

# Legislative Assembly

Tuesday, the 3rd October, 1961

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

## BUSH FIRES

### Tabling of Royal Commissioner's Report

MR. BOVELL (Vasse—Minister for Lands) [4.32 p.m.] : I have here the report of the Royal Commissioner appointed to inquire into and report upon the bush fires in Western Australia in December, 1960 and in January, February, and March, 1961. I move—

That the report be laid on the Table of the House.

For information, I would like to say that the Government Printer has been requested to forward copies of the report to Parliament House, and each member can receive a complimentary copy on application to the Clerk of the Legislative Assembly or the Clerk of the Legislative Council. I do not think the copies have arrived yet, because they were available only yesterday.

Each local authority can receive one complimentary copy on application to the secretary of the Bush Fires Board; and three complimentary copies will be forwarded to the Farmers' Union and the Local Government Association. As members will recall, both organisations were represented on the advisory panel to the Royal Commissioner. Additional copies may be secured from the Government Printer at a cost, I am advised, of 5s. each.

Question put and passed.

## QUESTIONS ON NOTICE

### FREMANTLE PRISON

#### *Number of Inmates and Staff*

1. Mr. FLETCHER asked the Chief Secretary:

(1) What has been the weekly average—

(a) number of prisoners in Fremantle Prison; and

(b) number of staff attached during the past twelve months?

#### *Weekly Cost*

(2) What has been the average weekly cost for the same period?

(3) Does the cost include any allowance for administration expenses or depreciation on plant and property?

Mr. ROSS HUTCHINSON replied:

(1) (a) 42½.

(b) 94.

(2) £3,332.

(3) Includes administration expenses but not depreciation on plant and property.

### QUEEN'S PARK SCHOOL

#### *Additional Classrooms*

2. Mr. JAMIESON asked the Minister for Education:

(1) Is it the department's intention to provide additional classroom accommodation for the Queen's Park School before the beginning of the 1962 school year?

(2) If so, when is it anticipated a start will be made on the construction?

Mr. WATTS replied:

(1) and (2) The department has one additional room listed for the Queen's Park school, but work cannot proceed until further loan moneys become available.

### BETTING TAXES

#### *Collections and Deductions*

3. Mr. TONKIN asked the Treasurer:

(1) What were the total amounts due to the Government last financial year under various Acts in respect of investment tax, turnover tax, and totalisator duty, respectively?

(2) Were the full amounts which were collected under each tax credited to Consolidated Revenue?

(3) If any deductions were made from any of the taxes before the amounts were taken into Consolidated Revenue Fund, what are the details in each case?

Mr. BRAND replied:

(1) Investment tax—£189,261.

Turnover tax—£427,824.

Totalisator duty—£151,894.

(2) No.

(3) Investment tax—£36,699, being the amount payable to the clubs under the provisions of the Betting Control Act.

Turnover tax—£11,292, being the amount payable to the clubs under the provisions of the Betting Control Act.

Totalisator duty—£17,608, being the amount payable to the Totalisator Agency Board under the provisions of the Totalisator Agency Board Betting Act.

### THREATS AGAINST PARLIAMENTARIAN

#### *Investigation of Allegation by Member for South Perth*

4. Mr. GRAHAM: In view of your having emasculated the questions submitted by me, Sir, leaving only the remnants, I withdraw question No. 4.

The SPEAKER (Mr. Hearman): Is the member for East Perth reflecting on my action with regard to question No. 4?

Mr. GRAHAM: I am indicating that I have no desire for the question to be answered in view of the fact that without consultation with me my question has been altered. I am withdrawing it.

*The question which was withdrawn, and which was addressed to the Minister for Police, appeared on the notice paper as follows:—*

(1) Having regard for the seriousness of the allegation of the member for South Perth that a threat has been made against him, will he give the House details of what action the police have taken and with what result?

(2) Will he assure members that the utmost vigour will be applied to investigate the whole affair?

### BUSH FIRE DAMAGE

#### *Prevention in Towns in State Forest Areas*

5. Sir ROSS McLARTY asked the Minister for Forests:

Would he please indicate what steps are being taken by the Forests Department to guard against future fire damage to towns such as Dwellingup, Banksiadale, and other settlements in forestry areas?

Mr. BOVELL replied:

Every action is being taken by the Forests Department to check and improve the fire-break systems

around small towns and settlements within the area of State forest, and regular burning of these fire breaks will be carried out.

There is evidence of co-operation and assistance in this important work by the local residents concerned and the sawmilling companies.

From the broader aspect, three additional senior officers have recently been appointed for full-time work on fire control and two officers have been seconded to fire-control research.

The report of the Royal Commission on Bush Fires, tabled today, is being examined with a view to taking further action as considered necessary.

### RABBIT ERADICATION

#### *Myxomatosis and Poison 1980: Effectiveness*

6. Sir ROSS McLARTY asked the Minister for Agriculture:

- (1) In what districts is myxomatosis now having any effective results on rabbit numbers?
- (2) In districts where myxomatosis has very largely eradicated the rabbit, could it still prove to be effective where rabbit numbers increase?
- (3) In view of the recent publication that the poison 1980 can now be effectively laid without free feeding, does the Agriculture Protection Board agree that this method will prove effective and save much added labour?

Mr. NALDER replied:

- (1) Reports of mortalities due to myxomatosis are still being received from districts scattered throughout the agricultural areas.
- (2) It is considered unlikely that myxomatosis would be a major factor in rabbit control if numbers increased. The Agriculture Protection Board, with the co-operation of local authorities and farmers, is making a determined effort to see that rabbits do not increase.
- (3) Experiments with the use of "1980"-poisoned grain for destroying rabbits without prior free feeding, known as "one-shot" poisoning, have been most encouraging. Further trials are required before the method can be put in general use. These are in progress. If they are successful there would be a saving in labour costs.

### MANDURAH-BUNBURY COAST ROAD

#### *Bituminising*

7. Sir ROSS McLARTY asked the Minister for Works:

- (1) What mileage of the old Coast Road between Mandurah and Bunbury has been bituminised?
- (2) What is the bitumen programme to be carried out on the road during the 1961-62 financial year, and in which shire council areas will work be carried out?
- (3) When is it expected that the road will be completely bituminised?

Mr. WILD replied:

- (1) 21 miles—10 miles in the shire of Mandurah and 11 miles in the town of Bunbury and shires of Dardanup and Harvey.
- (2) During 1961-62 four miles will be sealed in the shire of Mandurah from 10 mile to 14 mile.
- (3) It is not possible to estimate when the Coast Road will be completely sealed. It is parallel to the Pinjarra-Bunbury Road, and there are still sections of this latter road for which it has not yet been possible to make funds available for modernising.

### BUILDING SOCIETIES IN THE METROPOLITAN AREA

#### *Allocations from Commonwealth Funds*

8. Mr. BRADY asked the Minister representing the Minister for Housing:

- (1) Will he state the number of building societies in the metropolitan area being assisted through Commonwealth funds to finance homes for metropolitan residents?
- (2) Will he state the names of such companies and societies?
- (3) What were the individual allocations of finance for the current year?

Mr. ROSS HUTCHINSON replied:

(1) Thirty.

(2) and (3) The allocations were—

	£
Perth Building Society	150,000
Home Building Society	40,000
W.A. Starr-Bowkett	75,000
Bunbury Building Society	50,000
*Thornlie Building Society	—
*Southern Suburbs Building Society	—
*Northern Suburbs Building Society	—
*Thornlie No. 2 Building Society	—
Metropolitan No. 1 Building Society	—

*Thornlie No. 3 Building Society .....	—
†Independent Building Society .....	—
Australian Netherlands Building Society .....	—
‡Avon No. 1 Building Society .....	—
‡Development of W.A. No. 1 Building Society .....	—
W.A. Carpenters Building Society .....	40,000
West Land Building Society .....	50,000
§Beaumont Building Society .....	—
Albany Building Society .....	40,000
Scottish Building Society .....	60,000
Security Building Society .....	—
Community Building Society .....	50,000
United Building Society .....	—
Metropolitan Building Society .....	50,000
Civic Building Society .....	50,000
§Empire Building Society .....	—
British Building Society .....	60,000
Universal Building Society .....	60,000
Premier Building Society .....	50,000
All State Building Society .....	50,000
Northern Building Society .....	50,000
R. & I. Bank .....	50,000

\* Now Metropolitan Building Society.

† Now Scottish Building Society.

‡ Now Community Building Society.

§ Now United Building Society.

### CAUSEWAY

#### *Public Conveniences at Eastern End*

9. Mr. DAVIES asked the Minister for Works:

In view of the fact that it is not proposed to proceed with the construction of cloverleaf traffic approaches to the eastern end of the causeway, is there any objection to the proper authority proceeding with the construction of badly-needed public conveniences in the area?

Mr. WILD replied:

The areas referred to at the eastern end of the Causeway are reserved for road purposes.

### FLOUR EXPORTS

#### *Loading into "Betemar"*

10. Mr. TONKIN asked the Minister for Works:

- (1) Is he aware that flour which is being loaded into deep tanks in No. 4 hatch of the *Betemar* is being damaged because the gear will not plumb correctly over the tanks?

- (2) As it appears reasonably certain that further damage must result when the flour is being unloaded at the port of destination, does he not agree that the loading under the conditions mentioned should not have been allowed to proceed?

#### *Disposal under Colombo Plan*

- (3) Is the flour in question being loaded in connection with commitments under the Colombo Plan?

#### *Responsibility for Safe Loading*

- (4) Whose is the responsibility to ensure that cargo is not loaded under conditions which could result in damage to Australia's reputation abroad?

Mr. WILD replied:

- (1) No. The ship has been chartered by the Australian Wheat Board. The gear plumbs directly over the tanks, but it is difficult to lower the sling load of flour into the tanks (which are ordinarily used for liquid cargoes) as the space is narrow. Stowage of the flour is required below and to the side of the "wash plate" within the tank. Of the 1,926 bags loaded only three or four have been returned because of burst seams.
- (2) It could possibly be that this cargo will be difficult to unload but with careful unloading procedure no greater damage than has been received with loading should result.
- (3) Yes. The ship is loading a full cargo of flour (9,500 long tons) for Colombo.
- (4) The stevedoring company is responsible to the local agent for the safe loading of the cargo. The agent in turn is responsible to his principals (the ship owners). I am not aware of any State authority which could prevent this loading.

### POLLUTED WATER

#### *Suitability for Human Consumption and Other Purposes*

11. Mr. FLETCHER asked the Minister for Water Supplies:

- (1) Does he consider the sample of domestic water on the Table of the House suitable for human consumption?
- (2) Does he agree that such a mixture of water and mud, available from domestic water supplies in the Hilton Park-White Gum Valley

area would also ruin household laundry, hot-water systems, dry wells, etc.?

*Allowances for Wastage Due to Pollution*

- (3) Is he aware that taps and hoses are frequently used in attempts to drain away polluted water?
- (4) Will he grant higher household water allowances without charge for the purpose of allowing for the necessary wastage?

*Installation of Drain Valves*

- (5) Since a Metropolitan Water Supply, Sewerage and Drainage Department officer in Fremantle assured me that accumulations of sediment gravitate to low-lying areas in the system during periods of heavy water consumption, will he have drain valves installed in these low-lying areas for the purpose of draining off sediment into adjacent sumps?
- (6) If not, will he investigate other ways and means of ensuring that the public receive potable water?

Mr. WILD replied:

- (1) Obviously the sample is not one which it would be desirable to drink.
- (2) Water of this character is not frequently present in the mains. Whilst it obviously should not be used for laundry purposes without settling, it does not otherwise have an adverse effect.
- (3) At times it is necessary to flush the house services, but generally this is caused by corroded internal or boundary water services and not because of the condition of water in the mains.
- (4) No. Such a step would be impracticable and the normal water allowance is intended to cover the small quantity involved.
- (5) Any discolouration due to accumulation of sediment in the mains is adequately dealt with by existing flushing methods. Accumulation does not necessarily occur in low-lying areas but in areas of low velocity. It is stirred up by sudden changes in consumption conditions, and may then travel to some other part of the reticulation network.

Consumers can greatly assist the department and themselves by reporting specific discolouration occurrences so that effective and prompt action can be taken.

- (6) Answered by No. (5).

**EMBLETON HIGH SCHOOL**

*Retrenchments and Completion of Contract*

12. Mr. TOMS asked the Minister for Works:

- (1) Further to my question No. 7 of the 28th September, 1961, re Embleton High School, will he inform the House of the negotiations which took place between the Government and the contractor, so as to enable the resumption of full operation of tradesmen?
- (2) In view of the fact that first-year Embleton High School students have, in the uniform of the Embleton school, attended various other schools during this year, will this high school be completed in time for them to commence at Embleton at the beginning of 1962?

Mr. WILD replied:

- (1) A general discussion regarding financial arrangement took place with Sloan Construction Pty. Ltd. on Thursday, the 28th September.
- (2) The contractor hopes to complete the school by the completion date in the contract; namely, the 9th February 1962.

**OIL COMPANIES**

*Supplies of Petroleum Products to State Departments, etc.*

13. Mr. JAMIESON asked the Premier:

- (1) Is British Petroleum the sole supplier of petroleum products to any State department, instrumentality, or trading concern?
- (2) Do any other oil companies hold sole supply contracts with any instrumentality under Government control?
- (3) If the answers to either No. (1) or No. (2) are in the affirmative, what are the details?
- (4) To what departments, instrumentalities, or trading concerns do the oil companies supply on a roster system?

*Names of Directors of B.P. Company*

- (5) Who are the directors of British Petroleum, and what offices under the Government do any such directors hold?

Mr. BRAND replied:

- (1) No.
- (2) No.
- (3) See Nos. (1) and (2).

(4) Government Stores Department,  
State Electricity Commission, and  
Railways Department.

No.	Name of Company	List of Directors	Address
F53/35	BP (Fremantle) Limited	Neville Archibald Gass ....	19 Kingston House, Princes Gate London, S.W. 7
		Harold Ernest Snow ....	"Jonick," 41 Main Avenue, Moor Park, Northwood, Middlesex
		Robert Bryan Dummett ....	Brambletye, Pound Hill, Sussex
		John Emerson Harding Davies	30A Collingham Gardens, Flat 2, Lon- don, S.W. 5
F15/38	BP Australia Limited ....	John Darling ....	34 Wentworth Road, Vaucluse, N.S.W.
		Arthur Champion Jennings	20 Bruce Street, Toorak, Victoria
		Norman Richard Seddon ....	262 Orrong Road, Toorak, Victoria
		William Henry Tucker ....	525 Neerim Road, Murrumbidgee, Vic- toria
		Robert Weir ....	10 Brandon Road, Brighton, Victoria
		John Wilson ....	115 Kooyong Road, Armadale, Victoria
F60/52	BP Refinery (Kwinana) Limited	Lewis Rose Gascoine ....	10 Hill Terrace, Mosman Park, W.A.
		Gavin Macrae Bunning ....	6 Osborne Parade, Cottesloe, W.A.
		Edward Frank Downing ....	2 Onslow Street, South Perth, W.A.
		Keith William Edwards ....	21 Duffield Street, Mosman Park, W.A.
		Lewis Rose Gascoine ....	10 Hill Terrace, Mosman Park, W.A.
		Alick Ernest Mason ....	10 Hill Terrace, Mosman Park, W.A.
S209/54	BP (Kwinana) Propri- etary Limited	Norman Richard Seddon ....	131 Queen Street, Melbourne, Victoria
		Gavin Macrae Bunning ....	6 Osborne Parade, Cottesloe, W.A.
		Edward Frank Downing ....	2 Onslow Parade, South Perth, W.A.
		Keith William Edwards ....	21 Duffield Street, Mosman Park, W.A.
		Lewis Rose Gascoine ....	10 Hill Terrace, Mosman Park, W.A.
		Norman Richard Seddon ....	262 Orrong Road, Toorak, Victoria

So far as I am aware, none of the  
directors holds any office under  
the Government.

the member for East Perth asked  
two questions containing imputa-  
tions which reflected on my  
character?

## QUESTIONS WITHOUT NOTICE

### RAILWAY FARES

#### *Pensioners' Concessions: Position at Show Time*

1. Mr. JAMIESON asked the Minister for  
Railways:

- (1) Is the Minister aware that con-  
cession fares are being refused  
pensioners who wish to travel to  
the showground station?
- (2) Will he request the Commissioner  
of Railways to discontinue this  
practice as concession fares are  
normally available to all suburban  
stations, including Karrakatta and  
Claremont?

Mr. COURT replied:

- (1) and (2) I have no particular  
knowledge of the matter to which  
the honourable member refers,  
but I will have it examined. I  
cannot recall offhand the ruling  
that was given in respect of this  
particular type of concession fare  
for show time.

## QUESTIONS IN PARLIAMENT

### *Imputations Against Members*

2. Mr. GRAYDEN asked the Speaker

- (1) Is he aware that in the Legis-  
lative Assembly on Thursday last  
the Leader of the Opposition and

(5) Information as recorded in the  
Companies Registration Office is  
as follows:—

- (2) Is he aware that the attack could  
not be attributed to a slip of the  
tongue or poetic license on the  
part of the members concerned;  
that it was premeditated and de-  
liberate; and that the member for  
East Perth supplied his written  
questions to the Minister for  
Police prior to the questions being  
asked?

- (3) Is he aware that the Leader of  
the Opposition and the member  
for East Perth cannot produce any  
evidence to substantiate their im-  
putations, and yet the specific  
questions referred to are of such  
a nature that no facts can be  
produced to refute them. There-  
fore, unless they withdraw the  
questions, with their imputations,  
their actions set—

The SPEAKER (Mr. Hearman): What  
is the question?

Mr. GRAYDEN: Are you aware, Sir,  
that unless the members withdraw  
these imputations their actions set  
an entirely new and shameful pre-  
cedent which endangers the re-  
sponsible conduct and effective-  
ness of Parliament? Further I  
would ask the Speaker—

- (4) Is he aware that with such a  
precedent there is no limit to the  
variety or seriousness of the at-  
tacks which may be made at any

time on the character of a member of Parliament, since anything at all could be imputed against a member, even though the victim was in no way involved, and no shred of evidence existed to warrant the imputations?

- (5) Is he aware that the only way to avoid such a precedent is for the Leader of the Opposition and the member for East Perth to withdraw the allegations referred to?

The SPEAKER (Mr. Hearman) replied:

- (1) to (5) The member for South Perth has not given me a copy of the questions, and I cannot be quite certain that I can remember them all in the sequence in which he has asked them. I am aware of the fact that the member for East Perth and the Leader of the Opposition did ask questions of the Minister for Police on Thursday last; and the member for East Perth was asked to put his questions on the notice paper. Also, I did refuse to allow certain aspects of the questions to go on to the notice paper.

