In his contributions in this House he was always forthright and this is something we can all admire. While we may not always agree with the point of view expressed we can all admire a man for his forthrightness. His death will bring about a change in the province we represent, and it is sad to consider that he intended to retire next year in any case. It would have been rather nice had he been able to enjoy some relaxation in retirement; because I am sure he was one who would have been able to find many avenues through which he would have been able to relax but still make some further contribution to the welfare of the community.

It is with a great deal of regret that I join the Leader of the House in regard to this motion. We, as his colleagues in this Chamber, have lost a friend.

Knowing that this could happen to any one of us, it might be to our advantage to consider the position seriously and not continue longer than is absolutely necessary in the service of our country; because, after all, our families do have some place in our lives. It might be as well, therefore, for us to appreciate this fact and retire at a reasonable age. I join with previous members in paying tribute to the late Ray Jones.

THE HON. N. E. BAXTER (Central) [4.51 p.m.]: As one who was a party colleague of the late Ray Jones, and who was elected to this Chamber in the same year —1950—together with Mr. Jack Thomson and Mr. Strickland, I join with the Leader of the House in the motion he has moved.

Ray Jones was not merely a colleague of mine; he was also a very good friend. Like other members of our party, I knew Ray and his wife and family very well indeed. It was with great regret that I read of his passing. Other members have said all that can be said on this sad occasion, and I endorse their remarks completely.

When one looks back to 1950, and then looks around the Chamber today, it is strange to find there are only seven of us left who were elected that year. There is always a close tie between the older members of the Chamber; and it is with very much regret that I associate myself with the motion before the Chair. I am sure we all know that we have lost a colleague and a very sincere friend.

THE HON. N. McNEILL (Lower West) [4.53 p.m.]: It is with great regret that I associate myself with this motion in connection with the passing of the late Ray Jones. My association with Ray began about 40 years ago where, in Pithara, his family and mine were neighbours. I therefore had the opportunity, and the privilege —as one appreciates it now—of knowing Ray as a very robust, healthy, strong young man; as a great sportsman; and as one who gave a great deal to the local community, even in his boyhood days.

I recollect him well in those years; and it has always been of some pleasure to me that he, too, always recalled, with some affection, his boyhood associations in those districts. Ray was raised in what were very turbulent times, in a district which has probably produced an above-average number of people who have occupied prominent places in the service of the State, and of the country. It is not surprising, therefore, having been raised in such an atmosphere, that he too should make such a great contribution to the State.

In associating myself with the motion, I also extend very great and personal condolences to his bereaved family and relatives; and though it may be small consolation to them, they may rest assured that, from his early beginnings, with his public service to this great country, Ray made an earnest contribution not only to the welfare of Western Australia, but also to the communities in which he lived. It is with regret, therefore, that I associate myself with the motion before the Chair.

THE PRESIDENT (The Hon. L. C. Diver) [4.55 p.m.]: I, too, would like to take this opportunity to associate myself with the motion that has been moved. I have known The Hon. A. R. Jones for several years. He came here as a man representing the rural dwellers, and he earnestly and sincerely discharged his duties to his electors.

Ray Jones was not a man who would agree to a set policy for the sake of convenience. He always placed the interests of his constituents first; and I feel sure we will all remember him in that light.

To his daughters, and to the rest of his family, I extend my deep sympathy, and trust that the passing of time will help them in their hours of sadness and in their loss.

Question passed, members standing.

House adjourned at 4.58 p.m.

Legislative Assembly

Tuesday, the 5th September, 1967

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

QUESTIONS (15): ON NOTICE

PAYNES FIND SCHOOL

Teacher's Quarters

1. Mr. JAMIESON asked the Premier:

   In view of the doubtful future of the school at Paynes Find, what motivated the approval for erection of teacher's accommodation at this centre when heavy demand exists for such accommodation in more stable centres?

Mr. BRAND replied:

The accommodation at the Paynes Find Hotel to which the teacher had had access was not available in 1967. No other accommodation existed.

The likely future of the school at Paynes Find was given careful consideration by the Education Department prior to advising the Government Employees' Housing Authority that accommodation at this town was urgently required. Having regard to the doubtful future of the school, the authority erected a transportable dwelling with a view to easy removal to another area in the event of the school closing.

Until the dwelling was provided in May the teacher lived in a caravan.

