wednesday, the 2nd October, 1968

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

### QUESTIONS (13): ON NOTICE

#### LAND FOR HIGH SCHOOL

*Gosnells*

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

- (1) Has the Government recently acquired an area of land in the Shire of Gosnells as a site for a future high school?
- (2) If so, what is the location of the site?

The Hon. A. F. GRIFFITH replied:

- (1) Acquisition has not been finalised but negotiations are proceeding.
- (2) The proposed site is in Ovens Road, Thornlie.

#### ROAD MAINTENANCE TAX

*Allocations to Local Authorities*

2. The Hon. R. H. C. STUBBS asked the Minister for Mines:

- (1) Is the statement contained in the August-September, 1968 issue of the *Transporter*, the official journal of the Western Australian Road Transport Association relating to details of allocations made to local authorities from revenue received from road tax for the 1967-68 year, correct?

- (2) If so—

- (a) from where was this information obtained;
- (b) if the information was supplied by a Government department or instrumentality, which department did so; and
- (c) how were the allocations paid to the local authorities?

The Hon. A. F. GRIFFITH replied:

- (1) No. Since this statement was prepared, two minor errors have been uncovered. The allocation to the Mundaring Shire Council should read \$2,230, not \$2,890, and the allocation to the Swan-Guildford Shire Council should read \$1,980, not \$2,640.

- (2) (a) The Main Roads Department.  
 (b) Answered by (a).  
 (c) The local authorities are re-couped the expenditure they have incurred under this grant following submission of certified statements of expenditure to the Main Roads Department.

### CANNINGTON HIGH SCHOOL

#### *Gymnasium*

3. The Hon. C. E. GRIFFITHS asked the Minister for Mines:

Would the Minister ascertain from the Minister for Education whether the unfinished gymnasium at the Cannington High School is going to be completed during this financial year?

The Hon. A. F. GRIFFITH replied:

It is unlikely that this work will be undertaken in the present financial year.

### DRIVING LESSONS

#### *Private Tuition*

4. The Hon. C. E. GRIFFITHS (for The Hon. G. E. D. Brand) asked The Minister for Health:

As lack of driving experience can be the cause of many accidents involving motorcars, will consideration be given to allowing private car owners to instruct young people to drive in order that experience might be gained over a greater length of time rather than a quick course of tuition after the young person attains the legal minimum age for holding a driver's license?

The Hon. A. F. GRIFFITH (for The Hon. G. C. MacKinnon) replied:

It is not intended to permit persons under the age of 17 years to receive driving instruction on roads by other than properly qualified driving instructors.

### MEDICAL PRACTITIONERS

#### *Country Ports and Goldfields*

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

- (1) What is the approximate population of the following towns:—

- (a) Geraldton;  
 (b) Albany;  
 (c) Bunbury;  
 (d) Esperance; and  
 (e) Kalgoorlie-Boulder?

- (2) How many doctors are practising—

- (a) part time; and  
 (b) full time;

in each of these towns?

The Hon. A. F. GRIFFITH (for The Hon. G. C. MacKinnon) replied:

- (1) (a) 12,970.  
 (b) 11,820.  
 (c) 16,060.  
 (d) 2,677.  
 (e) 20,070.

- (2) (a) and (b)—

	Full Time	Part Time
Geraldton	8	—
Albany	7	2
Bunbury	14	1
Esperance	2	1
Kalgoorlie-Boulder	5	1

6. This question was postponed.

### ORD RIVER DAM

#### *Major Project*

7. The Hon. F. J. S. WISE asked the Minister for Mines:

- (1) What are the approximate tonnages of cement and steel involved in the construction of the major Ord River dam?  
 (2) What is the present stage in the preparation of plans for the commencement of the work?

The Hon. A. F. GRIFFITH replied:

- (1) Cement—6,000 tons.  
 Reinforcing steel—1,000 tons.  
 (2) Plans are complete and tenders for the work will close on the 15th October, 1968.

### HOUSING FOR TEACHERS

#### *Margaret River*

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

- (1) Is it the intention of the Government Employees' Housing Authority to build additional housing accommodation for school teachers at Margaret River during the current financial year?  
 (2) Has the authority programmed the replacement of any existing house now occupied by a school teacher in this town?  
 (3) If the answers to (1) and (2) are "Yes"—  
 (a) what type of buildings will be built;  
 (b) have tenders been called for this work;  
 (c) have contracts been let; and  
 (d) will the houses be occupied by teachers on the staff of the primary school or the high school?

The Hon. A. F. GRIFFITH replied:

- (1) Yes, one house.  
 (2) Yes, one house.

- (3) (a) Government Employees' Housing Authority standard timber-framed three-bedroomed houses.
- (b) and (c) A tender has been accepted in respect of (1) and tenders will be called in the near future in respect of (2).
- (d) Allocation will be made by the Education Department.

#### EXMOUTH JUNIOR HIGH SCHOOL

##### *Additional Rooms*

9. The Hon. G. E. D. BRAND asked the Minister for Mines:
  - (1) Is it the intention of the Government to provide additional rooms at the Exmouth Junior High School for instruction in woodwork, metalwork, and domestic science?
  - (2) If so—
    - (a) when is it anticipated that building will commence; and
    - (b) when will the additions be completed?

The Hon. A. F. GRIFFITH replied:

- (1) Such additions are not normally provided until the school has been upgraded to the status of a Junior High School Class I. Exmouth is at present a Junior High School Class II.
- (2) (a) and (b) No provision has been made in the 1968-69 building programme.

#### WARREN DISTRICT HOSPITAL

##### *Additional Staff Quarters*

10. The Hon. V. J. FERRY asked the Minister for Health:
  - (1) Is it intended to build additional staff quarters at the Warren District Hospital, Manjimup?
  - (2) If the answer to (1) is "Yes," will the Minister advise—
    - (a) what form will the additional accommodation take;
    - (b) how many persons will it accommodate;
    - (c) does the building programme foreshadow additional medical or nursing services at this hospital; and
    - (d) have tenders been called for the new staff quarters?

The Hon. A. F. GRIFFITH (for The Hon. G. C. MacKinnon) replied:

- (1) Yes.
- (2) (a) Two six-bedroomed houses.
- (b) 12.
- (c) Yes; when funds are available.
- (d) Yes; a contract should be let within a few days.

#### AVIATION COMPANIES

##### *Subsidisation*

11. The Hon. G. E. D. BRAND asked the Minister for Mines:

Is it the intention of the Government to subsidise aviation companies which will be operating over uneconomic air routes previously serviced by MacRobertson Miller Airlines?

The Hon. A. F. GRIFFITH replied:

The operation of some air services by MacRobertson Miller Airlines became uneconomic when conducted with large aircraft. The introduction of light aircraft on regular services is expected to overcome this. Apart from the payment of subsidies to reduce air freight on perishable foodstuffs and provide air travel for students, the Government has not had occasion to subsidise airline operation, but consideration will be given to any area where a regular air service is essential but cannot be provided without subsidy.

#### RENTAL HOMES

##### *Allocations in Metropolitan Area*

12. The Hon. C. E. GRIFFITHS asked the Minister for Mines:
  - (1) Have any applicants for State Housing Commission rental accommodation in the metropolitan area been allocated homes on a "turn reached only" basis since the 1st July, 1968?

(2) If so—

- (a) how many homes have been allocated; and
- (b) in what areas have applicants been allotted homes?

The Hon. A. F. GRIFFITH replied:

(1) Yes.

(2) (a) 71 dwelling units.

(b) Perth estates	41
Fremantle estates	4
Midland Junction estates	1
Kwinana estates	25

71

#### TRAFFIC ACCIDENTS

##### *Country Victims: Financial Assistance*

13. The Hon. G. E. D. BRAND asked the Minister for Local Government:

In the event of a resident of a country town being injured in a traffic accident as a result of which periodic medical treatment is required in Perth, is it possible for a person in poor financial circumstances to obtain temporary assistance to cover the cost of fares and accommodation during

such periods of treatment until a pending claim through the Motor Vehicle Insurance Trust is settled?

The Hon. L. A. LOGAN replied:

It has always been the policy of the Motor Vehicle Insurance Trust to give consideration to requests for advances in genuine cases of hardship.

### STATE SHIPPING SERVICE

*Opposition to Sale: Motion*

**THE HON. F. J. S. WISE** (North) [4.45 p.m.]: I move—

That this House views with concern the suggestions contained in the published rumours that the State Shipping Service is to be sold to private ownership.

As we believe this service is at least as important to the people of the north and to the development of the north as the State-owned railways and the metropolitan bus services are to the people of the south, this House declares its opposition to the sale of the State Shipping Service.

This motion should serve a very useful purpose and enable opinions to be expressed on what really is a national matter. At the time the motion was framed there was no alternative but to refer to the rumours of sale, although in no way will the case expressed by me for the retention of this State-owned entity be relying on rumour. All that is necessary for me to say on that aspect is that a few weeks ago the Leader of the Opposition was reported as saying that the State Shipping Service was on the point of being sold. At that time the Minister concerned replied that no offer to buy the State ships had been made.

Later, the Minister was reported as having said—

If we could get a suitable offer for the eight ships I would recommend to Cabinet that they be sold.

Those were the words that appeared in the *Daily News*. In *The West Australian* they were phrased slightly differently, and in that newspaper the report was—

Mr. O'Connor said that if a reasonable proposition for the purchase of the service is received I will consider it.

Those words are my starting point in speaking to the motion. I feel there is no need to traverse in detail the history of the State Shipping Service which I consider I know very well. Suffice to say at this time that the service was initiated with small ships to serve isolated communities situated at various places along a very lengthy Western Australian coastline; that is, all the remote areas from Eucla to Wyndham.

It was never expected that this service would be run at a profit, or would be a profit-making concern, but it was intended it should give service to industry and to people who were really game enough to stake their claim and make their living in our sparse lands. The State ships have certainly rendered very great service to the various communities along the coast, and to Western Australia in general. It has acted as a watchdog over freights, particularly when it had costly competition, and it has been a lifeline to the people in the north-west. It has had, and still has its critics, but I think I will be able to show to the House how difficult it will be, on such a difficult coastline, to replace this service.

The only time the State ships—any one of them—made a profit was when the first ship, the *Kangaroo*, during the Great War made very large profits whilst engaged on war service and in conveying materials, goods, and men into and out of war zones. Because of governmental methods of book-keeping, the State Shipping Service received no credit for the enormous profits that were made by the *Kangaroo*. They were all paid into the Consolidated Revenue Fund. Indeed, at the time of the sale of this vessel there was still money owing in loan for its purchase.

The contribution made by State ships in a war sense during the last World War was a remarkable one. That is not known to very many people, but it is known to those who were administering the affairs of the State at the time as being a very vital factor in the defence of this country. Without developing any theme which would give retrospectivity to the history of the service, I would suggest to members who are interested in the State Shipping Service that they familiarise themselves by research into the publications, into old newspapers—particularly those found in the archives of this State—and also into the report of Captain Williams on the affairs of this service, which report was submitted to the Government in 1962. Captain Williams drew attention to very many difficult aspects of the service.

In this land, which is not only cyclone prone, but which has an enormous tide variation—from approximately five feet to six feet at Carnarvon, to a 32 feet rise and fall at Port Hedland, and 35 feet at a port further north—difficulties associated with having no back-loading of cargoes, and with freights and fares impossible of fixation except for specific industries and particular aspects of those industries are experienced. In all those difficult circumstances the State Shipping Service has given to the people of our remote north—indeed, to one-sixth of Australia—a service which has no basis of comparison with any other part of the world.

There is no other part of the world where the same conditions are found—where 2,200 miles of coastline, 2,200 sea miles of shipping route calling at all ports up to Darwin, or in the case of Wyndham nearly 2,000 miles of shipping route each way on each trip are encountered. These vast distances have to be covered by shipping to serve so very few people with very many of their necessities. There is nothing quite like that to be found in any other part of the world.

If members will pause for a moment, and take as a basis for comparison the conditions on the eastern side of Australia, they will find that from Brisbane to Cairns—even from Perth right through to Cairns, but certainly on the coast line from Brisbane to Cairns—a continuing railway line which serves large cities such as Rockhampton, Mackay, Townsville, and Cairns. Some of these centres have a population exceeding 100,000. Since the days when I lived in Cairns, and when I was married there, it has grown from a town of 15,000 people to one of the prime cities of this great continent.

In addition to those towns to be serviced, I should point out that radiating from each is a railway system which brings in various commodities—sugar from the coast, timber from the tablelands and the north coast, and wool, cattle, and the like. We have nothing on the western side of the continent which is comparable with the conditions that obtain on the eastern side. Instead, we have small isolated communities which are hundreds of miles apart along this coastline, and some of them are no nearer to a railhead than 2,000 miles. What a different prospect, and what a different picture it is to the centres on the eastern side. The nearest railway line to Wyndham is 2,000 road miles away.

It means that in our day and in this generation, and perhaps in the next generation, it is not a practical matter to consider the construction of an all-weather road from Wyndham to Perth, to carry the commodities of production from that region. Therefore with a feeling of very great responsibility towards our people living under stressful circumstances in a difficult climate, I would say that without a heavily subsidised shipping service there would be, indeed, fewer people in our north today than there are.

One very important matter which the State Shipping Service has handled efficiently is to have available passenger accommodation for people who leave our north after, say, one or two summers there for a trip to the southern climate as a relief. Before dealing with that aspect I would like to quote what has been the situation, even under a heavily subsidised service, in regard to the cost of foodstuffs in the north. I have taken these

figures from the two most recent supplements of *The West Australian* which in a weekly form are published to deal with north-west matters. In last week's issue figures relating to the price of foodstuffs were given for Wyndham. Under the heading of "Celery at \$1.24 a Stick in Wyndham" the following figures appear:—

Eggs—92c a dozen.  
Butter—64c a lb.  
Pound packages of cereals—57c.  
Canned fruit—50c.  
Oranges—90c a dozen.  
Celery—\$1.24 a stick.  
Tomatoes—70c a lb.  
Lettuce—up to \$1.20 each.  
Flour—7c to 8c a lb.  
Middies of Beer—19c.

I do not know what constitutes a middy, but the price seems to be very high.

When we add to those high prices the cost of electricity it has been truly stated, and it is known to us in the north, that the district allowance of \$7 a week becomes hopelessly inadequate. We can readily understand how we resist if we can, but resent if we cannot, any increase in freights which affects the cost of living in those areas. It becomes a very serious matter if by any increase there is a tax on bread and butter, or if there is a tax on the necessities of life.

I will now give the figures for Port Hedland which appeared in the issue of *The West Australian* of the 11th September—

Eggs—usually 80c a dozen.  
Butter—58c a lb.  
Sugar—14c a lb.  
Plain flour—12c a lb.  
Milk—20c a pint frozen.

I think those figures, which are right up to date, are sufficiently illustrative of the difficulties associated with transport, even by ships; and of the circumstances which freight increases, even though subsidised, bring to the cost of living and to the lives of people in that region.

So it is no wonder that we of the north do not like to hear of freight increases, though we concede that some of them have been unavoidable. I have used those figures to show how exorbitant are the costs of ordinary common foodstuffs compared with the prices which people pay in the south. Members can imagine how these costs affect the standard of living and the way of life.

It must be remembered that the prices I have quoted are those at the port. I expect my friend, Mr. Strickland, will be dealing with some of the aspects of inland prices. It is hundreds of miles by road from the ships' slings at Wyndham to places like Halls Creek and beyond.

The Hon. H. C. Strickland: And there is the road maintenance tax.

The Hon. F. J. S. WISE: Yes. All the people in the north find themselves in this situation. Those on a station property 200 miles or more from the port pay four times the initial cost of the goods, and this is even with freight subsidies controlled by Governments. Therefore, it is a very serious matter. As a consequence, when it is within the power of a Government to give subsidies, those subsidies should, I submit on a national basis, be on a very generous scale.

Many people may wonder why a lot of these foods I have mentioned are not grown in the area. One of the main reasons is the difficulties associated with pest control in places such as Wyndham and Broome, and those areas nearby which have complete house gardens and vegetable gardens devastated overnight by the ravages of grasshoppers and other smaller pests. It must also be remembered that the temperature in Wyndham—which today is 90 degrees—is often over the century. That area has one of the five highest mean temperatures of the world. There are very few months in the year when satisfactory returns can be gained from either a home garden or a commercial operation of that kind.

