

House, that this particular aspect has been discussed with the representatives of the banking fraternity. I particularly refer to the Associated Banks in W.A., the Australian Bank Officials Association, the Commonwealth Banking Corp. group, and the Commonwealth Bank Officers Association.

I think it is reasonable that the members of those organisations should be consulted. I hope the Government has, in fact, discussed this measure with them because the proposal will be a departure from what has been the case in the past. Perhaps the bank officers agree with the provisions of the Bill, but I believe it is pertinent that we should have an assurance from the Government that the four organisations to which I have referred have had an opportunity to discuss the legislation so that there will be no misunderstanding.

The Bill is quite straightforward other than the provision to amend the definition of a bank holiday. I support the second reading.

The Hon. W. F. Willesee: I think the remarks of the honourable member are pertinent and I will look into the questions raised.

Debate adjourned, on motion by The Hon. R. Thompson.

House adjourned at 8.09 p.m.

Legislative Assembly

Wednesday, the 20th September, 1972

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

QUESTIONS (34): ON NOTICE

1. WATER SUPPLIES

Tunnel: Canning Dam-Roleystone

Mr. RUSHTON, to the Minister for Water Supplies:

- (1) What amendments to the proposed Canning tunnel project have been requested by the Roleystone Progress Association?
- (2) Have these amendments been accepted by the board?
- (3) If "No" to (2), will he please advise me why they have not been approved?
- (4) What is the board's intention now as to resumption of the 13.85 acres quoted in answer to my question 16 on 15th August, 1972?

Mr. T. D. EVANS (for Mr. Jamieson) replied:

- (1) Variations have been requested to the line of the tunnel at the outlet portal end.
- (2) No.
- (3) The matter has yet to be considered by the board.
- (4) This has also yet to be determined by the board.

2. HIGH SCHOOLS *Hall-Gymnasiums*

Mr. MENSAROS, to the Minister for Education:

Does his reply to part (3) of question 27 on 14th September, 1972 mean that construction of a gymnasium in a high school can be started immediately or at any time with the secure knowledge of the subsidy being forthcoming at any stage of construction—provided that the parents and citizens' association has the funds to cover its proportion of the total cost and understood that the plans are approved by his department and/or the Public Works Department?

Mr. T. D. EVANS replied:

Yes, provided the plans and specifications have the full approval of the Education and Public Works Departments. The subsidy could not exceed the amount mentioned in part (2) of question 27 on the 14th September, 1972.

3. HIGH SCHOOLS

Commencement, Enrolments, and Covered Space

Mr. MENSAROS, to the Minister for Education:

Could he please supply a list of all high schools indicating with each the—

- (a) year they were established;
- (b) number of enrolled students as at the last available date;
- (c) approximate amount of covered space (conveniently suitable for gymnasium purposes) available in square feet or metres?

Mr. T. D. EVANS replied:

- (a) and (b) Answer tabled.
- (c) Specific information on the amount of covered space in each school is not maintained. The amount of covered space available is only one factor considered with respect to the provision of halls/gymnasiums. An investigation is

made in appropriate schools when a priority is being determined for special works.

The answers to (a) and (b) were tabled (see paper No. 362).

4. *This question was postponed.*

5. POLICE STATION

Cranbrook

Mr. STEPHENS, to the Minister representing the Minister for Police:

When is it proposed to build a new police station at Cranbrook?

Mr. BICKERTON replied:

In 1973-74, subject to funds being available.

6. COURTHOUSE

Cranbrook

Mr. STEPHENS, to the Attorney-General:

When is it proposed to build a new courthouse at Cranbrook?

Mr. T. D. EVANS replied:

The Police Department have included the project in the draft loan programme for 1973-74.

7. EDUCATION

Guidance Officers and Lecturers

Mr. LEWIS, to the Minister for Education:

(1) What is the supply position relative to needs for guidance officers at the respective classes of high and primary schools in this State and for the respective grades of such officers?

(2) What is the supply position of senior lecturers and lecturers respectively in this field at the teachers' colleges?

(3) Are the qualification requirements of senior lecturers and lecturers respectively similar to all teachers' colleges, and if not, what are these differences and the reasons for them?

Mr. T. D. EVANS replied:

(1) Senior guidance officer—supply adequate.

District guidance officer—supply adequate.

Guidance officer, grade 1—supply inadequate for number of positions to be ultimately established.

Guidance officer, grade 2—supply inadequate.

(2) Teachers' college positions are advertised in the field of psychology and education, not in guidance.

In all levels of appointment there were more applicants than the number of positions available.

(3) Generally the qualifications for all teachers' college positions are similar but there may be slight changes of emphases to suit the needs of a particular college.

8. PUBLIC WORKS DEPARTMENT

Day Labour Work Force

Mr. HUTCHINSON, to the Minister for Works:

Would he please supply the monthly totals of the Public Works Department day labour work force as from July 1971 to August 1972?

Mr. T. D. EVANS (for Mr. Jamieson) replied:

Tradesmen Apprentices

1971

| | | |
|-----------|-----|-----|
| July | 682 | 160 |
| August | 677 | 159 |
| September | 682 | 159 |
| October | 684 | 159 |
| November | 701 | 170 |
| December | 731 | 171 |

1972

| | | |
|----------|-----|-----|
| January | 736 | 178 |
| February | 763 | 179 |
| March | 774 | 185 |
| April | 768 | 184 |
| May | 796 | 186 |
| June | 860 | 184 |
| July | 852 | 185 |
| August | 844 | 187 |

9. EDUCATION

Amusement Parlours near Schools

Mr. RUSHTON, to the Minister for Education:

(1) Has he received complaints from parents and citizens' associations over the large influx of amusement parlours containing a good number of pool tables adjacent to or near schools?

(2) Does he intend to take any initiative in this regard?

(3) What has been his decision upon receipt of these complaints?

Mr. T. D. EVANS replied:

(1) No.

(2) If specific complaints are made these will be investigated.

(3) Not applicable.

10. HOUSING

Naval Base Project

Mr. RUSHTON, to the Minister for Housing:

(1) Is he aware the Minister for the Navy in his recent visit to Western Australia publicly stated the

Navy was adamant in its intention of having its service residences spread through Rockingham and Safety Bay for obvious reasons benefiting the Navy personnel?

- (2) Have direct negotiations now taken place between the commissioner and the Commonwealth?
- (3) What has been the result of the negotiations?
- (4) Because of the obvious benefit to the building tradesmen of commencing this project at the earliest possible date, will he now accept the request of the Navy and the Shire of Rockingham?

Mr. BICKERTON replied:

- (1) I am aware of a Press statement in *The West Australian* of 23rd August, 1972, referring to a letter of the Minister for the Navy to the Shire of Rockingham regarding Navy billets when the Garden Island base is completed.
- (2) No. The Commonwealth Department of Housing has written to the commission seeking information as to whether the commission will undertake land exchanges in Rockingham and Kwinana townships, in view of the Navy preference for Rockingham. The commission will consider this approach and that submitted by Rockingham Park Pty. Ltd. at a forthcoming meeting.
- (3) Answered by (2).
- (4) The Commonwealth has not requested the commission to proceed with the building of houses in this financial year for the Navy personnel to be stationed at Garden Island.

11. KELMSCOTT HIGH SCHOOL

Construction, and Inclusion of Primary School

Mr. RUSHTON, to the Minister for Education:

- (1) Will the Kelmscott high school oval be planted shortly, to enable the earliest use of these necessary grounds?
- (2) As I assume the high school and a primary school are still planned for on this site, what separate playground and recreational oval is being included for the primary school?
- (3) Is the schedule for the Kelmscott high school to be ready for students at the commencement of the 1973 school year still being maintained?

Mr. T. D. EVANS replied:

- (1) The matter of early development of the high school oval is at present being considered by the Public Works Department.
- (2) It is envisaged that separate playground facilities will be provided for a future primary school.
- (3) Yes.

12.

KINDERGARTENS

Government Grants

Mr. LEWIS, to the Minister for Education:

- (1) What is the current level of financial assistance given to kindergartens in this State?
- (2) On a per capita (pre-school child) basis can he say how this assistance compares with that given in other States?
- (3) In which States does pre-school education come within the direct jurisdiction of the Education Department?
- (4) Are there any proposals to include pre-school education within the department's administration in this State?

Mr. T. D. EVANS replied:

- (1) Under the existing formulae, the following payments can be anticipated in 1972-73:—

| | |
|---|-----------|
| Administration of the association | \$ 73,387 |
| Training college | 73,387 |
| Student allowances .. | 50,240 |
| Per capita subsidy .. | 554,179 |
| Building grant | 80,000 |
| Grants to needy kindergartens | 12,000 |
| | <hr/> |
| | \$843,193 |

- (2) Information not available.
- (3) Tasmania.
- (4) No.

13. AGRICULTURAL EDUCATION

Stern Report

Mr. LEWIS, to the Minister for Education:

- (1) Has he given consideration to the recommendations in the Stern Report on agricultural education?
- (2) If so, what are his proposals and programme for implementation of the recommendations?

Mr. T. D. EVANS replied:

- (1) Yes.
- (2) A highly qualified and experienced education officer has been appointed to advise the Education Department as to the nature of the changes which will be implemented progressively.

14. UNIVERSITY OF W.A.

Diploma of Education Courses

Mr. A. R. TONKIN, to the Minister for Education:

- (1) How many University students who are not bonded to the Education Department will be completing their diploma of education courses this year?
- (2) What are the major teaching areas of these students?
- (3) How many students bonded to the Education Department will be completing their diploma of education courses this year?
- (4) Will positions with the Education Department be available to all these students in 1973?

Mr. T. D. EVANS replied:

- (1) This information is not readily available but will be conveyed direct to the Member as early as possible by letter.
I might add that this information is being sought from the University of Western Australia.
- (2) The University is unable to provide this information.
- (3) 158.
- (4) Yes, provided they are prepared to teach where required by the Education Department.

15. HOUSING

Building Societies Legislation: Amendment

Sir CHARLES COURT, to the Minister for Housing:

Is it intended that a Bill will be introduced this session to amend building society legislation?

Mr. BICKERTON replied:

No decision has been made at this juncture. If circumstances dictate amendments then normal advice will be given upon that decision being made.

16. SCHOOLS

Bunbury Electorate: Additions

Mr. WILLIAMS, to the Minister for Education:

- (1) What additions, alterations or extensions are planned this financial year for the following primary schools in Bunbury—
 - (a) Cooinda;
 - (b) Adam Road;
 - (c) Carey Park;
 - (d) South Bunbury;
 - (e) Central?

- (2) When will tenders be called and what is the expected completion date?

Mr. T. D. EVANS replied:

- (1) (a) to (e) Nil.
- (2) Not applicable.

17. BUNBURY TECHNICAL SCHOOL AND W.A.I.T. CENTRE

Additions

Mr. WILLIAMS, to the Minister for Education:

- (1) What additions, alterations or extensions are planned this financial year for—
 - (a) the Bunbury Technical school;
 - (b) the planned W.A.I.T. centre?
- (2) Upon what sites or sections of sites will these be carried out?
- (3) When will tenders be called and what is the expected completion date?

Mr. T. D. EVANS replied:

- (1) (a) None.
(b) The Australian commission on advanced education has allocated the W.A.I.T. \$30,000 for the establishment of the first stage of an advanced education study centre at Bunbury this financial year.
- (2) It is planned to establish the study centre on part of the Bunbury rifle range adjoining the Bunbury technical school site if this can be obtained.
- (3) Funds will be used to purchase and install a prefabricated building on the site. Every endeavour will be made to have the centre established by March, 1973.

18. EDUCATION

Bunbury Rifle Range: Release

Mr. WILLIAMS, to the Minister for Education:

- (1) What stage has been reached in negotiations for the release of the Bunbury rifle range for educational purposes?
- (2) When is it expected this area will be available for development?
- (3) What will be the alternative rifle range site?

Mr. T. D. EVANS replied:

- (1) and (2) Advice from the Prime Minister in March this year indicated the Commonwealth is prepared to vacate the rifle range land in order that overall planning of the area by the tertiary education commission may commence in 1975-76.

However, as it is desired for the W.A.I.T. to commence activities on the site in 1973 investigations for an alternative rifle range have been carried out by the Army and the Department of Lands and Surveys. Also a proposition to enable the institute to proceed with plans for 1973 has been referred to the Prime Minister.

(3) Not yet determined.

19. LAMB MARKETING AUTHORITY

Membership and Commencement

Mr. REID, to the Minister for Agriculture:

- (1) Would he explain how the individual members of the Lamb Marketing Authority were chosen and appointed?
- (2) Will the authority commence operations on the 1st December as planned; if not, on what date?

Mr. DAVIES (for Mr. H. D. Evans) replied:

- (1) The individual members of the Lamb Marketing Authority were nominated by the Minister and appointed by the Governor as laid down in section 7 of the Act, following consultation with industry representatives.
- (2) The authority will commence operations on 2nd December, 1972.

20. BUILDING BLOCKS

Hamersley-Karrinyup Area: Auction

Mr. MENSAROS, to the Premier:

- (1) Is it a fact that the average sales price of residential lots in the Hamersley-Karrinyup area auctioned by the Rural and Industries Bank on 16th September, 1972 was about 43% higher than land in this area at similar auction last year, viz: \$10,300 against \$7,170?
- (2) Is this development satisfactory and in line with the policy of the Government on land prices as set out in his reply to question 19 on 13th September, 1972?

Mr. J. T. TONKIN replied:

- (1) Yes, except that the area relates to Karrinyup rather than to Hamersley.
- (2) As stated by the Chairman of Commissioners of the Rural and Industries Bank, Mr. G. H. Chessell, in a newspaper report on 18th September, the lots auctioned on Saturday were "choice residential sites, some with ocean views, and compared favourably with the recent City Beach sub-

division. In this attractive suburb the final remaining blocks have a scarcity value for selective buyers."

I would add that quality land anywhere will always command a higher price, especially when the quantity of it is limited. It will further be recognised that this is not the type of land on which one would expect the modest three-bedroomed home of the young married couple to be built. As I indicated in my reply on 13th September, there is a wide range of residential land throughout the region where fully-serviced blocks priced between \$3,000 and \$4,500 are awaiting buyers. To single out the prices paid for quality land at Karrinyup as indicating a land-price boom over the whole region—as has been suggested in certain quarters—is unrealistic and quite misleading. I deplore statements which would seem to have no other purpose than to try to trigger off panic buying when there is an obvious supply of reasonably-priced serviced residential blocks available.

Sir Charles Court: That is a mighty change of attitude on your part.

21. SEWERAGE

City of Perth Endowment Lands: Connections

Mr. MENSAROS, to the Minister for Water Supplies:

Would he describe or table a plan indicating which of the parts of the land called "the said lands" in the City of Perth Endowment Lands Act are connected to deep sewerage and which are not?

Mr. T. D. EVANS (for Mr. Jamieson) replied:

Plan as requested is, with permission, hereby tabled.

The plan was tabled (see paper No. 363).

22. KING'S PARK

Development Plan

Mr. RUSHTON, to the Minister for Lands:

Will he please table the present plan approved by the Government for the future development of King's Park?

Mr. DAVIES (for Mr. H. D. Evans) replied:

There is no "present plan". Two five year plans have now been completed except for certain items which were withdrawn.

23. **ARMADALE-KELMSCOTT
DISTRICT MEMORIAL
HOSPITAL**

*Heart Preservation and Resuscitation
Equipment*

Mr. RUSHTON, to the Minister for Health:

- (1) Is he aware the Armadale-Kelmscott Lions Club, in conjunction with ladies auxiliary of the Armadale-Kelmscott District Memorial Hospital recently raised a considerable sum of money towards providing heart preservation and resuscitation equipment? (cardiac monitor, D.C. defibrillator, bio chart recorder).
- (2) Will the department subsidise this purchase?
- (3) To encourage this excellent community service will the department approve the subsidy now to enable the equipment to be obtained before 30th September?

Mr. DAVIES replied:

- (1) No.
- (2) and (3) The matter will be investigated.

24. *This question was postponed.*

25. **LOCAL GOVERNMENT**

Loans and Interest Charges

Mr. REID, to the Minister representing the Minister for Local Government:

- (1) What was the total debt of local authorities and the annual interest charges for the years ended 30th June, 1972, 1971, 1970, 1969, 1968 and 1967?
- (2) Did the Government use local authority borrowing power to raise money for important projects during that period to be repaid by Treasury funds at a later stage?
- (3) If so, what was the amount in each year in the above period?

Mr. BICKERTON replied:

| (1) Year | Total debt \$ | Annual interest charges \$ |
|----------|---------------------|-------------------------------------|
| 1966-67 | 52,702,060 | 2,640,742 |
| 1967-68 | 58,577,043 | 2,971,074 |
| 1968-69 | 66,642,510 | 3,355,729 |
| 1969-70 | 74,813,785 | 3,819,382 |
| 1970-71 | 83,574,228 | 4,406,994 |
| 1971-72 | Not available | Not available |

- (2) Yes.
- (3) This information is not readily available but will be supplied when collated.

26. **PAY-ROLL TAX**

*Government Departments and
Instrumentalities*

Mr. W. A. MANNING, to the Treasurer:

What is the total payroll tax paid to the State by each of the following—

- (a) Agriculture Protection Board;
- (b) Bush Fires Board;
- (c) Country High School Hostels Authority;
- (d) Education Department;
- (e) Main Roads Department;
- (f) Medical Department;
- (g) Railway Department;
- (h) State Housing Commission?

Mr. J. T. TONKIN replied:

The total payroll tax paid from the inception of the State tax on the 1st September, 1971 to the 31st July, 1972 is—

- (a) Education Department—
\$2,388,926;
- (b) Main Roads Department—
\$466,437;
- (c) Railway Department—
\$1,304,945;
- (d) State Housing Commission—
\$97,156;
- (e) Country High School Hostels Authority—Nil—(the annual wages are below the statutory exemption).

The amounts paid by the following are not available for the reasons given—

- (a) Agriculture Protection Board—included in returns submitted by Agriculture Department;
- (b) Bush Fires Board—included in returns submitted by Lands Department;
- (c) Medical Department—included in returns submitted by Chief Secretary's Department.

27. **SUPERPHOSPHATE**

Monthly Deliveries

Mr. STEPHENS, to the Minister for Agriculture:

What were the monthly delivery rates from each of the superphosphate works in Western Australia during the years 1970-71 and 1971-72?

Mr. DAVIES (for Mr. H. D. Evans) replied:

State total fertiliser despatches for 1970-71 were 1,182,000 tons and for 1971-72 1,189,000 tons. The other particulars are not available to my department.

28. HOSPITALS

Central Laundry: Tenders

Dr. DADOUR, to the Minister for Health:

- (1) Have tenders been called or accepted for the—
 - (a) buildings;
 - (b) plant;
 - (c) linen,
 for the centralised hospital laundry?
- (2) If "No" when will tenders be called for the above items?
- (3) If "Yes" would he please supply details?

Mr. DAVIES replied:

- (1) (a) No.
 - (b) Tenders have been called for most items and some have been accepted.
 - (c) No.
- (2) (a) December, 1972.
 - (b) Balance of tenders will be called by February, 1973.
 - (c) Much of the linen will be that already in use and in stock at the hospitals to be served by the new service.
Additional requirements will be obtained by ordering through Government Stores Department (including normal Tender Board action) as needed.
- (3) These are tabled. The tender of Tomlinson Steel Ltd. for supply and installation of boilers at \$152,733 is in course of acceptance, provided a minor adjustment is satisfactorily attended to.

The list was tabled (see paper No. 364).