COMPREHENSIVE WATER SCHEME

Extension and Completion

2. Mr. KELLY asked the Minister for Water Supplies:

(1) Does the answer given to (1) of question 1 on the notice paper of the 30th August, 1967, mean that the remaining work to be completed under the comprehensive water scheme is that which was indicated in the *Green Book* as at 1963?

(2) If there is some other meaning, will he advise what portion of the extension comprehensive scheme remains to be completed?

Mr. ROSS HUTCHINSON replied:

(1) The answer given to (1) of question 1 on the notice paper of the 30th August, 1967, referred to the approved works under the Western Australia (South West Region Water Supplies) Agreement Act of 1965 as set out in the *Green Book*.

(2) The work remaining after this programme is completed comprises the balance of the original (1946) scheme as shown uncoloured within the black line boundary of the map in the *Green Book*, plus possible extensions outside this boundary at present under consideration; and, at the appropriate time, the State plans to make a further approach to the Commonwealth Government for financial assistance.

HOSPITALS

Establishment in Fringe Areas

3. Mr. DUNN asked the Minister representing the Minister for Health:

(1) Has any investigation been made into the desirability and practicability of establishing in fringe areas—such as Kalamunda—hospitals which could serve to provide reasonable facilities which could satisfy the requirements of patients and general practitioners not needing the advantages to be gained at general hospitals which provide highly specialised equipment, knowledge and ability?

(2) Does he agree there is merit in providing in such areas some form of industrialised transportable hospital which could be used in time of emergency and provide the necessary facilities for training in civil defence?

Mr. ROSS HUTCHINSON replied:

(1) Yes. In 1961 a special committee inquired into metropolitan hospital needs and recommended the construction of peripheral hospitals to serve the community in various localities.

(2) The subject matter to which the honourable member refers raises other issues and will be investigated.

RING ROAD SYSTEM

Southern Leg and Mitchell Freeway Link

4. Mr. TONKIN asked the Minister for Works:

(1) Is it not a fact that the Mitchell Freeway and the ring road concept which are part of the Metropolitan Region Plan accepted by Parliament in 1963 were based on the Stephenson Report of 1955?

(2) Did not the design on the 1955 plan as shown on the map entitled "Perth Central Area Development Proposals" deliberately avoid bringing major traffic on to the southern leg of the ring road and also show that the whole Narrows Interchange was designed for a north-south traffic flow?

(3) Is it not a fact that the present plan which is being used for construction shows a Narrows Interchange designed to cater for more traffic between the Mitchell Freeway and the southern foreshore than between the Mitchell Freeway and the Narrows Bridge?

(4) If "Yes," will he explain what has made the complete change of concept necessary?

(5) As he has stated that Riverside Drive has been downgraded from a freeway and the Premier has confirmed that the Government does not intend to build a freeway there, will he explain why, when purporting to be speaking of a ring road (*Hansard*, page 361) he actually described a freeway along Riverside Drive and referred

members to the Main Roads Department booklet on the Mitchell Freeway in which his description can be found practically word for word but in reference to a freeway, not a ring road?

(6) If as he has said most city-bound traffic coming from the southern suburbs goes to the southern flank of the city, why does he plan to bring city-bound traffic from the north of the city into the city via the southern foreshore which will be overcrowded without it?

(7) Why does he also plan to bring on to the city foreshore and the Narrows Interchange the complete east-west through traffic?

(8) (i) When and by whom was the suggestion (to which he has referred) made that city-bound traffic originating from the southern suburbs and aiming for the southern flank of the city should be brought into the city through the the north-eastern section of the ring road and in particular across a Burswood Island bridge?

(ii) Can he show that this idea has at any time been advocated by any person of standing who is in opposition to the Government's present inner freeway system?

(9) (i) Has the Government made any effort to give or does it intend to give a personal hearing to those who are publicly opposing the present design of the inner freeway system?

(ii) Has the Government made any serious attempt to check the statement of these opponents that by concentrating on the development of the northern leg of the freeway, the Government could save many millions of dollars?

Narrows Interchange: Estimate of Cost

(10) Will he supply the House with a detailed estimate of the cost of the Narrows Interchange setting out approximately the separate cost of each of the different bridges to comprise the complex?

Mr. ROSS HUTCHINSON replied:

(1) Yes.