What the State Shipping Service has, in past years, done to help pastoralists remain on their properties is of itself a story well worth telling, but I will content myself by saying that the freight costs of cattle on the hoof have been heavily subsidised on State ships. However, we know that when competitive lines operated on the coast, the managements had an anxiety to raise the freights year by year. Indeed, the Governments of the past—and, I presume the present Government—have had to resist increasing freight rates on cattle on the hoof. Because of the subsidies and the lower freights, the pastoralists have, in some years, received a profitable return which otherwise would have been denied them. No sentiment can be expected when the motive of an operation is one of profit.

One of the most important aspects of the case for the retention of State ships is that private firms must show a profit to live. It will be a very sad thing for those in the remote areas who have done so much for Australia—which I will endeavour to show shortly—if they are to be subject to extortion, overcharging, profit-making, and profit-taking, by these firms which, as I have just said, must make a profit to live. However, with the State in control and able to determine just how generous, liberal, and reasonable, freight charges shall be, there is some chance for people who live under these difficult circumstances.

Passenger services must at no stage be overlooked in the future planning of this service. On that point Captain Williams

had quite a lot to say, but I think one very pungent paragraph is the following:—

A passenger ship service has long been regarded as a right by citizens of the north-west and at concessional rates bearing little relationship to the costs involved.

There is no alternative for that attitude. Public servants have their return fares south paid every two years, but those who are not public servants—and there are many, including people with families who are anxious to get away from those climatic conditions every second year, and this applies particularly to the womenfolk—find great difficulty in obtaining fares for the whole family for a return trip. This is in spite of the very generous concession rates obtaining.

A shipping service is very important for another reason. The sea voyage is part—and a very important part—of the holiday and change for a family living in this area. In this case the State Shipping Service has again, in the past, rendered a great contribution to people of the north—and, in particular of the far north—who have to take their families away periodically. Indeed, those people could not be expected, with all their other commitments, to face what would be their accounts if they were forced to fly.

I do not wish to labour any aspect of the arguments I am submitting. They are fairly patent and many need no elaboration. However, I would like to refer to the losses on State ships, losses which, from time to time, have forced Governments to look at some way of reducing the burden on the Budget. It was my privilege some years ago to be the first Minister to state a case for an allowance or subsidy for State ships. This case was submitted to the Grants Commission which was chaired by Mr. Eggleston; and from that point onwards the Grants Commission has accepted a responsibility to this State, sometimes in generous proportions, acknowledging that this shipping service is indeed, as I have described it, a lifeline to the north.

The loss last year as disclosed in answer to a question by Mr. Strickland was \$2,372,000. In the past all those losses up to a limit, in recent years, of \$2,000,000, have been considered and reimbursed in the aggregate amount allotted to the State under section 96.

The State is to receive a special grant based on the plea and arguments placed before the Commonwealth Treasury by our Premier. The State will receive a \$15,000,000 special grant until 1970, and consideration will be given to a continuing grant after that period. From my reading of the Premier's comments, it appears to me that the State Shipping Service has been given consideration within that \$15,000,000 special grant. I hope that if

there is to be a continuing special grant, even though we are now, fortunately, a non-claimant State—remarkably, a non-claimant State—a special provision will be allocated to this State for something which is of interest to all Australia, and not in particular to Western Australia.

What would be the cost of replacing this \$2,372,000 loss of last year? A very important question and answer will be found in yesterday's *Votes and Proceedings* of another place—our other legislative Chamber. Mr. Bickerton asked the Minister for Transport the following question:—

Will he supply an estimated gross figure of the total additional freight rates that would have to be charged over a period of 12 months to transport the present tonnage carried by the State ships to the north-west if the State ships ceased to operate?

The answer is rather startling and reads as follows:—

The estimated additional freight payable in respect of Western Australian ports on 1967-68 State Shipping Service cargo figures would be \$7,837,000. There are some ports which cannot be serviced entirely by road such as Barrow, Cockatoo, Koolan Islands, and Kulumburu, and there is a requirement in a number of places for inland transportation by road after the State Shipping Service has performed its task. Marble Bar from Port Hedland and Kununurra and Halls Creek from Wyndham are examples.

If total transportation charges are considered—i.e., freight, wharfage, handling, terminal cartage, inland road transportation, and sea transportation to those places that cannot be serviced by road—the estimated additional freight payable would then be \$6,205,000.

Those figures play a very important part in my case. The loss for last year was \$2,372,000, and similar losses have been experienced in past years. These losses were made good by all of those in Western Australia. Indeed, in some instances some of the money was made good by those in other States as well.

However, without the existence of the State Shipping Service, the expected \$7,837,000 loss to service industry, development, and the requisites of the people of the north, will be met from the contributions by the people of the north—and them alone—who live in such stressful circumstances that I do not wish to dwell upon them unduly. That is the difference. With the State Shipping Service, there would be a \$2,372,000 charge on all our community; but without the State Shipping Service there would be a \$7,837,000 charge on the industry and people of the north.

Consequently the Parliament of this State has a grave responsibility to ensure that great care is exercised in any contemplated sale of the service which has been of such national import.

Let me put another angle: The wonderful mineral finds—the miracle finds—of our central north, the Pilbara, have meant much to Western Australia, but, perhaps a lot more to the Commonwealth. They have meant so much to this State that we are emerging from the position of a claimant State after a number of years—more years than I have been in Parliament. However, now the Commonwealth Government is reaping enormous benefits from the value of the exports from this previously sparse land—the Pilbara.

The products of the Pilbara already are helping the Commonwealth's trade balance enormously; and I know that our friend, the Minister for Mines, must find tremendous satisfaction in being the Minister for Mines when history of this kind is being made. These minerals are coming from a part of Australia which was destined to have a population only as dense as is compatible with pastoral pursuits, and that is a very slender population under north-west conditions. However, today we have towns such as Port Hedland, which had only 200 people in it when I first knew it, bordering on the 5,000 and 6,000 population.

These are fantastic happenings. We now have ports, railways, and towns where a few sheep used to graze five or six years ago. We have ore production by the millions of tons—in greater quantities per annum than seven years ago the Commonwealth acknowledged as Australia's total ore reserves. Although all these happenings will make for better living conditions and easier accessibility—an all-weather road as far north as Port Hedland I hope to live to see—they will not detract from the importance of the State Shipping Service in rendering a service for the people of the north—at places which are already being served, for export purposes, by overseas shipping lines.

I say that the State Shipping Service is important to the people of the north because the State is the only controller of a service which is in a position to assess the human needs—the requirements of the people who live in that area—without taking into consideration the profit motive. A loss of \$2,372,000 per annum, is relatively minor, and will be relatively minor when we compare it to the total income from the north now and in the future. That figure is not much more than the export value of the products of our prawning industry.

Therefore I think that we in this Parliament have a very great responsibility in pondering over those angles. What proportion of the income which directly has been

responsible for this State becoming a non-claimant State would be needed to keep the present, or even a much improved State Shipping Service on the run? It would need a very small proportion of that income, and from my point of view the people of the north are justly entitled to a continuation of the service which they have received in the past.

Our sparsely populated areas have helped the State enormously from many angles—not only from the present production or the prospective production. When there was little mining activity in the north, except spasmodically in areas such as Wittenoom, this State received millions from Commonwealth sources because of the empty north. This money was received through the Federal Aid Roads Agreement which, initially, was based on an area-population formula. This State received millions through this formula and that money helped to service and build roads from the goldfields to Esperance, and through all the south-west and wheat-growing areas. Those roads were built through the contributions which were received under the Commonwealth formula as a result of our vast empty areas in the north.

That formula was fought for and won by a Western Australian Minister, and because of our empty spaces we received millions in contributions from the Commonwealth. Now we are faced with a proposition to continue to do something for the people in those empty spaces. Therefore I think it is far better and far safer for such people if we as a Parliament accept the responsibility to protect their way of life, their interests, and to continue with the responsibility of paying subsidies, even if it hurts; because none of us would object to paying subsidies that are necessary to provide a service. We do it with concessions on our railways. I do not know, but Mr. Baxter would know, what rail freight subsidies have meant to our wheat-belt areas—particularly the subsidies on super freights—in the last quarter of a century. Very large sums of money have been spent in this direction.

I feel sure that if we discuss this motion, or endeavour to do so, on a basis which is shorn from politics, and think only in a national way of the needs of the people of the north, we will find it very hard to oppose; because the motion will ensure that justice is done to those people.

Of the future of the State ships we read much. We read of proposals that are not new—of large-type ships; of the roll-on-roll-off proposition—but as far as I am concerned those proposals must be left to the experts. For some years *The West Australian*, our leading newspaper, has insisted it is better for the State in facing the overall requirements of the future to spend many millions to retain a service

capable of giving service and earning more income. Indeed, *The West Australian* is very much on the side of the people of that area.

In its leading article of the 6th March, 1965, it commented upon the attitude of the Grants Commission Chairman of that day, Mr. P. D. Phillips. I was present in the room upstairs when the commission was taking evidence from a State Minister, and from the Under Treasurer, in connection with the State ships. The Grants Commission Chairman of that day always tended to lecture people; he always tended, or endeavoured to browbeat his witnesses. I notice the Minister for Mines is smiling. I do not know whether he had such an experience.

The Hon. A. F. Griffith: I have a lolly-pop in my mouth.

The Hon. F. J. S. WISE: I hope it is sweet! In the leading article to which I have just referred, under the heading, "Grants Chairman's Lecturing Habit," *The West Australian* of the 6th March, 1965, had this to say—

The State Shipping Service is a complex matter which the Chairman is tending to approach in too cavalier a fashion. The rising losses are of serious concern.

But the service is inseparable from the wider problem of northern development. It should be covered by a specific Commonwealth grant under a system, outside the scope of the Commission, flexible enough to take account of varying costs and circumstances.

Further on the article states —

The Commission is not competent to make an arbitrary assessment of what the shipping loss should reasonably be in relation to the task of opening up the north and serving the expected increase in population.

I quote further from *The West Australian* of the 5th March, 1965, which published some evidence taken at the same sitting to which I have just referred. This is what was published in relation to the evidence tendered by the Minister for the North-West (Mr. Court)—

North-West Minister Court told the Commission that the Commonwealth could not deny that the State Shipping Service was a lifeline to the north, "If the Commonwealth is sincere on development of the North, this is one direction in which it must help," he said.

The W.A. Government would be put in an intolerable position in developing the north if it were tied to a tight subsidy.

The Government was committed to providing the service. There would be a recurring debt because freight



rates could not be increased to the level necessary to break even.

Freights and fares were being reviewed, Mr. Court said. The increasing deficit was a constant concern.

There is much more I could say, but I have endeavoured to keep within the bounds of the motion. I wish to leave the matter there and hope that we have in this Chamber many supporters of a proposition of such national importance.

#### *Adjournment of Debate*

**THE HON. N. E. BAXTER** (Central) [5.25 p.m.]: I move—

That the debate be adjourned.

Motion put and negatived.

#### *Debate (on motion) Resumed*

**THE HON. A. F. GRIFFITH** (North Metropolitan—Minister for Mines) [5.26 p.m.]: I think I should explain at the outset that my only reason for opposing Mr. Baxter's motion was that I was ready to speak to the motion just moved by Mr. Wise; and I thought Mr. Baxter intended to speak, also, and not to adjourn the debate. In those circumstances, I think I might be forgiven for opposing the motion moved by Mr. Baxter. I know it is not customary, unless matters are of a political nature, to oppose motions to adjourn debates, and I hope the explanation I have given is accepted.

I wanted to speak this afternoon because I felt that the case put forward by Mr. Wise should, from the Government's point of view, be answered, and can be answered immediately. I understood Mr. Wise to say at the outset that at the time the motion was framed one could only rely on rumours that had been circulating. I do not know when this motion was framed. I know that on Wednesday, the 18th September, the day before we adjourned for a week for the Royal Show, the honourable member gave notice of his intention to move it.

When giving notice of his motion the honourable member indicated that he intended to move it in the House on Wednesday, the 2nd October, which is today. I wondered, when I heard the honourable member give notice of his motion, and read it, why a Wednesday had been chosen as the day for moving the motion. I subsequently wondered whether or not the deduction I had made was the correct one; and when I saw the Legislative Assembly notice paper, on which appeared an identical motion, I knew my deduction was correct.

The reason for wanting to move the motion on a Wednesday is that Wednesday is private members' day in another place; private members' business can only be dealt with on that day, and naturally Mr. Wise would want the moving of the motion in this House to coincide with the

moving of an identical motion in another place. I find no fault with that procedure; I merely point it out.

The honourable member's starting point in putting forward his reasons for asking the Legislative Council to consider this motion is a statement that was made by the Minister for Transport (Mr. O'Connor).

[Resolved: That motions be continued.]

**The Hon. A. F. GRIFFITH:** Mr. Wise said when discussing this matter that his starting point was the statement made by the Minister for Transport (Mr. O'Connor), that if a satisfactory offer were made in connection with the sale or purchase of the State ships that he, Mr. O'Connor, would recommend it to the Government.

That was the starting point on which Mr. Wise based his case. Despite that, I would like to point out right from the very beginning that on the 19th September the Premier (Mr. Brand) advised the public through the Press that the State ships would not be sold.

The situation in respect of this matter was simply that no offer had been made, or has been made, to the Government in connection with the purchase of the State Shipping Service.

I watched an extraordinary television interview in which two men appeared—one was the Minister for Transport and the other was the Leader of the Opposition in another place. The television interviewer put questions to these two people. I watched and I heard Mr. O'Connor say that no offer for the sale of the State ships had been made; that the State ships had not been sold; that, in fact, Thomas Nationwide Transport Limited had made an approach to the Government to ask whether it could examine the prospect of putting forward a proposition for the purchase of the State ships, but that no offer as a result of these investigations had been made.

I then saw and heard the other gentleman—Mr. Tonkin—categorically say that he had authentic information to the effect that the State ships would pass to T.N.T. I found this a most extraordinary state of affairs, because as a member of Cabinet I had listened to the Minister for Transport report to the Government, and advise the Government, that T.N.T. had made a verbal approach and had asked whether it could examine the State Shipping Service with a view, if it thought fit, to putting forward some proposition.

I knew there had been no proposition put forward; that no money had passed; that no document had been signed; and yet in *The West Australian* Mr. Tonkin said that though formalities had not been completed he had authentic information that the ownership of the State ships would pass to T.N.T. This had been agreed

he said—if he was correctly reported in *The West Australian*—though he did not know whether there had been a cash or a deposit arrangement.

Mr. Tonkin referred to the report that Mr. Thomas, the Managing Director of T.N.T., had said his company expected to raise \$2,780,000 through a share issue to get transport interests, and that it wanted to go into the shipping business. Mr. Tonkin said that Mr. Thomas made this statement after the company had acquired shares in the R.W. shipping concern, and that this was done about two months ago. He said that Mr. Thomas was now hedging; that the State Shipping Service—an asset shown on the books at more than \$8,000,000—was to be sold for \$3,000,000; that the Coastal Shipping Commission which operates the State Shipping Service had a loan of \$2,400,000 in the 1966 calendar year. I found it most extraordinary to hear this statement made.

The Hon. L. A. Logan: You are not the only one.

The Hon. A. F. GRIFFITH: I wondered to myself how much suspicion a Government is obliged to operate under if this was to be the situation. I heard Mr. O'Connor reiterate that no offer had been received from this company and that no sale had been made.

Yet we have this extraordinary assertion that everything is almost signed, sealed, and delivered except for the formality. The position was that early in June of this year the Government was approached by Thomas Nationwide Transport Limited and asked whether the Government would be receptive to an offer to buy this service.

After careful consideration the Government answered in the affirmative, subject to the following conditions being fully satisfied:—

(1) That the price was acceptable. This price which, according to Mr. Tonkin, had been decided; because obviously we could not sell the service without deciding on a price—

(2) The Government would require control of freight rates.