The Leader of the Opposition asked questions without notice; and, although the questions did carry an implication with them, and I think they were strictly out of order in the terms of Standing Order No. 135, which states that no imputation must be made against a member, it is extremely difficult for me to stop a case like that where a question is asked without notice.

I am not quite certain of the complete details of the rest of the question asked by the member for South Perth; but I feel that if members are to ask questions without notice, which reflect on other members, it is a very bad precedent for Parliament to set; and it is certainly not the intention in extending the privilege of asking questions without notice in this House. It would be possible to ask a question—which in fact was the case when the Minister for Police was asked a question which did reflect on another member—where the member concerned had very little chance to refute the imputations that were made.

If attacks are to be made by one member on another, implying wrong motives, I do not think the proper way to make them is by questions. Members have every right to make attacks on other

members—they are not prevented from doing so by parliamentary usage—but they must not abuse Standing Order No. 135 when asking questions which might reflect on other members.

#### *Questions Addressed to the Speaker*

3. Mr. TONKIN: I did not hear the member for South Perth rise on a question of privilege or of order, even though he directed a question to you, Sir. Could you tell me under what Standing Order the member for South Perth had the right to question you?

The SPEAKER (Mr. Hearman): I think the Speaker is always open to be questioned by members of Parliament.

#### *Questions Addressed to Private Members*

4. Mr. TONKIN: In view of that, Sir, would you kindly inform me why you denied me the right, under Standing Order No. 109, to question the member for South Perth?

The SPEAKER (Mr. Hearman): I did that in exercise of the functions of the Speaker. I considered that the member for Melville's question did not relate to the matter before the House; and the subject matter of his question had already been substantially answered by the member for South Perth on Wednesday or Thursday.

#### *Withdrawal or Removal of Questions from Records*

5. Mr. GRAYDEN: In view of the fact that the questions asked on Thursday last by the Leader of the Opposition and the member for East Perth were out of order, as you have said, Sir, because they conflict with Standing Orders, I ask that they either be withdrawn or expunged from the record.

The SPEAKER (Mr. Hearman): I think the honourable member had better discuss this with me in my room when I will give him his answer.

6. Mr. HAWKE asked the Speaker:

Following on the question asked by the member for South Perth, Sir, as the member for South Perth previously in this session has made many reckless and baseless charges against members of the Opposition, would you be good enough to ask him to withdraw them?

The SPEAKER (Mr. Hearman) replied: This question is out of order.

**SPEAKER'S REPRIMANDS***Degree of Severity*

7. Mr. GRAYDEN: Recently when the Leader of the Opposition was speaking to the Betting Control Act Amendment Bill you, Sir, called me to order after I had interjected; and you asked me to refrain from doing so. I ask you, Sir, firstly, whether you consider that your action constituted a severe reprimand; and, secondly, what, in your opinion, constitutes a severe reprimand?

Mr. May: Come into my room!

The SPEAKER (Mr. Hearman): I do not think that my reprimand of the member for South Perth was any more severe than it is in relation to any other member in this Chamber. I am not prepared to say what I consider is a severe reprimand; but if any member incurred it, I have no doubt he would be aware of it.

**S. P. BOOKMAKERS***Association with Accountancy Firm:  
Minister's Refutation of Statement*

Mr. COURT (Nedlands—Minister for Industrial Development): With your permission, Sir, I would like to make a personal explanation refuting the statement made last week by the member for Beeloo when he said, and I quote from *Hansard*—

I would point out here that the firm of Hendry, Rae and Court had about 46 clients among the S.P. people.

This statement was made whilst I was temporarily absent from the House. I do not know from where the honourable member got his information—

Mr. Jamieson: From the Royal Commission reports.

Mr. COURT: —but it is completely groundless, and completely wrong. I have taken the precaution of seeing the senior active partner of this firm—of which I happen to be a registered partner—and he assures me, after careful examination of the clients lists, that this is not so; and that the nearest this firm came to having as a client an S.P. bookmaker was a farmer who decided to try premises bookmaking, gave it away, and went back to farming. That is the complete answer I would like to make to the malicious allegations made by the member for Beeloo.

**LEAVE OF ABSENCE**

On motion by Mr. I. W. Manning, leave of absence for two weeks granted to Mr. Burt (Murchison) on the ground of ill-health.

**CIVIL AVIATION (CARRIERS' LIABILITY) BILL***Third Reading*

Bill read a third time, on motion by Mr. Perkins (Minister for Transport), and transmitted to the Council.

**BUILDING SOCIETIES ACT  
AMENDMENT BILL***Report*

Report of Committee adopted.

**BANK HOLIDAYS ACT  
AMENDMENT BILL***Second Reading*

Debate resumed from the 26th September.

MR. W. HEGNEY (Mt. Hawthorn [4.57]): The purpose of this Bill, as mentioned by the Minister when he introduced it, is to provide for a five-day week for bank employees throughout the State of Western Australia. At the outset I would like to say that any legislation or proposal which seeks to improve working conditions in respects similar to these, will have the unqualified support of members of the Labor Party, as has been demonstrated since 1952, in connection with bank employees.

I would like to answer the catchcry which members of the Government have raised in regard to the attitude of previous Governments towards similar legislation. It has been said on more than one occasion that the Government of the day should have introduced the Bill.

Mr. Bovell: It is not a catchcry; it is a fact.

Mr. W. HEGNEY: When similar legislation was first introduced, the Government of the day was of the same political colour as that which occupies the Treasury bench today—a Liberal-Country Party Government. That was in the year 1952, when Mr. Johnson, the then member for Leederville, entered this Chamber, on the death of Mr. Alex Fantom.

The records show that in 1952 the members of the Opposition at the time opposed the measure. I propose to quote a few extracts from speeches made by members opposite when they sought from time to time to justify their unbridled hostility to the reform under discussion. The member for Leederville came into this Chamber in 1952; and, I repeat, introduced a similar Bill which the Government of the day opposed. With the full support of the

Labor Government the member for Leederville introduced the Bill on four other occasions, the final year in which he did so being 1958.

The records show that on each and every occasion the members of the present Government opposed the Bill. Various arguments—some of them, to my mind, specious—were advanced to justify their opposition to the measure. It was stated by one member that the Factories and Shops Act should be amended and an appropriate Bill introduced to deal with the position of bank employees. Another member suggested that the matter should be referred to the Premiers' conference; and if and when the Premiers of Australia decided on this measure, then it would be time to consider its introduction in this State.

Mr. Ross Hutchinson: The point was uniformity.

Mr. W. HEGNEY: I will deal with the Minister later on. Another member said the matter was not one for the Legislature; it was one for the Arbitration Court. Those were some of the arguments that were advanced. I propose to let the House know who those members were. I might say in passing, Mr. Speaker, that the member for Blackwood made some remarks on more than one occasion in connection with this Bill; but it can be said that he was no more reactionary in his views than a number of other members of the present Government. I wonder what the member for Blackwood would say today if he were on the floor of the House? I wonder what attitude he would adopt? I presume it would be the same attitude as that of members of the Government.

It is remarkable, but nevertheless true, that when any move is made to bring about some desirable reform in working conditions or circumstances of any set body of employees, there is invariably to be found an antagonism towards the move. An attempt is always made to maintain the existing position. The industrial history of Australia shows this.

At the time when the working week was 48 hours and there were agitations for a 44-hour week, those who did not want any change forecast that Australia would be doomed. Then we come to the time when efforts were made by the industrial movements of this State and other States to introduce a 40-hour working week. At that time there were many members of the community and many members of Parliament who vigorously opposed such a reform, but the 40-hour week has been established, and many workers work only 37½ hours per week.

Here I might say in passing that it must not be forgotten the bank employees are not going to work a lesser number of hours. They will work the same number of hours, but those hours will be worked in five days instead of six. Even in this enlightened age, when distances have been annihilated

and man has circled the earth in less than two hours, we have organisations such as the Employers' Federation, the Chamber of Commerce, and the Retail Traders' Association that are still trying to frustrate the efforts to give this section of the community a five-day working week.

I know there was opposition when the Civil Service Association and the Commonwealth Public Service wanted a five-day week; but they have been working a five-day week for a long time and the community has adjusted itself to this fact. I have no doubt that the community will adjust itself very shortly and very early to the altered working hours of bank employees and that little, if any, inconvenience will be caused to the community as a result of the passing of this legislation, which I hope will be agreed to before very long.

In his second reading speech the Minister referred to the fact that other States have passed similar legislation and that circumstances have changed. I suggest that circumstances have not changed since, say, 1957 and 1958. To my mind, the Bank Officials' Association, or the employees of the banks generally, had the same arguments and the same justification in 1957 and 1958 for a five-day working week as they have today. However, the Minister has said that Queensland and South Australia have introduced the legislation, together with Hobart, which has enjoyed these conditions for some years, and the two other States may shortly introduce legislation. I hope they will implement this reform. I repeat: The justification for this legislation existed just as much three years ago as it does today; and it is interesting to note that at this late hour the Government has seen fit to bring down this measure.

I will now deal briefly with the draft of the Bill. I have no great quarrel with its drafting, as I understand it meets the requirements of the Bank Officials' Association—the employees of the banks. But I consider there is unnecessary verbiage in the measure.

There is provision that the Governor may proclaim that there will be no work on Saturday morning if he is satisfied that throughout the length and breadth of Western Australia the banks will open until 5 p.m. on Fridays. There is also provision for a further proclamation to be issued if the Governor is not satisfied that that position obtains.

I believe this: that the measure introduced by the ex-member for Leederville was far simpler and was just as effective as this measure. All his Bill sought to do was to insert the words, "each and every Saturday" prior to the words "Easter Eve." I do not think there is any necessity for this reference to a proclamation.

I am not dealing with the agencies of the savings banks being opened on Saturday mornings. That position is all right.

I believe the bank managements and the bank employees would abide by their word; and if the words "each and every Saturday" had been inserted in the Bill instead of this reference to proclamations, there would be no fear on the part of the Government or anyone else that the bank managements and the bank employees would not keep their promise. I do not think the Governor will have any reason to refrain from issuing a proclamation because he is not satisfied that the offices will be kept open until 5 o'clock.

I will now make a brief reference to the elimination of Coronation Day and the birthday of the Prince of Wales as holidays. I have looked at the Act and noted that it was passed in 1884. The bank employees worked six days a week then, and still do. There is reference in that Act to special holidays like Coronation Day and the Prince of Wales' Birthday; and the Government proposes to remove these from the statute. It also proposes to cut out the granting of a holiday on Easter Tuesday.

These holidays have been in operation for a long period of years. Easter Tuesday has been granted as a holiday for something over 60 years. The Minister mentioned something about a *quid pro quo*, and stated that bank officers should give something in return for the five-day week. I am satisfied that, as time goes on, Easter Tuesday will be reinstated as a holiday. As far as Coronation Day is concerned, I am given to understand that it is not a vital point; and I do not think any member on this side of the House will move for an amendment of the Bill as drafted.

I would like to quote a few of the reasons given by members of the present Government when in Opposition in support of their continuous opposition to this type of legislation. In some cases the speeches demonstrated a spirit of antagonism to the Bills which were introduced by the ex-member for Leederville on five previous occasions. I will deal with the statements made by the present Minister for Labour—the previous Minister for Labour was in favour of the Bill. I know the one before me was against it. That was Lindsay Thorn.

Mr. Ross Hutchinson: Is this designed to assist the passage of the Bill?

Mr. W. HEGNEY: If the Minister will allow me to proceed he will be satisfied at the finish of my remarks that I am giving him considerable help.

Mr. Ross Hutchinson: I realise that.

Mr. W. HEGNEY: He may gain some knowledge which will be of benefit to him in his future career in this Parliament.

Mr. Roberts: It will be a long one.

Mr. W. HEGNEY: I hope it will be longer than that of the member for Bunbury. The present Minister for Labour, on page 1395 of *Hansard*, 1952, said, after similar

legislation had been introduced by Mr. Johnson, the then member for Leederville—

... I would like to comment on the inconvenience that the measure would cause to the business community. Here again one can say that it is an extraordinarily clumsy and disorderly method of dealing with the problem of working days.

Mr. Ross Hutchinson: That is exactly the way it is being dealt with now.

Mr. W. HEGNEY: I am not saying it is clumsy.

Mr. Ross Hutchinson: You said it was a moment ago.

Mr. W. HEGNEY: The Minister cannot sidetrack me. All I said was that to my mind the measure contained too much verbiage. Therefore, do not misquote me. I will proceed with what the member for Roe had to say on the 15th October, 1952—

Obviously there have been many changes in recent times and one example, as the honourable member said, is that the Civil Service now works only five days a week. We are tackling this problem in many bites and by tackling it in that fashion a great many anomalies are being created. Obviously, if some sections of the business community are to be asked to work on Saturday mornings, other sections of the community which are complementary should also work until such time as we decide on a five-day working week. If a five-day working week is to be our policy then let us carry it out in an orderly fashion rather than create further anomalies such as this Bill will do . . . . .

I will not support the second reading.

Mr. Hawke: Not even the second one.

Mr. W. HEGNEY: The member for Vasse, who is the present Minister for Lands, also spoke. I can see him blushing already.

Mr. Bovell: I am listening.

Mr. W. HEGNEY: He was member for Vasse in 1952, and still is. He contributed very little to the debate in 1952. This is what he had to say on the 15th October of that year—

There has been a number of spectacular cash robberies in the Eastern States and therefore I consider it desirable that the banks retain, for the time being, their present service to the community . . . . But it is my considered opinion that the present is not an opportune time to close the banks on Saturday mornings.

Mr. Bovell: What is wrong with that?

Mr. W. HEGNEY: Continuing, he said—For those reasons I oppose the Bill.

Mr. Bovell: They have had night safes since then.

Mr. W. HEGNEY: That was his contribution in 1952.

Mr. J. Hegney: Was he speaking as a bank officer?

Mr. Hawke: Put him in one of them.

Mr. W. HEGNEY: In 1955 there was a move for a Select Committee to be appointed; and the member for Leederville made the second reading speech to his Bill on the 21st September, the debate being resumed on the 12th October. It is interesting to read some of the remarks which were made then. The present Minister for Labour, who took a prominent part in the debate, had this to say, as reported on page 1149 of *Hansard*, 1955—

When, previously, a similar Bill to this one was introduced to the House by the member for Leederville, I made the comment that it was rather a clumsy way to tackle this question and I repeat that comment now.

Mr. Johnson: You still know nothing about it.

Mr. PERKINS: If the honourable member will listen to me, he may know a little more about it. The point is that the member for Guildford-Midland has actually made a better speech in dealing with this question than did the member for Leederville—

Mr. Brady: Hear, hear.

Mr. W. HEGNEY: The report continues—

—in that he has tackled the broader aspect whereas the member for Leederville is only tackling the problem from the point of view of one set of employees. Obviously if we are to tackle this question of Saturday morning work only from the angle of the Bank Officers' Association, we are going to have a piecemeal solution of the problem. We could, perhaps, eventually approach it from the point of view of other interested employees and arrive at the position where there would not be any Saturday morning trade.

We have heard from the member for Guildford-Midland that it is the policy of the Labor Party to have a five-day week. If that is so, why does not the present Labor Government introduce a Bill itself, rather than leave it to one of its private members to bring legislation forward? Why does not the Government bring down legislation to amend the Factories and Shops Act with a view to instituting a five-day week? I believe we could then debate the question much more logically than we can while dealing with it in this piecemeal fashion, which it is inevitable we will do when considering the Bill before the House.

The member for Leederville and other members pointed out on those occasions to the members of the then Opposition

that it was impracticable for Parliament to introduce this reform by way of an amendment to the Factories and Shops Act. Why does not the present Minister introduce an amendment to that Act to deal with this position? Because he has been advised that it would be legally impossible. It is necessary, if the reform is to be implemented, for an amendment to be effected to the Bank Holidays Act, 1884-1953.

Mr. Ross Hutchinson: It is not my prerogative to move an amendment to the Factories and Shops Act.

Mr. W. HEGNEY: The member for Roe continued, and I quote from page 1150—

The alteration of the cost to industry is a natural corollary to some of these alterations which are effected from time to time. Very often they are not great alterations but they all add up to a considerable amount over a period of time. I want to stress that particularly. I do not think it is an important point but it is one that Parliament should bear in mind when considering these questions.

It is a comparatively minor point when compared with the more important question of discussing this Bill. The important factor is that this is a piecemeal method of dealing with this particular question. If the member for Leederville and the member for Guildford-Midland feel strongly on this point, and if they feel it is highly desirable that action should be taken in the near future, then I suggest that they get the Minister for Labour to introduce a government Bill altering the Factories and Shops Act to enable us to have a debate on this entire question of Saturday morning work.

The present Minister for Railways opposed the Bill in 1955, and on page 1151 is reported to have said the following:—

One of the biggest problems confronting Australia at the moment in the task of preserving or protecting our prosperity is to achieve more in tangible effort with as much or less money than we have been spending. This problem is partly psychological. It is very important to realise that people react emotionally and psychologically to certain catch-cries and certain leads given by the Press and by prominent people on economic issues.

Pressure from a group such as the banks for a concession at this stage could, in my opinion, trigger off a wave of further demand from widespread sections of the community throughout the whole of industry and commerce. I invite the attention of

members to the fact that there is a tendency in free countries to liberalise, if anything, the hours of merchandising, and I say merchandising as distinct from banking because I do not wish to be misunderstood. There is a tendency to liberalise the hours of merchandising because experience has demonstrated that it is beneficial to the economy to allow more liberal hours of trading.

And, in due course, the member for Nedlands opposed the Bill. On page 1396 of *Hansard* on the 26th of October, 1955, the member for Blackwood is shown to have entered the debate. As I said before, he was no more conservative in his remarks than the other speakers who opposed the Bill. The following is what the member for Blackwood had to say, among other things:—

My views on this Bill are very similar to those expressed a week or two ago by the member for Roe.

We know what the views were of the member for Roe. The member for Blackwood continued—

It seems to me that there is a tendency and need today when considering such matters to view the effect on costs; particularly the effect on the costs of our exportable goods where we are finding ourselves priced out of the world markets today. That affects all those associated with agriculture generally.

Then on page 1397, in winding up, he is reported as follows:—

If it is right to ask the railways, which is a government instrumentality, to provide satisfactory week-end facilities for travelling at no greater cost, surely it is not asking too much of the banking community to provide at least one and a half hours for transacting business on Saturday mornings. This is for the convenience of the general public from whom the bank employees make their living.

I do not think there has been any great demand by the banking industry for this curtailment of hours. It is true some bank clerks support the move. The industry has not shown that there would be any economy brought about by a five-day week, or that a cheaper service would be given. In fact, it has been suggested that the number of hours worked would be just the same. In view of all these factors, I find, along with a few other members, that I must oppose the second reading.