29. *This question was postponed.*

30. W.A.I.T. CENTRE AT BUNBURY

Funds for Development

Mr. WILLIAMS, to the Minister for Education:

- (1) What funds have been allocated for development of the W.A.I.T. centre at Bunbury during the triennium ending 31st December, 1972?
- (2) Has a case been presented for this development to the Commonwealth advisory committee on advanced education for the triennium commencing 1st January, 1973?

(3) Generally what were the main points of the case, e.g. expenditure involved, period of time for development, building, etc., and when was the case presented?

(4) What were the results of the submission?

(5) If results are not yet known when is it likely they will be released and by whom?

Mr. T. D. EVANS replied:

- (1) No funds had been allocated for the development of the W.A.I.T. centre at Bunbury during the triennium ending 31st December, 1972.
- (2) Yes, to the Australian commission on advanced education formerly the Commonwealth advisory committee on advanced education.
- (3) The case presented to the A.C.A.E. in the triennial submission for 1973-75 included a development plan for Bunbury which would provide a tertiary education facility in a flexible fashion designed to test local demand and to meet local needs.
- (4) Funds will be available for the establishment of the advanced education centre in Bunbury from 1st January, 1973.
- (5) Not applicable.

31. PINJARRA HIGH SCHOOL

Additions

Mr. RUNCIMAN, to the Minister for Education:

- (1) What additions, alterations or extensions are planned for the Pinjarra Senior High School this financial year?
- (2) What is the estimated cost of the works?
- (3) When will these go to tender and what is the expected completion date?

Mr. T. D. EVANS replied:

- (1) (a) One science laboratory and store-room.
- (b) Conversion of the administration area.
- (2) The contract price for the science laboratory is \$25,289.
The conversion of the administration area has not yet been commissioned and an accurate estimate is thus not possible.
- (3) The completion date for the laboratory is 25th January, 1973. Detailed information is not yet available for the date of completion of the conversion.

32. NEW SCHOOL AND HIGH SCHOOL AT MANDURAH

Establishment

Mr. RUNCIMAN, to the Minister for Education:

- (1) Has land been selected and acquired for another primary school at Mandurah?
- (2) If so, what is the current planning for a new primary school at Mandurah?
- (3) Has land been selected and acquired for a high school at Mandurah?
- (4) In view of the expected increase in population due to Alcoa of Australia's decision to go ahead with its development at Pinjarra, what planning is the department considering to cater for the increase in the number of children of school age?

Mr. T. D. EVANS replied:

- (1) Yes.
- (2) There is no significant increase in student numbers in the existing school. The establishment of a new school will be kept under review.
- (3) Land has been selected but acquisition has not been finalised.
- (4) Departmental planning takes note of increases in housing and proposed developments. Further educational facilities will be established according to the needs.

33. ELECTRICITY SUPPLIES

Accidents

Mr. NALDER, to the Minister for Electricity:

- (1) How many accidents have occurred within the State Electricity Commission annually over the past five years?
- (2) How many of these accidents proved fatal?
- (3) How many fatal accidents have been recorded in industry through electric shock during the same period?
- (4) How many fatal accidents have been recorded of private citizens through electric shock (in and around the home) during the same period?

Mr. MAY replied:

To 31st December—

| | 1967 | 1968 | 1969 | 1970 | 1971 |
|-----|------|------|------|------|------|
| (1) | 348 | 390 | 406 | 387 | 393 |
| (2) | nil | nil | 3 | 1 | 3 |
| (3) | nil | 1 | 6 | 5 | 8 |
| (4) | 7 | 4 | 3 | 10 | 8 |

34. COUNTRY HIGH SCHOOL HOSTELS

Additional Establishments and Extensions

Mr. McPHARLIN, to the Minister for Education:

- (1) As there is a shortage of hostel accommodation for country children attending schools for higher education is there a planned programme for—
 - (a) the establishment of new hostels to cater for schools upgraded to district high schools;
 - (b) extensions to existing hostels to cater for children in the north and north-eastern wheatbelt?
- (2) If there is no planned programme are investigations being made into the problem?

Mr. T. D. EVANS replied:

- (1) (a) No.
(b) No.
- (2) There are at the present time 255 vacancies in 12 existing hostels. The future requirements are under close review.

QUESTION WITHOUT NOTICE AGRICULTURAL EDUCATION

Stern Report

Mr. LEWIS, to the Minister for Education:

Further to the Minister's answer to question 13 today, is he in a position to disclose the name of the officer mentioned?

Mr. T. D. EVANS replied:

I would ask the honourable member to put this question on the notice paper.

BILLS (3): INTRODUCTION AND FIRST READING

1. Parliamentary Salaries and Allowances Act Amendment Bill.

Bill introduced, on motion by Mr. J. T. Tonkin (Treasurer), and read a first time.

2. Companies Act Amendment Bill.

Bill introduced, on motion by Mr. T. D. Evans (Attorney-General), and read a first time.

3. Reserves (University Lands) Bill.

Bill introduced, on motion by Mr. T. D. Evans (Minister for Education), and read a first time.

LIQUOR ACT AMENDMENT BILL

Third Reading

MR. T. D. EVANS (Kalgoorlie—Attorney-General) [4.58 p.m.]: I move—

That the Bill be now read a third time.

MR. McPHARLIN (Mt. Marshall) [4.59 p.m.]: I take the opportunity at the third reading stage of this Bill to make some comments on the amendments which have been passed.

The 1970 Liquor Act lowered the drinking age and also provided for extended trading hours for hotels in the metropolitan area to include Sunday trading. During the course of the second reading debate I was very interested in the comments made by the member for Swan.

With the passing of the Liquor Act of 1970, and the amending legislation presently before the House, the trend appears to be to expand and extend drinking hours, to make alcoholic beverages more accessible and easier to obtain, and to allow the community generally to drink almost when and where it pleases.

The member for Swan made some interesting comments during the second reading debate wherein he suggested that a fund should be established to finance a programme to educate people on the dangers of the excessive use of alcohol. In the August, 1972, issue of the *Hotel Review of Western Australia* the following article appeared:—

Australian Beer on Par with Overseas Beer for Alcohol.

In a letter to the Vigilante, the General Manager of Carlton and United Breweries Limited, Mr. B. J. Breheney, refers to the newspaper reports of the Country Party State Confer-

ence, which recommended a reduced alcohol content for beer sold in Victoria, on the ground that Victorian beers have "one of the highest alcoholic contents in the world".

Further on in the article, this appeared—

Mr. Breheney believes that education and remedial treatment, based on adequate research, is a more realistic answer to the problems of road safety and alcoholism than the reduction of alcohol in beer.

In *The West Australian* of the 2nd September, 1972, reference is made to a report which appeared in the *Medical Journal of Australia*. The report claims that there had been a very sharp increase in drinking in Australia, and it pointed out that 5 per cent., or 215,000 adult Australian males were reliably estimated to be alcoholic, whilst 1 per cent., or 43,000 adult females were alcoholics. The report also went on to state that in 1960 it was estimated that alcoholism would cost industry \$80,000,000 a year, and the total cost of alcoholism to the nation was placed at about \$190,000,000 a year.

It is quite possible that those figures have been exceeded at the present time. I think it is worth while to place on record the percentages of alcohol in certain beverages. I do not think most people fully understand the alcoholic content of various beverages, and I feel certain that the younger generation, who now will be able to have such easy access to these beverages, are unaware of their alcoholic content. I have here a pamphlet issued by the Health Education Council of Western Australia which sets out the types of alcoholic beverages and the percentage of alcohol that they contain. The figures are as follows:—

SOME ALCOHOLIC BEVERAGES IN WESTERN AUSTRALIA

| Type | Examples | Alcohol Content By volume per cent |
|--|---|---------------------------------------|
| Brewed | Beer, Ale, Lager, Stout | 4.3-5.2% |
| Fermented Wine | Cider, Perry, Mead | 6.3-12.5% |
| Fermented Wine— Light, Table | Claret, Burgundy, Chablis, Sauternes, Hock, Moselle, Chianti (Italian), Riesling | 10.3-13.7% |
| Fermented Wine— Light, Sparkling | Champagne, Burgundy, Hock, Pearl Wines, Barossa Pearl | 10.3-13.7% |
| Fermented Wine— Fortified, Dessert | Sherry, Port, Muscat, Marsala, Madeira, Wine based cocktails | 17.7-20.0% |
| Distilled Beverages (Neutral Spirits) | Gin | 37.1% minimum |
| Distilled Spirits | Whisky, Brandy, Rum | 42.8% minimum |
| Liqueurs | Crème de Menthe, Drambuie, Tia Maria, Cherry Brandy, Spirit based cocktails, Benedictine | 22.8-51.3% |

Only in today's issue of the *Daily News*, there is a report from Melbourne which reads as follows:—

Drink Big Factor in Road Deaths
Melbourne, Today: A survey found alcohol was particularly important in road accident casualties, the Victorian Parliament was told yesterday.

The random survey of 200 fatal single-vehicle accidents found about half the drivers were affected by alcohol.

In view of this report and others coming forward from time to time on the number of road accidents in which the consumption of alcoholic liquor plays a part, I think the comments made by the member for Swan are very important and should not be ignored—that is, his suggestion that a fund be established to finance an educational programme for the benefit of those people who consume more alcohol than is good for them and, in particular, for the younger generation who could be instructed to drink sensibly and have proper control over the consumption of alcohol. I put these comments forward so that the Minister may give them some consideration in the future.

MR. W. A. MANNING (Narrogin) [5.08 p.m.]: At the third reading stage of the Bill I wish to bring a particular matter to the notice of the Premier and Treasurer. As we have now concluded the Committee stage of the Bill and have agreed to various amendments to the Liquor Act, as is usual we have extended the times and increased the number of places during which and at which alcohol may be consumed. I therefore wish to emphasise the point I made earlier in the debate on the Bill; namely, that we have reached the stage where we no sooner agree to amendments to extend the times during which liquor may be consumed than somebody complains that he cannot get liquor at a certain time or a certain place and so other amendments to the Act are introduced to extend the times and increase the number of places still further.

Therefore it seems to me it is a sheer waste of time having a Liquor Act setting out the details of how the Act can be policed in that particular way. I would also point out that such amendments, of course, bring about an increase in revenue to the Treasury as a result of the increased consumption of alcohol.

Mr. J. T. Tonkin: That is a jolly good idea.

Mr. W. A. MANNING: I thought the Treasurer would agree with that comment. However, it also increases the risk among those members of the community who have not been forewarned of the dangers of drinking excessive quantities of alcohol. Those are the three important points that have come to light. Those members who were here in 1970 will recall that when we

repealed the Licensing Act and replaced it with the Liquor Act, section 168 was included, which reads as follows:—

The Treasurer may, out of moneys from time to time appropriated by Parliament pay,—

(a) to the Minister for Education, such amounts as are, in the Treasurer's opinion, necessary to establish and assist in the conduct of educational programmes to discourage intemperance with regard to liquor; and

(b) to the Minister for Health,...

It then went on to mention such amounts that were necessary to provide medical and other treatment for the rehabilitation of alcoholics.

I will not refer to any more details of that section, but at the time I opposed the provision with the object of substituting another which, in my opinion, covered a wider field, because it provided—

- (a) the Minister for Education to establish and assist in the conduct of educational programmes to discourage intemperance with regard to liquor and to foster public understanding of the disease of alcoholism based on scientific fact; and
- (b) the Minister for Health for the provision of clinics and centres for the Medical and other treatment and the care and rehabilitation of alcoholics; and
- (c) the University of Western Australia for research on the cause, prevention, control and treatment of alcoholism.

The clause at that time—which has now become section 168 of the Act—provided that the Treasurer “may” pay moneys to the Minister for Education and the Minister for Health, but my provision contained the word “shall”; that is, that the Minister shall provide an amount of \$100,000 a year to be paid into a fund for the purpose I have mentioned.

I thought that this was an excellent way to provide funds for treatment which was becoming essential and was obviously needed. However, at that time I failed to get my amendment agreed to, but I did succeed in getting the support of the present Premier who was then sitting on the Opposition benches. I will read some extracts from the comments he made at the time with a view to obtaining his present opinion on what he is prepared to do along the lines I have suggested. On Wednesday, the 6th May, 1970, at page 3737 of the *1970 Parliamentary Debates* he is reported as saying—

As it stands this clause is an excellent example of window dressing. It imposes no obligation on the Treasurer to provide \$1 in the next year

or in the next 20 years. I propose to test the sincerity of the Committee by moving an amendment.

This amendment was separate from the one I proposed to move. Continuing to quote—

I will not stipulate any sum . . .

Further down the page a question was asked of him by way of interjection as follows:—

Is there a greater warrant for this than there is for anything else? To that question, the Premier replied—

Yes, because so much is being made of this innovation; and it is only an innovation if we are to give nothing more than lip service.

This was in reference, of course, to the word "may" in the clause as printed in regard to which the present Premier moved an amendment to have the word "shall" substituted. The present Premier went on to say—

As it stands this is nothing more than an empty gesture and imposes no obligation on the Treasurer to provide anything.

So the present Premier was quite insistent that something should be provided along these lines and, in replying to the then Minister who interjected, he said—

Let the Minister get up and show the Committee how this is anything more than an empty gesture; that is, as it stands. It means nothing, and it imposes no obligation on the Treasurer to provide even \$1 in any year. If I am successful in having the word "may" deleted and the word "shall" inserted in lieu, then the Treasurer is required to provide money every year.

This was exactly in line with the idea I had in my amendment except that I mentioned a figure of \$100,000. On the same day—Wednesday, the 6th May, 1970—further on in the debate on the Committee stage of the Bill, the Premier had this to say on page 3739—

I agree the proposal of the member for Narrogin is better than mine and I suggest to him that if he deletes the specific sum in his amendment then he should vote for my amendment, and if that is successful I will then support him in voting against the clause as it stands to enable him to move for his new clause.

So from those comments it will be seen that the present Premier was very keen on a sum of money being allocated at that particular time. So I have risen on this occasion, at the third reading stage of the Bill, to ask the Premier whether he will advise us of his present attitude, and how much he is prepared to provide in accordance with the wording of the clause I have mentioned.

Mr. Bertram: Is there any reason why you could not have moved an amendment to this Bill?

Question put and passed.

Bill read a third time and transmitted to the Council.

FISHERIES ACT

Amendment of Regulations: Motion

MR. JONES (Collie) [5.13 p.m.]: I move—

That regulations made under the Fisheries Act, published in the *Government Gazette* on 21st September, 1971, and laid upon the Table of the House on the 5th October, 1971, be amended as follows:—

Regulation 2, being amendments to regulation 3AA of the principal regulations. To insert after paragraph (a) of sub-regulation (2B) a paragraph (aa) as follows:—

(aa) is in receipt of a pension under the provisions of the Coal Mine Workers (Pensions) Act, 1943; .

This amendment, the subject of my motion, is a very simple one and, in essence, will extend the provision that was inserted in the regulations by the Tonkin Labor Government last year. Reference to the passage of the legislation will show that during the period of the Brand-Court Government, the regulations were amended to prescribe that persons wanting to fish for marron, perch, and other species of fresh-water fish, would be required to obtain an inland fisherman's license at a cost of \$2.

The regulations further prescribed the imposition of a limitation—based on the necessity for preservation—on the catch of marron, whereby the catch could not exceed 30 in number on any one day.

I asked several questions of the Minister in this House representing the Minister for Fisheries as to whether the Brand-Nalder Government intended to introduce legislation to bring about the easement that I have mentioned. At that stage I went a little further. On the 25th March, 1970, I moved a motion in this House in the following terms:—

That "Inland Fishing License" regulation 3AA made under the Fisheries Act, 1905-1969, as published in the *Government Gazette* on the 17th December, 1969, and laid upon the Table of the House on the 17th March, 1970, be and is hereby disallowed.

Reference to my speech in moving that motion will clearly indicate that I strongly opposed the imposition by the Brand-Nalder Government on the pensioners and school children; because under the amended regulations promulgated by that

Government it was necessary for all pensioners and school children to purchase inland fishermen's licenses if they wished to catch the types of fish I have enumerated.

In my contribution I instanced the situation of pensioners and school children, in particular. I felt it was unfair for those people in the Collie district to be required to obtain such licenses at a cost of \$2 per annum, whereas their counterparts in the seaside towns such as Bunbury were free to catch herring, whiting, and other fish from the sea.

In the course of my speech I indicated that if the move by the Government was aimed at preservation of the marron and fish in the inland waters I would not oppose the requirement for adults to purchase inland fishermen's licenses, as I understood the revenue from this source would be used for research and to assist the fishing industry generally. However, I did oppose strongly the imposition on the school children and pensioners. My pleas fell on deaf ears, and my motion was opposed by the Brand-Nalder Government.

At that point of time a blanket provision was introduced under the regulations, so that anyone who desired to catch marron and the fish I have referred to was required to obtain an inland fisherman's license. Subsequently there was a change of Government, and with that a change of heart. The incoming Labor Government gave consideration to the amended regulation and to the injustice that had been perpetrated on pensioners and school children in being required to obtain inland fishermen's licenses at a cost of \$2 per annum to enable them to catch marron and fish in the Collie River and other places where they were available.

To rectify this anomaly and injustice the Labor Government amended the regulations to prescribe that children under the age of 13 years were not required to obtain these licenses. Furthermore, children attending secondary schools as well as pensioners in receipt of pensions under the Social Services Act and the Repatriation Act were also exempted from the requirement. These amendments to the regulations were published in the *Government Gazette* on the 21st September, 1971.

So it will be seen there was some easing of the situation as it affected pensioners and school children following the change of Government, because the incoming Government viewed the position in a different light.

The motion which I have just moved will have the effect of exempting recipients of coalmine workers' pensions, and of placing them on the same basis as pensioners in receipt of social services and repatriation pensions.

Some members may not be aware of the conditions under which coalmine workers' pensions are paid. Coalmine workers not only in Western Australia but in other parts of the Commonwealth also retire at the age of 60 years; and from 60 years of age until 65 years of age, unless they become invalided with 85 per cent. incapacity during this five-year span, they receive the coalmine workers' pension until they qualify through age for the social services pension at 65 years of age.

I feel that my motion to amend the regulations is desirable. It merely seeks to extend the scope of the existing regulations; and it will not have a great financial impact on the revenue of the State. In my opinion it will extend to the pensioners in the Collie area the same opportunity as is available to pensioners in Bunbury. Whereas pensioners in seaside towns such as Bunbury are permitted to catch herring, whiting, or whatever fish are running, the pensioners in Collie will be able to catch marron, perch, cobbler, or other fish mentioned in the regulations. The main species which are of concern to the people in my electorate are marron, cobbler, and perch.

I cannot see any real argument against my motion. It is true to say there are other people in the community who are in receipt of some form of superannuation or pension, and a large number of them reside in and around my electorate.

I do hope that the motion which I have moved will be agreed to. Whilst I am on my feet I would like to point out that yesterday a member in another place gave notice of his intention to move a motion identical with mine, notice of which I gave some two weeks ago. I do not know whether or not this is a coincidence or whether somebody is trying to get onto the band-wagon. To say the least it is rather a strange coincidence to see an identical motion appearing on the notice paper of another place. In saying this I could be proved wrong, but the particular member did not approach this matter in the same manner as he is now doing when I moved for the disallowance of the regulation in 1970. Had he been honest in his approach he would have supported my endeavour in another place at that time.

Mr. Harman: Imitation is the greatest form of flattery!

Mr. JONES: I cannot find any reference in *Hansard* to that honourable member having done anything to amend the regulations at that time. He adopted a completely different attitude when his Government was in office; and he is now seizing the opportunity to get onto the band-wagon through my initiative in this House, so as to come out on top in the eyes of his electors.

Mr. Lewis: Are you sure of your facts?

Mr. Nalder: Wait and see what he says.