I imagine this would go into a contract of sale—

(3) The Government would require control over the nature of the service, ports of call, and the frequency of the service.

(4) The Government might not choose to sell all its interests.

(5) The Government would require guarantees as to the continuity of employment of State Shipping Service personnel.

(6) The Government might require to nominate a director to the board of the operating company.

Those were the six points on which the Minister for Transport said he would be prepared to allow this company to have a look at the operation of the State Shipping Service with a view to making some offer if the company thought it could.

This is in complete contrast to the attitude of Mr. Tonkin, who appeared to be quite sure that the State Shipping Service had been sold. When I heard Mr. Wise give notice of his motion, I think I might be pardoned for saying that I became a little bit confused, because I could not see how he could move a motion in connection with a service which, according to Mr. Tonkin, the Government no longer owned; which it had sold.

Of course the Government had not got rid of the service at all; it had not got rid of it then, nor did it receive a proposition to get rid of it. The Government merely said that upon those six terms and conditions being satisfied the company could examine the position and make a proposition if it thought it was able to do so. Shortly I will come to what happened as a result of that.

The six requirements to which I have referred were acknowledged by T.N.T., which then proceeded to study the operation, having conversations for this purpose with certain State Shipping Service personnel. Whilst these conversations were in progress the Government sought the views of Captain Williams—the gentleman whom Mr. Wise mentioned when he was speaking. Captain Williams is the Chairman of the Australian Coastal Shipping Commission, and he has been a long time adviser to the State Shipping Service.

Sir John Williams—that is Captain Williams—advised that subject to the safeguards already mentioned he could see no disadvantage to the sale of the service. Might I say at this time that the Minister for Transport, when receiving this approach, had in mind that this was a service which was showing a very distinct loss to the taxpayers of Western Australia, and he considered it reasonable to at least allow these people to see whether they could put forward a proposition subject to the very stringent terms I have mentioned.

On the 12th September, T.N.T. advised us that it could not make an offer to purchase the State Shipping Service, and on the 16th September the way ahead was clear so far as the company was concerned, and the Government took the decision to proceed with the re-equipping of the service with the intention of itself continuing to operate it, providing appropriate financial arrangements could be made and providing a satisfactory ship design could be arrived at.

This was made public through the medium of *The West Australian* newspaper of the 19th September, which in large

black type carried the heading, "Government Wants Barge Ships For State Service." The article then continued—

The State government has decided in principle to buy two barge-carrying ships to reorganise the operations of the State Shipping Service.

The decision depends on the choice of a suitable design for the ships and satisfactory arrangements to finance their purchase.

Premier Brand said yesterday that the government intended to re-equip and continue operating the service.

This had been decided after exploratory talks with Thomas Nationwide Transport Ltd., which had inquired whether the Government would consider an offer to buy the service.

No acceptable offer had been made.

Do I have to repeat this any more? I do not really think I have to repeat it any more to satisfy Mr. Wise; I do not think I have to repeat it any more to satisfy many people.

The Hon. F. J. S. Wise: I did not raise the point.

The Hon. A. F. GRIFFITH: Mr. Wise graciously says he did not raise the question, and for fairly obvious reasons. It would not make any difference how many times we said the State Shipping Service had not been sold, because this would not satisfy certain people. I repeat, for the last time, those arrangements did not go ahead.

The Hon. H. C. Strickland: You keep saying you would have sold it if you got a reasonable offer.

The Hon. A. F. GRIFFITH: Nobody denies that; the Minister said if he got a reasonable offer he would recommend to the Government that the State ships be sold. Mr. Strickland has been Minister for the North-West, and he knows that if he took it into his head to sell the State Shipping Service he could not do it of his own free will and accord; he would have to report the matter to the Government and the Government would make the decision.

The Hon. H. C. Strickland: I bought them.

The Hon. A. F. GRIFFITH: That gives truth to the point that the honourable member would not sell them, and the honourable member knows that, of course. The article goes on—

The State Shipping Service would now evaluate designs for two ships of advanced technology.

Subject to the selection of an appropriate design and the negotiation of suitable financing arrangements the service would place orders for the ships, Mr. Brand said.

At this point of time I think we can fairly and reasonably establish that the State ships have not been sold; we can

fairly and reasonably establish that the statement reported to have been made by Mr. Tonkin was not a correct one; and it is a fact that the Minister had given this company an opportunity to examine the position and make an offer if it could.

The Minister reported to Cabinet on the 16th September that no satisfactory proposal had been put forward and he recommended that negotiations with the company be not taken any further. I think it is so necessary to establish that point because, in moving his motion, Mr. Wise said that at the time the motion was framed one could only go on the rumours that were being circulated and that the starting point was a statement by the Minister for Transport (Mr. O'Connor) that he would recommend the sale of the State ships if a satisfactory offer were received.

These two points cannot be denied. They were purely rumours that were circulating to the effect that the State ships had been sold. I believe the rumours were given birth by Mr. Tonkin, because he said he had authentic information to this effect.

The situation at the moment is that discussions are proceeding with appropriate people on all matters of re-equipment and it will be some time before the Government is able to sort out the financial and technical difficulties. I think it cannot be denied that something has to be done with this service in relation to the type of ship that operates in the north and the cost of operating these ships. Therefore the Government intends to continue to undertake these investigations to see whether it can put into operation the lash type of ship. The investigations for obtaining lash type ships have been going on for about 12 months with two particular companies that provide this type of ship, and they will continue to go on with a view to seeing whether arrangements can be made.

It is quite clear and quite precise that the Government's understanding of the situation is now given in a clear expression; that it has announced its intention to re-equip the service, and to continue to operate the service. Members may be interested to know it is contemplated that when the new equipment is introduced, a door-to-door service of the most modern kind will be commenced—the kind that will be given by the new container and unit loading ships on the service between the United Kingdom, the Continent, and Australia; and to this end the Government expects to have further conversations with the nationwide transport company, and possibly others, to see whether in developing this door-to-door service it would be possible to exploit expertise in freight forwarding and, indeed, the cargo potential of some of the larger carrying companies in Australia.

From the foregoing it will be apparent the Government has received no acceptable offer to purchase the State Shipping Service. Members may well say, "So much for all that"; but Mr. Wise has brought to the House a motion giving an opportunity to himself and other members to ventilate their feelings regarding the State Shipping Service and to tell us what the service has meant to the people in the north of the State in particular. Nobody would deny this. The State Shipping Service has done an excellent job over a long period of time, but it has been a very costly service for the reasons Mr. Wise explained, and no Government should be blamed for seeing whether on the terms and conditions that were set down—they were very stringent—it would be possible for some company to make a satisfactory offer.

Provided the offer was satisfactory, there is no real reason why the matter should not be given thought and consideration; but if one refers to the motion—I will not read it again, with the exception of the last portion—one will find it says that this House declares its opposition to the sale of the State Shipping Service. I interpret those words to mean that in the event of this motion being passed, this House expresses its opinion that for ever and a day the Legislative Council is opposed to the sale of the State Shipping Service. I ask: Is that fair, bearing in mind that the only proposal which the Government permitted to be examined never came to pass? It was purely a verbal statement which was unacceptable. But surely in some future years if some proposition comes forward, if circumstances change, and if conditions are not like they are today, it would be completely unfair to try to tie the hand of the Government of the day by passing a motion of this nature without knowing the conditions of any offer that might be made in the future.

There is no obligation on the Government to abide by a motion of this nature, but it is an expression of opinion of the Legislative Council. Therefore I hope the motion will not be passed. The motion is based on rumour; but the rumour that the State Shipping Service has been sold has been completely, utterly, and entirely refuted. The Premier of the State has said that the State Shipping Service will continue to be operated by the State, and that negotiations are proceeding for the purchase of two ships if it can be arranged financially, economically, and otherwise. He has said certain things will be done in the future in respect of reorganisation of the State Shipping Service. So we have a clear and concise explanation of the whole position from the beginning to the end.

I say quite sincerely it is a great pity that the people of the State are obliged to read articles, similar to the one attributed to Mr. Tonkin, which contain these assertions which we know are not true. I

hope this motion will be defeated, as the House has the knowledge—I will not repeat it—of the basis on which the service is to be continued. I would certainly not like the House to pass this motion, which would mean that no matter what proposition was put forward in the future for the purchase of the State ships, this House, without knowing what is was, would be against it. For these reasons I hope the motion will be defeated.

**THE HON. H. C. STRICKLAND** (North) [5.56 p.m.]: I am afraid the Minister has become accustomed to drawing the long bow—a very long bow indeed. Members are not so simple that they would swallow the Minister's assertion that any motion carried in this House would exist forever and a day. I think those were his exact words. He knows, as well as does every other member here, that a motion, a law, or a Bill, can be altered by members if they so desire by their votes in this House. It is ridiculous for the Minister to continue to try to stampede members into voting against this reasonable motion by threatening them with that sort of idea.

I am surprised at the Minister coming at that sort of tactic. When he was in Opposition he used to be able to attack in the proper way and in a good manner; and many a rumour and blind stab he has made in his time so he could nudge the Government along or draw something from it. The Minister's argument that Mr. Tonkin has based his suppositions on false premises is absolutely not to the point at all. They are not without some foundation. Mr. Tonkin's talk with the Minister for Transport, on the TV programme, "Today Tonight," did not bring forth any direct denial that the State Shipping Service was not for sale. In fact, the Minister's conversation showed the position to be that he gave his consent to a firm of transporters to examine the economics of the State Shipping Service—

The Hon. A. F. Griffith: That is not denied.

The Hon. H. C. STRICKLAND:—so as to present him with an offer. Is that not saying the service is for sale?

The Hon. A. F. Griffith: It is not saying it is sold.

The Hon. H. C. STRICKLAND: The Minister is drawing that long bow again. He wants to be careful as it might backfire. I think the Minister was off the beaten track when he said this rumour was given birth by Mr. Tonkin as a result of his imagination, or words to that effect. The birth of the rumour was caused directly by the Government itself, and by the Minister entering into negotiations for the sale of the State Shipping Service. It is true the ships have not been sold; but the fact is that the Minister entered into negotiations with potential purchasers.

The Hon. F. D. Willmott: That is not denied.

The Hon. H. C. STRICKLAND: That is what is worrying the people in the north. Those people are entitled to get something back from what they have contributed to the Government, and all they are asking is that they be provided with a service along the same lines, although not to the same extent, as the people living in the southern half of the State.

However, they are not going to get that from this Government. The Government is telling them quite plainly that if it gets a satisfactory offer it is prepared to dispose of the State Shipping Service—which the Minister for the North-West, when giving evidence before the Grants Commission three years ago, described as the lifeline to the north. Surely to goodness the Minister for the North-West would not support a recommendation that the service be sold! He might not; but the Government must have supported the Minister for Transport to allow him to enter into negotiations for the sale.

It is all very well for the Minister for Mines to say that the Minister for Transport would explore the possibilities and make his recommendation, which would be that if the offer was satisfactory the ships would be sold. No doubt the Minister must have received permission from the Premier or Cabinet, or, in any case, he must have had discussions as to whether he could enter into negotiations.

The Hon. A. F. Griffith: You were told that he had.

The Hon. H. C. STRICKLAND: He must have. Surely to goodness Ministers just do not run haywire around the country with a fanatical political platform to sell everything to private enterprise without first consulting the Ministers directly concerned—in this case, the Minister for the North-West.

The Hon. A. F. Griffith: You have been told that the Minister did consult the Government.

The Hon. H. C. STRICKLAND: He described it to the Grants Commission in 1965 as the lifeline to the north-west. Mr. Wise read his words.

The Hon. F. J. S. Wise: I was there.

The Hon. H. C. STRICKLAND: Surely the Government is not going to put it over people and ask a certain group for money and describe the shipping service as the lifeline to the north-west, and then later—when it has dispensed with the Grants Commission as a result of the contribution of royalties from the north-west—turn a somersault and say, "Oh well, we cannot go cap in hand to the Grants Commission now. We are not going to offset these losses from the royalties we are getting from the north; we will sell the State Shipping Service." That is what the Gov-

ernment has in mind, and I must confess that I prefer to take more notice of the Premier's statement in relation to the State Shipping Service than I take of some of his Ministers' statements.

The Minister for Mines made reference to the coincidence, as he called it—but he knew what it was and why it was—that, when notice was given of these motions, they would come up on the 2nd October—today. Of course the objective was exactly the same as the objective of the Minister's party when it was in Opposition; namely, for the debates in both Houses of Parliament to be on the same day. That is nothing new and I do not know why the Minister was puddling around with it.

There is another coincidence attached to this, and it is a rather noticeable one. On the day notice of this motion was given, the Premier made a statement which was heard over the 7 o'clock news that night. The statement was that the State Shipping Service would not be sold and that the Government would investigate thoroughly a substitute service using barges. Is that a coincidence?

The Hon. A. F. Griffith: No.

The Hon. H. C. STRICKLAND: Or was it a result of the motion?

The Hon. A. F. Griffith: It was following a Cabinet meeting.

The Hon. H. C. STRICKLAND: I was very pleased to hear it, and my first reaction was that at least our notice of motion had received a quick reply.

(Laughter.)

The Hon. H. C. STRICKLAND: The Premier made that statement at 7 p.m. over the air. Surely members will not deny that!

The Hon. A. F. Griffith: What did you say about long bows a while ago?

The Hon. H. C. STRICKLAND: These are facts; the Minister cannot deny them. Sometimes the truth hurts a little. We may laugh, but inside we may feel a little different from mirth.

Mr. President, those are the facts of this case. To get down to the motion itself, it could not be worded in any other way regarding the rumours. The final part of the motion asks this House to say that in its opinion the State Shipping Service should not be disposed of. What is wrong with that? It is quite a reasonable motion to move in the House; and this is the right place in which to discuss it. When we have an essential service which services one-half of Western Australia at a very moderate cost of less than \$2,500,000 I say that the Government is getting something on the cheap.

The figures which were presented by Mr. Wise in his speech, and which were given by the Government in reply to a question asked in another place, showed

that, if the State Shipping Service is disposed of, the difference in costs is estimated to be something like \$7,000,000. That will be the extra cost of transporting goods to the north which the shipping service lands there now. The result will be, as Mr. Wise has pointed out, a great burden on the consumers in the north.

I think it is quite fair and reasonable that we who represent the north should ask Parliament to decide a question of this nature; that is, whether those who are living under arduous conditions in the north—many of them are battling, but are producing great returns for this Government and the Commonwealth Government—should be penalised for doing just that.

*Sitting suspended from 6.8 to 7.30 p.m.*

The Hon. H. C. STRICKLAND: Before the tea suspension I was demonstrating that the Minister had not put up any reason at all to induce the members of this Chamber to reject the motion. I would like to produce some figures to show that the State Shipping Service provides a comparatively cheaper service than the services provided in the southern part of the State.

During the discussion between Mr. Tonkin and the Minister for Transport, regarding the proposed sale of the State Shipping Service, the Minister claimed that the reason the Government would dispose of the service was to relieve the taxpayers of an expense in the operation of the service—it was a charge on the taxpayers. That was the only reason the Minister put forward.

I asked some questions regarding the losses incurred by other services in the State. I asked what the losses were on the Western Australian Government Railways for the last three financial years. In 1965-66, the loss was \$3,991,053; in 1966-67, the loss was \$4,458,811; and in 1967-68, the loss was \$4,800,023. In three years the losses on the railways have increased by almost \$1,000,000. Of course, no action is contemplated by the Government to attempt to reduce that loss.

Referring to the Metropolitan Transport Trust, in 1965-66 the loss amounted to \$1,282,115; in 1966-67, it was \$619,755; and in 1967-68, the loss was \$553,504. There has been an all-round improvement in the bus services.

The Western Australian Coastal Shipping Commission, in 1965-66, lost \$2,738,732; in 1966-67, it lost \$2,393,967; and in 1967-68, it lost \$2,372,565. That was another improvement all round.

I also asked what the losses were in connection with the State stock yards which also provide a service. In 1965-66, the loss was \$69,064; in 1966-67, it was \$97,095; and in 1967-68, the loss was \$18,213, a marked improvement there.