(2) No. The map referred to does not deliberately avoid bringing major traffic on to the southern leg of the ring road. It must be borne in mind that the proposals outlined in the plan referred to illustrate a concept. At that time no origin and destination traffic survey data was available to establish whether the detail of such proposals was in fact valid or practicable. The emphasis placed on the importance of the Narrows interchange area and its connections with Riverside Drive can be illustrated by quoting from page 175 of the 1955 report—

> Riverside Drive to the south, between the Causeway and Mounts Bay Road, is already a most valuable traffic route on the remaining flank of the city. It is efficient because it has virtually limited access. It is of tremendous importance because it intercepts and distributes traffic approaching from the west, east and south, and affords great relief to the central city streets. The main road proposals in the Central Area envisage the completion of a ring encircling the Central Area, each part performing the function clearly demonstrated by Riverside Drive.

(3) Yes.

(4) There has not been a complete change of concept. As indicated by the reply to (2) Riverside Drive as conceived must receive and distribute the traffic from eastern, western, and southern radial routes. A continuing series of traffic surveys and an analysis of this data since 1956 have shown that while the concept of the ring road was, and is, valid, matters of scale and detail must be modified and enlarged if the system is to function in a proper manner. These surveys have shown that the connections between the Mitchell Freeway and Riverside Drive from and to the north are essential for the distribution of traffic from the north to the southern flank of the city. These surveys have also shown that the original prediction of vehicular ownership and usage developed in the 1955 report were, in fact, far too conservative, so that early estimates of traffic are being exceeded. There is therefore the need for change in both the physical and the time scale, but not the conception of the original scheme proposals.

(5) The description alluded to describes a ring road which, if ultimately constructed to full freeway standard, would have the operational characteristics of free flow uninterrupted by intersections. Again it must be emphasised that while city development and associated traffic growth beyond 1980 may require freeway development of the ring road, present studies

indicate that predicted traffic volumes on this section of the ring road, up to 1980, may be accommodated by an upgrading and improvement of Riverside Drive or Terrace Road or both.

(6) Of the expected 1980 traffic from the north and north-west suburbs using the Mitchell Freeway or Charles Street to reach the city, approximately 25 per cent. wish to reach the No. 2 Perth City Council car park and another 25 per cent. wish to reach destinations further east on Riverside Drive. Planning to cater for these measured and predicted desires of people and traffic must proceed on the basis that either provision is made in the Mitchell Freeway, Narrows interchange, and Riverside Drive design or this traffic must be expected to traverse the inadequate city streets to arrive at its destination.

(7) In this case also almost 50 per cent. of the expected 1980 traffic from Mounts Bay Road wishes to proceed eastwards on Riverside Drive to destinations beyond the No. 2 Perth City Council car park and Barrack Street. If provision is not made in the design to meet these requirements it must be expected that the traffic will attempt to traverse the overloaded existing city street system.

(8) This suggestion, which was used solely as an example, may be considered as a possible solution implied in the published views of those opposed to the current ring roads proposals.

(9) (i) Senior officers of the Main Roads Department have had discussions with some of the people concerned. I have had no request for a personal hearing.

(ii) There is no basis in known fact for the assertion that many millions might be saved by concentrating development on the north leg. The needs of the city are such that the ring road concept must be maintained for the city to live.

(10) Bridges:

	$
N. 1: Mitchell Freeway to north over east to north roadway	500,000
N. 2: Mitchell Freeway to south over east to north roadway	500,000
N. 3.: North to east roadway over car park approach roads	800,000
N. 4: Mitchell Freeway, northbound and southbound roadways over Mounts Bay Road	2,500,000
N. 5: West to east roadway over freeway and ramps	3,500,000
N. 6: William Street overpass	1,500,000
N. 7: West to east roadway over lake	400,000
Bridge total:	$9,700,000
Other works—reclamation, earthworks, paving, landscaping, etc.	$7,300,000
Total cost:	$17,000,000

TRAFFIC CONTROL AND MOTOR VEHICLE LICENSES

Implementation of State-wide System

5. Mr. FLETCHER asked the Minister for Traffic:

(1) Will he advise present Government intentions regarding an overall plan of traffic control and vehicle licensing throughout the State?

(2) Did any interdepartmental committee bring down any recommendation on this matter; if so, what was the majority decision?

(3) In the interests of road safety promotion and having in mind the progressive increase in traffic fatalities and accidents, will he legislate during this session to—

(a) provide a uniform system of traffic administration throughout the State;

(b) ensure that country local authorities are not financially disadvantaged in the process?