Now we come to a very prominent member.

Mr. Hawke: Not the member for Bunbury, surely!

Mr. W. HEGNEY: No; the member for Dale. He entered the debate and, of course, finished up by opposing the Bill. He said—

Mr. Hawke: Is it necessary to quote him?

Mr. W. HEGNEY: I have quoted a couple of the other present Ministers, and I think the remarks of the member for Dale are worth quoting, too.

Mr. Hawke: We will suffer it.

Mr. W. HEGNEY: I think that the position is such that the member for Dale requires a mention. I will not quote the member for Bunbury because I have had a look at what he said, and he did not say anything. On page 1398, the member for Dale said this—

This idea of saying that the banking people should fall into line with others who have a five-day working week would merely be the means of employees in other industries saying, "If it is good enough for those people to have a five-day working week, what about us?"

Mr. Wild: Fair enough.

Mr. W. HEGNEY: To continue—

Apart from the inconvenience that would be suffered by the community generally, it is most essential that the few hours available to the farmer and his men should be retained to give them an opportunity to transact their banking business on Saturday morning. For those reasons, I oppose the second reading.

We now come to members in another place. One of the prominent members there—and he is now a Minister—said on the 1st November, on page 1465—

I repeat that I would like to find it possible to give the employees of banks a five-day week, but I cannot do so in the interests of the community.

On page 1466 the President said—

Order! I hope the honourable member will connect this with the Bill.

Mr. Griffith then concluded—

What I am about to say is well connected with the Bill. The member of another place who introduced the Bill there, wrote personal letters to bank clerks in Bunbury urging them to vote for the Labor candidate so as to ensure the passage of the Bank Holidays Bill. That is the sort of thing that goes on; and that does not bring me one scrap closer to supporting something which my conscience tells me that, in the interests of the community, I should not support. Therefore, I do not propose to support the Bill.

Mr. J. Hegney: We will see what his conscience tells him this time.

Mr. W. HEGNEY: Now we come to the member for Nedlands again.

Mr. Lewis: Just as well they said something on that occasion.

Mr. W. HEGNEY: I suppose if the member for Moore had been here then, he would have fallen into line and opposed it.

Mr. Lewis: I suppose I would have.

Mr. W. HEGNEY: I would not blame him for having done so, nor for supporting it on this occasion.

Mr. Lewis: How do you know I am going to support it?

Mr. W. HEGNEY: In 1956, on page 3714 of *Hansard*, the member for Nedlands said the following:—

Some people make the most extraordinary changes in the early years of their working lives and with great success.

He was justifying his opposition to the measure. To continue—

The unfortunate ones are those who persist in a calling after having made a wrong choice, because they have not the courage or decision to make a change more in keeping with their skill or temperament.

The member for Guildford-Midland then interjected.

Mr. Brady: Good man, him!

Mr. W. HEGNEY: Yes; I am just going to quote him. He said—

Your argument that most people consider these things is not a strong one.

Then the member for Nedlands continued—

A lad of 15 or 16 might rush into employment because of the salary offered or what he thinks is the glamour of the position, but he soon finds out that it is not all beer and skittles. Many people are attracted to banking, insurance or similar callings as they think it is a clean job where they will always wear good clothes, and so on. But they find that every job makes its demands on those who are to be successful in it. The grass always looks greener in the other man's paddock, and many people change their callings to their sorrow.

Mr. Johnson, who very rarely interjected, said—

What about bank clerks who have been in the job for perhaps 40 years?

The member for Nedlands replied—

They accepted the good and bad points of the profession and had ample time to make up their minds when they were younger and had the opportunity to change.

But they did not. In 1956 a Select Committee was appointed, two of its members being the member for Narrogin and the member for Harvey. Voluminous evidence was submitted.

Here, in passing, let me say that, as the prime mover, Mr. Johnson, in association with the Bank Officials' Association, in my opinion submitted an unanswerable case for the implementation of a five-day week. I believe that the evidence they submitted has found its way to the other States and is the basis on which the Governments in the Eastern States have made, or will make, their decisions in regard to this matter. I take this opportunity, before quoting further speeches, of saying unreservedly that the man who has been primarily responsible for bringing the situation to that which it is today, is Mr. Ted Johnson.

Mr. Bovell: Claptrap!

Mr. W. HEGNEY: He was the member for Leederville for some years, and introduced legislation on this matter in 1952, 1955, 1956, 1957, and 1958.

Mr. Bovell: What a lot of utter rubbish!

Mr. W. HEGNEY: On each occasion the Bill was defeated. All the bank employees in Western Australia, who I hope will shortly enjoy a five-day week, owe Mr. Johnson their sincere thanks.

Mr. Bovell: What a lot of nonsense!

Several members interjected.

Mr. W. HEGNEY: I know that from the point of view of debate and from the point of view of personalities, everything that Mr. Johnson said was not agreed to by the members of the present Government; but I do not think they will deny he was sincere in his efforts, and that, as an ex-bank employee, he knew the whole of the ramifications of the banking industry and submitted a very strong case time after time in the interests of the bank employees.

In 1956 a Select Committee was appointed and evidence was called. However, as *Hansard* will reveal, the members for Narrogin and Harvey continued to oppose the five-day week for bank employees. I have nothing against them for doing so. They acted in accordance with their views.

On the 14th November, 1956, Mr. Johnson introduced a Bill, and the second reading was proceeded with on the 25th November. The member for Harvey (Mr. I. W. Manning) on the 12th December, 1956, at page 3,268 of *Hansard* for that year is reported to have said—

If it is the desire of the banks to give a service, let us not limit that service. As was pointed out by the evidence—

I disagree with him there; but to continue—

—and as I believe, our purpose in this world is to provide service; and if this country is to progress, we should do nothing in any way to limit that service. I oppose the Bill.

The member for Narrogin also opposed the Bill. I wish now to read a brief extract from page 865 of *Hansard* for 1958 where the then Minister for Labour made a very valuable contribution, although only a short one, on the 17th September. He said—

All I desire to say on behalf of the Government is that, as I have indicated on more than one occasion, the Government supports the measure introduced by the member for Leederville for a five-day week for bank officers.

Mr. Bovell: Why didn't you introduce it yourself?

Mr. W. HEGNEY: To continue—

I do not propose to go into the practicability of the proposal in any detail; suffice it to say that I believe the hon. member has produced ample evidence to show that a five-day week for these officers is quite practicable. To my mind the proposal would cause very little, if any, inconvenience to the general public.

A little later, Mr. Brand, the member for Greenough, interjected and said—

Are you aware that banking hours in the Eastern States are being extended?

That was different from what the Minister told us. The report in *Hansard* continues—

Mr. W. Hegney: I am speaking in regard to this particular Bill.

Mr. Brand: It has no relationship to that?

Mr. W. Hegney: I know that some hon. members opposite would like to see more people working longer hours.

Mr. Brand: Nothing of the sort!

Mr. W. Hegney: That is obvious from the remarks that have been coming from over there. The Government unreservedly supports this measure, and hopes that it will have a speedy passage through both Houses of Parliament.

Mr. Graham: That was a Labor Government.

Mr. W. HEGNEY: Of course!

Mr. Bovell: Why didn't the Labor Government take the responsibility for introducing it?

Mr. W. HEGNEY: The member for Harvey at page 865 of *Hansard* for 1958, had this to say—

I desire to make some observations on this measure. It is one that Parliament has spent many hours debating, and on each occasion when the Bill has been introduced here it has always received the same fate; it has not been a popular measure. In view of that I am surprised that the member for Leederville should reintroduce it on

this occasion, especially as today the trend in banking is to extend the hours of trading in order to provide a better service to the general public.

I will not quote the member for Nedlands again. Suffice it to say that he spoke again in 1958, and his speech was certainly not a short one. He made out that nothing should be done unless the matter was referred to a Premiers' conference and discussed on an Australia-wide basis; and he opposed the Bill.

I have already mentioned that there were three propositions put up, and I think they emanated from three members who are now Ministers. One proposition was that the Arbitration Court should be invoked; and if the court decided that a five-day week was advisable, necessary, or practicable, then the court should award it accordingly. That was suggested, although it had been demonstrated on more than one occasion that the court could not effect the reform.

The Factories and Shops Act was mentioned. We know that that Act has no relation to the hours of banking, because those hours are controlled under an 1884 Act known as 48 Victoria No. 9. Then there was the reference to a Premiers' conference.

Perhaps the last quotation to which I should refer—I think it is of interest—was made on the 15th October, 1958. At page 1,503 of *Hansard* for that year The Hon. D. Brand (Greenough) is reported to have said—

I do not desire to say very much on this Bill. All that needs to be said has been submitted by members on this side; and from the other side the story has been repeated very often. I want to make it clear that as far as we in this party are concerned, we are taking the same view as we took previously, because no case has been put up for any alteration in the situation.

Mr. Potter: You have no Playfords in your party in this State.

Mr. Potter was the member for Subiaco. Mr. Brand went on to say—

The honourable member is using Sir Thomas Playford as a glorious example in politics for the time being for the purpose of his argument. I have heard honourable members opposite being very critical of Sir Thomas Playford at other times. Regarding the announcement that Sir Thomas Playford agreed to a five-day working week in the banking industry, provided the banks agreed to extend the working hours on Friday until 5 p.m., I would point out that that position has not yet been clarified. If it is to be brought about by legislation, the relevant Bill will have to run the gauntlet of Parliament in that State. Until it becomes law,

we should not hold it up as a glorious example of what should be done in the banking industry in this State.

In any case, I am quite unimpressed with the suggestion that we should change our minds because Sir Thomas Playford, for some strange reason or other, has changed his mind. He has taken an attitude which implies that he was up to this point opposed to the granting of a five-day week through legislation.

Later Mr. Johnson interjected—

You should read the report of the committee.

He was referring to the Select Committee. Mr. Brand then said—

The honourable member is referring to his own report, but I am talking about the evidence that was presented. It is evident that as long as there is Saturday morning trading and shopping there will be a demand by the public for banking service. I do not believe that it is the prerogative of this Parliament to decide the matter.

I want to know whose prerogative it is. We have said on previous occasions that the only authority to decide this question is the Parliament of the State.

Mr. Roberts: The Government of the State.

Mr. W. HEGNEY: The Parliament of the State. Mr. Brand continued—

It should be decided through arbitration because the matter relates to working hours and service. In my opinion it is an industrial matter.

I am not going to make any more quotations. I took the trouble to look at these back pages of *Hansard* for the purpose of trying to determine what actuated the opposition by the members of the present Government to the proposal for a five-day working week. What has actuated the change of heart? We are all pleased with the change that the Government has decided upon; but I am saying this—I have said it before and I repeat it: The circumstances and the conditions which obtained in 1952—or, later, in 1956, 1957, and 1958—were the same as they are today; and every member of the present Government who was in Parliament at that time indicated his unqualified opposition to the measure unless there was a decision by a Premiers' Conference; or unless the matter was decided by arbitration; or unless the Factories and Shops Act was amended.

Yet all the time those members knew, as far as I am aware—they had it impressed upon them on a number of occasions—that those agencies were not available in this case, but that the remedy could be effected only by an amendment to the Bank Holidays Act.

I am pleased that the Government has not yielded to the opposition of the Employers Federation, or to the opposition of

the Chamber of Commerce or the retail traders. I believe the Government realises the justification for a five-day working week for this section of the community on the understanding that the trading hours will be extended to 5 o'clock on Fridays and has, therefore, seen fit to bring down this legislation. I know the measure will have the unqualified support of members on this side of the House, and I hope there will be no obstacle in the passage of the Bill in another place.

I am quite sure that once the Bill is passed the banking community, both executives and employees, will demonstrate to the people of Western Australia, and especially to the Government which brought the Bill down, that their fears in connection with not remaining open until 5 o'clock are groundless; on the contrary I feel that they will show that the reform is appreciated and that there will be no cause for complaint in the future.

My final word is this: There have been men at times who have fought lost causes and who have advocated something perhaps a little before the time when the majority of people were prepared to accept it. But I say again—and it will stand repeating—that the man who has been primarily responsible for this measure being brought to the floor of the House is Mr. Ted Johnson, who was the member for Leederville.

It is often the case that the efforts of men who have worked hard and sacrificed a lot over a period of years in the interests of their fellow-men, are, unfortunately, forgotten; and frequently there is no expression of appreciation of thanks to people who have been responsible for the bettering of conditions. But I am sure that the banking community of Western Australia will pass a vote of thanks to the ex-member for Leederville who, in their interests, did so much to bring this legislation to the floor of the house.

MR. J. HEGNEY (Middle Swan) [5.42 p.m.]: I do not think I should let this occasion pass without saying a few words in support of the Bill. First of all I congratulate the Bank Officials' Association for convincing the Government that it should submit the Bill to Parliament.

From my long experience here, I would say that I have never witnessed the like of this before: that a body of men who for years opposed a proposition, in principle, should commit a complete volte-face. Almost a miracle has happened as far as this State is concerned; and it is a very pleasing miracle indeed, because those on the other side who undoubtedly have been hard-crusted Tories all their lives and have opposed tooth and nail such industrial reforms as the shorter working week and amendments to our industrial laws have, on this occasion, agreed to a reform in regard to banking hours.

The bank officers the other evening showed by their attendance here, when they filled the galleries, how united they are in connection with this proposition; and at long last they have convinced this Government that it should agree to the reform. It is certainly very pleasant to think that we have made this progress.

I know from experience the opposition that has been set up at different times to various reforms in connection with shorter working hours. I walked the streets in regard to the 44-hour proposition; and for six months we put up a fight for 44 hours. On that occasion the then Federal Government, which was headed by the late Mr. Hughes, altered the Commonwealth Arbitration Court and packed the judiciary in order to put the workers back on to the 48-hour week. But fortunately time marched on and the 44-hour week became the order of the day.

Subsequently, after the war, when we were making Australia a land fit for heroes to live in, an application for a 40-hour week was made to the Commonwealth Arbitration Court, and the Chief Judge of the court (Mr. Justice Drake Brockman) had to admit that the substantial evidence submitted to him by the four State Labor Governments and the Commonwealth Labor Government was of paramount importance and he had no alternative but to agree to the 40-hour week being made Australia-wide.

So we come to this Bill, which is another advance that is being made in the working conditions of bank officers. I can recall that when I first started work I used to travel with several bank officers in the train, and in those days a bank officer was not permitted to get married unless his salary was £200 a year or more. That was the condition laid down by the banks for their officers in those years. The bank officer from Vasse knows that that is true.

Mr. Bovell: That was not the reason why I could not get married.

Mr. J. HEGNEY: The member for Vasse knows that is true. Therefore, on this occasion, the bank officers have been able to convince the Government by their representations that this is an essential measure of reform in their industry and, undoubtedly, they have done a first-rate job.

So far as I am concerned, and so far as other members on this side of the House are concerned, we have consistently supported the introduction of this reform ever since it was initiated by the former member for Leederville (Mr. E. Johnson), and therefore I feel certain that the members of my party will give every support to this Bill.

MR. O'CONNOR (North Perth) [5.47 p.m.]: I congratulate the Minister for introducing the Bill, and I intend to give my support to it. The object of the measure has been sought for some 12

years now, and during that time the bank officers have worked extremely hard in their endeavour to achieve a five-day working week for the members of their association. Many concerns in this State are already enjoying a five-day working week, among which are most stock firms, shipping offices, the Fremantle Harbour Trust, accountants, most barristers and solicitors, and members of the building trade. That privilege has been enjoyed by them for many years.

In addition, there are several countries throughout the world that have introduced a five-day working week for banks, including Holland in recent years. Following the example of Queensland and South Australia, the New South Wales Government intends to introduce a similar measure in its current session, and I understand the Victorian Government is to follow suit.

The volume of business in banking circles has increased considerably in recent years, and the position has been reached when all firms can now take advantage of the night safes which have been installed by most banks for the safe-keeping of their Saturday takings. This facility is also used by many big firms which usually carry large sums of money on other days apart from Saturdays.

Mr. Toms: Night safes were installed in 1958, were they not?

Mr. O'CONNOR: Their numbers have increased in recent years; and as more banks are being built, it is found that most of them provide night safes in the new constructions for the convenience of people in each particular area.

Mr. Oldfield: Do you think the banks might have installed the night safes sooner if the five-day working week had been introduced before?

Mr. O'CONNOR: I think it can be put down to the increased banking business in recent years. In those years I have been connected with retail and wholesale houses, oil companies, and eating establishments; and I should say that, so far as the handling of their finances is concerned, not one of those business establishments would be disadvantageously affected by the introduction of the five-day working week.

I can say this in all sincerity, especially in view of the two extra hours the banks will remain open on Friday, which will permit commercial houses to transact most of their banking business on the Friday afternoon, and to withdraw any change they may require for Saturday morning trading.

For many years New Australians in this State transacted a fairly large volume of business with the banks on Saturday mornings, but this is decreasing now because those migrants who previously sent money overseas to their families no longer

need to do so, as a result of the Commonwealth migration policy which has enabled them to bring their families to Western Australia from overseas.

Staffing problems are another aspect to be considered when discussing this subject. Banks require a special type of officer to carry out their work; and, in recent years, it has been found that the banks have been losing many young people because they are not prepared to work on Saturdays, or because their parents have encouraged them to seek employment in those business houses which adhere to a five-day working week.

Therefore, the introduction of this measure will, I feel sure, attract the best type of person to the banking industry; because it is essential that banks, as I have said, should have in their employ a good type of officer. I again congratulate the Minister for introducing the Bill, and I hope it will have a safe passage through this House.

**MR. BRADY** (Gulford-Midland) [5.52] p.m.]: I will have only a few words to say on this Bill because I do not want to delay its passage. I am anxious to see the measure proclaimed at the earliest possible date. Therefore, my speech on this occasion will probably be the shortest I have ever made on legislation of this nature.

I have spoken on many occasions in the past on the desirability of having a five-day working week introduced for bank officers. One of the reasons that actuated my doing so was that I paid a visit to Tasmania and saw the five-day week in operation in Hobart to the benefit of all sections of the community. After seeing the system work so efficiently in that capital city I could see no reason why it could not work successfully in Western Australia.

I was amazed to hear the present members of the Government supporting this Bill, knowing full well that they opposed similar measures that were introduced by the former member for Leederville, (Mr. E. Johnson). Of course, by sticking to his guns, Mr. Johnson ultimately found himself ousted from this House and he is now an A.M.P. representative, and Labor candidate for the Stirling electorate in the forthcoming Federal elections. I can only hope that he is doing very well as a consequence of the activity he was engaged upon for the benefit of the bank clerks, because his efforts were certainly not appreciated in this House.