Mr. JONES: I need only refer to the motion which appears on today's notice paper of another place. It is as follows:—

That the Regulations made pursuant to the Fisheries Act, 1905-1969, as published in the *Government Gazette* on the 21st September, 1971, and laid upon the Table of the House on the 5th October, 1971, be amended as follows—

To insert after paragraph (a) of subregulation (2B) of regulation 3AA, a new paragraph to stand as paragraph (aa) as follows:

(aa) is in receipt of a pension under the provisions of the Coal Mine Workers (Pensions) Act, 1943-1971;

Mr. Davies: I might say you were the only member who approached me in respect of this matter when I was Minister for Fisheries.

Mr. JONES: That is correct. I would have moved this motion last year; but due to the untimely death of the previous Speaker, and to the directions given by the Premier subsequently, time did not permit me to proceed with it. I do not mind what members in another place introduce, but to say the least it is a strange coincidence to find a member there moving an identical motion.

Mr. Lewis: We want you to be sure of your facts.

Mr. JONES: I have the notice paper of another place before me, and I have read the motion out.

Mr. Lewis: You know that questions on this matter have been asked in another place.

Mr. O'Connor: It seems that you have a supporter in another place.

Mr. JONES: It is good to find we have a supporter from the Opposition. During this session we have seen the Leader of the Opposition condemning our Government for what he considers to be added impositions on pensioners. However, my motion will have the effect of easing the burden. In view of the policy of the Opposition and the censure motions which have been moved by the Leader of the Opposition I am happy to know that I have support from the Opposition for this motion.

At this stage I do not need to say anything further. The motion is quite clear. I hope members will appreciate my motive for moving it. I do not think it can be said that on this occasion I am adopting an attitude which is different from the attitude I adopted when I was in the Opposition. I adopted the same attitude when in the Opposition as I am adopting now.

Mr. O'Neill: How does the coalmine workers' pension, which is payable between the age of 60 years and 65 years, equate with the age pension?

Mr. JONES: The coalmine worker receives a slightly higher pension, but the difference is only slight. Of course it should be realised that the coalmine worker makes regular contributions to obtain the pension. The difference is only a few dollars a week. With those remarks I ask members to give their full support to the motion.

MR. BICKERTON (Pilbara—Minister for Fisheries and Fauna) [5.27 p.m.]: I think it is normal to move for the adjournment of the debate on motions of this nature, but as the one before us is so simple I feel that an adjournment is unnecessary, particularly as the subject matter has been discussed on previous occasions. As the member for Collie pointed out, many questions on the subject matter have been asked in the House.

I have looked into the point raised, and I have received advice from officers of my department. It is true that they have not all been in favour of the motion. Some of them have pointed out that the license fee is only \$2 per annum, and is not a great amount. However, someone could argue equally effectively that if the license fee is such a small amount it is not worth while from a revenue point of view to oppose the motion.

I find myself being placed in the position of not wanting to oppose the motion. I feel that people who go onto a pension at 60 years of age rather than at 65 years of age should not be placed in a position different from that applying to age pensioners. This is a matter I cannot bring myself to oppose. I do not think the amount involved in this instance is sufficiently great to warrant opposition.

I have read through the regulations very carefully, and I cannot see how this motion will affect the industry in any shape or form. It will be the means of conferring some benefit on those who are compelled to retire on a pension at a certain age. The advice I have received is not sufficient to convince me that this motion is in any way out of order.

We should realise that the motion which seeks to amend the regulations has to receive the concurrence of the other House; in other words, the motion is similar to a Bill, because it seeks to amend some regulations. I have no great objection to it and, at this stage, I give it my support.

Adjournment of Debate

MR. O'NEIL (East Melville—Deputy Leader of the Opposition) [5.30 p.m.]: I move—

That the debate be adjourned.

The **SPEAKER**: The question is that the motion be agreed to. All those in favour say "Aye"; all those against say "No."

The "Ayes" have it.

Mr. **JONES**: Divide.

Sir Charles Court: What are you coming at?

Mr. **JONES**: Mr. Speaker, I withdraw my call to divide.

Motion thus passed.

GOVERNMENT RAILWAYS ACT AMENDMENT BILL

Receipt and First Reading

Bill received from the Council; and, on motion by Mr. May (Minister for Mines), read a first time.

HAIRDRESSERS REGISTRATION ACT AMENDMENT BILL

Returned

Bill returned from the Council with an amendment.

TRAFFIC ACT

Amendment of Regulations: Council's Resolution—Motion to Concur

Debate resumed, from the 2nd August, on the following motion by Mr. Stephens:—

That this House concurs in the following resolution agreed to by the Legislative Council:—

That the regulations made pursuant to the Traffic Act, 1919-1971, as published in the *Government Gazette* on the 16th December, 1971, and laid upon the Table of the House on the 14th March, 1972, be amended as follows—

First Schedule—Items 121A
—To delete the figure "20" in the last column of the schedule, and substitute the figure "5".

MR. **BICKERTON** (Pilbara—Minister for Housing) [5.32 p.m.]: This motion really revolves around whether the penalty for not wearing a seat belt should be \$20 or \$5, and not whether or not seat belts should be worn. When he introduced this motion the member for Stirling did not seem to have any objection to the wearing of seat belts; he was concerned about the amount of the penalty involved for not wearing seat belts.

Whilst I cannot vote with the honourable member, I feel sympathetic towards him. Indeed, on many occasions when sitting on the other side of the House I have endeavoured to have penalties reduced rather than increased. However, I have been convinced by those in authority in our State—and in other States—that if the seat belt legislation is to be successful,

then at least in the initial stages of the introduction of the system some form of penalty must be imposed which is sufficient to make people sit up and take notice.

I do not know that I would be very happy if I were fined for not wearing a seat belt. I admit that on more than one occasion I have driven off in my car before realising that I was not wearing my seat belt. I think that any member in the House who claimed he had not had a similar experience would be stretching the truth a little. I have usually become aware of the oversight and have corrected it on reaching the first "Stop" light. However, it does seem a little unjust to me that because of a little slip of the memory one can be fined a sum of \$20.

Mr. Hartrey: How many fines of \$20 do you owe us now?

Mr. **BICKERTON**: I will not go into that any further, because I am an honest man and if I were to tell the truth the member for Boulder-Dundas might be considerably richer than he is at the moment.

I do not think we should change the purpose behind the penalty. I believe that a person who has been caught and fined \$20 for not wearing his seat belt could be more impressed by that than would be the case if he were fined only \$5. I have no great argument against some of the logic put forward by the member for Stirling. He compared the penalty for an offence such as jaywalking—and that type of thing, which is a very dangerous practice—with the penalty for not wearing a seat belt.

We have a situation which I do not think we will ever overcome. The motorcar is one of the most lethal weapons in the world. I do not think anyone has the answer to the problem of how to cut down on the road toll, but I am sure every member is extremely interested and very much concerned, and would like to see some solution. We are all aware of the problem, but not one of us has the answer.

From time to time people come forward with suggestions such as breathalyser tests, the wearing of seat belts, the limitation of speeds, or the fitting of larger or smaller tyres, and each suggestion is put forward in an endeavour to find a solution to lessening the road toll and making the motorcar less lethal. The motorcar is certainly one of the most lethal weapons in any country. It kills human beings, dogs, birds, and anything else which wanders onto the road. However, it is something we cannot do without. I suppose the answer could be to ban all motor vehicles but, of course, that would be a silly suggestion.

Had there not been a change of Government I think the previous Government would have taken the same step and enforced the wearing of seat belts. The Government of the day was advised that

surveys carried out in other places indicated that the wearing of seat belts had saved a number of lives. I know statistics can be used one way or the other, but it has to be accepted that sooner or later somebody would have come up with the idea of wearing seat belts in an effort to prevent people from being killed or maimed for life as a result of motor vehicle accidents. So, we decided on the wearing of seat belts.

We then come to the matter of a deterrent, with which we were dealing the other night. How do we make a driver wear his seat belt? My own personal opinion is that science could have done a lot more in this regard by providing us with seat belts so designed that a car could not be started unless the seat belts were correctly worn by the occupants.

Mr. Nalder: Or designed so that the car will not go until the belts are correctly fastened.

Mr. BICKERTON: If the car will not go there is no problem because in the majority of cases motorcar accidents occur when the cars are moving.

The object behind the imposition of a \$20 penalty—unjust though it may seem to some people—is to give some force to the fact that seat belts must be worn. I assume that if a driver were caught not wearing his seat belt a fine of \$20 would make more impression on him than a fine of \$5. It is possible that the driver would then more seriously consider wearing his seat belt.

Mr. Nalder: That is how the Minister feels?

Mr. BICKERTON: That is right, but up to date I have not been caught on the odd occasion when I have forgotten to fasten my seat belt.

Whilst I agree with many of the remarks made by the member for Stirling when he introduced the motion, I am afraid I cannot go along with him in his desire to reduce the penalty. I agree with the experts and I feel that if the penalty is great enough then the chances of a person respecting the law are greater.

Mr. Coyne: Perhaps drivers would be more careful if the penalty was hanging!

Mr. BICKERTON: If all drivers were hanged we would be bound to get a few of the guilty ones amongst them! The main problem we face is that we cannot do without the motorcar.

Mr. O'Connor: Does the Minister go along with the idea that a lesser penalty would not be a deterrent?

Mr. BICKERTON: I have been wondering whether a higher penalty is a greater deterrent. A person who has been caught feels that it is, but perhaps a person who has not been caught feels it is not. I suggest that if tomorrow one were to stop

drivers in St. George's Terrace and ask them what amount they would be fined if they were caught not wearing their seat belts, many of them could not give the correct answer. However, a driver who has already been caught and fined \$20 would know the amount, and that is the aim, the purpose, and the idea behind the regulation.

Mr. Gayfer: The Minister sounds like a friend of mine who says that some people have two bob each way.

Mr. BICKERTON: No, I am not having two bob each way. I agree with the higher penalty because the principle of wearing seat belts can only work if the seat belts are actually worn. I think this object can be achieved by the threat of a \$20 fine. Generally speaking, a driver who had been fined \$20 would not be caught on a second occasion, and the object of the regulation would be achieved.

Mr. W. G. Young: The Minister does not think a driver would remember having had \$5 taken from him?

Mr. BICKERTON: I do, but his memory would be sparked four times greater if he had had \$20 taken from him. I think it would be unwise to alter the penalty imposed for not wearing a seat belt.

Mr. W. A. Manning: What about a compromise of \$10?

Mr. BICKERTON: No, I think that if one settles on a figure one should not haggle about a few dollars.

Mr. O'Connor: What about \$12.50?

Mr. BICKERTON: Let us leave the penalty at \$20. If, in future years, we find that people are conscientious about the wearing of their seat belts then, perhaps, there would be nothing wrong with the member for Stirling introducing an amendment to reduce the penalty to \$10.

Mr. Nalder: That is a funny way of doing things.

Mr. BICKERTON: If we can convince ourselves that seat belts are useless we can forget the penalty altogether. However, if we believe that the wearing of seat belts is of benefit to the community then let us apply the penalty.

Mr. R. L. Young: The Minister is arguing that if the law works, and is successful, we will be able to reduce the amount of the fine.

Mr. BICKERTON: If the law is successful the amount of the fine can be brought down to \$1.

The authorities in Victoria maintain that the seat belt theory works from the point of view of reducing fatalities and serious injuries, but not necessarily from the point of view of reducing road accidents. If the Victorian figures are correct, surely it is fair enough for us to

say, "This is the maximum penalty, and be sure you wear your seat belt because we are looking after you and keeping you out of hospital. We are keeping children out of hospital." This means a saving to the taxpayer. What the taxpayer might pay in one direction he saves overall, and I think the penalty should be left as it is at the present time.

MR. O'NEIL (East Melville—Deputy Leader of the Opposition) [5.46 p.m.]: I do not think I have heard a less enthusiastic argument from a Minister, and I appreciate his difficulty. I agree we are not arguing the merits or demerits of seat belts, although I must admit when the proposition was first tendered I was one who felt the wearing of a seat belt could create in the minds of some people the idea that they were speedway drivers, and it could encourage them to speed to an even greater extent than they had before. I am happy that my theories have been somewhat squashed. I believe that even in the brief time that the wearing of seat belts has been compulsory we have seen an indication of the warrant for them.

Recently a statement was made that in respect of almost every accident involving the fatality of a driver, the driver was not wearing a seat belt. On no occasion has a driver wearing a seat belt been fatally injured. In the last eight accidents in which a passenger was killed, it has been found that the passenger concerned was not wearing a seat belt. There was a very early indication of the effectiveness of seat belts.

I have got into the habit of putting on a seat belt every time I get into my vehicle.

Mr. Bickerton: Do you have any difficulty in adjusting it?

Mr. O'NEIL: Adjusting the seat belt or adjusting the seat belt to me? I have great difficulty when I sit in the passenger seat of a vehicle but very little difficulty when I sit in the driving seat of my own vehicle. It is a fact that I have developed the habit of putting on a seat belt, and if I tend to drive off without it I immediately seem to realise that part of my apparel—that is, the seat belt—is missing, so I put it on.

I notice it is proposed there will be a blitz by the Police Department on the wearing of seat belts, and that recently, at an intersection on the way to Perth in 10 minutes 10 drivers of vehicles were cautioned for not wearing seat belts. I think the police should be complimented on their attitude in this regard, although it seems to be taking a long time for people to become accustomed to the regulations. They have been in force for about 12 months now, but in 10 minutes 10 people were found to be not wearing a seat belt. That is a further indication that education of drivers is required.

Mr. Nalder: Were they only cautioned?

Mr. O'NEIL: Perhaps they will be proceeded against. I read the Inspector's comment that there would be no further warnings and that people had had enough time to become aware of the regulation.

At a time when the police are due to mount a blitz in regard to the offence of not wearing a seat belt, it may be inappropriate to be giving consideration to lowering the penalty, but I believe it is warranted if only for the simple reason that not everybody is required to wear a seat belt. In other words, people are required to wear them only in vehicles which are fitted with seat belts. The member for Stirling said that only about 30 per cent. of drivers are liable to this penalty.

Mr. Bickerton: That will increase.

Mr. O'NEIL: I agree, but I still believe there is sufficient warrant for considering reducing this penalty. The Minister referred to a vehicle being a lethal weapon. The wearing of a seat belt by a driver does not alter the fact that a vehicle is a lethal weapon. When we use that expression we are referring to the object or the person hit by the vehicle. Therefore, if a driver who is not wearing a seat belt is injured, his wound is self-inflicted.

I think the Minister has seen the light. We advocate reducing the penalty from \$20 to \$5, and I am sure the Minister will not press for a division.

MR. FLETCHER (Fremantle) [5.51 p.m.]: I had not intended to become involved in this debate until I heard the Deputy Leader of the Opposition speak. I am surprised at the loyalty he demonstrates towards something that was introduced in another place. I am not surprised at the source from whence it emanated.

Mr. Stephens: Fair go!

Mr. FLETCHER: I am being fair. I take an even more serious view than does the Minister. I believe that to the extent that we reduce the penalty we will reduce the attitude of the general community in regard to the wearing of seat belts. I consider it to be a crime for a person not to wear a seat belt in a car in which seat belts are fitted. I say that because in a smash a person not wearing a seat belt can be thrown into the street and an on-coming or overtaking car, in attempting to evade the injured person in the street, could conceivably run off the road and create further accidents. In this way, an accident becomes compounded because one person does not wear a seat belt.

I would be rather inclined to increase the penalty than reduce it. I do not want to become heated about this matter but I firmly believe—

Mr. O'Connor: To what figure would you increase it?

Mr. FLETCHER: I would not increase it and I am not attempting to do so at the moment. I say I would be more inclined to support an increase than to support a decrease.

Mr. O'Neil: You are trying to protect people against themselves, yet your Government has legislated so that attempted suicide is no longer a crime.

Mr. FLETCHER: I rose after the Deputy Leader of the Opposition had spoken because two or three points immediately came to my mind. I want the House to take this matter seriously. Over and over again, people who have not worn seat belts arrive at the hospitals with the same types of injuries—crushed chest and smashed forehead.

Mr. Gayfer: You used the same argument last night in connection with a bloke not wearing a neck rope.

Mr. FLETCHER: I wish the House would not treat this subject so frivolously. I am not reflecting on the member for Avon. To me, the saving of life is a serious matter. I said so last night, and I will do my best to ensure that seat belts are worn by all persons who travel in cars that are fitted with them. I say that people who do not wear seat belts throw an additional burden on hospitals and rehabilitation units. One merely has to go down to the annexe at Shenton Park to see the paraplegics and quadriplegics—people who are a burden to themselves and to society. I could think up many other reasons if I cared to do so. I know the strain that is imposed upon doctors who, over and over again, have advocated the wearing of seat belts.

If we reduce the penalty for not wearing a seat belt, we will reduce in the minds of the people in the community the seriousness of this matter. In this day and age, a penalty of \$5 is nothing. A penalty of \$20 would make them think to the extent of wearing their seat belts. As a consequence, I join with the Minister. I take this matter so seriously that I would be prepared if necessary to divide the House on it if the Minister did not.

MR. LEWIS (Moore) [5.56 p.m.]: I rise to support the motion which has been so ably moved by the member for Stirling. I listened to the Minister very carefully, and in my view he gave a very pathetic reply to the mover of the motion. The Minister said—

Mr. Bickerton: You are not normally a nasty type.

Mr. LEWIS: I am not saying what he might normally do. I am referring to the way he appeared today.

Mr. Bickerton: Normally you are an easy chap to get on with.

Mr. LEWIS: The Minister confessed that the traffic authorities were desperate and that the road toll had become such that they were looking around for any means at all by which to reduce it. This matter has concerned all Governments. I maintain, as I have said before, that this measure is a desperation move. It does nothing at all to prevent accidents. The wearing of a seat belt helps the driver of a car, and I agree readily enough—

Mr. Bickerton: Does it not do something to prevent injury?

Mr. LEWIS: —that the statistics have proved it has reduced fatalities amongst drivers of cars. But the wearing of a seat belt does nothing to prevent a car colliding with another car, causing an accident and injury to the other fellow. Taken in isolation—

Mr. Bickerton: There is after-accident therapy.

Mr. LEWIS: —\$20 is a very severe penalty for a driver not wearing a seat belt to protect himself. When one walks across Scarborough Beach Road during a peak hour one takes one's life in one's hands. It is quite a hazardous operation. There is no law against that, of course, and we know of the road toll amongst pedestrians. How many pedestrians are killed in a year?

Mr. May: Too many.

Mr. LEWIS: There is nothing in the law to prevent a pedestrian walking across a road such as Scarborough Beach Road, where the protected crosswalks are a great distance apart. Therefore, it is not a practical proposition for pedestrians to cross the road in many parts of Scarborough Beach Road.

The fine for jaywalking is \$2, and jaywalking contributes to the road toll just as much as does the driving of a car. For crossing an intersection on amber lights—which undoubtedly creates a great hazard to other traffic—the fine is much less than \$20. It is all out of proportion.

Mr. Bickerton: Do you realise that you have every entitlement to move in this House a motion that the penalty for jaywalking be made \$20? Surely it is up to you just as much as anyone else.

Mr. LEWIS: Fatalities occur in other ways. A man who is a nonswimmer can go into the sea over his depth. Is he obliged to wear a life jacket, and is he subject to a fine if he does not wear one? Of course he is not.

Mr. Bickerton: Move another motion. You have two motions lined up already.

Mr. LEWIS: The Minister can move all sorts of motions. He will be all motions if he does not watch out.

Mr. Bickerton: What are you doing about these things that you consider are wrong? We are saying there should be a penalty of \$20. You are mentioning only offences that are under-penalised.