While the State Shipping Service is showing a reduction in its losses and an improvement in its financial position, the Government has seen fit—within the past few weeks—to impose further increases in freights and fares to the north-west; a further imposition on the people in the north.

When listening to the news concerning the Premier's Budget speech yesterday, I noted that the Premier was pleased to state that it will not be necessary for him to increase charges any further this financial year; he will be able to balance his Budget. That is all very nice for the people in the immediate vicinity of Parliament House, and in the southern part of the State, but the Premier certainly has no respect for those battling it out in the torrid portion of the State. Only three weeks ago he increased the freights on the service, despite the fact that the financial affairs of the service were improving and despite the fact that the report of the commission shows that there will be an increase in freight carried this year.

There will be an increase by virtue of the increased population, and particularly by virtue of the fact that work will commence on the construction of the major dam on the Ord River. Taking all those things into consideration the increase in freight rates, announced before the Budget was introduced, is an imposition on the people in the north—something which they do not deserve.

To analyse some of the losses incurred by the railways, I find, in an answer to a further question I asked, that the metropolitan passenger service between Bellevue and Fremantle and East Perth and Armadale, lost \$2,346,984 in 1962-63. In 1966-67, the service lost \$2,481,371—again an increase. I could not get last year's figures because they were not ready when I asked the further question. Those losses are in bulk—the total losses on the service—because the department was unable to provide a segregation.

It is also interesting to analyse the capital expenditure incurred by these services over the past eight years. From 1960 to 1968 the capital expenditure on the Western Australian Government Railways has been \$159,047,142. Using the old currency, the railways have had a greater capital expenditure in the past eight years than in all the previous years of the department's existence. Also, it is increasing its losses each year. The modernisation, as it is called, is further increasing the losses—a charge on the people.

The railways are a charge on the people in exactly the same way as the State Shipping Service is a charge upon the community. In that same period of eight years the Metropolitan Transport Trust has had a

capital expenditure of \$10,269,877. In the same eight years the State Shipping Service has spent \$5,111,215.

So I think I can fairly claim that the expenditure on the State Shipping Service, when compared with other public services—transport services—has been very reasonable. This is especially so when it is considered that the State Shipping Service serves an area which is very remote from the more populous areas in the southern portion of the State.

The service has to cater for all types of traffic and has to carry all kinds of cargoes in the ships' holds. The cargo for Darwin has to be stacked in the bottom of the hold and the cargo for Wyndham on top of that, and so on. The service is then expected to carry a backloading of live cattle or frozen meat. So it can be seen that the service is an expensive one to operate.

On top of that the service is also expected to cater for the tourist traffic, and it gets a heavy tourist traffic from April to October. There are many more applicants for passages to Darwin, and from Darwin to Fremantle, and from Fremantle around Australia than the service has berths to offer. It has no hope of accommodating all the tourists who would like to travel to see our north-west.

Some of the ships have been converted at costs of anything up to \$250,000 to serve some special requirement. In some cases it would be much cheaper to charter an outside vessel. For instance, the *Dulverton* was lengthened at a cost of something like \$500,000, especially to take cement to Wyndham for the construction of the Ord River dam, and these costs cut out the profits. We find that all these things are occurring. Large sums are spent on the shipping service to meet the requirements of various undertakings in the north which have to be serviced.

The people in the north require that service just the same as the working people in Perth need the passenger services for travelling to and from work.

It is also rather interesting to note that the combined losses of the passenger services provided by the railways and the buses during 1966-67 amounted to \$3,111,126. For that same year the State Shipping Service lost \$2,393,967. Goodness knows what tonnage the service moved! I looked through the report but the total tonnage is not shown for our information. The report simply states that 20,000 tons more were carried in that year than were carried in the previous year. I cannot work out the figure for the previous year. The State Shipping Service provides a complex service when compared with the metropolitan passenger service, which just picks up and drops passengers in the metropolitan area. Yet, the cost of the

metropolitan passenger service is almost 50 per cent. higher than that of the shipping service to the north.

So I would appeal to members to treat this matter on its merits, and particularly I would appeal to the Country Party members to judge this service as they judge the services in their own districts, as something essential, vital, and necessary for the development of the north, and for industry in the north.

It should be treated as a charge upon the community in exactly the same manner as the bus service, the railway service, and the electricity service through the country areas are a charge upon the community. The State Shipping Service should be treated in exactly the same way. The people in the north should not be penalised because they live in the north. I think the submission by the Minister for Transport that to dispose of the State Shipping Service would relieve the community of the expenses incurred by the service is most unfair, unless, of course, the Liberals are prepared to follow that right through and say, "We will dispense with the railways, the Metropolitan (Perth) Passenger Transport Trust, and the services rendered in the country areas by the State Electricity Commission."

However, we know very well that the members of the Country Party would never allow the Liberals to do that. No matter how fanatical the Liberal Party may be in regard to disposing of State trading concerns, I feel quite sure the members of the Country Party would never agree to the cessation of the services that are rendered to people in the country by those public utilities. Although the members of the Liberal Party are bound by their masters to carry out such a policy as far as is possible, they would never be permitted to extend it to that length.

The members of the Liberal Party, of course, cannot deny they claimed they were elected on such a policy. Also they cannot deny that they gave away the State Building Supplies. However, the State Shipping Service is not a trading concern. It is in exactly the same category as the Western Australian Government Railways and the Metropolitan Transport Trust, so if it is regarded in a similar manner to those two public utilities it is most important to Western Australia that members should vote in favour of this motion.

Now that the north is providing millions of dollars in one form or another, never let it be said by the people of Western Australia that this Parliament was too one-eyed or too mean to allow some of that profit to flow back to the north to serve the people who are working there; that it wanted all the money to be expended in those areas forming the bottom half of the State. Never let that be said, for goodness sake; because the north is now

providing millions, as Mr. Wise has mentioned, through the medium of road funds—I have been telling the House that for years—and also from the payment of royalties by the iron ore companies, which royalties are likely to exceed \$12,000,000 or \$15,000,000 by 1970.

Let us be fair and give the people in the north a fair share of what they themselves have helped to provide; and they are justly entitled to such a share. I hope members will not be misled by the Minister's claim that if this motion were passed the State would be bound for all time to retain the State Shipping Service.

The Hon. A. F. Griffith: I did not make that statement.

The Hon. H. C. STRICKLAND: As I have said before, whatever this House decides today can always be amended or repealed in the future. The decision still lies in the hands of this Council. Therefore members should judge this matter on its merit and so make the decision that this Government, or any other Government, should not dispose of the State Shipping Service.

I would also add that when the Premier stated he would examine further the proposition that was put forward in relation to the use of barges, because such a proposition appeared to impress him, I think he was on the right track. I cannot argue with the experts who have examined such a proposal. However, I understand that this type of ship does operate in Alaskan waters and on the Great Lakes of Canada, and I have been told by men who have had experience of these barges in those parts that they operate very efficiently.

However, the mere fact that the Premier has said he will examine the barge proposal does not mean that the barges, if brought into operation, will not pass into the hands of private enterprise. Therefore it is necessary that we express our opinion in this House that the Government should maintain its own shipping service for the benefit of the people in the north. There is no doubt that such a service is vitally necessary, and I am certain that the conscience of members will be a great deal easier if they view this matter fairly and squarely and vote for the motion on its merits.

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

### SCIENTOLOGY BILL

#### *Introduction and First Reading*

Bill introduced, on motion by The Hon. A. F. Griffith (Minister for Mines), and read a first time.

### RAILWAYS DISCONTINUANCE AND LAND REVESTMENT BILL

#### *Receipt and First Reading*

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

### BILLS (3): RETURNED

1. Motor vehicle (Third Party Insurance Surcharge) Act Amendment Bill.
2. Justices Act Amendment Bill.
3. Local Government Act Amendment Bill.

Bills returned from the Assembly without amendment.

### BILLS (3): THIRD READING

1. Nurses Bill.  
Bill read a third time, on motion by The Hon. A. F. Griffith (Minister for Mines), and transmitted to the Assembly.
2. Education Act Amendment Bill.  
Bill read a third time, on motion by The Hon. A. F. Griffith (Minister for Mines), and passed.
3. Child Welfare Act Amendment Bill.  
Bill read a third time, on motion by The Hon. L. A. Logan (Minister for Child Welfare), and transmitted to the Assembly.

### POLICE ACT AMENDMENT BILL

#### *Second Reading*

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [7.51 p.m.]: I move—

That the Bill be now read a second time.

At the last meeting of the Standing Committee of Commonwealth and State Attorneys-General, the question of bringing our law within the requirements of the international convention for the suppression of the traffic in persons and of the exploitation of the prostitution of others was discussed, and the Commonwealth has since requested all States to take appropriate action so that Australia may accede to the convention.

The one respect in which Western Australian law does not meet the requirements of the convention is the absence of any punishment of the female who lives on the earnings of prostitution. This Bill seeks to amend the Act to cover any person in this category, whether male or female.

The second part of this measure concerns matters related to opium and dangerous drugs, as affecting the Police Act. Certain amendments were made to the Act last year, and to the Poisons Act, but no action was taken to bring the prohibited plants and specified drugs under section 94A of the Police Act, although they remain under the Poisons Act.

As prohibited plants include marihuana, it is considered that that should also be linked with the Police Act. The police advise that marihuana is generally used by people who attend what are commonly known as "pot" parties and at these parties it is rolled into cigarettes and passed from one person to another for smoking. This method of using a single cigarette, passed from one to another,



would make it extremely difficult to prove the number of persons actually smoking the cigarette. In the event of police visiting any premises where such a drug party was being held, it would only be necessary to drop the marihuana and the cigarettes containing it, on the floor, with the result that possession under section 94B would be difficult to establish legally.

In view of this, it is considered that the smoking of marihuana could be more easily controlled if it were brought under section 94B, subsection (1) of the Act, for appropriate action against persons found in any place being used as aforementioned.

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

## **PUBLIC TRUSTEE ACT AMENDMENT BILL**

### *Second Reading*

Debate resumed from the 19th September.

**THE HON. F. J. S. WISE** (North) [7.59 p.m.]: As the Minister explained when he introduced this Bill, in the main it is aimed at improving the service given by the Public Trustee under the Public Trustee Act. The measure contains many amendments which are designed to assist in handling administration details and responsibilities, but, in addition, there are some new principles contained in the Bill. I will deal with these a little later.

The Public Trust Office is administered by the Public Trustee, and it came into being in 1941. I recall the matter being before Cabinet at that time, and afterwards the Bill was introduced by The Hon. E. Nulsen. At that time Western Australia was the last State to have provision made statutorily for such an office. Prior to that we had the official trustee, and the operations of the office were in connection with intestate estates.

A sufficient case having been made out, Parliament accepted the Bill of 1941, and that basically is the Act under which we now operate. I say basically, but I do not know how many members have had the time recently, particularly since the 1962 amendments, to refer to this Act; because of the scissors and paste propositions this would be the winner of any competition in this respect. It is a matter of great urgency to reprint the Act. If members were to pick up the Public Trustee Act and tried to weave into it the new sections proposed, in addition to the other amendments, they would find a lot of deadwood interfering with their investigation.

The Hon. A. F. Griffith: I agree with you. I will have the Act reprinted.

The Hon. F. J. S. WISE: That is very good news. Following the days of intestate estates and the official trustee, I think it can be said quite safely that many benefits have accrued to many individuals under the operation and administration of the

Public Trustee. This year's annual report of the Public Trustee must be due to be tabled, but I can quote quite relevantly from the report which was tabled last year. Although I think the Minister certainly made out a case for his amendments, he could have—perhaps he was modest in his offers in this respect—made many laudatory remarks about the duties of this office; but he did not avail himself of the opportunity.

According to the annual report for the year ended the 30th June, 1967, 2,088 estates and other matters were accepted for administration, compared with 1,678 in the previous year. That total of 2,088 estates included—

1,255 deceased estates  
549 mental estates  
111 court trusts  
131 workers' compensation  
42 agencies.

As at the 30th June, 1967, the values of estates and other matters totalled \$19,366,890. That is quite a performance compared with that of 27 years ago when the office was instituted. The administration of 1,010 deceased estates was completed in the year 1966-67. The aim of the Public Trust Office is to finalise administrations as soon as possible, having regard to the terms of the wills and trust instruments, while safeguarding the interests of beneficiaries and other persons to whom the office has a responsibility.

In this report it is stated, under the heading, "Functions of the Public Trust Office"—

Confidence in the service provided by the Office is illustrated again by the number and value of new estates accepted for administration, particularly in cases where the Public Trustee has not been named as executor but has undertaken the duty at the request of interested persons.

Of their own free will, many people have sought assistance at the Public Trust Office in the administration of estates. I think the work has been simplified and assisted considerably by the 1962 amendments which provided very clearly a better understanding in regard to those unfortunate people who are unable to control their own affairs, but on whose behalf—in order to have their estates properly assigned—the Lunacy Act had to be invoked before anything could be done.

I have had a sad experience as the executor of the estate of a pensioner who became seriously deficient in a mental sense, and who lived at the Sunset Home. To have his estate properly administered, which I could not do while he was living, I had to take the formal course under the Lunacy Act to have him declared, not as a lunatic, but as a person incapable of handling his affairs. That is a very sad circumstance. The amendments of 1962,

which in this scissors and paste Act include many sections in division (4)—from section 24 to section 34—assisted materially in administering the affairs of people who were unable to attend to their own business because of what I would express as mental infirmity.

This Bill goes a step further in that connection. It gets away entirely from the stigma of the Mental Health Act. While clarity is very necessary in Statutes such as this, in addition the principle is very important. On that point, in order to assist the administration of the office, to assist the relatives and friends, and to assist those who are handling the affairs of infirm people, the amendments will be of great help. Those who were regarded formerly as handicapped patients will have provision made for them which will expedite the attention to their business.

In looking closely at the Bill members will note that in clause 3 there is a particular reference to infirm persons and to the definition thereof. In clause 8 provision is made for the Public Trustee to invest moneys belonging to more than one estate. As trustee for the investment of those moneys, he will be able to invest them as one fund in one or more investments authorised by law or by the investment creating the trust. That principle is to be extended to this office with the passing of the Bill, and, perhaps, that would give the office a considerable benefit over the previous circumstance.

I do wonder at the reference in clause 8 to "any loss arising from any such investment shall be borne ratably by the several estates." These moneys may only be invested in approved trustee investments. I am wondering why there is the need for those words to be in the Bill; but there must be a reason.

The Hon. A. F. Griffith: I suppose even an authorised trustee investment could conceivably fail.

The Hon. F. J. S. WISE: I presume that to be the reason, but it is such an unlikely eventuality that I wondered whether that was the only reason. Clause 12 contains an interesting provision, because it seeks to reinstate in numerical order the sections that were deleted by the 1962 legislation. It starts off with a new section 36. This provides for the certification of the invalid person before a medical practitioner in accordance with the fourth and fifth schedules to the Act.

I would draw the Minister's attention to clause 16. I suggest with humility that this provision, as new section 36D, will not be in its proper place in the Act. This clause provides that wherever sections 26, 27, 28, 29, 32, and 33 of the Act apply to an infirm person, such shall be read as a reference to an infirm person. All of those things come after the printed

sections in the Statute have been read—indeed, might have been used—without a knowledge in *seriatum* of the existence of this proposed new section.

I suggest, with due respect to the draftsman, that new section 36D, which clause 16 seeks to add, should be renumbered as section 24A. That would take it before division (4) of the Act, which relates to the powers and duties of the Public Trustee in respect of the estates of incapable persons. Its provisions would then flow through all the following sections, to the degree that there would be an understanding of every section relating to infirm persons.

I would like to hear the Minister's comment on that suggestion; but I humbly suggest it would not be better at the end of the section to which it proposes to draw attention, but in front of all those sections.

The provision about uncared for property must, I think, be considered to be realistic. This leaves only the clause which is an important alteration in the principles now in the Act; that is, that the Public Trustee is authorised to invest portion of the money in the common fund in acquiring land and erecting buildings thereon. This is the sort of authority which is given to many semi-Government departments and instrumentalities. It should, I suppose, particularly serve the Public Trust Office because that office in 27 years has been moved from pillar to post, and under this provision, there may be opportunity for it to invest some of its funds to enable it to build a house for itself.