Mr. CRAIG replied:

(1) Yes. This has already been stated by the Government and published in *The West Australian* on the 8th December, 1966. Briefly, it is that traffic control and licensing will remain as at present but any local authority may hand over these functions to the Police Department on a basis of mutual consent.

(2) Yes. The recommendation was that control and licensing should be administered by a single authority and that the Police Department should be that authority.

(3) (a) Yes; to the extent of the Government's decision as outlined in (1).

(b) Distribution of traffic fees will not be to the disadvantage of local authorities.

POTATOES

Exports: 1962-1966

6. Mr. NORTON asked the Minister for Agriculture:

(1) How many tons of potatoes have been exported overseas by the Potato Marketing Board during each of the years 1962, 1963, 1964, 1965, and 1966?

(2) To what countries were the potatoes exported?

(3) What was the f.o.b. price in each year?

Mr. NALDER replied:

	Tons.
(1) 1961-62 —	2,450.
1962-63 —	7,836.
1963-64 —	4,486.
1964-65 —	1,845.
1965-66 —	10,310.

(2) Singapore.
Malaysia.
Ceylon.
Hong Kong.
Persian Gulf.
Maldive Islands.
Mauritius (seed).

(3) $44—No. 1 grade potatoes surplus to local requirements.
$102—"Seed" (for Mauritius).

PAYNES FIND BATTERY

Costs, Tonnages, and Revenue

7. Mr. JAMIESON asked the Minister representing the Minister for Mines:

(1) What was the cost of placing the Paynes Find Battery in working order?

(2) What has been the overall cost of maintaining and conducting this battery since its reopening in April?

(3) What has been the throughput tonnage of ore since the reopening?

(4) What has been the income of the battery during this time?

Mr. BOVELL replied:

(1) $11,521.

(2) $10,570.

(3) 581 tons.

(4) $620.

HOSPITALS

Nurses Training

8. Mr. DAVIES asked the Minister representing the Minister for Health:

What hospitals in this State are accredited as training hospitals for nurses?

Mr. ROSS HUTCHINSON replied:

General:

Royal Perth Hospital.
Princess Margaret Hospital for Children.
Fremantle Hospital.
Sir Charles Gairdner Hospital.
Mount Hospital.
St. John of God Hospital, Subiaco.
Kalgoorlie Regional Hospital.
Bunbury Regional Hospital.
Northam District Hospital.

Midwifery:

King Edward Memorial Hospital for Women.
St. John of God Hospital, St. Anne's Maternity Hospital, Mt. Lawley.

Psychiatric:

Heathcote Hospital.
Claremont Hospital.

TERRACE ROAD-EAST STREET JUNCTION

Motor Accidents and Warning Signs

9. Mr. BRADY asked the Minister for Works:

(1) In view of numerous traffic accidents on or near the corner of East Street and Terrace Road, East Guildford, will urgent attention be given to the erection of warning signs in this locality?

(2) Since upgrading of Helena Street and East Street, has any effort been made to have warning signs erected at or near the crossing referred to in (1)?

(3) Does the Main Roads Department keep a census of vehicular traffic to supply the Police Traffic Department with information on build-up of traffic in cases similar to the diversion of traffic in the East Guildford area?

Mr. ROSS HUTCHINSON replied:

(1) As mentioned in answer to question 19 on the 16th August last, the Main Roads Department has looked into the possibility of erecting warning signs at this junction.

Accidents occurring at the junction are essentially of two types—the right-angled collision and the rear-end collision. Neither type is susceptible to control by warning signs, whose object is to alert the driver to the presence of an intersection. However, the Midland approach to this junction has been provided with a symbolic side road junction warning sign. This caters for the only approach where it is considered that a driver could be unaware of a side road junction.

(2) Answered by (1).

(3) Available data with respect to traffic is supplied to the Police Department on request.

TRAFFIC LIGHTS

Determination of Location

10. Mr. BRADY asked the Minister for Police:

(1) What is the measure for assessing the location of traffic lights in the metropolitan area?

(2) Has any application been made for traffic lights in Midland?

(3) If "Yes," when will traffic lights be erected in Midland and where will they be placed?

(4) To protect pedestrians, will he have lights erected on pedestrian crossing in the Midland town council area?