Mr. LEWIS: The Minister is interrupting my line of thought. We find that seat belts are still in a developmental stage; they are by no means perfect. How many times have members entered a vehicle—as the Minister himself suggested—and forgotten to fasten the seat belt? I have done this at times. There are examples of seat belts which are not perfect appliances by a long way.

My car has bucket seats and I find that the seat belt buckle on the driver's side has a tendency to drop between the seats, forcing me to grope around to find it. I believe that seat belts should include some plastic material to make them not absolutely rigid, but stiff enough to prevent their dropping down between the seats so easily. Very often a driver wishes to make an urgent journey, and he finds he must grope around for the seat belt buckle. Often he drives off in desperation without having found it, and just around the corner he could find himself subjected to a fine of \$20.

I think we should investigate these matters in a more practical fashion. This regulation is a new one, and seat belts are still in a developmental stage. I suggest we should develop seat belts to a greater degree of perfection before we impose such a relatively high fine.

We find that one must wear a seat belt if one is between certain ages. I am within that category, and I suppose many other members are, too. But, if I am a passenger I am not obliged to wear a belt. In many cases a man's wife who is over 70 years of age may be a passenger in his car for perhaps 90 per cent. of the time, and she is not obliged to wear a seat belt; yet on the odd occasion when it is necessary for her to drive the car she must wear a seat belt. As she is not accustomed to fastening the seat belt she finds herself liable to a fine. We should take all these things into consideration when we fix the penalty.

I am afraid that I must say the Minister has been guided by the advice of his department in fixing the penalty. However, I would urge that a further examination be made of the penalty and, even at this stage, of the seat belts themselves. A further examination should also be made of the wearing of seat belts because, as we know, it is obligatory for seat belts to be fitted to new cars, but it is not obligatory for older models to be fitted with them. Also, people over the age of eight years and under the age of 70 years must wear seat belts, whilst others are not obliged to do so. The provision does not apply all round. As a result of the

uncertainty of the provision and the imperfections of seat belts themselves, I believe consideration should be given to modifying the penalty.

Of course, there is also the argument I have already mentioned. I believe this is a desperation measure, and the principle has not been applied to other factors which cause fatalities. Certainly it has not been applied nearly to the same extent. Let us be consistent.

It is all very well for the Minister to say that I should move a motion to increase other fines. Maybe we should increase fines in some cases. I think driving through a red light is a far more serious offence than not wearing a seat belt, and a much heavier fine is warranted because the person who does that is liable to cause fatalities; whereas the person who fails to fasten his seat belt endangers only his own life. I support the motion.

MR. I. W. MANNING (Wellington) [6.04 p.m.]: I support the motion. I consider the penalty of \$20 is completely out of proportion to the gravity of the offence one commits by failing to fasten one's seat belt. In fact, I would go so far as to say that if we are to prosecute a person and fine him \$20 for failing to wear his seat belt at this stage in the history of seat belts, then when it comes to a case of wilful murder we would have to do much more than simply hang the murderer in order to keep the gravity of the offences in proportion.

Mr. Davies: Hang him twice.

Mr. I. W. MANNING: The \$20 penalty applies to any person driving a vehicle between here and the South Australian border. Even if he gets into his car in a country town in order to move it a short distance further down the road and fails to fasten his seat belt he is liable to a fine of \$20.

As far as I am concerned, \$20 is the maximum penalty, and it is also the actual penalty because the offence is one of failing to wear a seat belt; it makes no difference whether one does not wear a seat belt whilst driving 100 yards or 100 miles; the offence is the same. Many people have a strong objection to being compelled to do things. Whilst I do not feel that is an excuse for not wearing seat belts when they are required by law to do so, I feel that at the moment we are using compulsion to extremes.

I was interested in the comparison mentioned by the member for Moore when he said that every swimmer who enters the water should be required to wear a life jacket for his own protection. That is a very similar situation.

I think we must have regard for all aspects of this question. As mentioned by the Deputy Leader of the Opposition, seat belts are fitted to only about 30 per cent.

of the vehicles on the road today. It seems to me to be a ridiculous situation that if one's car is fitted with seat belts one commits a crime if one does not fasten them, and is liable to a penalty of \$20; yet if one's car is not fitted with seat belts one is not liable to prosecution. In those circumstances I think it is ridiculous to set a penalty of \$20.

If we are trying to educate the public to wear seat belts for their own protection and in the interests of reducing the severity of injuries caused by motor accidents, then I feel we should warn people or impose a nominal fine for failure to wear seat belts. I fail to comprehend how we came to agree to a penalty of \$20 at the time the Bill was passed. When the measure was debated the understanding of the Parliament was that it was a means of educating people to wear seat belts, and the penalty was imposed as a means of doing that. The provision was to be gradually introduced; new vehicles were to be fitted with seat belts, and old vehicles not already equipped with belts were to be permitted to continue without them. So in those circumstances the penalty is completely out of proportion.

Another aspect which we should not overlook concerns the efficiency and quality of seat belts fitted to vehicles. I would say without hesitation that there is considerable room for improvement. I have had experience of a number of seat belts which I had great difficulty in buckling, and in some instances I found they did not release readily. Before we impose a penalty of \$20 upon people for failing to wear seat belts, I think we should ensure that the belts are efficient and can be readily fastened and unfastened.

A further interesting aspect—which does not necessarily apply to this argument—is that I have been surprised at the number of comments I have heard from hospital authorities to the effect that they have seen very serious injuries caused by seat belts.

Mr. Davies: Can you give us some statistics or instances?

Mr. I. W. MANNING: I was afraid the Minister would ask that, and I was about to say that I could not back this up with facts. I am merely repeating what I have heard hospital authorities saying. However, I suppose if we use our imagination we can conjure up some idea of the injuries. I saw an accident in which I believe the driver would have lost both his legs had he been strapped into the car with a seat belt. I do not doubt that others can cite similar examples.

I wear a seat belt, and as I undertake many long trips I ensure that I always wear it, because I believe it is a wise precaution for drivers and passengers to wear seat belts for their own protection.

I wish to emphasise again the few points I have made. Firstly, the penalty of \$20 is out of proportion to the circumstances of the matter. Secondly, there is a need to improve the efficiency of the seat belts with which modern cars are equipped. Thirdly, I believe we must have regard for the people who get into their cars to drive only very short distances. In those cases I cannot see the value of fastening seat belts, because probably it would take as long to buckle the belt as it would to move the vehicle to the next point. I think we should have regard for all those points. I support the motion moved by the member for Stirling, and I commend him for moving it.

MR. NALDER (Katanning) [6.13 p.m.]: I listened with a great deal of interest to the argument put forward by the Minister. I think he almost convinced the House that in the first instance he was inclined to agree with the proposal. He agreed with some of the points made by the member for Stirling. I know that from time to time when the Minister was on this side of the House he continually brought before the notice of Parliament the fact that rather than heavily fining people for an offence, it is better to try to educate them and to get them to agree that the particular proposal—in this case the wearing of seat belts—is of value.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. NALDER: Mr. Speaker, when you called the House to order at 6.15 p.m. I was suggesting to the Minister in charge of the motion—

Mr. Bickerton: Not in charge of the motion; the motion was moved by a private member on your side of the House.

Mr. NALDER: I beg the Minister's pardon. The Minister spoke to the motion moved by the member for Stirling. In any case, I was suggesting that in a situation like this I feel it is better to institute an education programme, because I think this would be far more important and effective than trying to extract fines from the general public.

There are various aspects of this argument to which I believe consideration should be given. In the first place I think it is very necessary to endeavour to get "onside" those whom we wish to obey the law. If we desire such a law to be policed we should get the public to support those who are putting forward the case for the observance of the law. I think the Minister will agree with that.

It is far wiser and much easier to have the general public with one in a cause than to carry out blitzes and impose heavy penalties in the hope that one will obtain the support of the public in a matter such as this.

A further aspect which has already been mentioned—and this emphasises the point I wish to make—is that only a small percentage of the total number of vehicles on the road are equipped with seat belts. In the circumstances I think it is unreasonable and unfair at this stage to impose on one section of the community a heavy penalty for not wearing seat belts, when a large number of the motoring public do not have seat belts fitted to their motor vehicles. The argument put forward by the member for Fremantle should have been on the basis of encouraging people to fit seat belts to their cars.

Mr. Graham: And not use them.

Mr. NALDER: Not at all; I agree that belts should be used. But why should we impose a heavy penalty on only a small section of car owners?

Mr. Graham: It is so easy to avoid the penalty.

Mr. NALDER: As I have said, it is far wiser and better to get the public "onside" rather than have them against us. The present set-up is one that might be described as niggling; it merely constitutes continuous pinpricking. If we continue in this vein we will get the public's back up—at least this will be the case as it relates to a large section of the public.

As the Deputy Leader of the Opposition said, in one place alone yesterday morning within 10 minutes 10 motorists were found not to be wearing seat belts while travelling over a particular bridge. Possibly hundreds of motorists are not wearing seat belts if we can take what I have just mentioned as indicative of what is happening.

Mr. May: Five motorists were killed over the weekend.

Mr. NALDER: I am surprised at the members of the Government agreeing to a situation such as that which exists at the moment, because a great number of people can ill afford to pay \$20 by way of a fine.

Mr. Graham: Do not forget that is a maximum.

Mr. NALDER: I have not heard of one case where the maximum penalty has not been imposed.

Mr. Graham: In that case it ought to be a good lesson to people.

Mr. O'Connor: Do not change your mind.

Mr. Graham: In what way?

Mr. NALDER: I repeat, we should endeavour to get the motoring public "onside" and behind us in our efforts to have the law obeyed. Until the entire motoring public are required to wear seat belts we should not apply the \$20 fine; we should do what is suggested by the member for Stirling and make the penalty \$5 as it

affects those who have seat belts fitted and who do not use them. A law-abiding person who is fined \$5 will certainly not want to be fined that amount again. I can guarantee that.

Mr. Graham: It is making a laughing stock of the situation.

Mr. Williams: Oh get out!

Mr. Graham: It will cost the community tens of thousands of dollars in medical treatment.

The SPEAKER: Order!

Mr. NALDER: If the Deputy Premier is honest in his remarks—

Mr. Graham: As he usually is.

Mr. NALDER: —and he carries his argument to its logical conclusion he should consider imposing heavier penalties for drunken driving, because he said that large penalties will prove a deterrent.

As an illustration, the member for Mt. Marshall used the argument tonight that within 12 weeks we have had two State Government inquiries into the cause of road fatalities. A report from Melbourne says that more than half the fatalities caused by motor vehicles are due to the drivers involved having had an excess of alcohol.

Mr. Davies: From where are you quoting?

Mr. NALDER: I am quoting from page 22 of this evening's issue of the *Daily News* in which there is an article headed, "Drink big factor in road deaths." A short while ago an inquiry was held into this aspect and it indicated that the road fatalities in that State were to a large extent caused by the excessive consumption of alcohol. If the Minister's argument is valid—

Mr. Graham: And it is.

Mr. NALDER: —we will soon find the Government doubling the fine which is imposed on people who are apprehended for drunken driving; because the Minister said that a heavy fine will assist in making people wear their seat belts.

Mr. Bickerton: Last night you would have hanged them.

Mr. NALDER: I was not in the House last night; I was at another function.

Mr. Bickerton: The same thing would occur if the fine were made \$100.

The SPEAKER: Order!

Mr. NALDER: The first principle we should adopt in trying to get people "onside" is to educate and encourage them to do the right thing, and when all the cars in the State have been fitted with seat belts and the public continues not to respond, only then should we increase the penalty. I cannot understand the Government's attitude.

Mr. Williams: I cannot understand the Government.

Mr. NALDER: The Government is supposed to represent the working people, but all it is doing by its present legislation is hitting them to leg.

Mr. May: There is no difference.

Mr. NALDER: I have a large number of the public behind me on this matter.

Mr. Fletcher: You are after a few votes.

Mr. NALDER: The member for Fremantle should not credit everybody else with the motives he himself advocates. The honourable member has already squealed about a fine that was imposed as a result of a car being driven too fast in a restricted zone. Yet we find he supports an increase in the penalty in this instance. I hope the member for Fremantle gets his story put across—that he wants to increase the penalties.

Mr. May: Are you against the police apprehending these people?

Mr. NALDER: No, I am not.

Mr. May: You implied it when you said that until everybody has seat belts—

Mr. NALDER: I did nothing of the kind.

Mr. Williams: What about people who get punctures on the Freeway?

Mr. May: You said they should not be fined until every car was fitted with seat belts.

Mr. NALDER: I said that until all cars were fitted with seat belts we should impose a fine of \$5 only. I said that we should not penalise only a small percentage of motorists.

Mr. Bickerton: How long will that take?

Mr. NALDER: The Minister should know.

Mr. Bickerton: There are certain cars in which seat belts cannot be fitted which could be on the road for many years.

Mr. NALDER: Why does not the Minister try to get the public "onside"?

Mr. Bickerton: I think the public is "onside"; it is only you who are "offside." One of your members in another place got the idea that the only portion of the regulation he could oppose was that dealing with penalties; so he moved to reduce the penalty from \$20 to \$5. It sounded good at the time but you are riding a good horse to death.

Mr. NALDER: The Minister has already spoken to the motion, but I do not mind his making a few more remarks. On every occasion we make a law we should endeavour to educate the public to obey it. Generally speaking we are able to get the public "onside" but this is one of the situations in which the fine is most unrealistic and, accordingly, it is upsetting the majority of the motoring public.

In the early stage of the programme during which we are endeavouring to reduce the number of fatalities on the road,

the Government has sought to single out a small section of the community and to say to it, "You will pay a \$20 fine because your seat belt is not fastened." That is not the way we should endeavour to carry out the law. There is a good argument to the contrary and I know the Minister will agree with it.

Mr. Bickerton: Which Minister?

Mr. NALDER: The Minister in this House representing the Minister for Police. I know that in his heart of hearts he will agree with what I have to say. I am sure that if a secret vote were taken the majority of the members would be in favour of the proposition contained in the motion before us.

Mr. Bickerton: Put your seat belt on and it will not cost you anything.

Mr. NALDER: The proposition contained in the motion is realistic and reasonable and, if accepted, I am sure it is one for which the Government will get a great deal of credit.

Mr. Graham: You ought to be ashamed of yourself for supporting this motion. It has been proved beyond dispute that seat belts are lifesavers.

Mr. NALDER: It has always been the case that anybody who disagrees with the Deputy Premier is wrong and should be castigated.

Mr. Graham: Fancy making an issue of a point like this with all the evidence against you.

Mr. NALDER: I have known the honourable member to be on his feet for a long time on issues which are much less important than this.

We should give the proposition contained in the motion a trial to see how it works. If we do so we will get the public "onside" far quicker than would otherwise be the case.

Mr. Graham: What damage is it doing now?

Mr. Williams: What about the little man?

Mr. Graham: It will be a laugh when you worry about the little man. You would not know about the little man.

Mr. NALDER: I support the motion moved by the member for Stirling.

MR. DAVIES (Victoria Park—Minister for Health) [7.45 p.m.]: I do not desire to make any long contribution to the debate because I agree with points made by both sides. The motion proposes that we reduce the fine for not wearing a seat belt from \$20 to \$5.

Mr. Graham: Maximum.

Mr. DAVIES: Yes. I suggest that to reduce the fine to such a ridiculously low figure would destroy the effect of the law. We do not look upon traffic fines as a

source of revenue, but I doubt very much whether \$5 would cover the costs involved in the issuing of the infringement notice.

I do not consider that \$20 is an absurdly large amount. According to the previous speaker, many people are still not wearing their safety belts although they are well aware of the law. However, it is obvious that they do not regard very seriously the likelihood of being caught and fined \$20. I know that to many people a \$20 fine would be a large sum, but they are probably the ones who would be responsible and thinking people and they would be prepared to act in accordance with the law. I believe that the fine for failing to stop at a "Stop" sign is \$20.

Mr. Rushton: What do you think of that one?

Mr. DAVIES: In my opinion the fine is a little high, but I do not argue about it. On today's standards it is probably necessary to have a fine in the region of that amount at least to recoup the sum involved in the apprehension and conviction of the offender.

The previous speaker referred to the need for education on this subject and I agree with him wholeheartedly. I believe the Police Department and the Press and other news media have done very well indeed in their endeavours to educate the public on the need for the wearing of safety belts. Indeed, when I was out of this country for a short period earlier this year, every time I entered a car I immediately reached for a seat belt. In the countries I visited the law did not compel one to wear a seat belt, but having become used to the wearing of a seat belt in Western Australia, it became second nature to me to wear one.

Of course on odd occasions a person will forget to wear his seat belt. He will take off in a hurry on some urgent errand, but these are the risks we take in everyday living. An earlier speaker—I think it was the member for Moore—said that he has not heard of the wearing of a seat belt preventing an accident. This is very true indeed; but I do not think it is relevant to the discussion. What is relevant is that people wearing seat belts are invariably saved from serious injury if they are involved in an accident. This has been well researched and well documented.

I also agree with the member for Wellington that in some cases the wearing of a seat belt has been responsible for a death; but, on the whole, it has been well and truly proved that if worn a seat belt is a lifesaver.

Mr. Nalder: No one is arguing about that.

Mr. DAVIES: I have one final point to make. I acknowledge that seat belts do not prevent accidents, but everyone seems to agree that a seat belt can be a lifesaver

and can prevent serious injury. If this is so, then seat belts represent a tremendous saving to the State. When an accident victim is admitted to Royal Perth Hospital the cost to keep him there is approximately \$45 per day. The very most which can be recovered if the victim is on the highest possible table is \$30 a day, so \$15 a day is the cost to the State to keep the victim in hospital. If a serious injury can be prevented, and thus obviate the necessity for hospitalisation, in that instance alone the State is saved a tremendous amount of money.

I do not intend to deal with the savings which can be effected in regard to social services and all the other associated claims if a person is killed. I do not need to explain those to the House because they are self-evident and everyone is well aware of them. However, being concerned as I am about the cost of maintaining hospitals, I believe we should not do anything which will in any way encourage a motor-car driver or passenger not to wear a seat belt as is the requirement by law.

I believe the fine is reasonable. As I have said, the fact that so many people have been caught recently not wearing a seat belt when they should have been indicates that they do not consider the fine of \$20 to be a large one. The seat belt regulation has been in force now for 12 months and as a successful education programme has been accomplished through the co-operation of the police and news media, we should not alter the position. To my knowledge no public outcry has occurred pressing for a reduction of the fine. If we can keep people out of hospitals I will be very happy indeed.

MR. STEPHENS (Stirling) [7.52 p.m.]: I would like to thank all those members who have spoken during this debate, but particularly those who have supported the motion. I was a little disappointed with the Minister's reply. I felt that he spoke more or less with his tongue in his cheek. He sympathised with the sentiments behind the motion, but went on to say he was opposed to it personally. I did not mind that so much, but I would have been more pleased had he indicated that the Government was prepared to allow its members a free vote on the issue.

This motion is not of great economic significance to the community as a whole, but it is an issue on which a free vote would have been in order and a free vote would certainly have enhanced the prestige of Parliament.

I was very pleased the Minister realised the motion itself is not against the wearing of seat belts. We are all agreed on that point. However, we believe that the penalty of \$20 for an infringement is excessive. Let us consider the purpose of the penalty. Is it to raise revenue or is

it to assist people to remember and to educate them in the use of seat belts? I should hope that in the opinion of Parliament its purpose is to educate and to assist people to remember to wear their seat belts. If this is the case—and it should be—a \$20 penalty is far too high, particularly when it is compared with the penalties for other infringements.

When moving the motion I dealt at some length with other infringements but, when replying, the Minister made very little reference to them. He did refer to the deterrent effect of a \$20 fine. If it has a deterrent effect in regard to not wearing a seat belt, surely the same could be said for other traffic infringements which are far more serious and could have an effect on third parties. In the case of the failure to wear a seat belt, the only person affected is the one not wearing the belt.