I have heard the story that, years ago, in their heyday, banks laid down the condition that their officers could not get married unless they were earning over £200 a year. That is an indication of how the squeeze can be applied by business organisations, and when their employees are faced with no alternative but to accept the condition that is imposed.

However, the time has arrived when bank officers have come to realise that they can have an equally successful future in employment outside banks as within them. In recent years, many bank officers have transferred themselves to other organisations to follow their vocations as accountants, and so on. I know that from first-hand information. Therefore, it may be an astute move on the part of banks to more or less acquiesce in the introduction of a five-day working week.

I consider that all sections of the community will ultimately seek a five-day working week; and if this does come about it will result in many beneficial social reactions. If all sections of the community enjoyed a five-day working week I am sure there would be fewer ulcers for doctors to treat, and far fewer cases of neurosis such as we now have in the Royal Perth Hospital, and other complaints which business pressure brings about.

The introduction of a five-day working week can bring nothing but benefit to all sections of the community. For all employees of commercial houses, including bank officers, the very fact of their being able to enjoy a complete break from their work from 5 p.m. Friday until 9 a.m. Monday, can have nothing but a beneficial effect on their health, and I am sure that further advantages will also follow.

Reference has been made to South Australian legislation. I know that the South Australian Premier (Sir Thomas Playford) is a far-seeing man. Even though he is the leader of a Liberal Party Government he is wide awake; and, in his wisdom, he decided to introduce the five-day working week.

A little play has been made by some members on the Government side that the installation of night safes has been instrumental in bringing about a change of heart so far as they are concerned. That is an extremely weak argument for them to advance, because I do not think the installation of night safes has played such an important part in banking circles as to justify the members of the Government putting forward that excuse for their change of heart on this legislation.

As the member for Middle Swan said, the position has not changed since those occasions when Mr. E. Johnson introduced similar measures for the introduction of a five-day working week. The arguments that were put forward in those days are stronger today. When Mr. Johnson introduced his Bill, it was argued that business houses could not take the risk of keeping their takings on the premises over the week-end, and that the banking premises were not suitable to handle the position so far as night safes were concerned.

However, the fact remains that there is more money being handled by commercial houses now than there was when Mr.

Johnson introduced his Bill; and, further, there are more people employed to handle the volume of business. It can only be assumed, therefore, that because there is an election in the offing the Government wishes to win the support of banking officers who would not otherwise have supported it at the next elections.

I hope that all bank officers will read the debate on this legislation and that, in days to come, when they realise that they have many other problems to solve, they will go to the Government with them; but I feel that ultimately they will have to come to a Labor Party Government to solve those problems for them. I support the second reading of the Bill and I hope the bank officers will have the pleasure of enjoying a five-day working week well before Christmas, 1961.

**MR. NULSEN (Eyre)** [5.57 p.m.]: I will have only a few words to say on this measure because, in the main, I will be reiterating a few statements that have already been made on the subject. I feel that the bank officers of this State must give full credit to Mr. S. E. I. Johnson, the former member for Leederville, for introducing measures similar to this; because, but for the introduction of those Bills, I am sure they would not have received a five-day working week through the passing of this measure.

Mr. Johnson was a highly-respected and efficient officer in banking circles and was also a highly-respected member of Parliament. I do not think there was anyone more worthy and more fitted to introduce a Bill of this nature. The position would have been entirely different if he had been a failure as a bank officer; but, as I have said, he was extremely efficient. I have been told that by some of his colleagues.

When he introduced the Bill, the Minister made play on the fact that the previous measures should have been introduced by a Minister of the then Government. However, the Government of the day was 100 per cent. behind Mr. Johnson; and this party, from the inception, supported him in his endeavours to introduce a five-day working week for bank officers. The view of the then Government might have been different if there had been some doubt as to the effects the Bill would have on the community, and particularly on business people.

Therefore, the bank officers should realise when the Bill is passed—and I am sure it will be—that but for the efforts of the former member for Leederville (Mr. S. E. I. Johnson) they would not be enjoying the five-day working week.

In my view the Minister was wrong in claiming at the time that the Bill for a five-day banking week should have been introduced by the Government,

and not by a private member. Mr. Johnson had the full support of the Government; the only trouble is that whenever the Labor Party is in office, the Legislative Council has the power of veto over any measures introduced here.

Although all the members representing the Labor Party in that House voted for the measure, there was a majority consisting of members representing the parties now forming the Government who voted against it. I give the ex-member for Leederville (Mr. Johnson) great credit for introducing the original measure, which was a precise and effective Bill.

The Bill before us satisfies me, as long as bank employees will derive a five-day working week from it. I think they are justly entitled to a five-day week; because not only white-collar workers but manual workers have enjoyed a five-day week for many years. I hope that this Bill will become law and that by its passage a monument will be erected to commemorate the efforts of the ex-member for Leederville, who was the pioneer of this legislation.

**MR. TONKIN (Melville—Deputy Leader of the Opposition)** [6.3 p.m.]: I indicate my support of this measure. It is not out of place to remark that in its introduction we have an example of history repeating itself. Often we find that reforms which had been long advocated by the Labor Party, and which had been refused, subsequently were adopted by those who had been opposed to them. This is not the time for me to give examples, but members will readily recall quite a number of instances where that has been so.

I am very glad that my colleagues on this side have given credit to Mr. Johnson, the ex-member for Leederville, for the pioneering part he played in introducing a five-day week for bank officers. On several occasions he attempted to obtain a majority in Parliament for his proposals. If it had not been for the very strong opposition of members of the present Government he would have succeeded.

I think that the people generally accepted, at the time Mr. Johnson introduced his Bill, that this reform was long overdue. Of course, one could not expect hard-crusted Tories, like those who sit on the Government side readily to appreciate such a situation straightaway; so it has taken a long time to break down their opposition.

The other evening I was highly amused when I heard the Chief Secretary, in moving the second reading of this Bill, say that he was not attempting to hide the fact that the Government had taken a somersault in respect of this matter.

Mr. Ross Hutchinson: I did not say the Government had taken a complete somersault. I said the Government had changed its mind.

Mr. TONKIN: That amounts to the same thing.

Mr. Ross Hutchinson: It does not.

Mr. TONKIN: The Government has taken a complete somersault in respect of its attitude to the measure which we introduced.

Mr. Ross Hutchinson: I was making reservations on some of the things I was saying.

Mr. TONKIN: The Minister did not attempt to hide the fact that the Government had taken a complete somersault.

Mr. Ross Hutchinson: I did not say that at all.

Mr. TONKIN: The Minister said the same thing in essence. His remark reminds me of the story I heard many years ago about George Washington. When he was caught red-handed, after cutting down a cherry tree, and he had a hatchet in his hand, his father asked him if he had cut the tree. George Washington replied, "Father, I cannot tell a lie". That was the situation in which the Chief Secretary found himself. He was introducing a Bill on behalf of the Government which, almost to a man, prevented every attempt by the ex-member for Leederville to put such a law on the statute book. It is good to find that the minds of the members in the Government are not so inflexible as to prevent them from changing their views. It is only on rare occasions that they do change.

Mr. Graham: It takes a long time for them to change.

Mr. TONKIN: That is so; and history is filled with examples of where the Labor Party many years previously appreciated the need for changes and advocated them. There have been cases where members of the Labor Party have gone to gaol for their beliefs. We find that, in subsequent years, very often those who were strongly opposed to the reforms actually adopted them later as part of their policy. It goes to prove how effective is the advocacy of the Labor Party in connection with such matters, if such advocacy ultimately results in the Tories seeing the light of day.

Mr. Bovell: This fellow Johnson advocated the nationalisation of banks.

Mr. TONKIN: It ill behoves the Minister to refer to the ex-member for Leederville as "this fellow Johnson", as if he were referring to a criminal. Fancy saying, "this fellow Johnson"!

Mr. Roberts: Did not the ex-member for Leederville advocate that?

Mr. TONKIN: I suggest the honourable member keep quiet for the time being until we see this out. What sort of language is that for the Minister for Lands to use?

Mr. Bovell: I shall refer to him as Mr. Johnson, if that pleases you better.

Mr. TONKIN: It certainly pleases me better. I certainly would not have a bar of what the Minister said a moment ago.

Mr. Bovell: Did he not advocate the nationalisation of banking? You are saying this to support his political campaign.

Mr. TONKIN: How do we know the time will not come when nationalisation of banking will become an established fact?

Mr. Bovell: I hope it will not.

Mr. TONKIN: The honourable member may go on hoping. He hoped previously that this Bill would not be passed.

Mr. Graham: Mr. Menzies has gone a long way towards that policy.

Mr. TONKIN: The Minister is hoping. But previously he hoped that bank employees would not get a holiday on Saturday mornings. However, that hope will be dashed on this occasion.

Mr. Oldfield: If the Minister had his way he would make bank employees work on Sundays as well.

Mr. TONKIN: It is quite meet that we should give credit where credit is due in connection with the five-day banking week.

Mr. Graham: And that credit is not due to the Liberal Party.

Mr. TONKIN: The ex-member for Leederville was the pioneer of this legislation so far as this State is concerned.

Mr. W. A. Manning: The Labor Government did nothing about introducing the Bill.

Mr. TONKIN: The Labor Government gave the ex-member for Leederville the maximum support, and the honourable member knows that very well.

Mr. Oldfield: The member for Narrogin voted against that Bill.

Mr. TONKIN: That is only for the record. The important fact is that the legislation is now before us. I take it the Bill will receive the unanimous support of this House. What fate awaits it in another place I do not know.

Mr. Graham: Thank Heaven for the presence of the Labor members in that House!

Mr. TONKIN: I hope the Bill will also be passed by the Legislative Council, and will speedily receive the Royal Assent. If ever a reform is overdue this one certainly is. Members of the banking fraternity could have received the advantages contained in this measure many years ago if the present members of the Government had seen the light of day much earlier than they have.

I support the Bill and indicate, in conclusion, that it marks another step forward in a reasonable approach to the provision

of adequate leisure for the people in this improved age, in contrast to the conditions which were regarded as commonplace not much more than a century ago.

**MR. LEWIS (Moore)** [6.11 p.m.]: I wish to make a few remarks in support of this Bill.

**Mr. Rowberry**: Did you receive a letter of protest from the Farmers' Union?

**Mr. LEWIS**: I did. The letter conveyed the opposition of the Farmers' Union to this Bill. I suppose the question of a five-day banking week is one which each member must examine to see how it affects his constituency and his constituents.

I therefore made it my business, when I received the letter of protest from the Farmers' Union, to ask members of the organisation in my district what they thought of the proposal in this Bill. Almost without exception they expressed the opinion that they could not care less. As a farmer, I realise that farmers are not interested as to whether or not banks are open on Saturday mornings.

**Mr. Graham**: What was your attitude three years ago?

**Mr. LEWIS**: Therefore, I felt the attitude of the Farmers' Union was ill-considered. I do not think it considered the matter very much at all. It certainly did not advance very great argument in opposition to this proposal in the Bill to close banks on Saturday mornings.

Further, I asked the businessmen in my electorate how the measure would affect them. Their reactions varied quite considerably. Members will appreciate there are many small country towns which have no regular banking facilities; they have only agencies which are visited, for a limited number of hours each week, by representatives of the banks in the neighbouring towns. Those people this Bill would not affect one iota.

In many larger towns which have banking facilities, the people said there would be some inconvenience; and that they would, of necessity, have to hold over larger sums of money in the week-end, because they would not be able to deposit the money on Saturday mornings. They said they would get around this difficulty by providing better strong-room facilities and better quality safes. They said further that the inevitable result of the Bill was that they would have to hold much larger sums of cash over the week-ends. Nevertheless, they expected to adjust themselves to the conditions.

Taking the measure by and large, and summing up fairly the views of the people in my electorate affected by it, I can say that their opinions are that the Bill is something which has had to come about. Therefore I support the second reading.

**MR. ROSS HUTCHINSON** (Cottesloe—Chief Secretary) [6.14 p.m.]: At first I thought I would take some notes and speak at length in reply to some of the points raised in this debate. I changed my mind in midstream and decided not to speak at length on any of the points raised. When the Deputy Leader of the Opposition spoke, I changed my mind and intended to say something in reply, but since then I have changed my mind once more.

I feel that perhaps it would be more appropriate for me to thank members for their support of the measure; and to support them in one of the principal contentions they made; that is, to pay a tribute to Mr. Johnson for the pioneering part he played in this legislation.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

*Sitting suspended from 6.15 to 7.30 p.m.*

## BILLS (2): RETURNED

1. Church of England (Northern Diocese) Bill.
2. Churches of Christ, Scientist, Incorporation Bill.

Bills returned from the Council without amendment.

## HOUSING LOAN GUARANTEE ACT AMENDMENT BILL

### *Second Reading*

Debate resumed from the 21st September.

**MR. GRAHAM** (East Perth) [7.35 p.m.]: I was pleased to learn when the Chief Secretary introduced this Bill that an amount of £1,200,000 had been the subject of guarantees since this housing loan guarantee proposition came into existence less than four years ago. The Minister further informed us that the guarantees had been given in respect of advances for houses, in the main, up to the value of £3,000. He went on to say that these homes had been purchased by persons who otherwise would have been eligible for direct assistance from the State Housing Commission.

I am at a loss to understand how the Minister could conclude that was so, since there is no income limit in respect of persons who are the subject of housing loan guarantees. I very much doubt whether the Housing Commission would be aware of the income of these people. The lending institutions would, no doubt, be aware of the income in order to determine the credit-worthiness of the particular applicants. There are several

minor amendments to the measure which, here let me say, I do not intend to oppose now or at any stage during Committee.

Under the Act at present there are three grades of assistance. For houses up to the value of £3,000 there can be a guarantee either wholly or in part up to 95 per cent. of the value of the property; for houses where the valuation is between £3,000 and £5,000, 90 per cent. of the value of the proposition; and, in excess of £5,000, 80 per cent.

For a reason which is obscure to me—and certainly none was given by the Minister when introducing the Bill—it is proposed to amend this slightly, leaving the 95 per cent. in respect of houses valued up to £3,000; but instead of the 90 per cent. being in respect of houses to the value of £3,000 to £5,000, it is to be from £3,000 to £4,500. I do not know why there has been a reduction in the ceiling by £500. One would have thought, if anything, that the amount in respect of which the generous assistance would be given, would be increased in order to meet the growing cost of the construction and purchase of homes.

Then we find further that in the last category—now to be from £4,500—there is to be a ceiling of £6,000. Previously there was no limit whatever. It was felt by the Government and by Parliament at the time that there could be persons who, for any one of a variety of reasons, desired or needed to build an exceptionally large home, and yet they might not have sufficient to do the job, bearing in mind their own resources and what they were able to obtain from financial institutions.

They might be a little short, and the parent Act enabled them to receive another £1,000 or £2,000, which would not be doing anyone any harm, the Government making none of its funds available, but merely guaranteeing the difference between 60 per cent. of the value of the home which might be the banker's policy, and 80 per cent. which is the maximum allowed—in other words, 20 per cent. of the cost of the premises. As no Government moneys are involved in a measure such as this, surely the objective would be to help as many persons as possible irrespective of category. Why not let them go about their business in their own way?

Mr. Ross Hutchinson: There seems to be a twist here. Could not the financial institutions help more with a ceiling of £6,000, than without any ceiling?

Mr. GRAHAM: They may. I think the Minister is leading me along a controversial path, which I was hoping to avoid. After all, in respect of war service homes, the client is allowed to go about his business in his own way. I am unaware of any limitations at all other than the maximum amount. One might as well ask why a person who has an extraordinarily large

bank account, and has a substantial income, should be receiving an advance of £2,750 under that scheme at an interest rate of 3½ per cent., bearing in mind the general interest rates at the present moment.

But it is done without any restrictions, without any hindrance, for certain reasons. I think they should apply in respect of this legislation, unless the Minister is able to provide good and substantial reasons why there should be any difference; why there should be this limitation.

There are so many schemes which give assistance to people on the lower rungs of the economic ladder. Here—because I have been prompted by the Minister—I might say, as I have said on a previous occasion, that I think the Government was definitely wrong in making £75,000 of Government moneys available to the R. & I. Bank to supplement £150,000 from that bank, a total of £225,000 from a public authority to help clients.

Those clients were waiting there the day after it was announced. In other words, they received immediate consideration and attention to enable them to proceed with the erection of their houses. But the little man, whom the Government exists to help, surely: he is compelled to wait his 12 months, more or less, at the State Housing Commission. I make the point that in respect of Government finances for housing I think the small man is the one to be assisted; because the person who has the greater income and more resources still has access to building societies, banks, insurance companies, and the rest of it.

Anyhow, there may be some reason for this alteration in the two categories and for the imposition of a limit on the value of a property of £6,000.

Mr. Ross Hutchinson: That should build a reasonably-sized home.

Mr. GRAHAM: That could be so; but there are a whole lot of considerations: because a new house—and that is what we are discussing—means a dwelling-house. I quote as follows:—

and includes the land on which a dwelling-house is erected and all appurtenances of the dwelling-house, including outbuildings, fences, and permanent provision for lighting, water supply, drainage, and sewerage;

And if there are drainage problems and/or a particularly steep, sloping block, the amount of £6,000 could easily be attained; and, indeed, exceeded—more especially where there is a large family involved. My point is this: I do not think there is any need or any occasion to limit or restrict. It has been working quite satisfactorily as it is.

As the Minister has pointed out, and I have repeated, the great bulk of those assisted have been in the up to £3,000

category. If there had been a terrific number of persons seeking to build houses of £10,000, £15,000, and £20,000, then there would be some merit in the decision of the Government to impose this limitation. I have read portion of the definition of a new house as appearing in the Act. Apart from what I have read to the House, the Act says further—

"New house" means a dwelling-house which, since its completion has not been occupied at all, or which, since its completion, has been occupied but for a period not exceeding six months, and then only by the borrower and his dependants, if any, or by the purchaser and his dependants, if any

Under this Bill it is proposed to allow the Minister to regard as a new house one which truly is a new house; plus one which has been completed and occupied by the purchaser for a period not exceeding six months, or such longer period as the Minister thinks fit. Are we moving into a period where the Government is to give guarantees in respect of second-hand houses, or houses that have been erected for 10, 20, or 30 years, or longer?

The thought behind the introduction of this legislation was for the Government to encourage house building and house purchase without having to devote so much of its own moneys for that purpose; and provided the interest rates were reasonable, a person in a position to purchase a home by and large could do it equally well by paying only 5 per cent. deposit under this scheme—up to 95 per cent. being guaranteed by the Government—as he could by going to the State Housing Commission and paying an equivalent deposit of, say, a couple of hundred pounds, or something of that nature.

I would like the Minister to give the House some idea of what the Government had in mind when it proposed we should write into this Bill the fact that the Minister can extend the period for as long as he likes. In other words, however old a house, it can be purchased by somebody and it is regarded as a new house so far as the operations of the Act are concerned.