Mr. CRAIG replied:

(1) Consideration is given by the Main Roads Department to the installation of traffic lights if in each peak hour 1,000 vehicles use an intersection and, over a twelve-hour period between 7 a.m. and 7 p.m., a count of 10,000 vehicles is recorded. The department's warrant also has regard for the recorded accidents at intersections.

(2) Yes.

(3) The council was advised that as the Railway Department was considering plans for the future closure of Helena Street, the installation of traffic lights was not appropriate at this point in time.

(4) If the question refers to the sodium floodlighting of pedestrian crossings, approval has been given for installation of lights at all pedestrian crossings over Great Eastern Highway and Great Northern Highway within the Town of Midland.

If the question refers to pedestrian-operated traffic lights, then the answer is that there is no pedestrian crossing in the Town of Midland which meets the warrant adopted by the department for the installation of such a facility.

SUPERPHOSPHATE WORKS AT MERREDIN

Report of Local Committee

11. Mr. KELLY asked the Premier:

Arising out of his answer on the 29th August, 1967, in which he indicated that the Cabinet subcommittee appointed to examine the possibility of establishing a superphosphate works at Merredin is awaiting a further report from the local superphosphate committee, will he advise when this report was requested and what was the date of the last report received by the Cabinet subcommittee?

Mr. BRAND replied:

At a meeting at Merredin in December, 1965, the local committee undertook to obtain further information. There were subsequent discussions and there has been correspondence, including inquiries in April, 1967, from the local superphosphate committee, about the engagement by the committee of a firm to conduct a feasibility study on its behalf.

CAUSEWAY AND NARROWS BRIDGE

Maximum Vehicle Flow

12. Mr. GRAHAM asked the Minister for Works:

(1) What is the maximum possible vehicular flow in one direction per hour over the Causeway and the Narrows Bridge respectively?

(2) What is the maximum flow that has been actually recorded at both places respectively?

Mr. ROSS HUTCHINSON replied:

(1) The calculation of a theoretical maximum vehicular flow of vehicles depends largely upon the composition of the traffic and traffic conditions. The maximum possible capacity of the Causeway, using the passenger car as a unit, would be 1,700 vehicles per lane per hour. The Causeway has three vehicular lanes in each direction. Therefore possible capacity in one direction would be 5,100 passenger car units per hour. In regard to the Narrows Bridge, a similar calculation produces 1,900 passenger car units per lane per hour, or 5,700 per hour if three lanes in one direction are in use. However, if the present traffic movement is modified to provide four lanes in one direction and two in the opposing direction during appropriate peak hours, then a theoretical vehicular flow of 7,600 passenger car units per hour in the four lanes would be produced.

It should be appreciated that these are forced flows and consequently unstable. They would be immediately and severely reduced by even a minor mishap.

(2) The maximum recorded hourly flow in three lanes in one direction on the Causeway was 4,590

vehicles of all types. This was recorded on the 16th February, 1967, between 7.30 a.m. and 8.30 a.m.

The maximum recorded hourly flow in three lanes in one direction on the Narrows Bridge was 4,632 vehicles of all types. This was recorded on the 31st July, 1967, between 8 a.m. and 9 a.m.

MEDICAL SCHOOL

Cost, and Aid to Establishment of Veterinary School

13. Mr. RUNCIMAN asked the Premier:

(1) How was the W.A. Medical School established and at what cost?

(2) Could the same methods be adopted to establish a veterinary school?

(3) To what extent could the facilities of the Medical School aid a veterinary school?

Mr. BRAND replied:

(1) The W.A. Medical School was established from the proceeds of a public appeal and a State Government grant of $300,000. The initial cost of buildings and equipment was approximately $600,000.

(2) This is doubtful, as the capital sum needed to establish a veterinary school would be substantially greater than that required for the Medical School. The cost of buildings and equipment was estimated in 1965 at $1,500,000 and the annual running costs were estimated at $240,000.

Circumstances have also changed since the advent of the Medical School in that the Commonwealth Government is now prepared to meet 50 per cent. of the capital cost of approved university buildings and equipment and it also assists to meet the running costs of approved projects. The logical course in order to attract Commonwealth assistance is therefore to convince the Australian Universities Commission that it should recommend the establishment of a veterinary school at the University of W.A., and representations have been made accordingly.