It appears that the court itself considers that a \$20 fine is too great. This was evident in the answer to the following question asked by The Hon. N. E. Baxter in another place:—

With reference to my question regarding seat belts on Tuesday, 15th August, 1972, and the reply to part (3) thereof that "Separate records are not maintained, but generally the penalties imposed by the Courts have been less than \$20", would the Minister ascertain and advise if some of the penalties imposed by the Court were \$5 and \$10?

The answer was—

The weighted average of penalties imposed by the Courts for failing to wear seat belts to 30th June, 1972, is \$13.57. Penalties imposed to date, range from \$2-\$20. Some penalties were of \$5 and \$10.

From that information it is apparent that the courts in most instances regard the \$20 fine as excessive. I would like to point out that if this becomes generally known many people will decide to have their cases heard in court rather than pay the penalty under the infringement notice. If an offender pays the penalty under the notice he must pay \$20 because there is no alternative. However if he goes to court he could be fined as little as \$5. I believe that as a result of this the courts could be subjected to considerably more work because people will take their cases to court rather than pay on the infringement notice.

Many speakers have made the point—and I desire to reiterate it—that we are in a transitional period. Not many more than 30 per cent. of vehicles are equipped with seat belts at the moment, and therefore the penalty can be inflicted on virtually only 30 per cent. of the drivers and passengers in the State.

Mr. Graham: There is no penalty at all. All you do is buckle up your belt.

Mr. STEPHENS: Has the Minister never forgotten to do anything himself?

Mr. Graham: I did not say that. I said that they must buckle up their belts.

Mr. STEPHENS: The Minister has been successful in interrupting my line of thought.

Mr Graham: I am very sorry.

Mr. STEPHENS: I will have to leave that point because I have been interrupted.

Mr. Graham: I am genuinely sorry.

Mr. STEPHENS: The Minister referred to the fact that the motorcar is a killer and a potential killer. We have no argument with that, but the seat belt regulation and the imposition of a \$20 fine will not reduce the accident rate. If the Government is genuinely interested in reducing the accident rate I suggest it should more closely scrutinise other avenues which could achieve this objective. The following appeared in *The West Australian* of the 14th September:—

Dolan: No need to compel eye tests

Compulsory periodic eyesight tests would appear to be an unnecessary burden on W.A. drivers, the Minister for Police, Mr. Dolan, said yesterday.

Mr. Bickerton: What has that to do with seat belts?

Mr. STEPHENS: It has the same to do with it as the reference the Minister made to the motorcar being a killer.

Mr. Bickerton: What has it to do with \$5 or \$20?

Mr. Nalder: It has everything to do with it.

Mr. STEPHENS: The Minister was arguing that it was absolutely essential to have a \$20 fine because of the deterrent effect, and then he went on to say that the motorcar is a killer. With that last part I agree. The point I am making is that if the Government is so concerned about the accident rate it should turn its attention to other aspects of traffic control which could help to reduce the accident rate.

Mr. Bickerton: I suggest you address the Chair.

Mr. STEPHENS: I suggest that the eye test is one avenue which could be followed up. The article includes the following:—

The executive director of the Braille Society in W.A., Mr. P. D. Blockey, said yesterday that it was absurd to allow near-blind people to drive vehicles on West Australian roads.

He said he was concerned for the safety of the blind people and other road users. . . .

He knew of three people in the past 18 months who had been driving while on a blind pension or while their sight was bad enough to qualify them for a pension.

But Mr. Dolan does not consider eye tests are necessary.

I mention briefly the article in the *Daily News* of today's date to which my leader (The Hon. C. D. Nalder) referred when he said that drink is a big factor in relation to road accidents. If the Government were to turn its attention to this avenue perhaps the reduction in the number of accidents, injuries resulting therefrom, and the death rate would be more effective than insisting upon a fine of \$20.

Members on this side of the House who have spoken in support of the motion have outlined most of the points and have presented a substantial case. It is not my intention to speak at great length now. I believe the case for a reduction of the penalty to \$5, particularly during the transitional period, is one which has the support of the majority of the citizens in this State. Many of these citizens look to the Labor Party as the protector of the interests of the small man.

The SPEAKER: Order! There is far too much audible conversation.

Mr. STEPHENS: I would like to point out that \$20 represents a far greater percentage of the pay of a working man than it does of the pay of an executive.

Mr. Bickerton: I can see your tears from here.

Mr. Reid: The member for Stirling must address the Chair.

Mr. STEPHENS: I am pleased the Minister is concerned about this. I hope the House will support the motion, particularly the Labor members so that they do not damage further the image they would like to create of representing the workers.

Mr. Davies: Rubbish!

Mr. STEPHENS: I commend the motion.

Question put and a division taken with the following result:—

Ayes—20

| | |
|-------------------|-------------------|
| Mr. Blaikie | Mr. Nalder |
| Sir Charles Court | Mr. O'Connor |
| Mr. Coyne | Mr. O'Neill |
| Dr. Dadour | Mr. Reid |
| Mr. Gayfer | Mr. Ridge |
| Mr. Grayden | Mr. Runciman |
| Mr. Lewis | Mr. Rushton |
| Mr. W. A. Manning | Mr. Stephens |
| Mr. McPharlin | Mr. R. L. Young |
| Mr. Mensaros | Mr. I. W. Manning |

Noes—20

| | |
|---------------|------------------|
| Mr. Bateman | Mr. Graham |
| Mr. Bertram | Mr. Hartrey |
| Mr. Bickerton | Mr. Jones |
| Mr. Brady | Mr. Lapham |
| Mr. Brown | Mr. May |
| Mr. Bryce | Mr. McIver |
| Mr. Burke | Mr. Sewell |
| Mr. Cook | Mr. A. R. Tonkin |
| Mr. Davies | Mr. J. T. Tonkin |
| Mr. Fletcher | Mr. Harman |

(Teller)

Pairs

| Ayes | Noes |
|-----------------|-----------------|
| Mr. Hutchinson | Mr. Jamieson |
| Sir David Brand | Mr. Moller |
| Mr. W. G. Young | Mr. H. D. Evans |
| Mr. Thompson | Mr. T. D. Evans |
| Mr. Williams | Mr. Taylor |

The SPEAKER: The voting being equal, I give my casting vote with the Noes.

Question thus negatived.

Motion defeated.

COMPANIES ACT AMENDMENT BILL (No. 2)

Second Reading

MR. R. L. YOUNG (Wembley) [8.08 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to give the Attorney-General the power to exempt unit trusts from the necessity to enter into certain covenants in their trust deeds.

The amendment is considered necessary because property trusts cannot comply with Stock Exchange listing requirements if they comply also with the requirements of the Companies Act.

It is a requirement of section 77 of the Companies Act that all trust deeds be approved by the registrar, and section 80 (1) (b) (iii) stipulates that the deed must contain a covenant by the management company, the company which issues the units, that it will repurchase the units at a price calculated in accordance with the provisions of the deed.

The Stock Exchange rules for listing of units require that the provisions of the deed in respect of repurchase be suspended while the units are quoted on the exchange. The reason for this is obvious as the negotiability and sale of the units on the exchange could not operate otherwise.

Section 88 (1) of the Act authorises the Minister by notice in the *Government Gazette* to exempt any company from complying with any provisions of the particular division of the Act, and it has been the practice of the Minister in New South Wales to grant the necessary exemption I have mentioned.

It is not known whether this practice obtains in other States or whether any similar applications have been made in any State other than Victoria. However, it is understood that some little time ago the Minister in Victoria, no doubt on the recommendation of his registrar, declined to grant such an exemption on the ground that section 88 only authorised exemption from any provisions of the division and not from anything required to be included in a deed to be registered under the provisions of the division.

It is considered that this reasoning is somewhat technical and largely a play on words whilst there would be no doubt of the original intention of the Legislature.

The Victorian Companies Act was recently amended to give the Minister the necessary power and this Bill, which is in like terms, will make a similar amendment to the Companies Act of this State and enable unit trusts to have their units listed on the Stock Exchange provided the Attorney-General exercises his discretion to exempt the trust deed from the requirements of section 80 (1) (b) (iii). Without this amendment it will be difficult to form new property trusts.

A property trust is controlled by a trustee and the trust deed must be registered with the Registrar of Companies. This gives unit holders a much higher degree of security than they can obtain through holding shares in a public company.

It is most important that property trusts have listing on the Stock Exchange, thereby allowing a free market. Under the existing Companies Act in Western Australia, it is necessary for the trust deed to have buy-back provisions if the trust deed is to be approved by the registrar. Naturally the Stock Exchange will not allow listing to a security which has buy-back provisions and two prices as one would have two markets. The Registrar of Companies, following the Victorian ruling, will not at present register a trust deed which does not have buy-back provisions, thereby precluding the floating of listed property trusts in Western Australia. It will be of interest to note that due to reciprocal arrangements between the Companies Office Registries of New South Wales and Western Australia, at least one Sydney-based trust was registered as a foreign company in Western Australia before the Western Australian Registrar became aware of the deficiency in the Act.

Therefore, at the moment, Western Australian investment is going into New South Wales. Support for this Bill will ensure that Western Australians will be able to invest in property trusts set up to develop their own State. For that reason, I commend the Bill to the House.

I have been brief and I apologise for having read my notes. It is not that I do not have knowledge of the subject but simply that in moving the second reading of a Bill such as this, it is necessary to get the facts straight.

I would like to say that if we, in this State, are to have a situation where people can readily invest in property development on the terms and conditions which are most attractive to an investor, it is essential that property trusts can be listed on the Stock Exchange.

The registrar is obviously hamstrung by the provisions of the Act or, at least, by the interpretations of the Act. It is fairly essential, therefore, that he should be able to exercise his discretion knowing that he has the power to do so and cannot be challenged.

For this reason I trust members will give the Bill due consideration. It is something which the various investors in Western Australia want, not only on their own behalf but also on behalf of the State which is crying out for investment to start pouring into Western Australia. It is a tragic fact that we, in this State, are able to invest in unit trusts set up in other States because the provisions in those other States have been amended but ours have not.

Mr. W. A. Manning: Is this wording the same as the Victorian legislation?

Mr. R. L. YOUNG: It is essentially the same.

Mr. W. A. Manning: But not exactly?

Mr. R. L. YOUNG: There may be a different word here and there, but it would not make any difference.

Mr. Brady: Did the honourable member say that these would be listed on the Stock Exchange?

Mr. R. L. YOUNG: Provided the Attorney-General exercises his discretion, under the section I have quoted, to exempt the management company of the unit trust from the buy-back provisions which are required under trust deeds, it would then be accepted by the Stock Exchange as a security. Therefore, it would be listed on the Stock Exchange provided this Bill passes. I commend the Bill to the House for about the third time.

Debate adjourned on motion by Mr. Bickerton (Minister for Housing).

CONTRACEPTIVES ACT AMENDMENT BILL

Second Reading

Debate resumed from the 2nd August.

DR. DADOUR (Subiaco) [8.15 p.m.]: When introducing this Bill the member for Karrinyup stated that the Contraceptives Act was a hindrance to the operation of the comparatively newly formed Family Planning Association of Western Australia, some of the objectives of which are to assist people in methods of contraception to enable them to space and limit their families, to render advice, to deal with the question of infertility, and to educate through lectures, publications, and the distribution of literature. The sole reason for introducing this Bill is to amend the Contraceptives Act so that the newly formed Family Planning Association of Western Australia can function.

Why could it not function? The prime reason was that the Contraceptives Act categorically states there can be no advertising whatsoever, and because family planning clinics deal with contraception they come under the Contraceptives Act and are unable to advertise. This is a hindrance because family planning clinics cannot publish statements about where they are situated, the times at which consultations can be obtained and lectures will be delivered, and they cannot distribute any of their publications or literature. The whole purpose of the Bill is to give exemption to the family planning clinics to enable them to advertise where they are located, the times of consultation, etc.

When the Bill was introduced there seemed to be a great deal of confusion because clause 2 of the Bill states—

2. Section 2 of the principal Act is amended by adding after the word "access" being the last word in the interpretation "Public place" the passage " , but does not include or apply to a pharmacy registered under the provisions of the Pharmacy Act, 1964."

That means a pharmacy will become a public place for the purposes of this Bill. There are a great number of restrictions on "public places" in the Act. I do not think they were included in the Act without a great deal of thought at the time the Act was introduced or without good reasons, and I believe many of those reasons still exist.

Clause 3 of the Bill repeals section 4 of the principal Act. Instead of amending section 4 to enable family planning clinics to advertise the various things I have already mentioned, it is proposed to repeal the whole of section 4, which would provide an open go on advertising. I therefore find the Bill obnoxious in these areas. I believe it sets out to make the situation far too lenient. Neither of those amendments is necessary to enable the family planning clinics to operate properly.

Do not let us get it wrong. I support family planning clinics. No-one is more aware than I of the fact that people need to be educated so that they can space their children and avoid unwanted pregnancies. I will do anything to avoid abortion on demand. I believe it is wrong in principle. Therefore, I go along with family planning clinics which help people to space pregnancies instead of having unwanted pregnancies. I will not go into that subject. It will probably come up at a later date.

Why the need for family planning? We are told of the fear of over-population, which will surely come one day, but as yet there is no fear of over-population in Australia. To look at the matter in its correct perspective, as we have done with

pollution in industry and other forms of pollution, we will be able to populate to a certain number, but there will be little need for limitation of population in Australia for many years to come. We should become aware of it now, so that in years to come our grandchildren will be trained for it.

Those who are more intelligent are able to limit their families by understanding the various methods of contraception. We are able to cope with contraception, but the low socio-economic group gives cause for great concern. That group comprises 5 per cent. of the population, and those people cannot cope with any form of contraception. One can imagine it might be quite hilarious for a bush Aboriginal woman to try to cope with the rhythm method or with a diaphragm, which she would probably put on her head in mistake.

If we desire to place limitations on one section of the community, I believe we must also place them on the other sections, and we cannot do that in this civilised country. Nothing short of mechanical means will prevent the low socio-economic group from breeding. By "mechanical means" I mean inter-uterine devices and even sterilisation. I am not advocating such a course, but we must look at the matter in its correct perspective.

Perhaps I am a little Victorian in my outlook but I firmly believe that the sex life and methods of contraception used by any couple are sacred to them and should not be blurred all over the place, as some people would like. I believe these matters are very sacred and personal. Therefore, wherever possible, forms of education in contraception must be on the highest plane, and the only way to do that is to enable the family planning clinics to function fully. There are clinics in various places in Perth at the moment and more are opening up all the time to meet the demand.

As I said earlier, I wholeheartedly agree with family planning. However, this Bill will allow too much latitude in the sale of contraceptives. Someone apparently stumbled upon the apparent illegality of chemists or pharmacists selling contraceptives. I think this was discovered when the legislation was being looked at, and as far as I am aware no chemist has ever been charged with such an offence.

Mr. Lapham: The Family Planning Association found the fault.

Dr. DADOUR: I thank the honourable member. I suppose somebody stumbled upon it.

Mr. Lapham: That is right.

Dr. DADOUR: I do not think anybody would have ever worried about this. When the honourable member introduced the Bill, he stated that there are difficulties.

The first difficulty is to try to amend the Act, and the second difficulty is that the amendments do not go as far as they should in certain directions. Many other points still need clarification.

It must be remembered that this Act was enacted in 1939 when the only form of contraceptive was a mechanical type of contrivance. Today, of course, we have the pill, and I will comment further about this later.

Because of the controversy as to whether or not chemists could sell contraceptives, a provision was included in this Bill that a chemist's shop is no longer a public place. As a result of this the chemist will be given the power to exhibit and display his wares. I am certain the Premier will agree with me that this is obnoxious.

Mr. Lapham: That is not so.

Dr. DADOUR: Whether the honourable member says, "Yea" or "Nay," to me this is what the Bill provides.

Mr. Lapham: Look at section 5.

Dr. DADOUR: If the chemist shop is no longer a public place, the chemist may display and exhibit contraceptives provided that they cannot be seen from the street. He may exhibit these wares in a cubicle opening into the shop. Members will be aware that children frequently visit chemist's shops. As I said earlier, I may be a little Victorian in my outlook, but I believe young children need protection.

Unfortunately I was not able to attend the showing of the films last Wednesday, but I am sure that members who saw them now know what hard-core pornography is, and will acknowledge the fact that some protection is necessary.

Obviously the Government agrees with this point of view because it recently introduced the Indecent Publications Act Amendment Bill. I would like to read the first paragraph of the Minister's second reading speech, as follows:—

At the outset, I feel I should make it clear that the amendments to the Indecent Publications Act sought in this Bill are not being submitted with a view to increasing the scope of censorship, but rather to making legislative provisions in order to give restrictive control over certain publications coming into the hands of children.

This is exactly the point I am making. And yet we find that we are being asked to pass legislation to allow chemists to display contraceptives openly. I assure members that I know some chemists who would display their wares in no uncertain manner, and we would then find ourselves in real trouble. Wherever money is to be made, people will take advantage of the situation.

The Pharmacy Guild is not keen on the idea of chemists displaying contraceptives, and I know that the Pharmaceutical Council is very much against it. I believe this Bill will not achieve the desired effect. The whole Act needs upgrading. In my opinion all the chemist needs is a sign saying, "Contraceptives sold here." This would save the embarrassment of a person having to ask for contraceptives in a shop which does not sell them.

Let us move to clause 3 of the Bill, the repeal of section 4 of the principal Act. Section 4 refers to advertising, and its repeal would mean that contraceptives could be advertised anywhere, provided that the advertisement did not contravene the Indecent Publications Act. Of course, members are well aware of the difficulty involved in proving that something is indecent. What is indecent or obscene to one person is not necessarily indecent or obscene to another. There is a wide variation in people's reactions.

I would refer members to section 4 (8) of the parent Act which reads—

This section shall be read and construed as being in aid of and not in derogation from any enactment or law relating to obscene or indecent publications.

If we pass the legislation, this provision will be deleted. The tendency is towards permissiveness everywhere, and yet the Government has the audacity to introduce the Bill to which I have just made reference.

The Government is not being consistent with the two measures. I suggest the only course to take is to support the amendments standing in my name.

As I said earlier, by declaring that a chemist's shop is no longer a public place, the doubt is removed as to whether or not a chemist may sell mechanical or spermicidal types of contraceptives. The chemist will also have the right to display and exhibit contraceptives. I repeat that I find this quite objectionable. We can very easily imagine the type of advertising we will see, the literature we will receive in our letterboxes, and perhaps even pyramid selling. I am sure members will agree that this is highly undesirable.

I believe much of the advertising could contain innuendo. This is where we will strike trouble. When we see an advertisement saying, "Make Easter safe" no longer will it necessarily mean that safety on the roads is being advocated; it could be advocating contraception. One can imagine a drawing of a bolt in hot pursuit of a nut, with the nut screaming out, "No, not without a sheath!" That is the sort of advertising we could strike; whether or not it is objectionable, we will nevertheless probably see it. We will probably find that the advertising will be aimed at the 16 to 21-year-old group in the first place, and then the manufacturers or suppliers will

say, "What about the 12 to 15-year-old group?" and they will probably start aiming their advertising at that group. I believe that will happen.

I do agree that there is some doubt as to whether pharmacists can sell contraceptives, because it is clearly stated in the legislation that contraceptives may not be sold in a public place. So we have the controversy of whether or not a chemist's shop is really a public place. However, if members read *Hansard* they will find that in another place the Minister for Police, when discussing this Bill, gave an assurance that it is not the intention of the police to act in this regard.