Some members may object because of the limitation of the quantum of funds available to the Public Trustee. An analysis of what is within his control is not something of very great moment in a financial sense, although, of course, annual profits from those funds are paid into Consolidated Revenue.

In short, I do not wish to criticise the Bill apart from the remarks I have made which are not intended as criticism of the principles contained in the measure. However, I would like the Minister to examine seriously what I have suggested in regard to the orderly presentation of the Bill, which I support.

**THE HON. I. G. MEDCALF** (Metropolitan) [8.18 p.m.]: I also support the Bill. I would, however, like to make one or two suggestions dealing with the question of infirm persons. Before coming to that aspect, I would like to say that I, too, have become aware, or, rather, I have always been aware, of the valuable services performed by the Public Trustee in the community. This has been largely due to the fact that the Public Trust Office has, in general, employed people of considerable integrity in the capacity of Public

Trustee, and in the capacity of senior, junior, and trust officers in that organisation.

The Public Trust Office has acquired quite a considerable reputation for carrying out its functions effectively and answering a particular need in the community, especially in connection with estates which otherwise would be left in such a way that they would be unadministered. That, of course, is not, as Mr. Wise has pointed out, the sole function of the Public Trustee.

Generally the Public Trust Office has fulfilled a need in the community and is resorted to on many occasions when there is no other way of clearing up what appears to be a very difficult problem involving unadministrative estates, and the estates of persons of small means. The activities of the Public Trustee are not confined to persons of small means. I do not wish to give that impression; but he has, as I say, answered a very special need in the community, and I applaud the proposal to appoint a deputy public trustee. I am quite sure the need for such an appointment has been felt for some time and it is quite clearly a forward move.

The office has carried out its responsibility in a serious and proper manner and I think that in all respects the Bill is deserving of our support.

I would, however, like to mention one or two aspects of the sections dealing with infirm persons. In this connection I would like to compare the position of infirm persons with that of incapable persons. I do this because I feel that in our zeal to assist those who may have infirm persons in their care, we may be tempted, in order apparently to simplify the procedures, to import into those procedures matters of doubtful benefit.

The Hon. F. J. S. Wise: Do you mean—

The Hon. I. G. MEDCALF: I mean in the way in which infirm persons are to be appointed. In order to do this I would like to refer to the situation affecting infirm persons under the Mental Health Act. As Mr. Wise pointed out, the property and estates of incapable persons were administered under an order granted under section 111 of the Lunacy Act, which Act was superseded by the passing of the Mental Health Act which has just been proclaimed. This now provides, in general, the means whereby private citizens can obtain an order for the management of the estates of incapable persons. I need not remind members that incapable persons are those who are incapable of managing their affairs.

Formerly what was called a committee was appointed under the Lunacy Act to administer their affairs and property; and, under the Mental Health Act, a manager

is appointed to carry out the same functions. Section 64 of the Mental Health Act provides that where, on the application of the Public Trustee, a corporate trustee, or a natural person, the court is satisfied that a person is incapable, by reason of mental disorder, or managing his affairs, the court may appoint the applicant or some other person to be the manager of the estate of the incapable person.

Mental disorder is defined in section 5 of the Mental Health Act as being any mental illness arrested or incomplete development of the mind, psychopathic disorder, or any other disorder or disability of the mind however acquired; and includes alcohol or drug addiction and mental infirmity due to old age or physical disease.

Clause 3 of the Bill defines an infirm person as being a person who, firstly, is proved to the satisfaction of the Public Trustee to be by reason of senility, disease, illness, or physical or mental infirmity, incapable of managing his affairs; and, secondly, is certified by the Public Trustee to be an infirm person.

There is really very little difference between the two definitions. I have looked at them carefully and although there are differences, by and large they amount to the same thing. The infirm person is also an incapable person because he is described as being incapable and there is just a slight difference in the definition of infirm and incapable persons under the two Acts. In his second reading speech the Minister said that inquiries had been instituted in the Eastern States on the subject. He said—

The Public Trustee of Victoria has advised the power to deal with the affairs of infirm persons is only used when next-of-kin are in agreement. In cases where it is necessary to have an examination, take, or require evidence, it is the policy not to deal with the case under the Public Trustee Act but to require an application under the Mental Treatment Act; that is, of Victoria.

Although it is not said, I think it is clearly implied by the Minister that the same conditions are intended to obtain here, and where there is a dispute between relatives, or where there is some doubt as to whether a person is or is not in fact an infirm person, the Public Trustee would not act. I assume it is implied, although I do not think the Bill need necessarily be read in that way. However, that is, in a sense, an aside. I feel it is implied in the Minister's remarks and no doubt he will clarify this and indicate that it is intended that this Bill, if passed, should apply to non-disputatious cases of infirmity.

I also have the impression, although I may be wrong, that it is suggested that the infirmity may be temporary. I feel that is

quite clearly implied because of the provision in the Bill that a certificate may be obtained subsequently to the effect that the person is no longer an infirm person. There is, therefore, I feel some small distinction between an infirm person under the Bill, and an incapable person under the Mental Health Act. I feel we can be reasonably assured that it is intended that the infirm person may well be a temporarily infirm person.

However, this is not always the case and it is quite obvious that some persons may be certified to be infirm persons under the Bill, and may remain infirm persons for the rest of their natural lives because their infirmity may be terminated upon death. The Bill says so.

The Hon. A. F. Griffith: But a person ceasing to be infirm gains discharge by way of a certificate under the fifth schedule.

The Hon. I. G. MEDCALF: True—or by death.

The Hon. A. F. Griffith: That is a certain way of discharging it.

The Hon. I. G. MEDCALF: Indeed! In other words, a person might remain an infirm person for the balance of his natural life. This brings me to the point as to how a person qualifies to be an infirm person; in other words, the provisions of the Bill which cause a person to be certified as an infirm person.

Here again, I would like to draw a distinction between the provisions of the Mental Health Act relating to incapable persons and the provisions of the Bill relating to infirm persons. Under the Mental Health Act, a person is declared an incapable person by order of the court upon the filing at the court of sworn affidavits by medical practitioners and the applicant. Under the Bill, a person may be certified an infirm person by the Public Trustee.

I should say, as an aside, that I am not objecting to the Public Trustee having the right to make this certification. I am merely drawing a comparison between the two methods. I believe that the Public Trustee has to have the right to make certification for the very good reasons explained by the Minister in his second reading speech; it answers a public need in certain cases and, indeed, also for the reason mentioned by Mr. Wise, namely, that the stigma of proceeding under the Mental Health Act is too much for some people to embark upon.

To return to my point, the Public Trustee, under the Bill, is the authority for certifying that a person is an infirm person. How does he do this? He does it on the certification of two medical practitioners. Of course he can make further inquiries himself if he wishes, and no

doubt he would. I do not doubt that there would be scarcely a case in which the Public Trustee would not make his own inquiry, in addition to taking the certificates of the medical practitioners.

The Hon. F. J. S. Wise: It requires only one medical practitioner in that case.

The Hon. I. G. MEDCALF: I thought the measure said two, but I may have been mistaken.

The Hon. F. J. S. Wise: Clause 12 and the fourth schedule.

The Hon. I. G. MEDCALF: It is clause 11 which contains the certification particulars. It is certification of non-infirmity that requires only one medical practitioner.

I would just like to reflect for a moment upon what "certificates" are. At this point I return to the idea that, in conferring what we think is a benefit on people, we should be sure it is a benefit. Medical certificates are simply signed statements by a medical practitioner, certifying that a particular situation or set of facts exist. There are examples of medical certificates being obtained by people from medical practitioners without the practitioner having really adverted to the true facts of the matter. There have been court cases in which certificates have been produced in which a doctor has certified a particular state of affairs based on rather vague facts which are not always direct evidence or based on his own observations.

These certificates are not sworn statements nor are they declarations. If they were sworn statements or declarations, then the full sanction of the law could be invoked against a medical practitioner who made a false statement in them. Section 169 of the Criminal Code deals with the making of false statements under oath—that is, in affidavits and in declarations. This is a very important sanction. There are cases, of which I am sure other members will have had examples, where relatives are glad to obtain control of the property of elderly people not always from the best of motives.

If it were an application made to a court, a sworn statement would have to be made—that is, an affidavit—by a medical practitioner, deposing to facts within his own knowledge. If he were to depose, or declare, to facts which were not within his own knowledge then, quite rightly, the court would disregard the statements which he made which were not from his own observation or knowledge. In other words, there is a rule that evidence must be direct and based on the observation of the person giving it.

If we turn to the proposed third and fourth schedules, which are in the Bill, we see that the certificates which are to be furnished under this legislation refer not only to the facts observed by the medical practitioner, but also to other facts communicated to him by others. The

medical practitioner has to state the information and the person from whom he obtained it.

I am not impugning the good faith of medical practitioners, but it is all too easy to fall into the trap of being consulted by someone who states that this is so and that is so. If the doctor has made perhaps a cursory examination he may be tempted to say, "I am told so and so." It is not really proper evidence at all.

There have been many cases in the past of people who desired to obtain possession or control of the property of another. It would be all too easy in those circumstances to obtain the requisite evidence.

Another aspect of medical certificates is that the conclusions, or opinions, which are formed by the doctor are based necessarily upon a certain set of facts. If those facts are within his own knowledge then he is quite entitled to come to certain conclusions, or opinions, but if the facts are simply those which have been told to him by various interested parties, he will still reach conclusions but they will not necessarily be proper conclusions.

The Hon. W. F. Willesee: I have never yet struck a doctor who took my suggestions to a conclusion.

The Hon. I. G. MEDCALF: There have been cases known of this.

The Hon. F. J. S. Wise: Do you consider this would be stronger if paragraph 2 were different in both cases?

The Hon. I. G. MEDCALF: I do indeed. I feel that paragraph 2—and I would like to commend this to the Minister—of the third and fourth schedules respectively should be omitted so that the doctor merely states facts observed by him and not facts communicated to him by other people. To my mind, that would be stronger. In addition I think we should consider that, instead of simply giving a certificate, the doctor should be required to make a declaration. There is nothing at all difficult about making a declaration. It is simply made in the presence of a commissioner for declarations and the person declares the information to be true. It is not a complicated procedure at all. We all know this, because every member of Parliament is a commissioner for declarations. Therefore, I think it would be in the interests of the public generally if this were the position.

The Hon. A. F. Griffith: In all of these schedules, No. 1 sets out facts observed by him, but isn't it a prerequisite that No. 1 must be observed before No. 2? He could not observe No. 2 on its own.

The Hon. I. G. MEDCALF: The medical practitioner does not observe No. 2, but simply relates facts communicated to him by someone else.

The Hon. A. F. Griffith: But No. 1 is primary.

The Hon. I. G. MEDCALF: Yes, he must state facts observed by himself, and he is required by the legislation to make a personal examination of the alleged infirm person.

The Hon. A. F. Griffith: But he could not come to a conclusion on No. 2 without considering No. 1.

The Hon. I. G. MEDCALF: He must observe the facts for himself. He must examine the patient and make his own statement as to the facts; but, in addition, he may add any other facts which are communicated to him by any person, so long as he states what the facts are and the name of the person who communicated them.

The Hon. A. F. Griffith: Does not that make it all right?

The Hon. I. G. MEDCALF: No, I think this is where he might bring in extraneous matters and draw conclusions from facts which he himself has not observed. The first part of the certificate is really his opinion that the person is suffering from senility, disease, or various other ailments, and is incapable of managing his affairs. This is his opinion, or conclusion, which is based upon the facts which appear later. The facts are, firstly, the ones which he has observed; which he must observe; and which he is required, quite rightly, to observe under the Bill. Secondly, he can add anything else he is told, so long as he states the name of the person who told him.

The Hon. W. F. Willesee: That is fair enough.

The Hon. I. G. MEDCALF: There is one other point to which I feel attention should be drawn. I do not think there is anything in the Bill which requires that a notice of an application that a person is to be certified an infirm person is to be given to the infirm person. We may think that is unnecessary as, after all, if a person is infirm, why give him notice? However at this stage he is not legally infirm. He is only legally infirm when the Public Trustee certifies to this effect after doctors have certified also. Therefore, before the event of being certified occurs, perhaps the person should be notified of the proceedings.

The Hon. A. F. Griffith: I think you should draw out your own point. What value is the notice to a person who has been certified as infirm?

The Hon. I. G. MEDCALF: He has not been certified at this stage.

The Hon. A. F. Griffith: Technically!

The Hon. I. G. MEDCALF: No. An application has to be made to the Public Trustee that a person be certified as infirm. Before that stage he has not been certified.

The Hon. A. F. Griffith: No.

The Hon. I. G. MEDCALF: Therefore, should not he be notified that somebody has applied to have him certified infirm? I might say that the Mental Health Act is quite clear on this point and requires an application to be served on the allegedly incapable person, who is much the same type of person as the infirm person. The Mental Health Act does require notice to be served.

I am inclined to feel that in the vast majority of cases notice is quite unnecessary. Indeed, I know of cases under the Lunacy Act where applications were served on people and, of course, they did not have the faintest idea what they were all about and they were not in the least interested, because they were indeed incapable persons. Doubtless, in the vast majority of cases it would be unnecessary to serve notice. I do not wish to be pedantic, but I wish merely to draw it to the attention of the Minister.

I would like to recapitulate my points and suggest that, firstly, instead of certificates, the Minister might be prepared to consider declarations. With regard to this I should say that the legislation does provide for a penalty if a doctor makes a false statement. He is liable to a fine of up to \$300, so there is a penalty for making a false statement. However, in no measure is this anywhere nearly as serious a matter as making a declaration; the penalties under the Code for making a false declaration are far more severe and therefore a declaration requires far more care and attention.

The second point is that I suggest the Minister could give consideration to deleting the reference to indirect evidence in the second paragraph of the certificates contained in the third and fourth schedules.

Thirdly, I would like to suggest that he may consider whether notice should be given to the allegedly infirm person in the same way as an incapable person receives notice. In all other respects, I support the Bill.

**THE HON. A. F. GRIFFITH** (North Metropolitan—Minister for Justice) [8.44 p.m.]: I am very grateful to Mr. Wise and Mr. Medcalf for the comments they have made. Because of the obvious support the Bill has received, I do not think it is a measure on which I necessarily should comment at this point, even on the matters which have been raised. I suggest that we do this in Committee.

To the extent that I am able to answer some of the quite intricate matters that have been raised, I will do so. In the event of not being able to give satisfaction, progress can be reported on the clauses in question while I make further inquiries. If that is felt to be the acceptable course to follow I would appreciate it

because I am anxious to have the Bill passed by this Chamber so that it can be transmitted to the Legislative Assembly. I was hoping to be able to move the third reading tomorrow.

Question put and passed.

Bill read a second time.

*In Committee*

The Deputy Chairman of Committees (The Hon. F. D. Willmott) in the Chair; The Hon. A. F. Griffith (Minister for Justice) in charge of the Bill.

Clauses 1 to 12 put and passed.

Clause 13: Section 36A added—

The Hon. A. F. GRIFFITH: I am not sure whether this is the right place to discuss the query raised by Mr. Wise on clause 16. Mr. Wise spoke of the addition of section 36D to the Act. Perhaps it would be better to deal with the matter on clause 16.

Clause put and passed.

Clauses 14 and 15 put and passed.

Clause 16: Section 36D added—

The Hon. F. J. S. WISE: This clause deals with the necessity, in sections 26, 27, 28, 29, 32, and 33 for the term, "incapable patient" to be read as a reference to an infirm person. My contention is that if the reference is to appear in this form in the legislation it is not in its proper place.

The Hon. A. F. Griffith: You think it ought to be in division (5).

The Hon. F. J. S. WISE: I think it should be at the commencement of the division and be a new section 26A. I know Mr. Medcalf has an idea which might overcome the difficulty. I would like to hear from the honourable member.

The Hon. I. G. MEDCALF: I think the best way to tidy the matter up is to add the words, "infirm or," before the word, "incapable," in sections 26, 27, 28, 29, 32, and 33, which deal with incapable persons. By doing that it will be a simple matter for anyone to read the sections and know exactly what they are all about, and that they refer to infirm persons as well as incapable persons. However, I do not know how this suggestion could be organised.