It is further proposed that the  $\frac{1}{2}$  of 1 per cent. interest charge, which today is levied on a person who takes advantage of this scheme, and which has been paid into a fund account—I think it is called—shall not, hereafter, be payable by him. The Minister stated that the cost of the administrative work was not being covered by the fund at the present moment. Whether by that he meant there was insufficient money going into the fund to cover the administrative work, or that the administrative work was being carried out by the State Housing Commission from its ordinary funds and no debit made against that fund, I do not know.

I would have thought there would be ample to meet or—to use his words—to cover the administrative work connected

with this, because there would not be a great deal of work done by the State Housing Commission; and if there has been £1,200,000 guaranteed,  $\frac{1}{2}$  of 1 per cent. would be approximately £4,000 a year—or a little less, allowing for certain repayments which have been made.

Surely that would be sufficient to pay the part-time wages of a clerk, and perhaps a little other assistance, and for some routine office expenses. On the other hand, if the State Housing Commission has not been credited with the cost of performing this work, it means that the poor little worker who is renting a home or purchasing a home under the State Housing Act is meeting the cost of this scheme from part of what is being paid by him for administration, which is wrong in principle and contrary to the terms of the Act; because the Act, in section 9, subsection (7), paragraph (b), states—

The Treasurer shall cause to be paid from the money represented in the Fund Account . . .

Certain things including—

(b) The expenses incurred in administering this Act.

Therefore I am unable to appreciate what it was the Minister told us; and if action has not been taken in accordance with the Act, I would like to know the reason why.

As I have already stated, it is proposed in the Bill that this  $\frac{1}{2}$  per cent. will not in future be levied on the borrower, but that charges or fees will be levied in respect of certain items. Frankly, I have no idea how that will work out, or what unit of payment it is intended shall be made. There is mention in the Act at present of something in regard to a charge to be made for valuations. Under the Bill it is proposed that that fee can be charged when an application is lodged, and if the application is rejected the money can be refunded to the applicant. To my mind it seems a hit and miss arrangement, and no definite guarantee that the Government will have funds with which to administer the scheme.

Here let me say that I am by no means tied to the  $\frac{1}{2}$  per cent. charge. This was experimental legislation so far as Western Australia was concerned when introduced, although it was in operation on a very large scale in several of the other States. There was a certain amount of nervousness here, particularly on the part of Treasury officers, because there was no limitation as to the amount which could be guaranteed; and if I remember aright, the Treasury officers insisted there should be a limit of £1,000,000, at least for a period, when we launched the scheme; because they were afraid of possible repercussions and calls on the fund, and if the money there was insufficient, on the Treasury, to meet any losses which might be incurred. But there is experience not only in the Eastern States but also in the

United States of America to show that the number of calls, in other words, the losses on particular properties, is infinitesimal.

There is only one other comment I would like to make—and here let me say, as might appear obvious from my remarks up to date, that either I am not reading and appreciating the Bill and the Act as is their intention, or the ravages of time are affecting my judgment—that there is a provision in the Bill, as we were told by the Minister, to enable the Minister for Housing to engage as well as appoint valuers; but when I read section 8 of the Act I find it says—

The Minister may engage such persons as he considers suitable to be valuers for the purposes of this Act.

Then it goes on to state—

Where it is proposed that a guarantee be given in respect of repayment of a loan or proposed loan on, or payment of any of the purchase price or proposed purchase price of, a new house, the Minister may require that the value of the new house be determined by a valuer so appointed, or by any other valuer approved by the Minister . . .

As the Minister told us that this amendment in the Bill was to enable the Minister for Housing to engage as well as appoint valuers, I raise the point again in view of the terminology of section 8 of the Act as it stands; because it appears to me that there is no restriction on the desires of the Minister at present.

Those are the only comments I desire to make, other than to express some measure of satisfaction that this legislation has proved worth while, and has made it possible for some hundreds of people to finance themselves into homes, some of whom, no doubt, would have had to make approaches to the State Housing Commission where the great bulk of the advances made available to them would have come from Government sources. To that extent it has assisted the Government by enabling it to use its funds more in the direction of generally recognised public works. I believe it is good legislation.

We still have a long way to go to reach the level of the Eastern States where some hundreds of millions of pounds—indeed, I think I would be right in saying several thousands of millions of pounds—have been secured for the lending authorities, and houses made available, on purchase, to people with not as much money in their pockets as would ordinarily be necessary in order to purchase a house outside, in contradistinction to several Government schemes where, as members are aware, only nominal deposits are made.

With the State Housing Commission, until this Government came into power—if I can introduce a controversial note—the standard minimum deposit was £50 on a £2,500 house which, of course, was a deposit of 2 per cent. only; in other words,

a 2 per cent. security. Yet it is amazing how many persons buying these homes have made good, and the loss sustained by the Housing Commission has been practically nothing measured against the number of persons who have been assisted. Furthermore, as there is an income limit of somewhere less than £1,200 at present, it will be seen that even with a comparatively large indebtedness, and a very humble contribution from a section of the community in the lowest income group, the people have still made good.

As there is no income or means test, so far as this scheme is concerned, I express the opinion, as I did when I introduced the measure, that the fears of any Government or any Government department would be more imaginary than real. I see no occasion to oppose the Bill, but I would like a little enlightenment on the several points I have raised.

**MR. ROSS HUTCHINSON** (Cottesloe—Chief Secretary) [7.58 p.m.]: I think the member for East Perth appreciates that in this Chamber I only represent, as well as I can, the views of the Minister for Housing, because housing is not one of my portfolios; so that any explanation I give will probably fall short of the honourable member's requirements.

**Mr. Graham**: I will make allowances for that.

**MR. ROSS HUTCHINSON**: Perhaps one of the principal points raised by the honourable member was the reason for the alteration of the scale of guarantees made, and the necessity to impose a ceiling of £6,000 on the value of a house—the guaranteed amount. It is thought there should be a reasonable limit beyond which the Government should not have to guarantee sums of money. As far as I can understand, the tenor of this type of legislation will materially assist those people in the lower and middle income groups. It is felt that those who enjoy salaries in the higher income bracket do not need the benefit of guarantees and are in a better position to handle their own financial dealings. That is one of the reasons why the ceiling has been placed on this scale.

Previously, the Minister for Housing was placed in the position of having to guarantee, on occasions, sums of money considerably in excess of £6,000, although I am informed that the great majority of houses which have been built under this scheme have all been below the value of £4,000. The new scale ranges from £3,000 with a ceiling of £6,000, and it falls into three groups, with a sum of £4,500 being the median mark between £3,000 and £6,000.

The member for East Perth wondered why the  $\frac{1}{2}$  per cent. minimum charge has been deleted. In my second reading speech I pointed out that no other State levied this charge, and it was felt that the cost

could be recovered by other means. I am afraid I am not in a position to give any more information than that. Should the member for East Perth desire any particular point to be further clarified, I can assure him that if he cares to see me I will do all I can to obtain the information for him.

**Question put and passed.**

**Bill read a second time.**

*In Committee, etc.*

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

## CRIMINAL CODE AMENDMENT BILL

*In Committee, etc.*

Resumed from the 19th September. The Chairman of Committees (Mr. Roberts) in the Chair; Mr. Watts (Attorney-General) in charge of the Bill.

The CHAIRMAN: Progress was reported after clause 1 had been agreed to.

**Clause 2: Section 21 amended—**

Mr. GRAHAM: I intend to ask the Committee to vote against this clause. At this stage it will probably be necessary for me to link clause 5 with that under discussion, because this clause, in effect, provides introductory words to clause 5. Shortly, it proposes that when a person is convicted of murder, as distinct from wilful murder, he shall not suffer the penalty of death, but be imprisoned for life. Under the conditions of that sentence, the Governor, on the advice of Executive Council, can permit that term of imprisonment to be reduced.

It has been customary for a review of a prisoner's sentence to be made every five years automatically, although there is nothing to prevent, according to the circumstances of the case, reviews being made more frequently.

During the second reading of the debate I indicated that I had done a considerable amount of reading and research, particularly on the report of the Royal Commission which investigated this matter over a period of some years in Great Britain and many other parts of the world. That report covers some 500 pages and I feel I can do no better than quote certain extracts from it.

I appeal for the indulgence of members to hear me out, because I want to establish two points, the first of which is that it is basically wrong for Parliament to limit or restrict the prerogative of mercy extended by the Royal personage or her representative; and the second that, if we do not have a proper appreciation of the effect of imprisonment upon the person who is the subject of the term, then perhaps we are creating a problem far greater

than the one we are seeking to resolve. Before getting more specifically on to the matter of terms of imprisonment I would like to read from paragraph 644 of the Royal Commissioner's report.

We must not forget that at all times this report relates to capital punishment; indeed to punishment of any and every sort as applied to or arising from the conviction of a person for the taking of the life of another. This part is headed "The Length of Detention of Prisoners Convicted of Murder". Paragraph 644 reads—

The Principles. A sentence of imprisonment for life is never carried out literally. "Persons serving life sentences have died in prison before a definite term has been set to their sentences, but there is no case recorded in which it has been decided that a person shall be kept in penal servitude until he dies". The actual periods are determined by the Secretary of State in accordance with the circumstances of the individual case. Each is reviewed at least every four years.

I wish to underline that; "each is reviewed at least every four years". To continue—

The basic principle was thus tabled by the Home Office:

The punishment must be sufficient to deter others and to be accepted by public opinion as an adequate vindication of the law: it ought not to suggest that the crime of murder is regarded lightly by the State or can be put on the same level with other crimes. It is therefore desirable to grade the terms as far as possible according to the degree of culpability in each case. Account must also be taken of the length of sentences imposed by the Courts for other offences".

Subject to this, weight is given to the character and behaviour of the prisoner and to the likelihood of his committing further crimes of violence.

The report then goes on to discuss the situation in Great Britain. In the case of the great majority of us, some of what I am about to read will be rather enlightening. It states that at the beginning of the present century twenty years had come to be regarded as the maximum when a prisoner was sentenced to life imprisonment for murder. The report states—

No-one was detained longer unless there were exceptional reasons, e.g., if a prisoner had a record of persistent misconduct in prison, if there was serious risk of his committing further crimes of violence, or if the crime had been particularly atrocious. Shortly afterwards the period was again shortened by the adoption of the practice of detaining the prisoner, unless

there were special grounds for earlier release, "as for 20 years", that is, of releasing him when he had served 15 years and would have earned his discharge by remission for good conduct if he had originally been sentenced to 20 years' penal servitude.

It continues, in para 646—

In the period between the two World Wars the normal period of detention was further reduced. By 1939 most life sentence prisoners were released after serving between 10 and 13 years. During the recent war the period was again shortened on account of the need for man-power, the shortage of prison accommodation, and the exceptional opportunities for making a fresh start in life; the majority of prisoners were released after serving 6 to 10 years, according to the gravity of their crime. Since the War this period has been slightly lengthened in consequence of the increasing crimes of violence generally and the tendency of the courts to impose heavier sentences for them.

In other words, the courts have lengthened the term which, under the more or less automatic provision, has lengthened the period actually spent in gaol by the offending persons. The report continues—

We were told that "only most exceptionally would anybody serve more than 15 years under the present practice; but the normal is much less than that".

Here we have a piece of legislation which in 1961 is endeavouring to make it impossible for the Governor to allow a prisoner's term to be shorter than 15 years, where such person has been convicted of murder. So surely it will be appreciated we are miles behind the times.

There is no suggestion on my part that we should not treat murder as being the very serious offence it is; but at the same time we should give some credence to what is happening in other countries—particularly the Mother Country, if I may use that term. These were the findings and observations of the Royal Commission which sat for four or five years and which investigated this matter on a world-wide basis.

Paragraph 649 of the commission's report says—

The sharp difference of opinion that exists on the question whether imprisonment is in all cases a sufficient punishment for murder does not seem to be reproduced in any strong feeling about the length of sentence that should be served by murderers who are in fact so punished. We have no reason to conclude that any general increase in the periods served at present is necessary in order to ensure the deterrent effect of the life sentence.

That is not your opinion, Mr. Chairman; nor is it mine. It is the opinion of the Royal Commissioner who, after looking at the position in Great Britain found that the average term in recent years was probably in the vicinity of ten years' imprisonment for one who has been found guilty of murder. Yet when the trend is in the direction of reducing the period we are making a minimum period of 15 years. The report continues—

And we do not believe that, if our recommendations were accepted, the quality of life sentence prisoners would be altered to such an extent as would affect the validity of this conclusion, though there might be occasional cases where a sentence up to 15 or 20 years was needed to mark the gravity of the crime.

I want to read several extracts which more directly pertain to the point I am endeavouring to make and which, I think, establish without doubt that a prisoner commences to deteriorate somewhere in the vicinity of ten years' imprisonment; and that no purpose is served in keeping him for a longer period, thus making it more difficult for him, when he is released, to find his way in society again.

The experience in Great Britain and other parts of the world is that murderers who were released after serving a period of imprisonment of 10 years or longer proved to be better citizens than persons who were committed and served terms of imprisonment for crimes of brutality and lesser offences.

By insisting on clause 5 we would hold these persons in captivity, with the Government being powerless to do anything to achieve a reformation; and we would make it more difficult, when the term of imprisonment had expired, for the prisoners to be fitted into society. Nothing will be achieved by retaining clause 5; in fact, an injury will be done to society by imposing the restriction in it, which restriction does not appear in any other statute of Western Australia. Here is a restriction in the clause on the freedom of the Government to allow, in the future, the prerogative of Royal mercy to be extended through the Governor. Whilst mistakes have been made in the past, I do not think any Government has abused the privilege in tendering advice to the Governor.

Referring again to the report of the Royal Commission, paragraph 654 states—

The Scottish Home Department were less sanguine. Mr. Cunningham told us that "those with considerable experience of prison administration would view with grave concern a sentence of imprisonment extending beyond 10 years". Other witnesses with similar misgivings included the Prison Chaplains, who considered that 10 years should be the maximum and that many prisoners deteriorated after

five years, and the Scottish Central After-Care Council, who felt that any period beyond 10 years might lead to deterioration. A representative of the Prison Officers' Association was disposed to agree that a man would find difficulty in rehabilitating himself in the outside world if he had spent much more than 10 to 12 years in prison, though he was reluctant to generalise, since a man with more willpower would be able to make good when others would have become "thoroughly automatic and institutionalised".

The CHAIRMAN (Mr. Roberts): The honourable member's time has expired.

Mr. WATTS: I can appreciate to the full the points which the member for East Perth adduced earlier in discussing this measure, in regard to his objections against the infliction, in any circumstances, of capital punishment. I can respect those views, because I know that views which are held on this subject are held very strongly and very sincerely. Therefore I would not question any of the views he has sustained in regard to that aspect.

I am, however, quite unable to appreciate the point of view he expressed this evening in regard to the term of imprisonment that should be imposed on a person who has been found guilty of murder. Let us remember that the crime of murder is a very serious one. If, as is held strongly by my friends opposite, it is not right for the State in any circumstances to take the life of a person as a punishment under the law, then surely they must regard the taking of life as a very serious matter. When that is changed over to the taking of life by a person who is subsequently convicted of murder, surely that crime is at least as serious, if not more so; because in many instances there is not a scintilla of justification for the taking of life by the murderer.

Imprisonment for life has been interpreted as meaning imprisonment for the term of one's natural life. If a person is convicted when he is comparatively young that term can be a very long one, far exceeding 20 years. However, if the person, when convicted, is of a more mature age and his health is likely to be affected during his period of imprisonment, then this Bill allows the Royal prerogative to be used before the term of 15 years is served; because the Bill provides that when the Governor is satisfied of the serious ill-health of the prisoner he may do so. Therefore, that aspect has been taken into consideration.

If it can be established for any reason—I am thinking more particularly of the age of the prisoner—that his health is deteriorating as a result of imprisonment, then the provision in this clause would apply. So we come to the case of one

who is imprisoned as a result of a conviction for murder, but who is not in ill-health. The member for East Perth contends that six to 10 years would be fair punishment.

Mr. Graham: I did not say that. The authorities in Great Britain hold that view.

Mr. WATTS: The honourable member apparently agreed with that view, or he would hardly have used that quotation in the report to support his argument. He cannot disagree with the sentiments expressed therein.

Mr. Graham: I am disagreeing with the arbitrary period of 15 years.

Mr. WATTS: Subject to what I have said in regard to the serious ill-health of the convicted person, the term of 15 years' imprisonment for the crime of murder is a reasonable minimum. People today are imprisoned for terms of six to nine years for offences which are far less serious than murder. There cannot be any sound objection to a minimum of 15 years, subject to the right of releasing a prisoner before that period on the ground of ill-health, for the crime of murder which, under the provisions of this Bill, could be the sentence imposed in respect of a commuted sentence of execution on a person convicted of wilful murder.

I await the debate on another aspect in this Bill to quote what the Minister for Justice in Canada said recently. There must be a distinction between wilful murder and murder; but this period of imprisonment will apply equally to both—the person convicted of murder and sentenced to life imprisonment, and the person convicted of wilful murder whose sentence has been commuted.

So I cannot subscribe to the point of view of the member for East Perth that this period of 15 years' imprisonment is unreasonable. The punishment must be such as to make it crystal clear to all persons concerned that the life of another is not to be taken as a minor matter. It is a matter of very grave importance.

In consequence, there must be a definitely heavy penalty in regard to it: one from which there can be any release only in case of exceptional circumstances such as ill-health which, in my view, would most probably arise in the case of elderly persons. There, the discretion of His Excellency, through his Executive Council advisers, can still be exercised under this measure.

Mr. GRAHAM: I again appeal to the Minister. What he has said, from his point of view, is substantially correct. Since 1924 there have been approximately 70 persons in Western Australia convicted of murder or wilful murder. I do not think any more than three of them were

hanged. In other words, quite a number of those convicted not only of murder, which we are considering at the present moment, but of wilful murder, have been imprisoned, and it is possible for them to be released at any time.

That has been the law over the years, whether persons are murderers or wilful murderers. It is the responsibility of the Government, after investigating the reports made by prison and other officials, to make a recommendation to the Governor if it feels so disposed; otherwise there is no recommendation, and the person remains incarcerated.

No doubt the Attorney-General himself has sat in judgment as a member of the Cabinet making a decision in respect, I repeat, of wilful murderers as well as murderers. That has been the law of the land so long as the Criminal Code has been in existence, which is a very long time. I am unaware of Governments having been irresponsible in connection with this. The position in Great Britain, as I have already outlined, is that every four years, no matter what the crime committed, the Government has a look at the situation.

Mr. Nulsen: Every five years in this State.