I believe it lies within the province of the Minister for Police to consider the Bill again and to bring it back with the amendments that are necessary. I realise that in the interim we must advertise family planning clinics. We must establish them and get them functioning properly because they are most necessary. I believe my amendments will do that, and no more. Even the member for Karrinyup, when introducing the Bill, stated it will not overcome all of the weaknesses in the Act.

Perhaps I should refer back to the original Act. It was introduced in 1939 by a Labor Government, and it received unanimous support because at the time contraceptives were being thrown onto front lawns and placed in letter boxes, and these practices left much to be desired. The Act was designed for the mechanical type of contraceptives which were in use in 1939. In fact, the definition of "contraceptive" refers to "any contrivance or appliance," and does not appear to contemplate other forms of contraception. The pill was not introduced until the mid-1950s.

The Poisons Act of 1964 permits pharmacists and medical practitioners to sell certain poisons, and includes in the fourth schedule the medicinal forms of contraception. However, there is a maxim of law which says that a later Act of Parliament which is inconsistent with an earlier Act of Parliament, overrides the latter. Therefore, insofar as medicinal contraceptives are concerned, pharmacists are clearly permitted to sell them, and there is no controversy on that point. As I said previously, the Contraceptives Act should be brought into line with modern thinking and modern methods.

Although I intended originally to go into the history of various forms of contraception, I do not now intend to do so because I think it would be quite irrelevant.

Mr. Bickerton: I thought we were going to learn something.

Dr. DADOUR: Well, if the Minister wants to learn something I could soon teach him.

Mr. Bickerton: I bet you could.

Dr. DADOUR: I deal with this problem several times a day each day of the week.

Mr. Bickerton: Don't blame me.

Dr. DADOUR: No, the Minister is a bit long in the tooth for that.

The SPEAKER: Order!

Dr. DADOUR: Very early in the piece I had two folders, one concerning the sex shop and the other concerning the Contraceptives Act. But the more I looked at the two matters the more I became convinced that they should be married; so I married the two folders.

Mr. R. L. Young: What did you get?

Dr. DADOUR: More trouble than enough! I became just as confused as the Bill. However, I am no longer confused because after further study I have been able to work out what is wrong with the legislation. If one looks at the *Kings Cross Whisper* one finds a mail order section inserted by the sex shop. Members can see some very interesting contrivances and devices on the page I am holding up.

Mr. Bickerton: I saw those at kindergarten.

Dr. DADOUR: Without doubt, some of those devices could be termed contraceptives.

Mr. Bickerton: Old hat.

Dr. DADOUR: On the one hand we have a move to close the sex shop, and on the other we have a move to allow contraceptives to be displayed in chemists' shops. I think there is a great deal of inconsistency and overlap between these matters. On Wednesday, the 2nd August, I asked the Premier the following question:—

- (1) Has the sex shop been closed, as promised by him?

The Premier replied, "No." The second part of my question was—

- (2) If not, why the delay?

The answer to that was—

- (2) The power to close orgy shops is not contained in existing legislation. All States and the Commonwealth have met and a decision was made that the Commonwealth would restrict the import of sex aids. It was considered that supplies would then dry up.

Amendments to the Obscene and Indecent Publications Act are being prepared to forbid the sale of these publications in sex shops.

Upon receiving that reply I decided I would ask a further question. On Tuesday, the 15th August, I asked the following question of the Premier:—

- (1) Is his Government in favour of contraceptives being displayed in pharmacies?

The Premier replied—

- (1) As the Government is in favour of the establishment of family advice centres to advise on family planning and child rearing, consistency requires that it does not hinder the availability of contraceptives.

Who said anything about the availability of contraceptives? Certainly I did not. Contraceptives are readily available; one has merely to walk into a chemist's shop and ask for them. I would say that 99 per cent. of the chemists today stock contraceptives of all types. The second part of my question was—

- (2) If so, how does the Government reconcile this with the closure of the sex shop, bearing in mind there is an area of overlap?

I have already demonstrated that there is an overlap. There is no doubt that the sheaths shown on the page I held up may also be used as contraceptives. The Premier's reply to that question was—

- (2) If the Member does not know the difference between that which is disgusting and that which is not, it would be a waste of time to endeavour to enlighten him concerning the Government's policy.

On the next day I asked the following question, once again of the Premier:—

- (1) Further to question 8 of Tuesday, 15th August, 1972 does he realise that many of the devices on sale at the sex shop may also be of a contraceptive nature?

The Premier replied—

- (1) Without the apparently complete knowledge which the Member has concerning devices on sale at the sex shop, I am unable to form an opinion which would enable me properly to determine the question posed.

The second part of my question was—

- (2) If so, how does he reconcile this with his reply to that question?

The answer to that question was that it had been answered by the reply to part (1). Arising from that I asked the following question without notice:—

As the Premier has no knowledge of the sex shop will he obtain this and give an answer to my question on today's notice paper?

To which the Premier replied—

If the member for Subiaco will add to the knowledge he already possesses, and pass it on to me, I will give further consideration to the question.

I have not been near the sex shop; I did not even know exactly where it was until a member gave me the copy of the paper I held up.

On looking at these devices, my first and only impression was, "My God, I am dispensable." The point I am trying to sheet home is that we must be consistent, and I believe that my amendment will give us exactly what we want, bearing in mind we will have the same safeguards as those we have at present, which I consider are most necessary.

One amendment I have on the notice paper seeks to amend clause 3 of the Bill so that any family planning clinic approved by the Minister for Health will be able to advertise. I am also seeking an amendment so that the legislation will provide that a pharmacy is no longer a public place. If my amendments are agreed to any family planning clinic will be able to advertise and function accordingly. We are always critical if contraceptives are too easily available, and the whole function of a family planning clinic is to educate people so that they can plan their family in a proper fashion and space the birth of their children accordingly.

The display of contraceptives in chemists' shops does not make any difference to the situation. The matter must be handled on a high plane. Contraceptives are sacred to the couple who are using them, and must remain so. We should not seek to have anything done by innuendo. We must keep this subject on the same plane as it is now, and that is the object of my placing amendments on the notice paper. I believe the whole Act should be reviewed by the Minister with the object of its being re-enacted so that all points in connection with this subject can be clarified. At the moment the Bill attempts to deal with only a few of the problems. My amendments seek to go a little further to bring the Act more into line with the objectives we are seeking. I oppose the Bill in its present form.

MR. FLETCHER (Fremantle) [8.43 p.m.]: I support the Bill because I want to see contraceptives made more readily available and sold tax free, if possible.

Dr. Dadour: Why don't you seek to have that put in the Bill?

Mr. FLETCHER: I am seeking to have contraceptives made available more readily and more cheaply than they are at present to those who need them. Let me say here and now that this House consists entirely of males and we will be making a decision here that will make it more difficult for our female counterparts if we do not support the Bill.

In case some members have not taken sufficient interest in the debate to realise the purpose of the Bill, I would point out that it was introduced in another place to amend, as the member for Subiaco has

pointed out, the Contraceptives Act, 1939. Paragraph (c) of section 5 of the principal Act reads as follows:—

Every person who—

(c) sells or offers or exposes for sale any contraceptive in any public place;

shall be guilty of an offence against this Act.

The sponsor of the Bill has been given a legal opinion that "public place" as defined in section 2 of the Act is sufficient to include a shop, and a similar definition in other Acts has been judicially interpreted to this effect. The conclusion is that, under our present law in Western Australia, no shop may sell contraceptives. I repeat: "No shop may sell contraceptives."

Mr. Williams: Has that ever been challenged?

Mr. FLETCHER: Whether it has been challenged or not, that is the legal interpretation that has been given. That is the purpose of the Bill, and with the indulgence of members opposite, if they keep their interjections to the minimum, I will tell them what the Bill is all about. In saying that, I am not alluding to the member for Bunbury, because probably he knows what it is about.

Therefore, the desire is to amend the Act so that the definition of a "public place" does not include or apply to a pharmacy registered under the provisions of the Pharmacy Act, 1964. To my way of thinking, it is incredible that, in another place, the previous Minister for Health took exception to what is being attempted by the Bill, in the same way as the member for Subiaco has done. The previous Minister for Health said he was against the widening of the provision relating to the display and advertising of contraceptives. Yet those who oppose liberalising the abortion laws always claim that family planning is the answer.

The Bill seeks to repeal section 4 of the Act, because it bans the advertising of contraceptives, and as family planning clinics exist to promote the sale and use of contraceptives, it would be difficult for such clinics to advertise without possibly infringing the Act, but I know the member for Subiaco is attempting to do something about that.

This has been hindering even the simplest publicity for the family planning clinic at Melville. Yet the previous Minister for Health, in another place, opposed the repeal of section 4 also on the ground that it was undesirable to permit the advertising of contraceptives, and proposed instead that the ban should not apply to any statement issued by a family planning clinic approved by the Minister for Health. That is what the member for Subiaco is

trying to achieve. Whether or not it is found that that amendment is satisfactory will be discovered later in the debate.

Another reason for supporting the Bill is that I want to ensure that every child born is a wanted child, and is not resented from the date of conception onwards. I believe that if contraceptives are made more readily available it will make this possible. I want to see that that does happen, because I believe it is tragic to see any child resented by its parents. As I said previously when the legislation dealing with the termination of pregnancy was before the House, I want to see planned parenthood and a reduction in the number of overworked and harassed housewives who are trying to manage on inadequate incomes with a consequent fear of another pregnancy, for the one reason that, on the one hand contraceptives are too dear and, on the other, are not readily available.

Therefore, the sponsor of this Bill and we on this side of the House would like to see contraceptives made more readily available. I want to see fewer pregnancies among unmarried girls, thus avoiding grandparents being burdened with their unwanted children. In such cases it results in three generations being unhappy. I want to see more quality of life and fewer terminations of pregnancies, legal or otherwise. I want to see fewer deaths as a result of abortions, and I believe the ready availability of pills and other forms of contraceptives will make this possible.

The member for Subiaco dealt with the aspect that it was improper to peddle this type of ware in a public place. I thought he was associated with the last war, but he has given me the impression that he was associated with the Crimean War, because, by his adopting that attitude, it would seem that is the era in which he should be living.

I would point out to the House that this is a brave new world. Only a short time ago even the humble toilet paper was hidden under the counter, because the shopkeeper was too ashamed to display it.

Dr. Dadour: Obviously you were not listening to what I was saying.

Mr. FLETCHER: I was listening. Even cartons and packages containing the monthly requirements of the feminine community were, until recently, hidden under the counter. Now all these things are on display on the shelves for the world to see; and I am pleased to see this attitude being adopted. Today there is no mock modesty, and we see housewives openly and bravely carrying these packages in their shopping baskets.

Yet, despite all this, we hear the member for Subiaco saying that he does not want to see the articles and commodities referred to in the Bill being displayed in the comparative privacy of chemists' shops. He envisages the situation where

passers-by, including young people, will show some salacious interest in the commodities sold in these shops. He tried to liken this situation to the sex shop in which the general community has lost interest. I do not know, and I am sure that the great majority of people in general do not know, whether it still exists.

As I have pointed out, we are living in 1972 and not 1872. I am not advocating the sale of the pill without a doctor's prescription, because of the remote possibility that the ready availability of the pill could have some detrimental side effects. As distinct from the opinion of a medico member of this House, I shall quote another opinion, and this is contained in a report in the *Sunday Independent* of the 17th September, 1972. This appears under the heading of, "Birth kills more than pill." The report is as follows:—

More women, says an American professor, die having babies than through taking the pill.

And, he claims, it is ludicrous to impose curbs on the availability of oral contraceptives—they should be free.

For the edification of the House this expert is Professor R. T. Ravenholt, Director of the American Government's Office of Population. I am sure members will admit he is no ignoramus. The report continues—

"By 1975," he said, "there will be 50 million more women in their 20s than in 1965.

This figure will, no doubt, be reflected in Western Australia. To continue—

"In addition to overcoming the basic fertility problem, there is the added problem of all these women of child-bearing age.

"The pill should be available without a doctor's prescription."

Dr. Dadour: You are dangerous in saying that.

Mr. FLETCHER: To continue with the report—

Professor Ravenholt said 100 million women around the world have used the pill—without any evidence of cancer. He said there is, in fact, cumulative evidence that the pill might even prevent it.

In case there is any superstitious belief that the use of the pill could create a health hazard—

Dr. Dadour: Are you serious in saying that? You do not know what you are talking about, and your comments are dangerous.

Mr. FLETCHER: I am quoting an eminent authority, one greater than the honourable member.

Dr. Dadour: All that has been refuted. You do not know what you are talking about.

Mr. FLETCHER: This report is as recent as the 17th September, only three days ago; so if it has been refuted then the doctor must have access to knowledge of which I am not aware.

I said earlier that I would like every child born to be a wanted child. Recently reports have appeared in the newspapers relating to the bashing of young children. In *The West Australian* of the 3rd August appears a report under the heading, "P.M.H. gets beaten baby every month." This is Princess Margaret Hospital.

Dr. Dadour: That is the sort of stupid thing you will say.

Mr. FLETCHER: I am saying it.

Dr. Dadour: You are now saying things that should not be said. Suggestions have a big impression on some people. That was what I meant when I said you were dangerous.

Mr. FLETCHER: I do not think such reports will have that impression on the people. The report I have just mentioned states—

Mrs K. Todd, said yesterday that one child under the age of four was admitted to the hospital every month showing symptoms of a battering.

She was speaking at a W.A. Institute of Technology social work seminar on "Children at Risk."

Further on in the report the following appears:—

She said that these children had been severely injured. They had fractured skulls and broken arms and legs.

One child in the hospital was so badly battered that it would be permanently mentally retarded.

I say that children who are treated in that way by their parents should not be born. They are unwanted to such a degree that they are bashed. The more readily available we make contraceptives—and this Bill seeks to make them more readily available—the greater will be our ability to prevent cases such as those I have mentioned from occurring.

In case the member for Subiaco and others are not satisfied I will quote another authority. Recently a report appeared in *The West Australian* of the 7th August relating to the views of Dr. Kenneth Mellanby, a world authority on pesticides and pollution, and an eminent biologist. He is the head of the Monks Wood experimental station at Huntingdon, England. He gave a public lecture in the Wilsmore Lecture Theatre at the W.A. University on that date. I would ask members to listen to what the eminent doctor had to say. In the newspaper he was reported as having said—

A time might come when compulsory sterilisation would have to be introduced.

Abortions were better than unwanted children.

Any country that did not allow its people free access to knowledge and techniques of contraception was uncivilised.

This a brilliant man. Of course, people who are prejudiced are not inclined to listen to that sort of statement. They have such a prejudice that they close their minds. I suggest that they should go along and listen to people like Dr. Mellanby, and so become educated on these matters.

Further on in the report the following appears:—

Restrictions on the advertising of contraceptives must do more harm than good.

I know some people are not prepared to read the material which I read, and are not prepared to acquire the attitude of mind that I have acquired. It seems that many people are more interested in the form guides relating to horseracing, or to the predictions on which teams will win football matches, than they are in material such as I have just read.

The member for Subiaco has been shaking his head at me. Baby bashing incidents do not occur only in Western Australia. They have become so serious that the Government of Victoria has ordered an investigation to be made into baby bashing. In *The West Australian* of the 19th September appears a report under the heading of, "Vic. inquiry into baby bashing." The report states—

The Cabinet allocated \$17,000 for the Study.

It would aim to find out why people ill-treated children, the frequency of baby bashing and the preventative measures that could be taken.

The Victorian Minister for Health said that the work would take anything up to 18 months. However, I can tell the House in 18 seconds what causes baby bashing. In the main it is as a consequence of unwanted children being born. It is a tragedy that sometimes children are not wanted, because the unfortunate mother has more children than she can cope with. Finally such a mother is driven to desperation, and in that state of desperation she beats the child mercilessly, but subsequently suffers frightful remorse as a consequence of her action.

To me the question is elementary. I can see it so clearly and I only wish so could other members. If only members would take a broad-minded attitude to the subject of contraception they would support the Bill, as I do.

MR. GRAYDEN (South Perth) [9.00 p.m.]: I support the remarks of the member for Subiaco and I oppose the Bill. I oppose it because it could enable shops to display all sorts of material which would

virtually amount to pornography. In a street very close to the centre of Perth is an establishment called the orgy shop. Under this Bill chemists will be permitted to display virtually what they desire to display.

Some unscrupulous individuals in Western Australia would take advantage of a situation like this to open up a chemist's shop and sell virtually anything they desired and they would also be permitted to display anything; and this would include contraceptives in all their forms. They could also sell the *Playboy* magazine and any other type of magazine considered suitable to that particular business. Nothing would prevent their doing this. We know that pharmacists in Western Australia do not sell only drugs and chemicals. They sell cameras, shoes, and sweets; they sell everything. If passed, this Bill would provide a loophole for that type of business. There can be absolutely no question about that.

To a certain extent I go along with the purpose behind the introduction of the Bill. I believe that the law should be liberalised, but only to a certain extent. What the honourable member has done is to introduce a Bill which will throw the floodgates wide open and permit in the metropolitan area the opening of pornographic shops similar to the orgy shop in that portion of the metropolitan area north of the railway line.

Tonight's issue of the *Daily News* contains a report concerning a committee which was established in Great Britain to examine pornography; and the first portion is well worth reading.

The **SPEAKER**: Order! There is too much audible conversation.

Mr. GRAYDEN: The article reads—

London, Today (AAP): After a year of investigating pornography, a committee of prominent Britons has urged new laws to send more pornographers to gaol.

The committee's much-heralded, 200,000-word report lashed out at an obscenity boom which, it said, had already created the first "blue film" millionaire and flooded the country with dirty books.

"We are not prudes or killjoys," said a conclusion signed by the 52 members of the privately-sponsored committee.

"But we have been made aware of influences at work in our society which endanger the very capacity for real joy by denigrating and devaluing human persons."

The 52 included four bishops, five lawyers, writers, professors, social workers, a disk jockey and a pop singer.

That was the conclusion reached by that committee after it investigated at length pornography in Great Britain. It even recommended gaol sentences for those who dealt in pornography.

Clause 2 is the contentious clause which provides that "public place" does not include or apply to a pharmacy registered under the provisions of the Pharmacy Act, 1964. This is a provision which would throw the floodgates wide open. In normal circumstances I imagine no pharmacist in Western Australia, or even in Australia, would take advantage of a loophole of this kind, but we know what has occurred in Perth recently with the establishment of the orgy shop, and also what has occurred in Melbourne, Sydney, Great Britain, Europe, the United States, and virtually every other country in the world. Some individuals in the community are prepared to peddle pornography even to the extent of becoming millionaires as a consequence, and these are the people who are searching for a loophole.

The SPEAKER: Order! There is too much audible conversation.

Mr. GRAYDEN: Up to date no loophole of any consequence has been found in the Western Australian law as far as pharmacies are concerned, but this Bill will change that situation and provide the loophole for which some people have been searching. That is the only objection I have to the Bill.

I took exception to one or two of the remarks made by the member for Fremantle. He talked in terms of the licentiousness in our community as being something desirable. He said this was the brave new world. It is a brave new world all right when we read of hijackings, sex killings, murders, and all sorts of depravity! It is considered something of consequence that a pharmacist should be able to display in any form he may desire contraceptives and anything of an allied nature.

I have studied the Bill to see whether it is possible to amend it in any satisfactory way, but I have come to the conclusion that this is not possible, and I greatly regret this.

Let us consider for a moment the situation which applies in this State at present. Apparently some chemists sell contraceptives while others, because of religious and other beliefs, do not sell them. I deplore the fact that people are placed in the position of sometimes having to ask a chemist for contraceptives and being rebuffed. This is a bad state of affairs, particularly when we read these days of the population explosion in the world and the need for birth control. With these thoughts in mind people ask the pharmacists for contraceptives, but in some circumstances they are rebuffed. I imagine

that to young people this would be the height of embarrassment and it is a most undesirable situation.