The Hon. F. J. S. WISE: It is obvious that no one desires to hold up the Bill and perhaps at this stage we could agree to the measure and the Minister could make the necessary inquiries regarding Mr. Medcalf's suggestion; and the appropriate amendments, if considered necessary, could be made by the Minister in charge of the Bill in the Legislative Assembly.

The Hon. A. F. GRIFFITH: I appreciate the suggestions and between now and the time the Bill goes to the Legislative Assembly I will make the necessary inquiries of the draftsman. Then the Minister representing me in another place can make the appropriate amendments if they are necessary. However, even better than that, before the third reading I will con-

sult with the draftsman and acquaint members of the result of my consultations.

The Hon. W. F. WILLESEE: With all due respect to the Minister wanting to deal with the legislation quickly, I would point out that the Legislative Assembly now has the Estimates to deal with, and a good deal of other business, and I do not think 24 hours would make any difference. I think the Minister should clear up the matter here. I would be happier if he did so.

The Hon. A. F. GRIFFITH: I will be able to clear up the matter here. If the Committee stage is completed tonight I can move the third reading tomorrow. My object in trying to get the Bill to the other end quickly is so that the Premier will know what business he has on the notice paper. He will know what Bills he has to deal with in the same way as I know here when Bills come from the other end.

The Hon. F. J. S. WISE: It is obvious that members are anxious to assist the Minister but on second thoughts I would point out that a recommitment of the Bill at this end would facilitate the business.

The Hon. A. F. Griffith: It could do.

The Hon. F. J. S. WISE: If on the advice of Crown Law amendments are necessary they can be made here on a recommitment. This would obviate the need for a message from the Legislative Assembly bearing the tag, "Subject to the amendments contained in the schedule annexed." I think we can deal with the matter, if necessary, on a recommitment.

The Hon. A. F. GRIFFITH: That course suits me. If we finish the Committee stage I will consult with the draftsman tomorrow. I am sure he will have an explanation but whether or not it will be acceptable to the Committee is another matter. If necessary I will recommit the Bill tomorrow, but by doing so I know I will have to wait until Tuesday before I move the third reading.

The Hon. W. F. Willesee: That won't matter much in the long term.

The Hon. A. F. GRIFFITH: I do not think it will.

Clause put and passed.

Clauses 17 to 20 put and passed.

Clause 21: Third Schedule added—

The Hon. I. G. MEDCALF: I consider that item 2, and all the words following it down to the bracket after the word, "obtained," ought to be deleted for reasons which I have already stated.

I have dealt with the matter at some length and I do not propose to weary members except briefly to reiterate that conclusions reached as a result of the observations of other people, which may not necessarily be true, are not necessarily correct conclusions; and if the Public Trustee is going to base his decision upon the conclusions of medical practitioners—

and if the medical practitioners themselves are to base their conclusions partly upon evidence which is not of their own observations, but may be supplied by interested parties who are not necessarily working in the interests of infirm persons—that, I think, is improper. I am not in favour of item 2 remaining in the certificate.

The Hon. A. F. GRIFFITH: The matter is arguable to say the least. If we had to depend on item 2 without any assistance from item 1, the point made by Mr. Medcalf would have a great deal of weight; but as it is not possible to consider the facts that might result out of item 2 without first of all having the primary result obtained by item 1, I do not think there is much force in the argument. Item 1 provides for the facts to be observed by the medical practitioner himself. He gains his knowledge after an examination of the patient.

The Hon. I. G. Medcalf: I am not objecting to item 1. There is no relationship.

The Hon. A. F. GRIFFITH: Surely it is competent for the medical practitioner, if any facts are communicated to him by others, to draw his conclusions accordingly.

The Hon. I. G. Medcalf: It may not be. The Public Trustee would take more notice of a medical practitioner than of anyone else.

The Hon. A. F. GRIFFITH: Let us say we left out item 2, and there were no other relevant facts. The Public Trustee would make his determination on item 1.

The Hon. I. G. Medcalf: No, the doctor would make his determination on item 1.

The Hon. A. F. GRIFFITH: That is what the Public Trustee would have.

The Hon. I. G. Medcalf: That is what the doctor should have.

The Hon. A. F. GRIFFITH: It is debatable. The doctor could be advised by members of the family.

The Hon. I. G. Medcalf: In some cases it would be all right, but in others it would not.

The Hon. J. Dolan: The members of the family might be biased and they could mislead the doctor.

The Hon. A. F. GRIFFITH: They might, and they might purposely mislead a doctor.

The Hon. I. G. Medcalf: That is right, and there is nothing you can do about it.

The Hon. A. F. GRIFFITH: There is everything we can do about it by the facts contained in item 1.

The Hon. I. G. Medcalf: I thought you were arguing against my point.

The Hon. A. F. GRIFFITH: I am trying to do my best; I am trying to point out that the prerequisite would be to find out by personal examination the facts in item 1, and that is indisputable.

The Hon. I. G. Medcalf: Nobody disputes it.

The Hon. A. F. GRIFFITH: The honourable member objects to any other facts he might ascertain, and it is presupposed that the information would not be accurate.

The Hon. I. G. Medcalf: Not always, but sometimes.

The Hon. A. F. GRIFFITH: It is an incorrect assumption that they would be inaccurate facts.

The Hon. I. G. Medcalf: People do not always speak the truth.

The Hon. A. F. GRIFFITH: I know that, but surely if the facts were given to the doctor, one set of facts could be inconsistent with the things he found out by examination.

The Hon. I. G. Medcalf: It depends on his examination.

The Hon. A. F. GRIFFITH: In that case item 1 is very important, and to leave out item 2 would not make any difference at all.

The Hon. I. G. Medcalf: That is my point.

The Hon. A. F. GRIFFITH: It would make no difference to the facts obtained under item 1.

The Hon. J. Dolan: The definition of "fact" is "that which is known to be true."

The Hon. A. F. GRIFFITH: That is so, but I recall a question being asked and the words, "is it not a fact," being used. The answer was, "No, it is not a fact." I am prepared to make further inquiries. I do not think item 2 in the third schedule or in the fourth schedule does any harm.

The Hon. W. F. WILLESEE: I agree with the Bill as it is. We are imagining that it might be a family situation. Why cannot the doctor in charge accept the information of any other qualified person? It does not necessarily have to be a family situation. This examination could be made by another doctor. Surely two heads are better than one.

The Hon. I. G. Medcalf: Why not let the other doctor provide the certificate?

The Hon. W. F. WILLESEE: Because it suits the honourable member.

The Hon. I. G. Medcalf: It might suit the Public Trustee to have independent evidence from the other doctor.

The Hon. W. F. WILLESEE: They would only be interested in getting the best evidence for the person concerned.

The Hon. I. G. Medcalf: Why not let the other doctor make out a certificate?

The Hon. W. F. WILLESEE: The honourable member is trying to prevent that.

The Hon. I. G. Medcalf: Let the other doctor make out the certificate.

The Hon. W. F. WILLESEE: I support the Bill as it stands.

Clause put and passed.

Clauses 22 and 23 put and passed.

Title—

The Hon. F. J. S. WISE: I wonder whether the Minister would agree to recommit the Bill tonight and insert clause 16 as new clause 10? This would overcome my objections and place the wording of the succeeding clauses in proper sequence.

The Hon. A. F. GRIFFITH: I do not want to be difficult. I think it would be fair if I first consulted the draftsman and gave him an opportunity to explain why he puts the particular clause where it is rather than make it part of division (5). If his explanation is not satisfactory, or if he finds that clause 16 could better become clause 10, I would be happy to make the alteration.

Title put and passed.

### *Report*

Bill reported, without amendment, and the report adopted.

## **ADMINISTRATION ACT AMENDMENT BILL**

### *Second Reading*

Debate resumed from the 19th September.

**THE HON. F. J. S. WISE** (North) [9.12 p.m.]: When introducing the Bill the Minister made a careful analysis of the good work done in this State by the Services Canteen Trust Fund. I am sure all members were impressed with the arguments he raised and the points he made at the very good work that is done on behalf of orphans and others under the activities of this trust.

By this amendment we are simply seeking to add another provision to section 134 of the Administration Act in regard to the sort of bequests upon which no duty is paid. At the moment section 134 provides—

(1) No duty shall be payable under this Act in respect of any gift, devise, bequest, legacy, or settlement made or given to or in trust for—

(a) any public hospital within the meaning of the Hospitals Act, 1927;

(b) the maintenance of a free ward in any hospital;

(c) any public educational institution in the State which is wholly or in part dependent on any State grant, aid, or subsidy;

(d) any incorporated public body in the State the main object of which is to dispense or provide voluntary aid to indigent, aged, sick, blind, halt, deaf, dumb, or maimed persons;



- (e) any publicly subscribed medical service or fund in the State, the main object of which is the relief of the sick, or any public medical service or fund in the State which is assisted by any Government grant or subsidy.
- (f) any school which pursuant to the provisions of the Education Act, 1928, is included in the latest list of schools published in the *Gazette* that have been inspected and found efficient or have been certified to be efficient...

It is strange how that word occurs so frequently—

for the purposes of that Act.

Those are the provisions in the Administration Act to provide for the non-payment of duty in respect of any gift to such institutions or entities.

We simply desire to add the Services Canteen Trust Fund, established under the Services Trust Funds Act, 1947. That is all this Bill does. It has a laudible objective; and having attempted to show clearly what section 134 provides for, I think the House should have no objection to adding payments to this fund to the list of duty-free gifts.

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.

## OFFENDERS PROBATION AND PAROLE ACT AMENDMENT BILL

### *Second Reading*

Debate resumed from the 19th September.

**THE HON. F. R. H. LAVERY** (South Metropolitan) [9.18 p.m.]: First of all I would like to say that members on this side of the House will support the Bill. In regard to the parent Act, I feel the Minister must feel rather proud of the operation of the Parole Board which has only been in existence for three short years.

As the Minister said, when reading his notes, the Bill before us contains amendments which have been considered necessary in the light of experience over the period I have just mentioned. I intend to use this opportunity, which rarely comes to a member of Parliament, to offer some constructive criticism, because once the Bill passes and the amended Act gets under way, it will probably be another three or four years before more amendments are required.

To make myself clear I would inform the House that the *Concise Oxford Dictionary* quotes the word "probation" as meaning—

Testing of conduct or character of person; system of releasing young

criminals especially first-offenders on suspended sentence during good behaviour under supervision of person (officer) acting as friend and adviser.

The definition for "parole" is as follows:—

Prisoner's promise that he will not attempt to escape, or will return to custody if liberated.

The amendments proposed in this Bill have some excellent features and show that much has been learnt during the past three years in regard to the operation of this legislation. I think these amendments could help to remove a few of the problems experienced by parolees as well as provide an answer to some of their complaints.

As I said before, it is not often one gets an opportunity to speak on the matters which come under this type of legislation, which is an attempt to improve some of the shortcomings that have come to light over the past three years. I would like to assure the Minister that what I will say must not in any way be taken as criticism of any parole officer or any officers associated with the system. However, I do intend to point to some lack of efficiency that has shown up.

During the course of my remarks I will be reading many extracts from reports as I believe they will be of benefit in the future administration of the Act. The human element has a greater impact on the operations of the parent Act than is the case with any other Act, and there are times when the chief parole officer and other officers concerned must feel rather frustrated. The chief parole officer must feel that he is not able to do all that he wishes because it is the lives of people that are being affected. It is not only the persons who are being paroled or the persons on probation who are affected, as the officers have to deal with the families and others associated with these people.

If this work is to be successful there will have to be co-operation between the various groups concerned. I refer to the judges, the courts, psychiatrists, and the probation and parole officer and his staff. All of these people are involved even in dealing with one parolee or one probationer.

I think the first aspect I should mention is that of staff. I wish to read from the Probation Report for the year ended the 30th June, 1967. However, before doing so, I would like to state that I have carried out quite an amount of research on this matter, and I find that the different probation and parole systems of the world involve some major problems. I have found that a great deal has been written on these matters. Before I quote from Mr. Webster's report—I do not use his name in any derogatory manner, and perhaps I should have referred to him as

the chief probation officer—I would like to quote a couple of items, one of which is from a booklet entitled *The Adult Criminal* by David Keene and others, and it is a Fabian pamphlet.

Under the heading “The Probation Service” the pamphlet states—

The biggest problem facing the Government in its parole proposals is that of the shortage of trained social manpower. Inevitably it is the probation service which will have to bear the brunt of making parole work.

What I am quoting refers to England. To continue—

These duties are carried out by a service which, at the end of 1965, numbered about 2,300, 100 up on the 1964 total; all the probation officers in England and Wales could be shipped off in one voyage of the *Queen Mary*. The average case load for male probation officers in 1964, excluding supervisory grades, was 55.8, and for female probation officers 40.

This was of great importance at the time; and a committee which was called “the Morrison committee on the Probation Service” considered that the standard caseload for male probation officers should in fact be 50. The average caseload may not seem to be much in excess of this. It was found that the average cost of keeping a prisoner on probation in England was \$56 to \$60 per annum in contrast to a little more than \$1,300 required to keep a person in prison for one year. So one can see that probation and parole are systems if made to work correctly, that are of great economic benefit to the State.

In England the committee acknowledged that the real need was to interest the right people, as at present only about one applicant in eight who applied to be a probationary officer was found to be a suitable person for that type of work.

I have a book entitled *Criminology*. It is a book of readings, chapter 19 of which, under the heading “Principles and Practices of Probation” by John Otto Reinemann, reads as follows:—

In the selection that follows, John Otto Reinemann, Director of Probation of the Municipal Court of Philadelphia, explains the meaning of probation and its implications for the individual and society, touching upon such problems as selection for probation, probation as a treatment process, the administration of probation, and what needs to be done to improve the system.

At page 608, the following appears:—

The Wide Scope of Probation Service. Probation service should also include attention to health needs, to the development of sound recreational activities, to the development of moral

concepts and practices, and to attendance at school or adult education courses to prepare for economic advancement and cultural pursuits.

He then went on to quote the treatment processes, but through the whole of this chapter he refers to the absolute necessity for officers, who are appointed to this position—men and women—to possess a feeling of compassion. I would also point out that while a probation officer has to be a person of reasonably high education, he is also placed in a position of having to do work which, to all intents and purposes, is beyond the normal requirements of public servants today.

I would now like to return to the report for the year ended the 30th June, 1967. In this report the chief probation officer has made some straightforward statements. I think all members should look at this report, even if only for their own information. It indicates what has been done during the short time that this Act has been in existence.

On page 3 of the report, in part I, the chief probation officer states that there were no amendments to the Act during the year under report. He said that none were considered necessary in respect of the provisions relating to probation. I find that the earlier clauses in the Bill deal with parolees more than probationers. I want to draw attention to the load that is carried by the probation officers. The report reads as follows:—

This year, as during the previous year, the position in regard to the provision of psychological reports from the Psychiatric Clinic of the Forensic Division of the Mental Health Services was not entirely satisfactory. Because of pressure on that Clinic's only psychologist psychological reports were not always provided when requested, more particularly in the second half of the year. In such cases I was unable to provide psychological reports for Courts which requested them as part of a Pre-Sentence Report. This is an unsatisfactory feature which for the sake of efficiency needs to be resolved.

I stress that the Probation Service received every consideration and co-operation from the Forensic Division's Psychiatric Clinic, but the provision of psychological reports in every case in which such was requested was obviously beyond the resources of the Clinic in view of its staff situation.

In some instances during the year offenders were received from the Courts for probation supervision when in fact, if all the circumstances were known to the Courts, such persons would not have been granted probation. In other words, the provision of

Pre-Sentence Reports to the Courts in these instances would have avoided this situation.

I am well aware that some Courts knowing of the pressure on the Probation staff and out of consideration for them (they are parole staff as well) do not ask for Pre-Sentence Reports as often as they would like, thus depriving the Courts of a valuable aid in the disposition of convicted offenders. The Pre-Sentence Report is a procedure specially made available to the Courts by Parliament since 1st January, 1965 under the Act. Restriction of its use by staff shortage is surely a malfunction.