Mr. GRAHAM: That is so; and the Royal Commission, in its conclusions, paragraph 657, says this—

Our conclusions, then, on this part of our terms of reference are that persons not mentally abnormal who would otherwise have been liable to suffer capital punishment could suitably be detained in the conditions now found in long-term prisons in England and Scotland, though we think that these admit of some improvements; that the principles now followed by the Secretaries of State in determining the actual length of detention in each case are in general appropriate for the purposes of punishment, deterrence and the protection of the public, without undue risk of causing moral and physical deterioration in the prisoner; and that if, in exceptional cases an exceptionally long period of detention is called for, the additional risk of such consequences ought not to be held to rule it out.

In other words, there is a review at least every four years; and in Great Britain—although I am not necessarily advocating it—on an average, after 10 years, whether they are murderers or wilful murderers, they are released. The Royal Commission found that it does not interfere in the matter of deterrence or protection of the public. These people upon release are able to re-establish themselves in society, and compare favourably with other persons who have committed a less serious offence. The Royal Commission in Great

Britain found all those things the practice, and could find no case to interfere with it.

As long as Western Australia has been Western Australia and has had responsible Government there has been no limitation imposed. It has been left to the discretion of the Government for wilful murderers as well as murderers. Why not allow that procedure to continue? The Attorney-General has pointed out he makes provision for where a prisoner is suffering serious ill-health, so that the Royal mercy may be extended to him. That is in the case, surely, of a person who is old and frail, or a younger man who perhaps is suffering with tuberculosis, cancer, or something of that nature. The important thing in prison reform ought surely to be the emphasis on that word "reform". These people should be placed out of harm's way where they can do no damage, but where they can be taught and trained; where their minds can be cured. That is the important thing.

If all these requirements are being met, it might look all right for a statute to say that the Governor shall not be allowed to exercise his Royal mercy until a period of 15 years has passed, but it is not achieving anything. Again, this is not a matter of the Attorney-General's opinion or my own opinion; this was a most important Royal Commission conducted by a most imposing list of gentlemen. After a world-wide survey; after an examination of witnesses from every part of the world; and after looking particularly closely at the procedure in Great Britain, their conclusions were those which I have outlined.

This matter of interfering with the Royal prerogative; and this matter of compulsorily having persons incarcerated is too serious for it to be done merely to conform to a whim or a fancy. If we are in the fortunate position of having advice and experience gained in other parts of the world, we should learn and profit by it. I am hoping still that this interference for the first time in the history of Western Australia will not eventuate and that the Minister will reflect on the matter and resolve that as throughout the years it has been left to the integrity and judgment of the Governments of the day, irrespective of their political complexion, both in regard to murder and wilful murder, and has worked reasonably satisfactorily, it will not be interfered with. Even though the terms have been much longer here than those for equivalent cases in Great Britain, the principle has worked well in Western Australia.

There is a cardinal principle that the Royal mercy is, or should be, above everything else, and we should not impose any limits or restraints in Parliament. In essence, "the Sovereign or Her Representative" means the Government of the day.

So let it be the responsibility of the Government of the day to examine the circumstances of the individual cases. Do not let us, without having regard to circumstance A, case B, or condition C, lay down any rule which, irrespective of what might be the situation, unless the person's health is in a bad state of repair, will leave the Government of the day completely powerless to do anything about it. I hope and trust the majority of members will agree with me.

Mr. NULSEN: I have not done as much research on this matter as my colleague, but I did have some experience while I was Minister for Justice. Firstly let me say I am really averse to capital punishment. I also believe that it is wrong to take away the Royal prerogative. A Government should accept its responsibility.

Prisons have not been established for punishment, but for reform. I do not believe that the Attorney-General could mention one person who has done any harm after having been released from prison. During the time I was Minister, the Government released quite a number, and one today I know is a foreman in a gang which is working for the Government. I know, too, of others in this State who are highly respected. The member for Vasse is well acquainted with another one whom I know, and today he is doing a good job for this State.

I do not see any reason why a person who has committed wilful murder should be deprived of an opportunity at some time or other of being released. I know there are quite a few who feel that anyone who commits murder should be murdered; that is what it really amounts to if we hang a person. Hanging is against our Christian religion. If a person has proved that he is sincere in his desire to reform, he should be given an opportunity of doing so.

My Government made sure that every case was investigated thoroughly before a release was sanctioned. I cannot understand why the present Government should take the stand it has against a trend which has occurred right throughout the world. If the prerogative is taken away from the Government it means that anyone who has made a mistake cannot be released under 15 years.

There was a case not so very long ago in the Eastern States where a woman was sentenced to life imprisonment for murder. But now, from what I have read, I believe she will be reprieved. However, if she had been hanged, there would be no opportunity for a reprieve.

Mr. Watts: Hanging does not come into this amendment. This only deals with the reduction of the sentence of imprisonment for life.

Mr. NULSEN: Yes, I know; but I do not agree with the provisions for wilful murder as outlined in this Bill. I know

that wilful murderers should be very severely punished, but I do not believe they should be hanged. Possibly all my colleagues do not agree with me in that respect.

Mr. Graham: Yes we do.

Mr. NULSEN: The real objection I have is to taking the prerogative away from the Government so that it cannot release a man if he has proved to the satisfaction of the prison authorities, and those with whom he has had the opportunity of coming in contact, that he is a changed man. I think this means that the Attorney-General cannot have any more confidence in his own Government in this respect.

Mr. Tonkin: That is not surprising!

Mr. NULSEN: I do not know why, if we have ten responsible Ministers, they should be deprived of discretionary power in this matter. I know that at times murder is committed on the spur of the moment. Perhaps if I got into a real temper I might even commit murder.

Mr. Brand: I do not think so.

Mr. NULSEN: One never knows what might happen. Therefore, I feel very strongly about the power being taken away from the Government. I am going to appeal to the Attorney-General to give further consideration to this Bill. It might be a slight move in the right direction, but I do feel it is getting away from the trend of the world towards the abolition of capital punishment.

Although the punishment of imprisonment will continue—and should continue—I do not believe that such imprisonment should be restricted to a minimum of 15 years. I know that the Attorney-General has said that the case would be different if the prisoner had a severe illness or was very old. However, I feel that an old person would be better off to remain in prison because he would then be well looked after. If he were sent out into the world again he would probably starve to death in the long run.

If the Attorney-General insists on the retention of the punishment for wilful murder, I do hope he will agree to the deletion of that portion which takes away from the Government the Royal prerogative.

Fremantle Prison has done a wonderful job in the reformation of prisoners. I know that during the regime of my Government quite a number of prisoners were released; and with the exception of one they have not committed any more murders—and that one was only on the spur of the moment.

The Government has let the people down; and, further, it has taken away the prerogative from the Government. I do not like capital punishment and would not find myself voting in favour of it no matter what the offence.

**Mr. TONKIN:** We have just heard, from the member for Eyre, arguments which he has developed as a result of his own experience as an administrator in a department which was called upon from time to time to decide questions such as are covered by this Bill; and from his natural sympathy towards wrong-doers and his generosity, he has felt impelled to express strong opposition to the proposals in this Bill which would limit or completely restrict the power of future Governments to reduce the sentence in the case of murder.

Prior to the member for Eyre speaking, we had a very cogent argument from the member for East Perth who obviously had carried out considerable research in connection with this matter. I felt it was impossible to fault the case he submitted. It seems to me that a very bad principle is being introduced here, and the Government is being inconsistent.

The way is left open for the Government of the day to render advice to His Excellency to commute to life imprisonment a sentence of death. That is a decision of very great gravity. Any future Government may, if it thinks the circumstances warrant it, advise His Excellency to use the Royal prerogative and commute a sentence to life imprisonment, so that a life is saved.

But this Government believes that with regard to murder no such exercise of prerogative should be possible. So, in effect, it says, "We, as the Government, have made up our minds that no future Government should be entrusted with the decision of reducing the term to be imposed for murder."

**Mr. Watts:** That is not quite correct. Imprisonment for the term of a person's natural life would, in most cases, be a lot more than 15 years. After 15 years the prerogative applies.

**Mr. TONKIN:** I agree that so far as reducing it below 15 years is concerned, we are doing away with the prerogative. Apart from the ordinary justification of that, I cannot see it; because I think it is inconsistent to allow the far greater question to remain with the Government—that is, as to whether or not a man shall be hanged. I think that is a question of far greater gravity than whether his term of imprisonment shall be 15 years or something less.

The Government is prepared to leave the decision as to whether or not a man shall be hanged in the case of wilful murder to future Governments; but it is not prepared to leave with future Governments the question of whether a lesser term than 15 years shall be imposed. Personally, I cannot see the force of that reasoning. I think it is most inconsistent.

If we consider future Governments to be sufficiently responsible to determine whether or not His Excellency should be

approached to commute a sentence of death, then surely we can leave to such Governments the question of whether a penalty of 15 years should be reduced. I would leave both decisions with future Governments no matter what their complexion.

I question whether the Government can really do this. Although the powers of the Crown, when acting in association with the Parliament, are said to be unlimited, I think it must be conceded that the legislative authority that is vested in Parliament is subject to certain concurrent rights of the Crown; and they have been laid down by statute and by the Coronation Oath. I have referred to this before and I refer to it again now from instructions to the Governor.

The Governor shall not, except in the cases hereunder mentioned, assent in Our name to any Bill of any of the following classes:—

Here is a prohibition against the Governor from assenting, in my view, to a Bill of this kind. This is the provision which, I think, covers the present situation. I quote as follows:—

Any Bill of an extraordinary nature and importance, whereby Our prerogative, or the rights and property of Our subjects not residing in the State, or the trade and shipping of the United Kingdom and its Dependencies, may be prejudiced.

It seems to me that the provision in the Bill most definitely prejudices the prerogative of the Sovereign; and the instructions expressly say that in such cases the assent shall not be given—and here is the proviso—

Unless he shall have previously obtained Our Instructions upon such Bill through one of Our Principal Secretaries of State.

That suggests to me that if this Bill goes to the Governor he will not be able to give his assent until he refers the matter to the Queen and obtains her authority to append his signature. The instructions state further—

... or unless such Bill shall contain a clause suspending the operation of such Bill until the signification in the State of Our pleasure thereupon, or unless the Governor shall have satisfied himself that an urgent necessity exists requiring that such Bill be brought into immediate operation.

It seems to me that that provision most definitely covers the existing situation, and for the life of me I cannot come to any other conclusion but that this definitely restricts the Queen's prerogative; and we have no power under the Constitution, so far as I am aware, to do that.

As a matter of fact, Mr. Chairman, Her Majesty cannot grant away her power to give a pardon. Her Majesty is expressly

forbidden to divest herself of this particular prerogative of pardon; because under our Constitution it is contemplated that the Queen is the fountain of justice, the supreme ruler of the country, and therefore reference must be made to her in cases where it is intended that the penalties imposed under the law shall be varied.

It seems to me quite wrong to say, so far as this particular crime is concerned, that we are not going to permit the exercise of the Royal prerogative in such a way as to reduce the penalty below 15 years. I think it is a bad principle. It is inconsistent, and I very much doubt whether it is constitutional. For those reasons I propose to join with my colleagues who have spoken against the clause, and I intend to vote against it.

Mr. WATTS: Members will probably recall that the member for Melville raised this subject of the Instructions to the Governor during, I think, the second reading debate. I undertook that I would have the matter carefully examined, which I did; and as I promised at that time I subsequently discussed it in outline with the honourable gentleman. The point that the honourable member raises does not rise, if it rises at all, until the question of the Royal Assent to the Bill comes into question; because the instruction referred to refers to assenting in our name to any Bill. Therefore there has to be a Bill passed by both Houses of Parliament before this question can be successfully raised, if it is said to rise at all.

The question then comes up as to whether the Bill, the subject of the point, is one of extraordinary nature and importance whereby the Royal prerogative may be prejudiced. From time to time—and I think section 705 of the Criminal Code is an example—some limitations have been placed on the Royal prerogative; and I am advised that they have not been referred to as being of extraordinary nature and importance within the meaning of this instruction.

Mr. Hawke: They are to the people concerned in regard to this measure.

Mr. WATTS: Obviously; but it is the Bill which must be of extraordinary nature and importance. However, we want to be quite certain in this matter, and I can assure the honourable member, and the rest of the Committee for that matter, that when this Bill has been passed—as he knows, the certificate of the Solicitor-General has to be given as to its having passed both Houses of Parliament before it can be assented to—the attention of His Excellency will be drawn to the point that has been raised. He will be invited to take what action he may think proper in regard to it. If then he considers it comes within the instruction mentioned, I presume he will obviously take the course of sending it to London for further consideration.

However, if he holds the opposite view, I presume he will take what other action he thinks fit. I can assure the honourable member, however, that this arrangement has been made with the Solicitor-General; because we have no desire to abrogate in any way the instruction given to the Governor if, in the circumstances, it should be deemed to apply.

There is only one other point I wish to make in regard to the matters that have been mentioned since I last had a few words to say on this subject. So far as I can gather from the records, in only very few cases has any person convicted of murder and sentenced to life imprisonment been liberated under 15 years. There are two or three who have been liberated between 12 and 15 years; and, if my memory serves me rightly, there were three who were liberated under 12 years. Two of those people were going to be deported under Commonwealth legislation, and were released specifically for that purpose; and the third was because the lady in question was suffering from tuberculosis which, of course, would definitely be applicable under this Bill.

Lastly, perhaps the shortest interpretation of the clause which is in this Bill is that it really seeks to say that there shall be a minimum penalty of 15 years' imprisonment for murder. I think that is a reasonable proposition.

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

#### Ayes—21.

Mr. Bovell	Mr. W. A. Manning
Mr. Brand	Sir Ross McLarty
Mr. Corneli	Mr. Nimmo
Mr. Court	Mr. O'Connor
Mr. Crommellin	Mr. O'Neill
Mr. Grayden	Mr. Owen
Mr. Guthrie	Mr. Perkins
Mr. Hearman	Mr. Watts
Dr. Henn	Mr. Wild
Mr. Hutchinson	Mr. I. W. Manning
Mr. Lewis	(Teller.)

#### Noes—20.

Mr. Bickerton	Mr. W. Hegney
Mr. Brady	Mr. Jamieson
Mr. Curran	Mr. Moir
Mr. Davies	Mr. Nulsen
Mr. Fletcher	Mr. Oldfield
Mr. Graham	Mr. Rowberry
Mr. Hall	Mr. Sewell
Mr. Hawke	Mr. Toms
Mr. Heal	Mr. Tonkin
Mr. J. Hegney	Mr. Norton

(Teller.)

#### Pairs.

Ayes.	Noes.
Mr. Craig	Mr. Rhatigan
Mr. Mann	Mr. Evans
Mr. Burt	Mr. Kelly
Mr. Nalder	Mr. May

Majority for—1.

Clause thus passed.

Clause 3: Section 282 repealed and re-enacted—

Mr. GRAHAM: I move an amendment—

Page 2, lines 15 to 20—Delete all words from and including the word "of" down to and including the word "term."

If that amendment is agreed to I shall then move to insert the following words in lieu:—

"Of wilful murder or of murder is liable to imprisonment with hard labour for life".

This would then make the active portion of the clause read:—

A person who commits the crime of wilful murder or of murder is liable to imprisonment with hard labour for life.

The debate which will forthwith ensue will virtually take the place of the debate on the Bill for the abolition of capital punishment, of which I gave notice. However, this measure was introduced before I submitted that Bill and it is now hardly likely to see the light of day; or, if it does, it will be in a very much amended form.

The move I now make is to abolish capital punishment in respect of wilful murder and murder. As the Government has already agreed to this in respect of murder, in the final analysis this move of mine will abolish the penalty of death for wilful murder as well.

As I have already said, if I succeed, there will be a little tidying up needed in respect of the crimes of piracy and treason, and then Western Australia will be able to told its head aloft and its Parliament will be yet another which has rid its State of this remaining relic of barbarism.

Most of what needs to be said on this matter was put forward by me on the second reading. There are, however, several additional observations I wish to make. Firstly, I want to emphasise the point—again in the words of the English Royal Commission—that nowhere in the world has it been demonstrated that the death penalty is a deterrent to the crimes of murder or wilful murder.

Mr. Crommelin: You cannot prove that.

Mr. GRAHAM: I can prove that that was the finding of the Royal Commission. I can assert that in the light of the inquiries it made in scores of countries, British and otherwise, it came to the conclusion that in not one single country was it found that the imposition of the death penalty reduced the rate of murder or wilful murder, and that in not one single country, where the death penalty was abolished, was it found there was an increase in the homicidal rate. Further, in those countries which, for one reason or another—usually as a result of a wave of hysteria over a particular occurrence—did not have the death penalty as a deterrent, but subsequently introduced it, no reduction in the homicidal rate could be discovered.

This most detestable form of punishment is used merely to satisfy the sadistic tendencies of those in the community who have not moved with the times or who have not studied the question. If it can be demonstrated that the hanging of a person by the neck until he is dead is no deterrent to the crime of murder or wilful murder, surely there is no purpose in it! Surely it is something that is repugnant to society in view of the fact that it requires a certain number of officers, officials, and others to perform, or to be present at, this ghastly operation!

What is the experience in Western Australia? As is known, over the last generation or more, Labor Governments have not been prepared to take the life of any person. In other words, capital punishment will not be enforced by them; but when there is a non-Labor Government in office there is always the possibility that the convicted person will be hanged.

According to the Attorney-General's own figures which he gave us on the 21st September, 1960, year after year, from 1924 to 1960, the number of convictions for murder or wilful murder in Western Australia showed that during the terms of a Liberal-Country Party Government—when the death penalty may be enforced—there was an average of 2.64 persons per annum convicted of murder or wilful murder. During those periods when Labor Governments were in office—when it was known that the offender, if apprehended, would not hang—the persons convicted of murder or wilful murder averaged 1.46 per annum which represents almost half of those convicted for the same offences during the terms of office of non-Labor Governments.

Surely that bears out the possibility that using a rope around a convicted man's neck is not, of itself, a deterrent over other punishments. Again I turn to the report of the Royal Commission on Capital Punishment to make two quotes from it. Paragraph 54 reads as follows:—

The reformation of the individual offender is usually regarded as an important function of punishment. But it can have no application where the death penalty is exacted, if "reformation" is taken to mean not merely repentance, but re-establishment in normal life as a good citizen. Not that murderers in general are incapable of reformation; the evidence plainly shows the contrary. Indeed, as we shall see later, the experience of countries without capital punishment indicates that the prospects of reformation are at least as favourable with murderers as with those who have committed other kinds of serious crimes.