I would like chemists to be able to place in their front window a sign indicating that contraceptives are stocked on their premises. That is reasonable. It is ludicrous that one should have to walk into a chemist's shop and ask before being acquainted with the fact that the contraceptive is or is not sold in the establishment. I say this having in mind the population explosion and the generally accepted need for birth control. That is the situation in Western Australia, so I studied the Bill hoping that it would be possible for a small amendment to be made.

A simple amendment could be made to section 4 of the principal Act by the addition of the following words:—

Other than one by a registered pharmacy stating that contraceptives are stocked.

The words would need to be inserted after the word "statement" in line 5 of section 4 of the principal Act. Paragraph (a) of section 4 (1) would then read as follows:—

4. (1) Any person who—

(a) inserts or causes to be inserted in any newspaper, magazine, periodical, handbill, circular, programme or other document printed or prepared in this State any statement, other than one by a registered pharmacy stating that contraceptives are stocked, which is intended or apparently intended by such person or any other person to promote the sale or disposal of any contraceptive as such;

shall, subject as hereinafter provided in subsection (7) of this section be guilty of an offence against this Act.

That would have been a relevantly simple amendment and I think it would have received the approval of every member in this House. It would have enabled chemists' shops throughout Western Australia to advertise the fact that they stocked contraceptives. The contraceptives would not be displayed in the front windows. Nobody could take exception to that. It would spare a lot of embarrassment to individuals and overcome the situation with which we are confronted.

Unfortunately the Bill now before us proposes to delete section 4 of the Act, and in those circumstances we cannot amend it in a satisfactory way. We cannot amend the Act in a way which would appeal to everyone who is confronted with the problem which the Bill is apparently trying to overcome.

There is only one possible solution and that is to defeat the Bill in the hope that the member who introduced it in another place will present another measure to provide for the simple amendment I have mentioned. I reiterate: The reason for objection to this Bill is the fact that it will provide a loophole for the snide operators. We have to admit that they exist in our community and they will be able to open pharmacies and display contraceptives anywhere they wish. They will be able to display their goods in the most lurid manner, and they will be able to stock the latest books on pornography provided they have some sort of license or right to sell drugs of various kinds. The situation would be as simple as that.

That is the objection to the Bill and in those circumstances unfortunately—and I regret this decision—I certainly have no option but to oppose the Bill, and support the remarks of the member for Subiaco.

MR. DAVIES (Victoria Park—Minister for Health) [9.15 p.m.]: I do not propose to speak at great length on this Bill. However, when the matter is mentioned everyone seems to come to me in the belief that the Bill is under my control. Also, I have received a considerable amount of correspondence on the subject and for those reasons I feel I should say a few words. Anything I say is my own opinion and I do not propose to put forward any official Government attitude.

If the measure actually did what the previous speaker stated it proposes to do I would not support it. I can understand the member for South Perth not supporting the Bill if he is labouring under a misconception. All that the Bill will do is to amend a definition, and repeal section 4 of the principal Act. Section 4 concerns advertising, but the rest of the Act will be left intact. The Act does not allow anyone to display contraceptives, but it does allow them to advertise such goods.

I think that if the member for South Perth reflects on this he will see that the object he desires is covered by the Bill in its present form.

Mr. Grayden: Advertising can be done in various ways. One way is to display articles.

Mr. DAVIES: Section 5 of the Act specifically states that any person who exhibits or causes to be exhibited any contraceptive such as a condom in view of persons who are in any public place shall be guilty of an offence. Section 6 of the Act sets out the action which can be taken as a result of such an offence. It has been found necessary to amend the definition, for the very good reasons mentioned by the member for Subiaco.

Mr. Grayden: But it is contradictory; that is the point.

Mr. DAVIES: The Bill will also repeal the section of the Act which relates to advertising.

Dr. Dadour: Would the Minister look at section 5 (a) of the Act, and read it again.

Mr. DAVIES: I was not here when the member for Karrinyup introduced the Bill but I have just read his speech. I think that anyone who wants to remove the provision regarding a "public place" should read that speech, and also read the opinions given by the Parliamentary Draftsman.

As far as I am concerned the Parliamentary Draftsman gives good advice, and I am prepared to go along with his opinion. I do not share the fear expressed in the House this evening by the two members of the Opposition regarding what might happen.

Apparently people believe that this is a matter which properly should be dealt with by the Minister for Health. Perhaps family planning matters should come—and, indeed, do come—within my jurisdiction. However, the Minister for Police handles this particular Act and, therefore, I have had very little to do with it. Also, I have had very little to do with the Bill as it appears before the House.

I have received a large amount of correspondence and one letter which I have just received was from a national body of women's organisations. I believe it carries the same name as that carried by a party to a deputation to the Minister for Health in 1937. That deputation resulted in the Act of 1939. I think it is a clear indication that with the passage of time opinions and thoughts change. With that change we all agree. It has to be remembered that it is 33 years since the parent Act became law, and since that time the general public have assumed a broader outlook.

The real purpose of the parent Act was to stop advertising and to stop hawking, as the member for Subiaco has already said. During the debate which took place in 1939 the then Minister for Health, who handled the matter in this Chamber, interjected to the effect that the object of the Bill was to prevent publicity and hawking. That statement appears on page 585 of *Hansard*, Vol. 1, 1939.

I do not believe there is anything at all wrong with a chemist's shop advertising contraceptives. In fact, I cannot see anything wrong with contraceptives being advertised in magazines or newspapers. I have sufficient faith in those bodies to believe they would restrict the advertising to something which is fairly sensible. Advertisements would probably be in word form without any drawings.

We would be quite stupid not to realise that advertising of these goods, in an acceptable form, has been going on for

years. It is only necessary to look at the paper any day of the week under the heading "Medical." In fact I see that advertisements are in today's paper. One reads, "All goods mail order." It then gives the name of the pharmacy. The next advertisement reads, "Mail order chemists quality goods." These advertisements mean only one thing and everyone knows that this kind of advertising has gone on for years. Indeed I have seen contraceptive advertisements in overseas magazines which come into Australia. I have also seen contraceptives advertised in magazines printed within Australia. I believe a member in another place gave some examples of these when he introduced the measure.

This type of thing does not offend me and I have not heard of it offending anyone else. I do agree that the type of publication which the member for Subiaco displayed in the House tonight could be, and is, offensive to some people. In my opinion this is irresponsible advertising and could properly be dealt with under the Indecent Publications Act.

Dr. Dadour: It cannot.

Mr. DAVIES: To the best of my knowledge this has never been tested but if a complaint is made and action is taken it could be tested at any time. Whilst this is accepted by the community without any public outcry, quite obviously no action needs to be taken. Always action needs to be taken to trigger off an investigation, but there has been no call for this yet. I simply do not believe that the dire consequences which the member for South Perth foresees if the Bill is agreed to would, in fact, result.

Mr. Grayden: The definition "public place" has been amended and this drastically affects your statement in relation to sections 5 and 6. A pharmacy is no longer a public place.

Mr. DAVIES: I believe the honourable member has not read the introductory speech which mentions the draftsman's opinion of the need for this amendment, and gives the reasons. I prefer to accept the draftsman's opinion rather than that of any member on the other side of the House.

Mr. Grayden: You have altered the definition of "public place." That is the point.

Mr. Williams: The draftsman's opinion is purely supposition that chemists are operating illegally. This has never been taken up in court.

Mr. DAVIES: I agree this has not been taken up in court. The doubt exists, but there is the opportunity to do this. Had the family planning clinics not been set up I do not believe the Bill would ever have come before the House. Instead we would have plodded along. However it has come forward and the Act is to be amended

in only two ways. Surely we should believe the opinion of the Parliamentary Draftsman. If members opposite or anyone at all does not believe this opinion, another one could be obtained, but no other opinion has been advanced in this House.

Mr. Grayden: You have not given a ruling on this point.

Mr. DAVIES: The member for South Perth did not give us another opinion. He gave us his own opinion, and I am quoting the draftsman's opinion. The draftsman believes that advertising can upset—possibly not him or any member of this Parliament—some people in the community.

If it upsets some people in this community, I suppose we could infer that it would upset people in any English-speaking community. Members who have been to England may have noticed that contraceptives—condoms—are freely advertised. Perhaps they did not notice this; I certainly did not until it was drawn to my notice.

As a matter of fact, I was embarrassed on one occasion when I went into a shop and asked for durex. I found out it was the popular condom used in England. I wanted tape to wrap up a parcel.

Mr. Williams: Little Bear will fix it.

Mr. DAVIES: I was embarrassed when I found out the *faux pas* I had made. Eventually I got the sticky tape, as it is called in England. From that point on I noticed that the single word "durex" appeared in large letters in many places. This always indicated that the shop sold condoms. The article was not displayed in the window, but only boxes of various brands, with prices, colours, and sizes.

Dr. Dadour: The size does not alter. It is like stretch socks. It refers to the number in the pack.

Mr. DAVIES: The member for Subiaco is speaking from greater experience than mine. The fact remains these were freely advertised and I never heard anyone take exception to it. Condoms were sold not only in chemists' shops and durex shops, but also at street stalls.

Mr. Grayden: Would you suggest it is desirable for people to peddle them?

Mr. DAVIES: No-one was hawking them about, but they were available if anyone wanted to buy them, in the same way as toothpaste, hairpins, and cherries were available. The fact remains that no-one took exception, as I have said.

I have already mentioned that they were freely available in shops and, equally so, from dispensers in lavatories. Dispensers were installed in many of the lavatories into which I went, although I did not make a habit of investigating lavatories.

Mr. Williams: What were you studying over there?

Mr. DAVIES: Indeed, there was some humour in some of the comments. I think the price was 20 new pence for three. I understand that 20 new pence is equal to 43c, but I do not know how this compares with Australian prices. The ones to which I have referred were usually in small slot machines and invariably there was a catchy slogan with a *double entendre*. A few I remember were, "Have one and save one" and "Be a jump ahead." On one occasion I noticed, written, by some wit, in spirit pencil on one of the machines were the words "The worst chewing gum I have ever tasted."

This indicates the way in which condoms are accepted in Britain. No-one takes exception to them. I certainly do not know whether they have any effect on abortion, the illegitimate birth rate, unwanted pregnancies, or venereal disease. They are supposed to have an effect and, if so, I would like to see them advertised in Western Australia.

I certainly do not want to see chemists objecting to this. However, with a well-known brand, such as "durex," the one word would be sufficient advertising. This would overcome the difficulties to which the member for South Perth has quite rightly objected.

Mr. Grayden: Earlier in your speech you said that sections 5 and 6 prevented these things from being displayed in a public place. I pointed out that the Bill ensures that a pharmacy is not a public place and therefore they can be displayed. That is the point.

Mr. DAVIES: If that is the case—

Mr. Grayden: That is the case.

Mr. DAVIES: I have stated my stand on this matter. If that is the case we need to alter the definition of "pharmacy" in a different way from that suggested in the legislation.

Mr. Grayden: That would cover it.

Mr. DAVIES: However, I am prepared to accept the Parliamentary Draftsman's opinion on this subject.

I believe the Bill is really innocuous. I do not see the terrible things happening that members suggest will happen. I believe there is other legislation which could be used effectively if advertising became objectionable. As the member for Subiaco said, the Pharmacy Guild might not want it. I do not know whether or not the guild wants it, but I believe the guild properly controls the trade. It has sufficient control over the trade at the present time and it could do this.

Dr. Dadour: The council has control. The guild has no control.

Mr. DAVIES: I believe the guild has some measure of control.

Dr. Dadour: The council is the controlling body.

Mr. DAVIES: I am not arguing about that.

Dr. Dadour: What are you saying?

Mr. DAVIES: Just a minute! I believe the guild could quite effectively set a standard amongst its members, and I believe the Pharmaceutical Council could also set standards. Between them—

Dr. Dadour: Your knowledge is very shallow and superficial.

Mr. DAVIES: I am sorry I do not have the depth of knowledge that the member for Subiaco states he has, but the fact remains I made this perfectly obvious at the outset of my speech. He has yet to tell us what is the depth of his knowledge.

I believe the need for this amending Bill has come about because of the establishment of the two family planning clinics, which have been well received. I cannot see any very dire consequences if the law is altered in the way proposed. I believe we will be able to let the family planning clinics run themselves quite effectively, and of course that should be the object of any move in this direction.

Mr. Williams: To let the family planning clinics operate as you want them to operate, accept the amendment of the member for Subiaco.

Mr. DAVIES: It has been said by the member for South Perth and the member for Subiaco that chemists should be able to indicate that contraceptives are available in their shops.

Mr. Williams: As the member for Subiaco suggested, you can do this in a simpler way than that proposed by the Bill.

Mr. DAVIES: I believe we are living in more enlightened times and we should not be Victorian about the situation. If chemists want to advertise, they should be allowed to do so. If their advertising became objectionable, they should be stopped from advertising.

Mr. Williams: How will you do that?

Mr. DAVIES: The Act is 33 years old. It was introduced into this Chamber on the 5th September, 1939—two days after war broke out. The debate on it was very limited—I think only four members spoke to the Bill in this House. If members read the debate they will notice the Victorian thinking of the time.

Sir Charles Court: A bit of it would not go amiss today, either.

Mr. DAVIES: No-one is proposing that we become too permissive. I do not want to enter into an argument on this, just as in 1939 members in this House did not want to enter into an argument on family planning and birth control, which appeared to be taboo subjects. To reflect

some of the thinking at that time, I want to read an extract from a committee's report which was quoted by the late Mr. Needham. The extract reads—

The ideal method of birth-control is self-control. Such self-control must be agreed upon by husband and wife and be carried out in a spirit of service and sacrifice. Therefore, so far from giving any general approval to the use of contraceptives, the line of real advance lies in a deeper reverence; a return to greater simplicity of life, and, not least, a drastic reformation of our social and economic conditions. I agree that we could do with a drastic reformation of social and economic conditions. In many respects, and particularly on this question, we have not advanced very far. I believe, as the member for Subiaco said, contraception is the choice and right of the individual, but the individual should not be restricted in his choice once he has decided upon it. I support the Bill.

MR. RIDGE (Kimberley) [9.35 p.m.]: It is probable that I will not say anything that has not already been said by someone else. On the other hand, it might be difficult to work out whom I am with at this stage, because I think everyone who has spoken has said something with which I agree almost entirely.

I think at the time he introduced the amending Bill the member for Karrinyup said that both the amending Bill and the parent Act were small, simple, and readily understandable. This they are. On the other hand, the principal Act is 33 years old, and in terms of today's thinking and attitudes it is nothing short of archaic absurdity as far as I am concerned. If one were to pull the principal Act to pieces, definition by definition and section by section, one would arrive at only one conclusion; that is, all of it should be thrown out the window.

The first definition in the Act—the definition of "contraceptive"—is misleading and open to ridicule. If we intend to amend the Act, I believe we should start by amending the definition of the word that gives its name to the Act. Section 3 of the Act reads something like "Subject to the Minister, the Act shall be administered by the Commissioner of Police." To me, that almost implies that there is something sinister about the use of contraceptives.

This is an age in which we have problems associated with illegitimate children. The rate of venereal disease is increasing fairly rapidly. In the interests of the Act, generally, I believe it would be far better if it were administered by the Commissioner of Health instead of the Commissioner of Police.

The section dealing with the publication of advertisements relating to contraceptives can also be regarded as being ludicrous in the extreme. This is 1972, and one can walk into any book shop or poster shop in the City of Perth and see things that are far more likely to offend a person's dignity or morality than would a tasteful advertisement relating to the use of contraceptives.

Mr. Lapham: Many of them are completely wrong in relation to the Contraceptives Act. Their advertising is illegal.

Mr. RIDGE: That might be so. On going through the Act one finds that almost every section and definition in it is no more than a primitive antiquity. Whilst it might be thought I am in favour of the amendments proposed in the Bill, I would like to say here and now that I do not think the end result sought by the honourable member who introduced the Bill will be entirely desirable. In a moment I will explain why I say that.

This legislation is of such an important nature that it affects society generally, because contraceptives are obviously with us to stay and to many families they are just as important as are several other commodities in life. But, for goodness sake, why could the Government not come forward with some reasonable legislation that would amend the Act once and for all? I do not believe we would achieve anything worth while by accepting these amendments.

Therefore, I suggest, if the members on the Government benches are anxious for this legislation to be passed, it will be in their interests to have experts submit something which is desirable. I am sure such a measure would receive the support of members on this side.

The proposed amendment to the interpretation of "public place" would make it possible for contraceptives to be sold legally in a pharmacy. However, I say right here and now that I do not believe this goes far enough.

Some time ago I became aware of a situation in a comparatively small country town with only one chemist's shop. I think this was the situation referred to by another member, probably the member for South Perth. A woman had recently arrived in the town and wished to purchase some contraceptives. Her husband refused to do it so she went to the chemist, knowing that he would usually deal with this type of commodity. It was a nice clean shop and the chemist appeared in a professional white coat. She eventually plucked up courage and asked for the contrivance. He said, "I am very sorry, madam, but it is against my religious beliefs to stock them." This flattened her completely. After making inquiries around

the town, she found that she could purchase contraceptives at the local hardware store. However, she did not feel inclined to take this course because of the fear that everybody in the town would know her business. This may not have been the case, but she held this fear and she was quite entitled to hold it.

Because the chemist in this town would not sell contraceptives, I believe that the hardware store had every right to sell them. Of course, this problem would not arise in the city because if one chemist's shop did not sell them, they would be readily available in another. However, this is not the case in a country town with only one chemist's shop.

I will now move on to the clause which proposes to delete the section controlling advertisements for contraceptives. Once again I can only reiterate the comments made by the Minister for Health. I cannot see anything wrong with tasteful advertisements in chemists' shops. Perhaps the word "tasteful" is incorrect; I am envisaging a small sign in the shop window informing the public that contraceptives are available. This procedure would have obviated the embarrassment of the woman to whom I referred.

Mr. Fletcher: Do you know that there are advertisements in practically every English magazine which comes into Australia—which of course includes this State—as well as in many publications from other countries?

Mr. Lapham: Do you realise that the Act does not stop radio advertising or advertising on the television?

Mr. RIDGE: I agree with the comments of members opposite. I have seen these articles, particularly in the English women's magazines. They are discreet and tasteful and I would say that many of them are in far better taste than many advertisements for women's foundation garments in the daily newspapers.

I conclude by saying that I am in sympathy with the intent of the honourable member who introduced the legislation, but I do not believe that the amendments are well reasoned and acceptable. Furthermore, I feel that the Government should adopt its rightful role and assume the responsibility to clean up the Act once and for all.

SIR CHARLES COURT (Nedlands—Leader of the Opposition) [9.45 p.m.]: Before a vote is taken on this issue, I want to make the position of the Opposition clearly understood. I am not reflecting in any way on the very able manner in which the member for Subiaco handled the debate, and I am aware that, as a professional man, he has a far greater knowledge of the subject than I. He stated the position extremely well, and his comments were based on many years' exper-

ience as a general practitioner. He has a very down-to-earth and understanding approach to the subject.

The simple position, so far as the Opposition is concerned, is that if this Bill would achieve what the author said he intended it to do, we would support it. However, it does not do what its initiator said it was intended to do.

I agree with the comments of the member for Kimberley, who said that the Government should have had the whole situation reviewed by experts and either drafted a better amending Bill or, alternatively, had the Act completely re-written. However, the Government elected to stand aside and allow a private member to introduce this Bill.

I want to say quite frankly that I do not believe the measure will achieve the effect desired by the author of it, or its sponsor in this House.

Mr. Lapham: In what way?

Sir CHARLES COURT: We have had advice on the matter, and we are quite satisfied that the Bill goes far beyond—

Mr. Lapham: Where is it faulty? Let us get down to tin tacks.