Modern correctional standards and practice require a minimum time limit of 15 hours for preparation and submission of a Pre-Sentence Report. This is one tenth of a Probation Officer's total working time for a month. It can easily be seen why, unless adequately staffed, a Probation Service cannot handle frequent requests from Courts for these reports.

This is the report of the chief probation officer, and he then went on to give quite a few statistics which I will not quote. His report continued as follows:—

I quote the comment of a Chairman of Quarter Sessions in New South Wales on the value of the Pre-Sentence Report taken from a Special Report published by the New South Wales Government in 1962 (page 4, paragraph 3) entitled Adult Probation Service of New South Wales, Special Report on the Publication of Statistical Data:—

To the extent of my knowledge of these Courts, nothing better has ever been introduced than the Adult Probation system and when one receives a helpful, dispassionate, critical, yet sympathetic report from a Probation Officer in the form of a pre-sentence report of this nature, the task which is to be performed by the judge is rendered very much easier.

With these two exceptions relating to Psychological Reports and Pre-Sentence Reports, the provisions of the Act relating to Probation are operating smoothly.

The chief probation officer then refers to the staff as follows:—

The staff position improved slightly during the year under report.

I would say that it did not improve very much. To continue—

There was a net increase of one male and one female professional officer. In fact, three male professional officers were appointed during the year but two of these were replacements for two officers granted study

leave to attend the University full time in the Social Work Diploma course.

There was no increase in clerical staff during the year.

The Bill refers to the many cases where the courts have not given the proper ruling which they would have given had they the required reports from the chief probation officer. The amendments contained in the Bill will get over some of these difficulties so that in future some of the case-loads will be eased and some of the prisoners will receive more assistance than that now received. The report continues as follows:—

The probation staff now comprises two female officers, nine male officers, the Chief Probation Officer, and the Deputy Chief Probation Officer. . . .

All staffs are university qualified. In addition to the two officers attending university full time, five others are attending part time to still further qualify.

This makes the situation worse still, because the chief probation officer has not got his staff in actual working operation. Half of his staff are attending the University. The report goes on to quote the functions of the probation officers, and gives the load which they are carrying.

The Hon. A. F. Griffith: Caseloads?

The Hon. F. R. H. LAVERY: Yes, case-loads. The report goes on as follows:—

#### *Functions of Probation Officers*

These are: (1) The preparation of Pre-Sentence Reports for the Courts; (2) Carrying out the Courts' directions as contained in probation orders; and (3) The supervision of persons placed on probation.

During the year probation officers prepared 77 Pre-Sentence Reports for the various Courts. Twelve of the Reports related to females, the remainder to males.

Under section 8 Courts requesting Pre-Sentence Reports may require Psychiatric, Psychological or Medical Reports on the offenders involved.

In 30 instances no supporting Psychiatric, Psychological or Medical Reports were requested.

Below is a break-up of the 47 instances in which extra reports were requested by the Courts:—

Psychiatric, Psychological and	
Medical	14
Psychiatric and Psycho-	
logical	6
Psychiatric and Medical	4
Psychiatric only	22
Medical only	1
Total	47

There was therefore a total of 46 Psychiatric, 20 Psychological and 19 Medical Reports requested.

As already previously stated, due to the pressure on the only Psychologist in the Forensic Division, many Psychological Reports were not provided for the Courts.

This cannot be allowed to continue because both courts and offenders are at a disadvantage, as also is the chief probation officer, because it leads to inefficiency, which is not desired. There is only one psychiatric officer in the Fremantle Prison in the forensic division and he is concerned with mental health. The Minister knows the name of the man to whom I am referring, and he is carrying a tremendous load.

I know that the Director of Mental Health has tried to get an assistant. He thought he had one coming from Adelaide but even that prospect may have faded out. So the situation regarding staff is drastic. The chief probation officer then goes on to speak about the number of breaches, and he also refers to the work of the officers, and what can be done in the future. His report goes on as follows:—

Probation officers make every effort to assist their probationers with their problems and difficulties in order to avoid submitting breach reports. Such reports are usually submitted only when the probationer refuses to co-operate, or when he is convicted for a further offence. Many breach reports are occasioned by probationers failing to report; usually in such cases the probationer has left the State.

Hence this very good Bill which is before us now. As the Minister stated, it is intended to make this provision Commonwealth-wide—the interchange of probation information so that the probationers can be looked after; and also to trace any breaches.

This is a very good piece of legislation and I am sure that all those concerned with the subject in other States will be pleased to see it placed on the Statute book. The chief probation officer went on to say—

At the present time there is no means of enforcing the probationer's return to the State. With the passing, however, of reciprocal legislation between the States (which is intended) probationers from one State who move to another State may be supervised in that other State by probation officers employed there, and vice versa. This should make for better interstate co-operation in the matter of dealing with one another's probationers and also have the effect of reducing the number of probationers who escape from one State merely to avoid obligations and responsibilities under probation.

He then deals with the supervision of probationers as follows:—

#### *Supervision of Probationers*

Supervision is many things. It includes regular visits by the probationer to his probation officer for the purpose of counselling and guidance; home visits by the latter to the former's home so as to get a picture of the family situation; checks on the probationer's leisure time activities and associates; discreet examination of the probationer's employment progress and record; sometimes it is necessary to arrange psychiatric treatment or even Marriage Guidance counselling. There are other matters also involved in supervision.

During the year a total of 818 persons were on probation; the number on probation at the end of the year was 654.

The Hon. A. F. Griffith: Can you tell us what was the number on probation for the year before?

The Hon. F. R. H. LAVERY: I will read that part of the report again to the House. It is as follows:—

During the year a total of 818 persons were on probation; the number on probation at the end of the year was 654. Corresponding figures for last year were 467 and 415.

That meant that there were 818 persons on probation for the year ended the 30th June, 1967, as against 467 for the previous year, and there were 654 persons on probation at the end of 1967, compared with 415 on probation at the end of 1966. The report continues—

Corresponding figures for last year were 467 and 415. The net increase therefore at 30th June, 1967, over 30th June, 1966, was 239 probationers, but the net increase in professional staff was only 2, 1 male and 1 female.

I do not think the Minister would be happy about this; I am sure he would appreciate the situation. Members should bear in mind that probation officers are also parole officers. As I pointed out before, the probationer is the person who is not sent to gaol, and it is considered that he needs more supervision than the man who has been released from gaol on parole.

The chief probation officer is very concerned that his officers are acting in a dual capacity, because he reports—

Probation officers are at the same time parole officers, and also supervise parolees and attend to many other duties as parole officers. The disproportionate increase as between the number of probationers and the number of additional staff is bound to affect the quality of supervision provided for probationers. Lowering of the standard of supervision will inevitably be followed by an increase in

the breach rate. This may partially explain the great increase in the number of breaches during the year under report from the breaches in the previous year. There were 99 breach reports in 1966-67 as against only 28 in 1965-66.

In that paragraph he is drawing attention to the fact that, because of the greater number of probationers and parolees who have been assisted during the year ended the 30th June, 1967, there is a greater demand on the services of his staff and, as I have mentioned earlier, the position is aggravated as a result of some officers attending the University. From the report it will be found that the chief probation officer is anxious to ensure that the parolees are properly supervised which, of course, is expected by the courts.

I continue to quote from the report as follows:—

As the number of cases increases the probation officer finds that he is unable to give personal supervision to the same extent as before and thus is compelled to put probationers on to reporting by letter or by telephone, even though they may need personal reporting. This is a last resort only adopted by an officer when he has no other means of coping with the situation.

I have some notes on the side of the report from which I am quoting which read, "This is not good for either the parolee or the probation officer." The report continues—

Probation officers continued to be available to clients for interviews after hours on Tuesdays and Thursday nights between 5.30 and 7.30, half the staff staying back on Tuesday nights and the other half on Thursday nights. This is to enable probationers who cannot get away during working hours, to report to their probation officers after work.

This is not only necessary, but it is bound to achieve greater co-operation and confidence between the staff and the probationers.

I now wish to refer to caseloads, and in my opinion this represents the crux of the whole situation. The chief probation officer reports—

#### *Caseloads*

In March 1966 The Public Service Commissioner, after examination of the situation by two inspectors from his office, set a caseload of 70 cases per male officer and 50 cases per female officer as the basis for future appointment of probation and parole officers.

At this point I would interpolate to point out that the Public Service Commissioner is now asking a male officer to carry 20

more cases and a female officer to carry 10 more cases. The report continues—

This was tentative and subject to review. During the year under report, when the caseload per officer had exceeded 100, additional staff was requested. No decision has yet been received.

That is, no decision has been received from the Public Service Commissioner. I am not surprised at that, because I know that an officer of Parliament has been waiting 13 months to ascertain if he can be upgraded. Members may consider that I am quoting from this report unduly, but this is such an important Bill and will, over a period of years, affect the lives of thousands of people, that I think the quotations I am making are justified. I would add that the Bill will not only affect the lives of the probationers themselves, but it will also affect their families, their employers, and all their associates in everyday life.

The report of the chief probation officer continues as follows:—

At 30th June, 1967, the average male caseload was 115 cases per officer, and the average female caseload was 58 cases per officer. Caseload in this context means the total number of cases of all three categories, namely, pre-parole cases in prison, parole supervision cases, and probation supervision cases, assigned to each officer. No officer, no matter how dedicated and hard-working he may be, can efficiently manage a caseload of 115 cases.

I am sure that any member who knows anything about paper work and administrative duties alone, would know that a probation officer could not possibly handle that number of cases. The report continues—

As I have already stated probation officers are also parole officers. Because of the very nature of parole work, namely regular weekly visits to prisons to give attention to pre-parole cases and subsequent attention to parole supervision cases, and also because the more seriously disturbed offender is to be found amongst parole rather than probation cases, when under pressure officers are likely to give more consideration to their parole cases than to their probation cases. The plain fact therefore is that officers cannot cope with a caseload of 115 supervision and institutional cases with the efficiency that is expected of them. As a result supervision is being very thinly spread and is tending to become superficial in many cases in both probation and parole supervision.

I consider that the words in the last sentence; that is, "As a result, supervision is being very thinly spread," would indicate

that the probation officers have a very strong case to ask the Public Service Commissioner to give further consideration to providing more staff to carry out the work necessary under the provisions of the Offenders Probation and Parole Act. The chief probation officer goes on to mention that similar conditions no doubt exist in at least one other State of the Commonwealth, and in other countries, including the United States of America. Following this he states quite plainly—

At the request of the Presidential Commission, the National Council on Crime and Delinquency conducted a survey across the nation, including the field of Correction. The report of this survey, entitled "Correction in the United States" has been published and is now to hand. Published at page 168 of that report under the heading OFFICER CASELOAD is the following:—

The special taskforce standards provide that the caseload of the Probation Officer should weigh not more than 50 work units. One probationer under supervision is rated as 1 work unit, and 1 Pre-Sentence investigation per month is rated as 5 work units. Thus an Officer's caseload should consist of not more than 50 probationers under supervision, or not more than 10 Pre-Sentence investigations per month, or some combination of supervision and investigations that would not exceed 50 work units.

From that part of the report it will be noted that in the United States of America the supervision of one presentence parolee is equal to the supervision of one probationer.

The chief probation officer then goes on to say—

I feel it is my duty to point out that without a manageable and realistic caseload, efficiency must suffer. Qualified and expensively trained officers who are unable to bring professional competence (on which they pride themselves) to bear to their duties will experience frustration and disillusionment. Apart from loss of morale amongst staff, lowering standards must follow. The Australian Prison Aftercare Council, at its Biennial Conference in Canberra during August-September, 1967, after careful consideration of the question of caseloads and workloads for Social Workers in the Correctional field, carried a resolution that such not exceed a total of 50 cases, both institutional and supervision cases, per officer. At this Conference were represented the Heads of all the Probation

and Parole Services and other persons working in the Corrections field throughout Australia.

In part III of the report the chief probation officers deals with probation statistics and related matters, and under this heading I would like to quote the following:—

In relation to breaches of probation, earlier in this Report I have mentioned that of the 95 breach reports submitted to the Chief Probation Officer by his staff 79 reports relating to 77 people were forwarded to the Crown Law Department for prosecution for breach. At 30th June, 1967, the number of cases pending either because the whereabouts of the probationer was unknown or because the case was still being processed was 35, thus action was taken on 44 cases submitted during the year. In addition action was taken on 12 cases submitted in the previous year. The total number of cases before the Court in 1966-67 was therefore 56 (in relation to 54 persons).

These remarks relate to persons who have been under the supervision of probation officers all the time, but who have committed a breach of their parole conditions. The report continues—

Of the 403 persons placed on probation during the year the largest number 198, was for stealing. The next largest group, 40, was for "breaking", then false pretences, 32, next indecent dealing, 22, 14 cases each of carnal knowledge and wilful exposure, 13 unlawfully on premises, 12 unnatural sex offences, 10 stealing as a servant. Among the remainder were 1 case each of homicide, unlawful wounding, and incest. This year only six cases of probation related to motor vehicle offences.

Of the total of 403 probations 20 were for the maximum period of 5 years (4.96 per cent.), and only 59 (14.64 per cent.) were for 1 year.

I may have something to say about that in a moment. The report continues—

The period of probation most favoured by the Courts was the 3 year period. 186 persons (46.16 per cent.) were given this period of probation. In the previous 2 years the period of probation most favoured by the Courts was 2 years.

All the reports I have read, the investigations I have made, and the documentary evidence I have obtained, indicate that because the courts are now favouring a three-year period a greater caseload is placed on the officers; the 100 cases have become 150 cases.

The concluding part of the report is as follows:—

In conclusion I would like to express on behalf of the probation officers and myself our appreciation of the consideration and understanding shown to us by Judges, Magistrates, and Court Officers with whom we have had dealings in the performance of our duties. They have afforded us courtesy and understanding at all times and this has been of great encouragement to us.

In reverse, I think the judges, the magistrates, and the court officers should show appreciation to Mr. Webster, the chief probation officer and his officers for the magnificent efforts they have made. They must be persons of great courage and determination to carry the caseloads in a developing period of this Act.

Having referred to the caseload in respect of the chief officer, I might say I made some notes on the information obtained from a study of the annual report of the Prisons Department and also the annual report of the Parole Board. On page 6 of the report of the Parole Board the following appears in respect of the activities of parole officers apart from their normal duties:—

#### Case Loads

The Board regards it as essential that parole officers gain the confidence of and endeavour to influence every prospective parolee which involves several visits in prison and more than a little welfare work; also that the supervision of "difficult" parolees after release shall include visits to their homes and haunts both inside and outside normal Public Service working hours. The Parole and Probation system cannot succeed if parole officers are confined by pressure of work to sitting in their offices and receiving reports and visits. That kind of supervision is only satisfactory in respect of parolees who have obviously mended their ways.

The report goes on to show what the chief parole officer had to say about caseloads. The report is signed by Mr. Justice Negus, as chairman, and by Messrs. Tydeman, Bradshaw, Campbell, and O'Brien, as members. People of that calibre holding positions in public life have made statements as to the caseloads being of very tremendous weight. This being an affluent society, surely the Public Service Commissioner could do something to provide more staff.

It might have been a pity that the adjournment of the debate for a week enabled me to have more time to study this matter! Some of the events which took place could have been avoided by further consideration of the staffing situation. During the last nine months the resignations—I cannot guarantee the accuracy of

the figures, but the information is pretty right—consisted of six officers made up of five men and one woman. They were the resignations from a staff of 12. This puts the caseload at a higher level. If there are 600 to 700 persons on parole and probation then six officers cannot be expected to give the required supervisory service.

The Hon. A. F. Griffith: You say you are not sure of the information.

The Hon. F. R. H. LAVERY: I should be careful about this. I am not sure of the information, but I think it is fairly right.

The Hon. A. F. Griffith: I am wondering from what source you obtained it.

The Hon. F. R. H. LAVERY: The Minister must accept my word for it. I would not like to put anybody in, but I can say that I do not personally know one officer in this service.

The Hon. A. F. Griffith: You could have asked a simple question in this House which I could have answered as to how many officers resigned from the Parole Board. You would then have obtained the information officially, and not from a half-baked source.