So this body of no mean standing, after long and exhaustive world-wide inquiries, arrived at that conclusion. I have only one other quote, which reads—

During the past fifty years a profound change has taken place. Increasing weight has been given to positive measures of reformation, designed to "eliminate from the regime whatever was merely negative and repressive, and to emphasise or introduce whatever might be positive and constructive; and especially to seek all means to counteract that deterioration of body and mind which is the gravest danger of prolonged imprisonment." Prevention of crime by means of general and individual deterrence remains the primary purpose of imprisonment. But the term "deterrence" has been "revalued." It is now "based on two assumptions; first, that the general deterrent effect of the penal system on potential offenders lies less in the punitive treatment of the detected offender than in the total action of the system—fear of detection, public trial and conviction, and the possibility of punishment whether by imprisonment or otherwise; second, that the deterrent effect of imprisonment on the individual offender lies primarily in the shame of being sent to prison and the fact of being in prison, with all that that fact in itself implies—complete loss of personal liberty; separation from home, family and friends; subjection to disciplinary control and forced labour; and deprivation of most of the ordinary amenities and intercourse of everyday life. An offender is sent to prison as a punishment and not for punishment."

So we find that this internationally-famous Royal Commission, following a world-wide examination of the problem, found that there is no merit in the death penalty as such; that it has no beneficial effect on society or would-be offenders; but that, on the contrary, it has had not one, but dozens of deleterious effects on certain sections of the community; on prison officials and prison inmates; on the families of condemned men; on those persons who are obliged to be in attendance whilst the awful operation is following its course; and on sensitive persons. And in that respect, believe it or not, I include myself; because I can honestly say that I feel as sick as it is possible to feel as the hour approaches for a hanging to take place; and, whilst it is further removed, I have a similar feeling when a State anywhere takes the life of a person, as is unfortunately the practice in other parts of the world.

Throughout history we see that the less civilised a country is, the more it imposes the penalty of death; and that with learning, with wisdom, with knowledge, with the

growth of science and research, and with medical experience and a genuine desire to treat the person who suffers somehow mentally, a way has been found to treat him and care for him so that he will do no harm to society.

Surely those are desirable ideals and objectives; and surely we should not retain this procedure of engaging a hangman, and of making all the operations so secretive because a Government is so ashamed when it makes a decision that a person shall hang. I say that, because no individual Minister makes the announcement; it comes out that Executive Council has said the law shall follow its course. There are no details—and I do not mean the gruesome details—with regard to the awful operation itself. As I have already said, capital punishment will be abolished in Western Australia, whether it be in 1961 or at a later period.

It is ridiculous to draw this analogy, but we find that after a lapse of eight or nine years we have reached a stage of a five-day week for bank officers. It had to come sooner or later. The same will be the case with the abolition of capital punishment in Western Australia. By a deliberative decision this evening we could avoid a recurrence of the drama enacted from time to time at Fremantle Gaol; particularly when there is no need for it.

Mr. WATTS: I would remind the Committee and the public that this is the first time any governmental attempt has been made to lessen the incidence of the death penalty in our Criminal Code.

Ever since the date—whenever it was; and it is half a century or so ago—when the Criminal Code was passed, there has been the imposition of the death penalty in connection with wilful murder and murder. That is the sentence that has been passed by the judges. Through those long years, as far as I can ascertain—and I think I am right—there has never been a governmental measure. There have been moves by private members on at least two occasions, but never any governmental measure until this Bill, which would contribute towards following the desires of those who wish to abolish capital punishment altogether.

Mr. Graham: But a Bill has not necessarily any more merit because a Government introduces it.

Mr. WATTS: I do not say that. I merely say that there has been no governmental move to introduce any legislation to minimise the conditions imposed under the Criminal Code. So in all fairness I think it must be regarded that this measure is some contribution towards the school of thought, which I have already said I am prepared to accept, of the honourable member opposite me at present. As the honourable member says, in the run of time Parliament may decide on the

complete abolition of any reference to the death penalty in its Criminal Code; but anyway this Bill is a contribution.

In a great number of English-speaking countries today the death penalty has been retained, even more than this Bill proposes. In Great Britain, as is well known, in the Homicide Act capital murders are not covered by the question of whether the intention was wilful or otherwise, but in the main by what class of weapon was used, and what class of person was killed. I have expressed the opinion here that that is quite a wrong way to approach the problem; and that it is, in my opinion, leading the law, because of peculiar anomalies that could arise, into some disrepute.

Let us hear what the Minister for Justice in the House of Commons in Canada had to say on the 23rd May, 1961, on the Criminal Code and capital punishment. This is an extract from the *Journal of the Parliaments of the Commonwealth* issued on the 3rd July, 1961, and reads as follows:—

The Government had concentrated attention on producing a system which represented a rational and logical application of certain principles of law, and had started on the basis that there were two broad types of killing. The first was where death did not result from any act of deliberation on the part of the person causing it, but could be said to be impulsive or non-deliberative, or not contemplated prior to the act. The Government's view was that the death penalty ought not to be the consequence of these cases, and, accordingly, although the crime might be murder, it was classed as "non-capital", and a sentence of life imprisonment only was provided.

The other type of killing was that where death was caused deliberately or as a result of a planned act of the person causing it. All these cases were classed as "capital" murder, and only for these cases the sentence of death would follow automatically on conviction.

Although at the time this Bill was prepared I had no knowledge of what was taking place in Canada—this document only arrived a few days ago in this State—it will be seen that the Minister for Justice in the House of Commons in Canada introduced legislation which would have almost exactly the same effect as this Bill so far as punishment in regard to wilful murder and murder is concerned; and on virtually the same grounds. He made comment on the law in England and said—

Finally, it had taken account of the feelings against the rather artificial division of murder into degrees based on the means by which it was committed or the class of person who was

killed. Thus, while it avoided the rather arbitrary and rigid classification found in the British Homicide Act, it had put more emphasis on the element of deliberation as the requisite for capital murder.

Mr. Bickerton: According to that theory there will be more murders and fewer wilful murders if capital punishment is any deterrent.

Mr. WATTS: On the subject of deterrent, the Minister for Justice in Canada said, "Indeed, on the question of the deterrent effect especially, statistics can give no satisfactory answer. There were no statistics of murders not committed." That is a very salient point.

Mr. Bickerton: That does not make any distinction between murder and wilful murder.

Mr. WATTS: I am not suggesting it does. This Bill makes a considerable contribution to those who want to abolish the death penalty altogether. It has been my view; and it apparently is the Government's view, which I am endeavouring to place before this Committee. I therefore oppose the amendment.

Mr. GRAHAM: The Bill seeks to do something in Western Australia which has not been achieved anywhere else in the world; that is, to classify degrees of murder.

Mr. Watts: It does not classify the degrees at all. The Bill adheres to the original definition of wilful murder.

Mr. GRAHAM: As that definition was compiled more than 50 years ago it is time we had another look at it. What were limitations of knowledge and experience in those days have been improved on since.

Mr. Watts: The definition of wilful murder has stood the test of time very well in Western Australia.

Mr. GRAHAM: I deny that. To support my view, I quote from paragraph 498 of the report of the British Royal Commission to which I referred. It states—

There are strong reasons for believing that it must inevitably be found impracticable to define a class of murder in which alone the infliction of the death penalty is appropriate.

Paragraph 534 contains the conclusions of the Royal Commission, and there were no dissentients. It states—

Our examination of the law and procedure of other countries lends no support to the view that the objections to degrees of murders, which we discussed above, are only theoretical and academic and may be disproved by the practical experience of those countries where such a system is in force. We began our inquiry with the

determination to make every effort to see whether we could succeed where so many have failed, and discover some effective method of classifying murders so as to confine the death penalty to the more heinous. Where degrees of murder have been introduced, they have undoubtedly resulted in limiting the application of capital punishment and for this reason they have commended themselves to public opinion, but in our view their advantages are far outweighed by the theoretical and practical objections which we have described. We conclude with regret that the object of our quest is chimerical and that it must be abandoned.

The Attorney-General is asking us to believe that his experience, and the experience of Western Australia over the last generation, is able to establish what this internationally famous Royal Commission was unable to establish after it had examined the position in Great Britain, Europe, the U.S.A., the South American Republics, and the British Commonwealth. It was unable to find anything to substantiate the claim that it is possible to classify murder.

Merely because in this State wilful murder has been defined since 1911, the Attorney-General pretends that classification of murder has worked and it should be allowed to continue. I suggest to the Attorney-General and to his advisers that they carry out some research into this question and bring themselves up to date. Their views on criminology and penology are hopelessly out-moded. The entire approach by Governments and departmental officers is entirely wrong. Our view seems to be this: Out of thought, out of mind; place the prisoners within prison walls, or hang them by the neck until they are dead.

As I indicated in respect of persons who suffered from mental disease, but who were not guilty of murder, 150 to 200 years ago they were placed in dark cellars for periods of 20 to 40 years; they were chained and they were not allowed to see the light of day; they were beaten and cruelly treated; and buckets of cold water were thrown on them. Our approach in regard to punishment appears to be a near relative of that sort of treatment.

If members agree, after my appeals and after listening to the evidence I have adduced, that there is not a tittle of evidence from any corner of the world to indicate that the brutal and legal procedure of taking the life of fellow human beings accomplishes anything, then this form of punishment should not be continued. In abolishing capital punishment Western Australians would not be the pioneers in the field. There are many parts of the world from which we can draw experience. Western Australia would be a completely

isolated exception if, after the death penalty had been abolished, a greater number of murders and wilful murders were committed than at the present time. Should that come about it would be possible for us to revert to the present order of punishment; but that is impossible, because the death penalty has been abolished in many places in the world, and in some of them, almost a century ago, but an increase in these crimes has not occurred.

Here we are in this enlightened age still proceeding with the grisly, wretched business of slowly and deliberately taking human life, when there is another way to meet the situation. If I have failed to convince members, it is not through the insufficiency of my evidence; it is either through the insufficiency of myself to submit a case, or it is due to the fact that some people are blinded by prejudices, reactionary in the extreme, and bound hand and foot to their Government.

I have said that no member opposite is bound by a political platform in dealing with this matter. He is free to vote for or against a continuance of capital punishment. I know that some members opposite agree with me, and I ask them in all conscience, not to vote for me, but to vote for the proposition before the Committee, in order to make Western Australia a civilised State.

I am afraid it is not possible for me to speak calmly and placidly on this matter, about which I feel so deeply. I can only hope and trust that there will be—if I may use the expression—a death-bed repentance on the part of at least one or two members on the other side who will support this endeavour of mine to abolish completely the hanging of fellow-beings in Western Australia when they have been overcome by a diseased, defective, and ill-balanced mind, and have taken the life of another, irrespective of how gruesome may have been the circumstances associated with the taking of the life of a fellow human being.

Mr. BICKERTON: I support the amendment moved by the member for East Perth. I find this clause a very strange one. I have stated before in this Chamber—and I make no excuses for it—that, regardless of the crime that has been committed, I am opposed to capital punishment. I have maintained that capital punishment is no greater deterrent to crime than is imprisonment; and for that reason, and for many others I have mentioned from time to time in this Chamber, the death penalty should be abolished.

I have heard speeches from members on the other side of the Chamber and reference has been made to the fact that they agree with capital punishment as a deterrent to the taking of the life of one person by another; and yet apparently they are going to support the Bill which now removes the death penalty for murder and

imposes it for wilful murder. In other words, if the opponents of the abolition of capital punishment are sincere in their belief that capital punishment is a deterrent to murder, they must admit to themselves—I do not admit it—that there will be an increase in murder, but no increase in wilful murder if this Bill passes.

That seems a rather strange twist to me on the part of those who oppose the abolition of capital punishment. I believe a person can think in one of two ways: either he agrees with capital punishment, or he disagrees with it. I cannot see how he can put some form of degree upon a murder. If this Bill passes, then a murderer, while he is committing his dastardly act, will say, "I must not make this too wilful or I will hang. All I want to do is to murder this fellow and get it over with." It seems to me that either one is in favour of capital punishment or against it.

Mr. Watts: For once in his life the member for Pilbara is being a little childish.

Mr. BICKERTON: I do not think so; and I would apologise to the Attorney-General if I were. I assure him I am not. I am quite serious. I think one is either for capital punishment or against it. If we bring in degrees of murder which will decide whether a man shall hang or not, we must say, "We do not mind removing the deterrent from murder, but we will not remove it from wilful murder." That is far from childish or facetious.

Mr. Watts: It is certainly not facetious.

Mr. BICKERTON: I am serious about the whole thing. I would have thought that if the Attorney-General wished to bring in a reform so far as capital punishment is concerned, he would go the whole way. The Attorney-General gave me the impression last session that this Bill would go close to abolishing the death penalty. I suppose it has to some extent. By way of an interjection last session, I asked the Attorney-General, "Will this Bill you intend to bring down mean that the death penalty will no longer be part of the statutes?" The Attorney-General said, "That could be so, although not necessarily. It will be considered."

This Bill is the result. I think what the Attorney-General had to say on that occasion might have been responsible for some members not giving more support to the measure moved by the member for East Perth; particularly as the Attorney-General said that amendments would be made to the Criminal Code during the next session of Parliament and he thought it would be better to let the matter rest until then. However, this measure has certainly not abolished capital punishment from our statutes; and I do not think it is going to have any effect, one

way or another, as far as being a deterrent is concerned. I do not believe that capital punishment ever has. I support the amendment.

**Amendment (to strike out words) put and a division taken with the following result:—**

**Ayes—20.**

Mr. Bickerton	Mr. W. Hegney
Mr. Brady	Mr. Jamieson
Mr. Curran	Mr. Moir
Mr. Davies	Mr. Nulsen
Mr. Fletcher	Mr. Oldfield
Mr. Graham	Mr. Rowberry
Mr. Hall	Mr. Sewell
Mr. Hawke	Mr. Toms
Mr. Heal	Mr. Tonkin
Mr. J. Hegney	Mr. Norton

(Teller.)

**Noes—21.**

Mr. Bovell	Mr. W. A. Manning
Mr. Brand	Sir Ross McLarty
Mr. Cornell	Mr. Nimmo
Mr. Court	Mr. O'Connor
Mr. Crommelin	Mr. O'Neill
Mr. Grayden	Mr. Owen
Mr. Guthrie	Mr. Perkins
Mr. Hearman	Mr. Watts
Dr. Henn	Mr. Wild
Mr. Hutchinson	Mr. I. W. Manning
Mr. Lewis	

(Teller.)

**Pairs.**

Ayes.	Noes.
Mr. Rhatigan	Mr. Craig
Mr. Evans	Mr. Mann
Mr. Kelly	Mr. Burt
Mr. May	Mr. Nalder

**Majority against—1.**

**Amendment thus negated.**

Mr. GRAHAM: I move an amendment—  
Page 2, line 21—Insert after the word "term" the following proviso:—

Provided that in the case of a person who, at the time the crime of murder or of wilful murder was committed, had not attained the age of twenty-one years, such person is liable to imprisonment for life with or without hard labour.

I think I am right in saying that under the Criminal Code a person can be dealt with in the terms of the law if he has attained the age of seven years. I realise that there are provisions in the Child Welfare Act that would have a bearing on this matter.

My amendment seeks to make it impossible for anyone under the age of 21 committed for the offence of murder or wilful murder to be hanged. So far as the crime of murder is concerned, the Bill provides for imprisonment with hard labour for life; and if there were a person of tender years it might be thought by the court that the penalty of hard labour should not be applied. Again I refer to the Royal Commission report, and paragraph 193 reads as follows:—

The reasons given by the medical witnesses who advocated the raising of the age limit were that persons under the age of 21 cannot be regarded as fully mature: "the brain has not finished developing until after that

age"; that the emotional balance of young people under the age of 21 is unstable, and this instability reduces their responsibility; and that the instability of adolescents, which in some cases may even amount to a form of mental disorder, is very often a factor in the crime. Other witnesses referred to the disabilities imposed by the law on persons under 21 because they have not attained the age of full responsibility, and represented that the relative irresponsibility of young people under this age is also a reason for raising the age of liability to capital punishment.

The next quote is only a short one and is contained in the conclusions of the Royal Commission. These are the words of the Royal Commission in paragraph 609:—

We have examined every aspect of the existing law, practice and procedure relating to the scope and definition of murder, and to the treatment of persons charged with, or convicted of, murder, and have considered numerous proposals for amending them. We are agreed in recommending—

Then follows (a), (b), (c), and (d); (e) being as follows:

- (e) (By a majority) that the law should be amended to provide that the sentence of death should not be passed on any person convicted of murder who was under 21 years of age at the time of the commission of the offence.

For a start what I quoted should appeal to the member for Leederville because the expressions were those of medical witnesses. Finally the Royal Commission, albeit by a majority, decided to recommend that the death penalty should not apply to those under 21 years of age. I feel that if the death penalty is unfortunately to be retained, we should not leave this matter to the Government of the day but should have it written into the statute. To be perfectly frank I very much doubt whether a Government would sanction the taking of a life where the offender happened to be a minor; but it could occur; and accordingly I think it should be written into our laws.

Here let me give an example. Some years ago I moved for an amendment to this statute to delete a provision which stated that in the case of a native being hanged, such hanging should take place either in an enclosure—as, for instance, a prison—or in public. At the time I moved for the deletion of the portion which said that the hanging of a coloured person or native could take place in public. I did not consider for one moment that there was any possibility that a Government would allow such a course to be followed. I merely moved for the deletion in order

to make our law conform with our practice. I think the same should be the case in this instance.

I very much doubt whether it requires any further argument; and I now defer to the Attorney-General and hope he will agree with me.

Mr. WATTS: I do not propose to accept this amendment. I think it is far better that a matter of this kind should be left to the discretion of the Executive Council of the day. It is possible to imagine a person under 21 who could commit a most brutal and wilful murder in the most sadistic circumstances, and it would be a question then of deciding what should be done. I personally would agree with the member for East Perth that it would be most unlikely, in the great majority of cases, that any such action would be taken in regard to a person under 21. I think it is a proper case to leave to the Executive Council of the day and not insert in the statute.

I might say, quite apart from the general principles involved, that I could wish that this amendment had been on the notice paper, because it does not seem to me quite to fit in with the remainder of the clauses. That is not the reason why, at the moment, I am opposing it, although I would like to have seen it on the notice paper, so far as its verbiage is concerned. I express my opposition to it for the reasons I first gave.

Mr. GRAHAM: Needless to state, I am not a little disappointed with the attitude of the Attorney-General. For some unaccountable reason he prefers to leave a decision in respect of what I thought was a matter of some importance—indeed a principle—to determination by Executive Council; and this following shortly after his attitude on the previous clause, when he refused to allow a matter to be determined at the discretion of Executive Council.

Surely the Attorney-General has some regard for the words that I quoted: for the immaturity of a person, however brutal may have been the means the convicted youth applied in bringing about the death of another person! It may be a girl who commits the offence; and here let me say that our law does not differentiate between male and female. As a matter of interest, the Royal Commission of Great Britain resolved that there should be no differentiation; in other words, there should be no particular protection or consideration merely on account of the circumstance of sex.