Sir CHARLES COURT: The Government is asking for our support of a measure which goes far beyond the effect desired by the mover of the Bill in this House.

From the original introduction of the Bill, we understood that the concern of its author and those who supported it was in relation to family planning. We support family planning and we were prepared to support a Bill to set up family planning clinics. However, this Bill goes far beyond anything which has been stated either by the mover of the Bill, the Minister representing the Minister for Police, the Minister for Health, or any other member who has supported the measure.

If we delete section 4 of the parent Act, the advertising of contraceptives is so open that it goes beyond anything ever intended by the author of the Bill. Whether this is done wittingly or unwittingly is of no concern to me at the moment. All I want to do is to make sure that the attitude of the Opposition is clearly understood before the vote is taken.

We support family planning clinics, and we are prepared to support an amendment which will remove any doubt as to their legality. However, we are not prepared to go along with the other provisions in the Bill which literally throw advertising so open that I believe the effect would be far beyond anything that the Premier or his colleagues intend or want to happen.

The member for South Perth has not exaggerated at all. I do not intend to argue about the merit of the original Act because it is 33 years old. In point of fact, the more I look at it, the more

convinced I am that the members who passed it were looking a fair way into the future. I do not think the weaknesses lie so much in the original legislation as in the fact that we are endeavouring to provide for something new; namely, family planning clinics. I again stress that we support family planning clinics. We are prepared to go along with the amendment to deal with that situation and no further.

If the Government wishes to deal with the whole question of contraceptives, it is a matter for the Government, with the best possible advisers, both legal and professional—by that I mean in a medical sense—to introduce another Bill. It has been said that if we do not alter the law we will prejudice or endanger the legality of chemists handling contraceptives. We are strongly advised that a case against a chemist would not succeed. If members look at section 4(7) they will see why a prosecution against a pharmacist carrying out his ordinary duties could not be sustained. Therefore, we do not have to worry about this issue.

I merely wish to make the point clear that the Opposition supports the idea of removing any legal doubt regarding the activities of family planning clinics. We are prepared to go that far but no further. When the Bill goes into the Committee stage, as I presume it will, the member for Subiaco will move some amendments which I personally support, and as far as I am aware the amendments will be supported by my colleagues. However, if these amendments are not acceptable to the Committee, we will endeavour to defeat the Bill at the third reading stage.

I felt obligated to state the attitude of the Opposition at this point of time as I feel it will save time in the Committee stage.

MR. LAPHAM (Karrinyup) [9.50 p.m.]: I would like to thank members for their contributions to the debate. Although I moved the second reading of the Bill on the 1st June—well over three months ago—I did not anticipate that such a great amount of interest would be shown in it. However, despite the degree of interest shown in the Bill, not a great deal of intelligent interest was shown. Much of what was said in relation to the measure was absolute hogwash. I have never heard such tripe in my life, although I admit one hears much of it here.

We heard talk regarding pornographic material being sold or issued by a chemist. This could not possibly occur, because at the moment the definition of "public place" in the Contraceptives Act is so wide and all-embracing that our legal advice is that no-one is entitled to sell contraceptives. Our legal adviser said, "If I am wrong, then everybody is entitled to sell contraceptives."

The Family Planning Association of Western Australia (Inc.) is composed of a group of medical practitioners—very able men—who decided to follow the practice of New South Wales, Victoria, and South Australia and to set up family planning clinics. So they got together in an endeavour to do so and were amazed to find such a Statute in existence as the Contraceptives Act. They felt that even if they operated a clinic—and a doctor has rights regarding issuing contraceptives, and if a medical practitioner were in charge of a clinic he would have the right to issue contraceptives—it could be said that the clinic would be unfairly competing with chemists' shops, and unfairly dealing in goods which chemists perhaps never had the legal right to deal in. To rectify that situation the amendment to the Act was proposed.

They felt that in order to simplify the matter that section of the Act which forbids a family planning clinic even to place a small notice on its door advertising its existence and the hours during which advice is available should be straightened out. This Bill was presented because they wanted to introduce family planning in Western Australia.

Mr. Williams: We have no objection to that.

Mr. LAPHAM: All right; let us see what happens when we take a vote on the matter.

Mr. Williams: You have gone about it in a very funny manner.

Mr. LAPHAM: No, it is not funny. It is an extremely difficult Act which was introduced in 1939, and if the honourable member reads the reasons for its introduction he would think that even in 1939 we were in the Victorian era. I was alive at that time, and I thought it was very "tripey" legislation.

Mr. Williams: You didn't know it existed.

Mr. LAPHAM: In order to provide family planning services it is necessary for the Family Planning Association to have clinics—not merely one or two clinics, but perhaps 30 or 40—to overcome some of the problems mentioned by the member for Kimberley of remote areas and the difficulties experienced therein.

Mr. Williams: As far as we are concerned it can have as many clinics as it likes; the more the better.

Mr. LAPHAM: If it is necessary to have 30 or 40 clinics, it is necessary to have a single controlling body; therefore, we have the Family Planning Association, and it is proposed that the clinics will be subsidiary bodies.

The idea was that the Family Planning Association would formulate policy and arrange funds. It would set everything in

operation, and then place the control of the clinics in the hands of the medical fraternity so that the clinics may operate in the normal way—not purely for the purpose of handing out contraceptives, but to provide advice on fertility problems and to do the things which are necessary to try to overcome baby bashing, unwanted pregnancies, etc. Subsequently, the association ran into trouble and it just cannot get off the ground because the provision relating to advertising in section 4 of the Act is extremely difficult to overcome, and in practice prevents the practical operation of a clinic.

That section lays down that any person who inserts or causes to be inserted in any newspaper, magazine, periodical, handbill, circular, programme, or other document any statement which is intended to promote the sale of any contraceptive is guilty of an offence. This applies even to a small sign placed over a doorway, or a small pamphlet dealing with family planning.

Sir Charles Court: We have suggested ways and means of overcoming that.

Mr. LAPHAM: The Leader of the Opposition has not suggested a practical way of overcoming it at all; members on the other side are merely playing politics.

Mr. Williams: All you need to do is exclude family planning clinics.

Sir Charles Court: All you have to do is accept the amendments on the notice paper.

Mr. LAPHAM: These are most impractical suggestions.

Mr. Williams: Don't be ridiculous.

Dr. Dadour: Read subsection (8) of section 4, which you hope to delete.

Mr. LAPHAM: I have read it not once, but a hundred times.

Dr. Dadour: Read it again.

Mr. LAPHAM: Section 4 completely prohibits the operation of family planning clinics.

Mr. Williams: Exclude the clinics and you will fix the problem.

Mr. LAPHAM: It refuses the right to advertise. Rather surprisingly, although it provides that one may not advertise in any newspaper, magazine, periodical, handbill, circular, programme, or any other document, no mention is made of advertising on television or radio. So one could advertise whatever one likes on television.

Sir Charles Court: You can't.

Mr. Williams: I wouldn't like to try.

Mr. Blaikie: If that is the case, why has not the Premier closed down the sex shop under that section?

Mr. LAPHAM: Because the Act has nothing to do with sex shops; it deals purely with contraceptives.

Mr. Blaikie: That is what they are selling.

Mr. LAPHAM: No, it is a sex orgy shop. As a matter of fact, I cannot understand why the orgy shop has been mentioned, because there is no comparison between that and the sale of contraceptives in a chemist's shop. One is completely unnecessary and the other is necessary. Perhaps today "contraceptive" is a dirty word, but I do not know why, because contraception is a normal trend in life. Our society has moved forward and we are now trying to apply some of the scientific knowledge gained over many years. I believe it is vitally necessary that people should plan—and everybody should realise this—so that every child born into our community is a wanted child. That was not the case not many years ago. When most members of this House were born, they took their chances.

Sir Charles Court: I always thought that my mother loved me!

Mr. LAPHAM: With the scientific knowledge we now have it is glorious to think that every child born into the world today could be a wanted child, and this may be achieved with proper family planning, so that every child is wanted and has love, care, and affection lavished upon it.

Dr. Dadour: We are not arguing about that.

Mr. LAPHAM: The honourable member is seeking to hinder the operation of family planning clinics.

Mr. Williams: I think you are.

Mr. LAPHAM: I am not.

Mr. Williams: Oh, yes you are! Have a look at the amendments proposed by the member for Subiaco. We agree completely with them.

Sir Charles Court: They put it beyond doubt.

Mr. Bickerton: The amendments are "as dead as a Dadour."

Mr. LAPHAM: I do not mind looking at what is proposed in the amendments sought by the member for Subiaco. In fact, I will quote one of them to the House. It reads as follows:—

any statement issued by a Family Planning Clinic approved by the Minister for Health.

That amendment is extremely ambiguous and, if agreed to, would be inserted in a very ambiguous Act. Frankly, I think the amendment would be manna from heaven for members of the legal profession. In studying the amendment, what is being approved? The statement, or the family planning clinic? Will the Minister be required to approve the statements of 30 or 40 family planning clinics operating throughout Western Australia? Do we

wish to give him a full-time job improving all the statements issued by family planning clinics? The amendment is an utter absurdity, and therefore I think we should leave the amendment proposed by the member for Subiaco alone, because it is too silly for words.

I wish to ensure that all members are certain of what they are doing and therefore I intend to read a letter to the House which is signed by a number of medicos. It reads as follows:—

We understand that a Bill is at present before Parliament to amend the Act of 1939 relating to the advertising of contraception and we most strongly urge that the Members of your Party support this amended Bill. We are deeply concerned at the increasing numbers of single women who become pregnant, at the rise in the number of unplanned and unwanted pregnancies, and of the increasing pressure on all doctors, to terminate these pregnancies.

It is we after all, who have to deal every day with questions of, and advice about birth control, and all too frequently attempt to cope with the problem of these unwanted pregnancies.

We are well aware that amendments to the Act will not be a panacea for this problem, but we feel it must help. Every day, young people are being mentally assaulted by the media, and their sexual desires titillated in every possible way.

That is so, and we all know it. Members know what appears in the media daily. We have only to turn on our television sets, or our radios, or read what appears in the newspapers to find this out.

Dr. Dadour: That is hardly favouring your Bill; that is an argument against it.

Mr. LAPHAM: I am merely trying to explain to members what is actually happening. This letter continues—

—But they remain largely in ignorance of the means to avoid the undesirable consequences of sexual intercourse, which we know, and only the bigoted refuse to acknowledge, is occurring on an ever increasing scale.

As the press has recently shown, this ignorance about contraception occurs at all levels in society—university, high school students, married and unmarried women in all occupations. The conspiracy of silence about this subject must not be allowed to continue.

With those words I agree, and I hope every other member does, too. Continuing—

The cost to individual women in terms of what she has to go through to obtain a therapeutic termination of pregnancy or if refused, to seek a back yard abortion, cannot be measured.

Nor can the result of going through the pregnancy, having the child adopted or marrying someone in haste or under pressure. The consequences to the unwanted child, often reared in a hostile environment and even physically maltreated, may last a lifetime.

We cannot subscribe to the view that increasing availability of, and knowledge about contraception will lead to any deterioration of the moral standards of the community.

Dr. Dadour: We have no argument with that.

Mr. LAPHAM: The letter concludes as follows:—

It is with all this in mind that we earnestly ask Parliament to take this step in the right direction.

Sir Charles Court: You have not made out a case for your Bill.

Mr. LAPHAM: I will now advise the members of this House the names of the medical practitioners who signed this letter. They are as follows:—

H. Cohen

Obstetrician, King Edward Memorial Hospital.

A. G. Murray

Senior Gynaecologist, Royal Perth Hospital.

S. E. Reid

Deputy Medical Superintendent, King Edward Memorial Hospital.

J. D. Martin

Professor of Obstetrics and Gynaecology, University of Western Australia.

C. Douglas-Smith

Senior Gynaecologist, King Edward Memorial Hospital.

H. Rees

Medical Superintendent, King Edward Memorial Hospital.

Rosalind J. Denny

Matron, King Edward Memorial Hospital.

C. A. Michael

Senior Lecturer in Obstetrics and Gynaecology, University of Western Australia.

Margaret Smith

Temporary Senior Lecturer in Obstetrics and Gynaecology, University of Western Australia.

N. K. Crooke

Honorary Gynaecologist, King Edward Memorial Hospital, Consultant Gynaecologist R.A.A.F.

K. I. Digwood

Senior Obstetrician, King Edward Memorial Hospital.

V. T. White

Senior Obstetrician, King Edward Memorial Hospital.
G. D. R. Lilburne

Senior Gynaecologist, Sir Charles Gairdner Hospital.

Dr. Dadour: Who was the last one?

Mr. LAPHAM: Dr. G. D. R. Lilburne, Senior Gynaecologist, Sir Charles Gairdner Hospital. Those people are prominent men and women in the medical field. They are facing up to reality and they realise what is going on in the world. This subject is their problem, because it is brought home to them so frequently. It is brought home to them quite often because of the requests made to them for abortions. No doubt the member for Subiaco has had such requests placed before him.

Mr. Grayden: Everybody agrees with that.

Mr. LAPHAM: If we repeal section 4 we will allow freedom of advertising, and advertising of almost every other matter is being done freely now not only through the medium of television but also over the radio. If we remove completely the restriction on advertising, what will members be doing? All that they will be doing is to grant to the owner of any chemist's shop the right to place a notice on his door indicating that contraceptives are available for sale in that shop.

Sir Charles Court: That is not what is in your Bill.

Mr. LAPHAM: Let the Leader of the Opposition tell me what they can do. If an organisation advertises, it does so for one purpose only; it is usually the dollar that spurs it on.

Dr. Dadour: Of course it is.

Mr. LAPHAM: Where will they get a dollar out of advertising contraceptives in Western Australia?

Dr. Dadour: Are you serious?

Mr. LAPHAM: Of course I am. In fact, I cannot understand the attitude of an individual who seems to think that a chemist would enter into anything other than a normal ethical arrangement. We must bear in mind that it is not any shop that can be registered as a chemist's shop. A chemist is obliged to have his shop registered under the provisions of the Pharmacy Act, 1964.

Mr. Grayden: And a few of them break the law.

Mr. LAPHAM: If they did break the law what would happen? After all, what is advertising? It is the imparting of knowledge and education, and it is a means of offering something for sale. As long as this is done in a refined manner there is nothing wrong.

Mr. Grayden: Why did you not introduce a Bill to do precisely what you have suggested?

Mr. LAPHAM: Because this Bill is already before us, and there is no need to introduce another.

Mr. Grayden: If you did introduce one I would gladly support it.

Mr. LAPHAM: What the Family Planning Association wants to do is to distribute a few pamphlets. One pamphlet mentions the effectiveness of the pill, the way it works, and the different kinds. Yet members opposite are not prepared to allow this pamphlet to be distributed.

Mr. Williams: If a pamphlet is passed by the Minister for Health it is all right for distribution.

Mr. LAPHAM: There is another one entitled, "Catholics and Family Planning." It is illegal to distribute that. Here is another which deals with another method of family planning. These pamphlets are not harmful. Here is another pamphlet which deals with the rhythm method. Another deals with a device known as the Dalkon Shield. All these pamphlets are distributed in other parts of the world, but they are not permitted to be distributed in Western Australia.

Dr. Dadour: I am allowed to issue them.

Mr. LAPHAM: Yes, as a medico. It seems that pamphlets dealing with contraceptives are not permitted to be distributed, because in the minds of some people the word "contraceptives" is a filthy one. Here is a little pamphlet which gives an indication that this is not just a matter of advertising, but how things are advertised. It is entitled, "You and Your Daughter—Asked & Unasked Questions Every Mother Should Answer."

It is an informative pamphlet. I have three daughters of my own, and this pamphlet is available at my home. It is one which could be distributed to every home.

Dr. Dadour: I have no objection to any of those pamphlets you mentioned. Your argument is not sound.

Mr. LAPHAM: It is sound. I am indicating there is a method of advertising that is completely restricted by the Contraceptives Act. There is not the slightest need for restriction on advertisements of this nature. I am sure that if we threw the position open completely there would be no detrimental effect whatsoever. If it did happen that someone went to extremes, there is the Indecent Publications Act to cover the situation.

I have said enough on this question. I cannot understand the attitude of members who are opposed to the measure. I admit that in respect of any matter one could find some little fault or some little aspect which has no real bearing, and one could present an argument without much

trouble. However, in this instance members who oppose the measure are being more political than knowledgeable.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. Bateman) in the Chair; Mr. Lapham in charge of the Bill.

Clause 1: Short title and citation—

Progress

Progress reported and leave given to sit again, on motion by Mr. Harman.

House adjourned at 10.15 p.m.

Legislative Council

Thursday, the 21st September, 1972

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

ADJOURNMENT OF THE HOUSE: SPECIAL

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [2.33 p.m.]: I move, without notice—

That the House at its rising adjourn until Tuesday, the 4th October, at 4.30 p.m.

The Hon. T. O. Perry: Is not Tuesday the 3rd October.

The Hon. W. F. WILLESEE: I merely read what was handed to me. It must be the 3rd October.

Point of Order

The Hon. A. F. GRIFFITH: I rise on a point of order. It is highly irregular for members to be debating the date with the Leader of the House. If the date is wrong, then we should vote against the motion. If the Government wants to adjourn the House to the wrong day, I could not care less.

The Hon. W. F. WILLESEE: We have a very voluble Leader of the Opposition at the moment. This is merely a mistake. Has the honourable member ever made a mistake?

The Hon. A. F. Griffith: My word, plenty.

Debate Resumed

The PRESIDENT: Order! As the Leader of the House has indicated that a mistake has occurred and the resumption date in his motion is incorrect, I propose to put the motion as it should read. The question is that the House at its rising adjourn until Tuesday, the 3rd October, at 4.30 p.m.

Question put and passed.

QUESTIONS ON NOTICE

Postponement

THE HON. W. F. WILLESEE (North-East Metropolitan) [2.35 p.m.]: I seek leave of the House to deal with questions at a later stage of the sitting.

The PRESIDENT: Leave granted.

TRAFFIC ACT AMENDMENT BILL (No. 3)

Introduction and First Reading

Bill introduced, on motion by The Hon. J. Dolan (Minister for Police), and read a first time.

SALES BY AUCTION ACT AMENDMENT BILL

Recommittal

Bill recommitted, on motion by The Hon. D. J. Wordsworth, for the further consideration of clause 6.

In Committee

The Deputy Chairman of Committees (The Hon. F. D. Willmott) in the Chair; The Hon. J. M. Thomson in charge of the Bill.

Clause 6: Amendment to section 4—

The Hon. D. J. WORDSWORTH: The purpose of the Act is to prevent the splitting of lots. I feel perhaps the Committee has not sufficiently studied the implications of the Act; that it has been considering only the Bill. Section (1) of the Act provides that it is an offence for a person to induce another to abstain from bidding at an auction. Subsection (2) of that section makes it an offence for a person to agree to abstain from bidding.

Section 4 provides that the auctioneer must enter the correct name in the register, and that the successful bidder must inform the auctioneer for whom he was bidding. Section 5 of the Act states that certain sections must be read out or displayed at every auction of cattle or farm produce. Section 6 provides the minimum penalty for offences.

Section 7 provides that the Act shall not apply to the sale of wool, until a day to be fixed by proclamation. Generally, the Act was designed to control the auctioning of practically all cattle and farm produce.

The Hon. A. F. Griffith: Farm produce other than cattle.

The Hon. D. J. WORDSWORTH: No, the Act includes cattle and farm produce. The idea of the provision in the Act was to prevent two bidders from getting together and arriving at an arrangement.

Mr. Jack Thomson wishes to amend the Act, and he has included a provision in the Bill to prevent a bidder and an auctioneer getting together. He mentioned