The Hon. F. R. H. LAVERY: I had intended to take this action on Tuesday, the 1st October, but thought the debate would be continued on the Tuesday. Perhaps I should say that I suggest at least six officers have resigned in the last nine months. Excluding the chief probation officer and his deputy, the officers who resigned were the best qualified and they all hold the diploma of social studies or an equivalent degree. They are all University graduates.

The Hon. A. F. Griffith: They have to be so qualified.

The Hon. F. R. H. LAVERY: I understand that they have between them a total of more than 25 years of experience of probation and parole work. There seems to be a rubber stamp definition of the word "supervision," and this creates a great deal of worry in this type of work. In all the reading material that I have seen from America, England, and Victoria this supervision is overdone in some cases; in other cases the supervision is neglected.

As an illustration I refer to a case which occurred recently in Western Australia. A person stole some money from the firm for which he worked, but the judge, in his wisdom, placed him on probation. I appeared in court and spoke on behalf of the offender. There is no sense in gaoling a man for stealing from the firm in which he works. This firm handles millions of dollars annually, and it will not have to pay the cost of keeping the person in gaol even though its book keeping methods are so bad; the State will pay the cost. However, this person is now working and paying taxes

to the State, and instead of the State keeping him at a cost of \$1,500 to \$1,600 a year he is contributing to the finances of the State. He would only need supervision once a month while he is on probation, but I would not know what kind of supervision he would receive.

There are other cases in which supervision is required once every few weeks, or even once or twice a week. As time goes on the supervision could be discontinued, because the officers are compassionate people and get results. If supervisory officers are of this type then I am sure they will gain the confidence of those they supervise to the benefit of all.

What is needed is some form of action. Instead of putting an offender on three years' probation, in some cases a period of two years is sufficient. I admit that in other cases where offenders show belligerency a period of five years' probation is required to bring them back into society. What is done by some courts in other parts of the world is to give an offender a suspended sentence or to adjourn the case for three to 12 months when the offender is on his honour to be law-abiding. If he goes astray he has to face the music. In America and in Germany this method is working very well in the case of people of good character who break the law. This type of sentence is a form of insurance; the person is his own parole and probation officer.

A scheme of good behaviour could save the court, the State, and the people in the probationary service a great amount of work. A probationary period of two years, as against three years, is a matter to which the court could or might give more consideration. In Victoria a caseload of 400 was set at one stage, but subsequently it was reduced to 240. Now it has been reduced further to 140, but each of the officers is, in fact, still supervising 250 cases. There is a lot of deadwood, and many of the parolees are not getting the necessary supervisory service. A person who is not getting supervisory service tends to drift away and to breach his terms of probation. Should such a person appear before the court the magistrate would say that he had been placed under a probationary officer and had been given his chance. In fact, that person might not have been given adequate supervision, because the staff is not large enough to cope with all the cases.

The PRESIDENT: Order! It would be helpful if the honourable member would mention the Bill occasionally. He is speaking extensively without mentioning the Bill at all.

The Hon. F. R. H. LAVERY: With all due respect, Mr. President, I think I have mentioned the Bill many times. This is the Offenders Probation and Parole Act Amendment Bill, and I am speaking on

the subject of probation. As I see the position the lack of efficiency in Western Australia exists because of the insufficiency of staff. I hope I am not offending you by saying that. I do not think I have spoken on anything other than probation and parole, and the officers of the service. I have referred to the report of the board.

I want now to come back to clause 16 which is the one on which the Minister opened his speech. The Minister said—

It is now provided that where a person is sentenced to imprisonment for less than 12 months, the court may fix a minimum term. Where the sentence is 12 months or more, the court shall fix a minimum term subject to specific qualifications and discretions.

At present, an anomalous situation exists in that some prisoners, with cumulative sentences totalling 12 months or more, are denied the fixing of a minimum term.

Clause 18 covers a prisoner who will not be given parole. I want to know why a prisoner is not to be given a reason for his not being granted parole. Surely if a man is not to be granted parole but must remain in gaol, he should at least be told why! Surely good conduct somewhere along the line must come into the picture!

The first clauses in the Bill deal with probation and parole in Western Australia, while clause 26 onwards deal with orders relating to probation and parole of offenders made in another State or Territory. I am not speaking on those at all because they are self-explanatory and deal with officers all over Australia working together.

Coming back to what I said before, New South Wales has set a caseload of 50 per officer and when it reaches 60 the probationary chief himself almost stands on his head to ensure that another staff officer is appointed.

In Victoria one of the lecturers at the University said that if two persons were supervised full-time and 10 other people were sufficiently controlled to ensure they did not breach the law, the person in control would have done more than could be expected of any human being.

Yet, here in Western Australia we have reached the stage where the caseload has been up to 140. It is self-defeating to try to build up an apparently elite group by excluding less qualified people, so long as the elite are overloaded with twice or three times—as in Western Australia now—or four or five times—as it was recently in Victoria—the reasonable load of work.

The point I am trying to make concerns the educational standard of these officers. Why must they all be men from the University? Surely we have people in our community who are sufficiently compassionate and educated, but who have not been through the University, who could



be recruited for this work. I think it was Eileen Younghusband's report on staffing for social work in England which said that that country had a three-phase system of staffing.

They took in on a scholarship basis officers who were capable, humanitarian people with common sense. These people started at the bottom and as they increased their education so they were raised to another group. Those with degrees went to the top. Despite this system, they still find plenty of room to employ people who have not received an academic education. I myself have not received an academic education, but I will be the last one to say one word against those with a higher education.

Since I have been in Parliament I have had the goal of trying to ensure that everyone in the community, rich or poor, gets the highest education he is able to achieve. I myself kept working very hard in order that my sons might continue to improve their education until they were nearly 21 years of age. Therefore, I am not complaining about academics. My complaint is that in the Western Australian system there seems to be room for those only of a higher academic standard.

I want to know if the Minister can give some reason for this. I believe that plenty of people in the community could join these officers with great benefit to all concerned. An enormous amount of pen and pencil work must be involved as well as a terrific amount of reporting and interviewing.

With regard to the weaknesses of organisation, it is noteworthy that most of the amendments to the Act under this Bill concern parole. The probation side seems involved only with the reciprocal legislation with other States, where it is, anyway, lumped in with parole. Probation is, in fact, the neglected side of the dual field. The probation and parole branch has to serve not two, but many, masters. On one side, the Parole Board is a clear authority for parole, but for probation the various courts have occasionally exercised vague authority.

The trouble is that no single court, judge, or special magistrate, has enough continuing contact with the probation and parole branch to play a useful part in helping it with ideas or seeing to its proper functioning. I am sure that were this last sentence reversed, it would be to the advantage of all parties concerned. I mean by that that the judges and all those people in courts should actually be able to have these reports placed in front of them. I have read a report from the Probation Board and if all the people concerned had time to read and study the reports and really understood the load of the cases the officers are carrying, I do not think those officers would have to continue to carry the load for very much longer.

I know that some people who appear in the court do so because of a very serious breach of the law. Except for this one breach they have been fairly reputable citizens and therefore surely something has gone wrong upstairs—in their mind—which has caused their conduct. With proper supervision they could soon be brought back to act as normal citizens again.

I believe that the officers who take this kind of work on must be very dedicated or they could not stay and carry the loads they do. I feel that if the courts could seek advice from the board as to the period in which it felt a person was likely to rehabilitate himself—and the periods could thus be reduced—a big load would be taken off the officers.

When I read the report of the prisons, the Parole Board, and the Probation Board, I felt a kind of sickness. Here we are emptying mental hospitals and sending people home because of a desire to improve the economy. The old men's home has a waiting list and it is necessary for a person therefore to spend \$28 to \$30 in a "C"-class hospital. At the same time we have the prison full. I think the report said there were 1,100 to 1,300 prisoners at the end of the year. A great number of these could be out earning a living and paying taxes instead of forcing the taxpayers to keep them.

Therefore one of the groups of people in the community which could be of greater assistance is that under the probation and parole system.

I am sorry I have taken more time than I normally do. As far as the Bill is concerned, I have made many inquiries and I cannot find one clause which requires amending. It is a very good Bill. The Labor Party has a committee which has studied the Bill and, as a party, we support it.

**THE HON. A. F. GRIFFITH** (North Metropolitan—Minister for Justice) [10.26 p.m.]: At least it is comforting to know the Bill cannot be improved. From the way the honourable member was addressing himself to the Bill, I thought that he must have thought it was a pretty poor one and he may have intended to amend it substantially.

I do not propose to take very long to reply to the remarks of Mr. Lavery, but I cannot let one or two things he said pass without making some comment upon them. It will be remembered that I introduced the parent legislation in 1963. I think it was 1964 before it got under way. By the time we filled the position of chief probation and parole officer and obtained some premises, staff for him, and got the chairman of the board appointed, and the board itself appointed, some months had elapsed. I think the board has done a remarkable job.

The Hon. F. R. H. Lavery: I do not think I ever said anything to the contrary to that in any part of my speech.

The Hon. A. F. GRIFFITH: I did not say the honourable member did. I am making the remarks now, if I may.

I think the board has done a remarkable job and the point which Mr. Lavery has lost sight of is that in an organisation of this nature there cannot be more chiefs than Indians. To put the emphasis on the fact that because there are insufficient parole officers to look after the parolees the parolees go wrong, is, to my way of thinking, putting the horse before the cart to some extent.

The Hon. R. Thompson: That is where it should be.

The Hon. A. F. GRIFFITH: I mean it is putting the cart before the horse. Surely in the first place the obligation of the parolee is to accept parole. The first thing he gets told when he goes into prison is that parole is not a right; it is a privilege. At an interview, or in some other way, he is told that as a privilege he is to be allowed out on parole. If he breaks his parole, it is of his own doing. Without having the whole of the report read to me, I know that we are short of staff.

The Hon. F. R. H. Lavery: How many other people in the community know it? How many members of Parliament know it?

The Hon. A. F. GRIFFITH: I do not know. The chief probation and parole officer's report is laid on the Table of the House. The honourable member has read it. What point is there in saying, "How many people in the community know it?" I am simply saying that I know we are short of staff. It is not just a matter of flicking one's fingers and getting a capable staff which is competent to do the job. Mr. Lavery suggested the standard of education we require for a probation officer might be lowered so that we can fill the ranks.

The Hon. F. R. H. Lavery: I said there should be some concession.

The Hon. A. F. GRIFFITH: I do not agree with this. If we are not able to obtain all the qualified people we would like, I do not think we should fill the ranks with unqualified people. This is not necessarily the answer at all.

I ask members to bear in mind that the board has been actively operating for about three years and, on the figures given to us by Mr. Lavery, there were 654 people on parole in 1967.

The Hon. F. R. H. Lavery: That was at the end of the year. There were 880 in the early part of the year.

The Hon. A. F. GRIFFITH: That is correct. What does the difference between the two figures mean? Does the honour-

able member mean to imply that the difference between 654 and 880 is the number of people who have broken parole, because that is not the case.

The Hon. F. R. H. Lavery: No; I meant there were six officers to look after that enormous number of people.

The Hon. A. F. GRIFFITH: That is not the case. It could quite easily be found upon examination that there were 654 people on parole at that date. When a man has served his parole and is excused, he is no longer on parole. The figures for 1968, when added to the figures Mr. Lavery gave, illustrate a very creditable performance indeed. After all, what was happening prior to almost three years ago? There was no such organisation as this.

The Hon. R. Thompson: There were many pressure groups.

The Hon. A. F. GRIFFITH: I am sure. I am not allowed to use the word "bet"; but I was going to say that I bet that there are fewer requests from pressure groups asking members of Parliament for prisoners to be released. This is because they now come under the jurisdiction of the Parole Board.

The Hon. W. F. Willesee: I am concerned. Are you an Indian or an Indian chief?

The Hon. A. F. GRIFFITH: Do not be concerned.

The Hon. W. F. Willesee: I would like it clarified.

The Hon. A. F. GRIFFITH: I will tell the Leader of the Opposition privately. I wish to stay with the Bill and I do not wish to be led astray by remarks of that nature.

I merely wish to make the point that if members add the figures together they will, in spite of everything, find the board and the parole officers have done a very good job indeed.

As I have said, I know we are short of staff, but I do not want to see the standard for parole officers reduced in order merely to fill the ranks and make the parole officers' report look better. I do not think Mr. C. Wright Webster himself would want us to do this. We will continue to recruit qualified staff as they become available.

The Hon. F. R. H. Lavery: I understand a group is being trained by the Institute of Technology now for this job.

The Hon. A. F. GRIFFITH: If that is so, so much the better.

The Hon. F. R. H. Lavery: I am asking.

The Hon. A. F. GRIFFITH: I do not know, but if that is the case so much the better. I do not think there is the occasion for me to labour the point any further. It is contended the Bill is a further improvement on the total situation. Various viewpoints have been raised over a period of time. This is not

the first time the legislation has been amended, because we amended it in 1965. Perhaps in the light of experience, in another year or two, or possibly more, we will find other points which need to be incorporated in the legislation to make it a better piece of legislation so that it will operate in a better manner.

I should just like to say that it is the function of the courts to impose sentences and I am not in a position, nor am I going to try in any shape or form, to tell the courts what they must do.

The Hon. F. R. H. Lavery: I could make suggestions as to what they should do.

The Hon. A. F. GRIFFITH: Courts operate in accordance with their functions. They mete out penalties according to the law. Necessarily this matter must be left entirely to the court to perform. Once the court has sentenced a man he comes under the jurisdiction of the Parole Board by reason of the fact that he is either given a period of probation or a minimum sentence. After he has served it he may come before the Parole Board for consideration for parole. That is the function of the board. If the parole officers have a case-load which is too high—and I admit it is too high—that is unfortunate. However, the whole of the blame should not be pointed in the direction of the parole officers who happen to be overworked.

The Hon. F. R. H. Lavery: You are not suggesting that I blame the officers.

The Hon. A. F. GRIFFITH: I am not even thinking of you at the moment.

The Hon. F. R. H. Lavery: I know I do not count in your eyes.

The PRESIDENT: Order!

The Hon. A. F. GRIFFITH: Isn't that a silly remark! This is a mutual arrangement whereby the parolee has his obligations in the same way as the parole officer has his duty. Some people require no supervision at all. Unfortunately some people in the community make one mistake, but they only make that one mistake; they are the sort of people who will go out on parole, complete it satisfactorily, and become good citizens again. However, there are others who do not learn and who will never learn. It does not matter what sort of supervision is given to these people, they will not improve. However that is the system. I am glad to know that the Bill, which is intended to improve it, has received support.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

*House adjourned at 10.43 p.m.*

## Legislative Assembly

Wednesday, the 2nd October, 1968

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

### QUESTIONS (35): ON NOTICE

1. *This question was postponed until Tuesday, the 8th October.*

### MINERAL CLAIMS

#### *Nimingarra Area*

2. Mr. BICKERTON asked the Minister representing the Minister for Mines: Reverting to questions of the 19th September re mining claims in the Nimingarra area—

- (1) Has he for native welfare let a tribute to any operation for mining claims MC741 and MC742; if so, to whom?
- (2) If a tribute has been let, what action has he taken to ensure that the claims are operated?
- (3) Has he considered offering a tribute to some person or persons who is/are prepared to work the claims and so produce revenue for the Native Welfare Department?

Mr. BOVELL replied:

- (1) Tribute agreement No. 1/1965, Marble Bar, as between the Minister for Native Welfare and Thomas Martin, is registered against mineral claims Nos. 741 and 742 at Nimingarra in the Pilbara goldfield.
- (2) The matter is one for the Department of Native Welfare.
- (3) This would be in the province of the Minister for Native Welfare, who is the registered holder of the claims.

### LAND AT BALCATT

#### *Zoning and Subdivision*

3. Mr. GRAHAM asked the Minister representing the Minister for Town Planning:

Adverting to the answer given to (a) of my question on the 19th September last regarding land zoned residential in an area bounded by North Beach Road and Cedric and George streets, Balcatta—

- (a) Can it now be accepted that the subject area has been finally approved as a residential area, and that no portion will be zoned for hotel purposes;