But surely the Minister is not asking me to believe that he or anybody else agrees that a person under the age of 21 years should be hanged, if indeed we hang anyone at all. It certainly would not be done, in the case of one under 21 or over 21, by

a Labor Government. The Attorney-General has already indicated that he and those who sit with him would hardly be likely to allow the hangman's noose to go around the neck of a minor.

We do not acknowledge that a person under the age of 21 is sufficiently mature mentally even to cast a vote to elect a person to represent him in Parliament—an elementary matter such as that; and I suppose most people, long before they are 21, form their loves and their hates as to whether they are pro-Labor or anti-Labor. There is so much in their experience and the conversations they listen to, to influence them to allow them to cast an intelligent vote. Whilst the law of the land says that, at the same time it apparently says that a person under the age of 21 is so mentally mature and so balanced that if the Government of the day thinks fit it can insist that he be hanged. It does not make sense.

I did not devote a great deal of time to my study of this particular point, because not for one moment did I anticipate that there would be any rejection or suggestion of rejection on the part of the Government. I do not know whether the supporters of the Government have been obliged to support this Bill to the minutest detail; but is there not one amongst them who would say it should not be left to a majority of those who might comprise the Cabinet in X years' time, but that we who are the Parliament at this moment and who are considering amendments to the Criminal Code, with particular reference to the taking of life by the State, should be the ones who should lay down a principle to be followed by our courts?

Certainly in the matter of humane Christian reforms such as this, there is a far greater reason why Parliament should lay down the course to be followed than there was in the earlier case when we voted on clause 2 of this Bill. If my appeals are falling upon barren soil, I am afraid that even had I spent weeks or months carrying out research from one end of the world to the other, I could not have prevailed on even one Government supporter to be with me in the move.

It is beyond my comprehension, because it apparently accords with the feelings of the Government and the Opposition. It is what was recommended by the British Royal Commission. And such being the case, why not give it legislative authority?

I wonder if the Attorney-General would tell me whether Government members are voting in accordance with their consciences, or whether they have been instructed that whatever is submitted—be it good, bad, or indifferent—if it emanates from the Opposition they are in duty bound to oppose it. I think we are entitled to know that.

Mr. I. W. Manning: No; you would not be entitled to know that.

Mr. GRAHAM: Then we can deduce the worst: that the Government is entreating its supporters on matters about which there was no mention in its party platform or in its mandate from the people—

The CHAIRMAN (Mr. Roberts): Order! The honourable member will keep to the amendment.

Mr. GRAHAM: —that the Government will not give effect to any proposals, no matter how trivial a matter is, or how removed from any of those requirements—

The CHAIRMAN (Mr. Roberts): Order! The honourable member will keep to the amendment.

Mr. GRAHAM: I think I am doing so. I am appealing to members to judge this amendment on its merits; and there appears to be no difference between the Government and the Opposition, except that the Government decides to leave it to the Executive Council, whereas I want Parliament to lay it down so that there will be no possibility of a mistake being made of a minor being hanged by the neck until he is dead.

As there is no legal requirement, no obligation to electors or anyone else, what is it, then, that deters the supporters of the Government? Why are they not supporting me or giving me some indication of support for this? Finally, has the instrument of Parliament become subject completely and utterly to the ruthless party machine?

The CHAIRMAN (Mr. Roberts): Order! The honourable member's time has expired.

Mr. FLETCHER: I feel there is justification for the amendment because I submit that some people under 21 years of age are still really juveniles, and they could make the fatal mistake of murder, whether it be premeditated or otherwise. I know a murderer; I knew him as a boyhood friend, and I still consider him to be a friend. I would like to explain the circumstances of the crime he committed. When he committed the crime, which I am about to relate, he might have been over 21 years of age; but he could have been younger.

The CHAIRMAN (Mr. Roberts): Order! The amendment deals only with those under the age of 21.

Mr. FLETCHER: I do not know his exact age, but he was a boyhood friend of mine, and he was married very young. He had a son who, unfortunately, was a hopeless imbecile. He loved the child and he did not want to send him to an institution, so he destroyed him. The life of the boy was sacred to this man, but he took that life after a lot of tortured thought. All members will know the case to which I am referring. The person concerned was a young man and immature in his mind.

It was wilful murder—wilful to the extent that, despite the fact that his mind was tortured, thought was given to the killing. But I submit he was too young to make a mature decision on the matter, and he took his son's life. Admittedly, after he had killed the boy he carried the body into the police station and made the necessary admissions. But it was wilful murder; and, as a consequence, that immature young man could have paid the supreme penalty.

I know him well, and I met him quite recently. He is now out of gaol, among society, and is a useful citizen working at the same trade that I previously followed. That is one example of what can happen and why I believe the amendment should be agreed to. Leniency was shown in his case, admittedly; but with a strict application of the law he could have been hanged. Because there could be parallel cases I believe the amendment is justified.

**Amendment put and a division taken with the following result:—**

**Ayes—20.**

Mr. Bickerton	Mr. W. Hegney
Mr. Brady	Mr. Jamieson
Mr. Curran	Mr. Molr
Mr. Davies	Mr. Nuisen
Mr. Fletcher	Mr. Oldfield
Mr. Graham	Mr. Rowberry
Mr. Hall	Mr. Sewell
Mr. Hawke	Mr. Toms
Mr. Heal	Mr. Tonkin
Mr. J. Hegney	Mr. Norton

(Teller.)

**Noes—21.**

Mr. Bovell	Mr. W. A. Manning
Mr. Brand	Sir Ross McLarty
Mr. Cornell	Mr. Nimmo
Mr. Court	Mr. O'Connor
Mr. Crommellin	Mr. O'Neill
Mr. Grayden	Mr. Owen
Mr. Guthrie	Mr. Perkins
Mr. Hearman	Mr. Watts
Dr. Henn	Mr. Wild
Mr. Hutchinson	Mr. I. W. Manning
Mr. Lewis	

(Teller.)

**Pairs.**

**Noes.**

Mr. Ayes.	
Mr. Rhatigan	Mr. Craig
Mr. Evans	Mr. Mann
Mr. Kelly	Mr. Burt
Mr. May	Mr. Nalder

**Majority against—1.**

**Amendment thus negatived.**

**Clause put and passed.**

**Clause 4 put and passed.**

**Clause 5: Section 706A added—**

**Mr. WATTS: I move an amendment—**

Page 5, line 8—Delete the word "either", and substitute the words "the latter".

This amendment is to correct what is in the nature of a drafting error. At least the clause is open to misunderstanding as it is now printed because I think the use of the word "either" would apply not only to the serious ill-health of the person, but also to the miscarriage of justice, and it should surely not apply to the person's ill-health.

**Amendment put and passed.**

**Clause, as amended, put and passed.**

**New clause 4—**

**Mr. WATTS: I move—**

Page 2—Insert after clause 3 in lines 12 to 20, the following new clause to stand as clause 4:—

S. 639 amended.

4. Section six hundred and thirty-nine of the Code is amended by adding after the word, "death" in line three of the proviso, the words, "or the indictable offence of murder".

**Section 639 contains the following proviso:—**

Provided that on the trial of a person charged with any indictable offence other than a crime punishable with death, the Court may, in its discretion, permit the jury to separate before considering their verdict for such period during any adjournment of the trial as the Court may think fit.

We think that the provision as applying hitherto to murder, because such crime has been punishable with death, should not apply to murder because it will not now be punishable by death; and that the jury should not be separated in the trial of murder. Therefore, this amendment seeks to ensure that during a trial for murder the jury cannot be separated, as is the present position.

**New clause put and passed.**

**Title put and passed.**

**Bill reported with amendments.**

## JUSTICES ACT AMENDMENT BILL

### Second Reading

**MR. WATTS (Stirling—Attorney-General) [10.27 p.m.]: I move—**

That the Bill be now read a second time.

This Bill, and the one that follows under Order of the Day No. 27, are corollaries to the Criminal Code Amendment Bill which has already been dealt with by the Committee of the whole House. The measure which we now have before us proposes to amend section 115 of the Justices Act by adding after the word "crime" in line 1 of that section, the words "or the crime of murder". Section 115 reads as follows:—

#### Bail.

115. No person charged with a capital crime shall be admitted to bail except by order of the Supreme Court or a Judge thereof.

Up to the present, this section has applied to both wilful murder and murder. Under the Criminal Code Amendment Bill, which we have just passed through the Committee stage, murder will no longer

be regarded as a capital crime; but it is considered that a person charged should not be admitted to bail without the order of a judge of the Supreme Court, and therefore it is proposed to ensure that that will be so by inserting after the word "crime" in the first line of section 115, the words "or the crime of murder", so that, when amended, the section will read—

No person charged with a capital crime or the crime of murder shall be admitted to bail except by order of the Supreme Court or a Judge thereof.

The amendment of the following section is a direct consequence of the first one, with the same intention.

Debate adjourned, on motion by Mr. Nulsen.

### JURIES ACT AMENDMENT BILL

#### Second Reading

MR. WATTS (Stirling—Attorney-General) [10.29 p.m.]: I move—

That the Bill be now read a second time.

This Bill, to amend the Juries Act, proposes to amend two sections of that Act which again are correlated to the Criminal Code Act Amendment Bill. The first section to be amended is section 41, which reads—

Where a jury in a criminal trial, not being a trial for an offence punishable with death, has retired to consider its verdict and remained in deliberation for at least three hours and has not then arrived at a unanimous verdict, the decision, of not less than ten of the jurors shall be taken as the verdict.

Of course, once again under the section and the position as existed heretofore there would have had to be a unanimous verdict both for wilful murder and murder. But as murder is under the Criminal Code Amendment Act not to be a capital crime the provisions of a majority verdict could apply for murder. It is proposed, therefore, to amend section 41 to ensure that in connection with the charge of murder the verdict must still be unanimous.

Mr. Nulsen: These two Bills emanated from the other Bill tonight.

Mr. WATTS: Yes; they are corollaries to it. The other amendment is to amend section 57 of the Juries Act. This section deals with the restriction of newspapers publishing names or photographs, etc. of jurors on criminal trials. Section 57 (2) states—

... in the interests of justice it is undesirable that any report of or relating to the evidence or any of the evidence given at the proceedings before that court should be published.

It is proposed in subsection (2) of section 57 to add after the word, "inflicted" in line 3 the words "or charged with the crime of murder". It will then read—

If the court at which any person charged with any crime in respect of which the penalty of death may be inflicted or charged with the crime of murder and at which such person may be or is committed for criminal trial at any time before the rising of that court . . .

It will place a restriction on photography and the publication of names applicable to charges of murder, the same as it has been heretofore with murder as a capital crime. It will be seen by this amendment that these two Bills have exactly the same intent. They desire to retain some protection in regard to murder, although it will not be a capital crime, as would have been the case had it remained a capital crime.

Debate adjourned, on motion by Mr. Nulsen.

### FISHERIES ACT AMENDMENT BILL

#### Second Reading

MR. ROSS HUTCHINSON (Cottesloe—Minister for Fisheries) [10.34 p.m.]: I move—

That the Bill be now read a second time.

This amending Bill does not contain many new provisions. In the main it tidies up errors which I am afraid were incorporated in the measure I brought before the House last year, and which secured the approval of the House. Perhaps I should say that that Bill was introduced as quickly as possible in order to try to cater for the opening of the crayfish season on the 15th November.

I am afraid, however, that several errors were inherent in the Bill, and there were many loopholes which I trust this measure will close. First of all it is considered necessary to redefine what is meant by "crayfish tail." The current definition of "crayfish tail" means the abdomen of a crayfish when severed from the carapace. It has since been held by counsel, however, that if the severed abdomen is not entire—that is, if any portion of the flesh is missing—then it is not a tail within the meaning of the Act; and accordingly no prosecutions can be proceeded with in regard to undersized crayfish tails. The amending Bill proposes to define a crayfish tail as the whole or part of the abdomen when severed from the carapace.

At the present time a crayfish tail must comply with two measurements—with the weight measurement and the length measurement. It has proved impracticable to have both these measurements to prove the size of a crayfish tail. Particularly is this so in regard to the measurement by

length as it relates to frozen craytails which are curved or bent, and which, to be measured accurately, must be thawed, straightened out, and then measured. But, of course, when a crayfish tail is thawed out it cannot be adequately frozen again, as it does not satisfy export requirements. Apart from this it damages the quality of the craytail. To overcome this difficulty, provision is made in the Bill for the weight only to be prescribed; and this shall be the sole measurement for a crayfish tail. There is no intention of altering the 5 oz. weight measurement that is already in force.

One of the more important aspects of fisheries research lies in the information that can be obtained from fisheries statistics. At present statistical returns are furnished by fishermen only after notice is served by the department on those fishermen that certain statistical information is required. Provision is made for that in the parent Act. It is proposed to simplify this procedure by making it obligatory on the fishermen to supply the information, which will be of considerable value to the department. Provision is also made for new operations to be included in the statistical returns.

Clause 5 of the Bill is a rewording of the existing provisions regarding the seizure and forfeiture of fish. If five per cent. of the fish in any container are undersized, or if in one section five per cent. are female crayfish bearing eggs or spawn, the present wording is inadequate to deal with the position as it only provides for forfeiture before seizure. In order to comply with the intention of the Act the wording has been rearranged. In addition, the amendment specifies that the forfeiture shall be for use of Her Majesty, which provision did not apply previously. Paragraph (b) in clause 6 has the same effect regarding the percentage of undersize crayfish tails in any container.

The 1960 amending Bill inserted a special penalty clause providing that in addition to a general penalty for being in possession of undersize crayfish tails, a further penalty of not less than 1s. or more than 5s. shall be imposed for every crayfish tail seized under the provision that all in a container are forfeited, if 5 per cent. are undersize. It was not appreciated at the time that this additional financial penalty could be imposed for size crayfish seized under this provision. It is felt strongly by the department, by magistrates, and by the industry generally that it is unfair to impose an additional penalty for the legal size crayfish tails that have already been forfeited. It is proposed to have the additional penalty refer only to the actual undersize crayfish tails.

Members will recall, in all probability, the provisions which were inserted in the amending Bill last year relating to the compulsory labelling of all receptacles containing fish. It has been found, as a

result of the department's experience, that it is not necessary to insist that all classes of fishermen be compelled to use labelled containers. An example is the salmon fishermen who customarily transport their catches in bulk in the back of a truck. Therefore provision is made in the Bill for the Minister, or the chief inspector by delegation, to exempt special cases from the labelling provisions. As the cases arise, and when elasticity can be applied, the Minister will, in his discretion, exempt fishermen from labelling containers.

A shortcoming in the 1960 Act is also to be corrected. This relates to the declaration that a label bearing the name and address of any person attached to a receptacle containing fish is *prima facie* evidence that the person consigned the fish. Reference to the Act of last year will reveal that the word "section", which appears in existing section 22B, limits the operation of the section to offences under that section alone. It was intended that the word "section" in the Act should apply to the Act as a whole. It has been found impossible to proceed with any prosecutions unless they were launched under that particular section. Where prosecutions have to be laid under other sections of the Act, it was impossible to proceed with them. So a completely new section has been included in the Bill to overcome that situation.

Section 41 of the Act provides that inspectors and police officers shall have the power to search any vessel, boat, house, tent, or other premises to inspect fish; and to search for, seize, and take away any net used or about to be used in breach of the Act or regulations. The Bill provides for the addition of the word "aircraft," and extends the power of search to apply to any explosive substance which the inspector or police officer has reason to believe has been used, or is intended to be used, for the taking, or attempted taking of fish.

Recently at Shark Bay a visiting boat was suspected of using an explosive substance for taking fish, but there was no method of proving this. Such an occurrence is rare, but it was considered desirable to cover it in the Act. In this case at Shark Bay, the inspector did see numerous dead fish floating on the water but he lacked the authority to search the vessel for explosives.

A perusal of the Bill will indicate that a new second schedule to the Act, comprising the latest list published in the *Government Gazette* on the 28th October, 1960, replaces the existing schedule. The schedule gives the revised minimum size of fish.

There is one further matter which I think it is appropriate to mention at this stage, although it has no direct relationship to the Bill. I claim your indulgence, Mr. Speaker, to refer to it, as it has a very

close relationship to the fishing industry and to members in this House, particularly to the member for Beeloo who raised the point previously during this session. The action which I propose to take endeavours to stamp out the trade in undersize crayfish, in regard to what is happening in the craymeat industry.

Mr. Jamieson: The Bill covers that point?

Mr. ROSS HUTCHINSON: It is not mentioned in the Bill. I am relating what I propose to do.

Mr. Jamieson: You will do that by regulation?

Mr. ROSS HUTCHINSON: Yes. A good deal of publicity has been given to the growing trade in crayfish meat. For some considerable time—at least twelve months—the department has been well aware that the trade in crayfish meat was growing. Consideration has been given to finding ways to combat this trend. The solution which was eventually arrived at is a rather severe one, and I am a little reluctant to agree that such a step should be taken. When the trade in crayfish meat first commenced it comprised, in the main, the meat from the legs, and the meat left in the carapace after de-tailing. However, in the past 12 months a great number of undersize crayfish tails were cut up for craymeat.

I think it is pretty well certain that the practice has grown up because of the amending Bill introduced last year which cracked down with stronger penalties and a wider sphere of operations in regard to the taking of undersize crayfish. It will be remembered at the time that the House approved of these harsher penalties in the interests of the industry; but the more unscrupulous fishermen have still taken these undersize crayfish, cooked them, and cut them up. It is impossible for anyone to determine whether the craymeat has been taken from a sized fish or an undersize fish.

I think it is appreciated by the department there is probably legitimate room—or there could be—for the dealing in craymeat; and at first I had hoped that a regulation could be drawn up which would provide for this legitimate field of operations; but in casting about for a satisfactory regulation it was found to be virtually impossible. Too wide a loophole was left, and the trade in undersize crayfish could still have been continued to the detriment of the industry by and large.

So I have taken the decision, after advice from my officers, that a complete embargo be placed on craymeat. No amendment to this Act is required—the matter can be dealt with by regulation. I trust that the regulation will serve its purpose and assist in cutting down the traffic in undersize crays.

Debate adjourned, on motion by Mr. Tonkin (Deputy Leader of the Opposition).

### Message: Appropriation

Message from the Lieutenant-Governor and Administrator received and read recommending appropriation for the purposes of the Bill.

## ADJOURNMENT OF THE HOUSE: SPECIAL

MR. BRAND (Greenough—Premier): I move—

That the House at its rising adjourn until Thursday, the 5th October.

House adjourned at 10.53 p.m.

## Legislative Assembly

Thursday, the 5th October, 1961

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