(3) The first year courses in both medicine and veterinary science have much common content taught within the Faculty of Science. Assistance by the Medical School in the later years of the veterinary course could, subject to staffing and accommodation being available, be given in biochemistry. The only other subject common to both medical and veterinary studies, physiology, has a limited area of overlap and is taught separately in the Australian universities which at present provide both courses.

DEGREE COURSES

Increases in Fees

14. Mr. GRAHAM asked the Premier:

Will he supply details of increases of students' fees for degree courses and general service fees from April, 1959, to and including the new scale of charges to be imposed next year?

Mr. BRAND replied:

I have been informed by the Acting Vice-Chancellor that the average annual cost of fees for typical bachelor degree courses was and is to be as follows:—

	1959	1968
	$	$
Agriculture	44	312
Arts	28	312
Dental science	124	312
Economics/ commerce	28	312
Education	34	312
Engineering	31	312
Law	24	312
Medicine	110	312
Science	41	312
General service charge	—	12

The Senate of the University is the authority which determines student fees, and if the honourable member requires any further detail I suggest that he address his inquiry to the Acting Vice-Chancellor.

CULTURAL CENTRE

Establishment: Concern of Adjacent Businesses

15. Mr. GRAHAM asked the Premier:

Following his announcement of plans to develop a cultural centre:

(1) Is he aware that there is considerable concern regarding the future of businesses comprising banks, offices, restaurants, shops, hotels, etc., on the east side of William Street between Roe and Francis Streets, now deemed to be under imminent threat of early eviction?

(2) Is he aware that some people have, in recent days, been informed they cannot expect a tenancy of longer duration than three years?

(3) Is he aware that some people occupying premises have been granted leases with options of extension by the Minister for Works?

(4) Is he aware that at least one privately-owned property was offered for sale on written advice given by the Government some two months ago that possession was assured until June, 1983, and that an option to purchase and associated negotiations have now been disrupted?

(5) Would it not be commonsense to commence development anywhere but on the William Street frontages, as the project is a long term one, in order to delay or avoid business dislocation, defer heavy compensation payments and/or gain rental income from the continuation of businesses?

(6) Will he clarify the whole position so that those directly affected will know where they stand particularly with reference to timetabling?

Mr. BRAND replied:

(1) No. I personally am not aware of this concern.

(2) No.

(3) No. Some premises when purchased were subject to leases with options still current.

(4) Yes. The assurance was given by the Metropolitan Region Planning Authority in dealing with a notice of sale and claim for compensation under section 36 of the Metropolitan Region Town Planning Scheme Act in accordance with the information then available to it. I am not aware of the stage of negotiations between vendor and purchaser.

(5) The details of the project phasing are being reviewed in the light of the decision by the Government that the initially recommended development period be extended. Renewed regard will be paid to the considerations raised in this item.

(6) Yes.

QUESTIONS (2): WITHOUT NOTICE

TRAFFIC CASE

Newspaper Report, and Competency of Magistrates to Criticise Statutes

1. Mr. COURT (Minister for Industrial Development): On Thursday last the Deputy Leader of the Opposition asked me if I would seek clarification from my colleague, the Minister for Justice, on parts (2), (3) and (4) of question 10 on the notice paper, which appears as item 9 in the *Votes and Proceedings*, and they are as follows:—

(2) Is it proper or competent for a member of any bench to criticise publicly any Statute?

(3) What is the proper course to be followed by the judges, magistrates, or justices of the peace who have opinions of the law at variance with the decisions of Parliament?

(4) Does the Government consider that failure to give way to traffic to the right is a "comparatively minor offence"?

I have obtained the following information for the honourable member:—

(2) It is competent for any person including a judicial officer to criticise publicly any Statute. Whether such criticism would be regarded as proper or not depends upon the nature of the criticism and the reasons therefor.

(3) Judges, magistrates and justices of the peace are independent and no "proper course" has been defined. Usually such opinions are conveyed per medium of written submissions or through Crown Law officers and, sometimes, through the police.

(4) No; but, as already explained in the reply to question 10 on the 31st August, 1967, the defendant was not charged with failing to give way to a vehicle on the right.

MOTOR VEHICLES

Reflective Number Plates

2. Mr. DUNN asked the Minister for Police:

(1) Is the Minister aware that in the State of Maine in the U.S.A. the use of reflective number plates was introduced in 1949; that in the previous three years there had been 298 night accidents involving parked vehicles; but that in the three years immediately following the introduction of reflective number plates the total of night accidents fell to 73?

(2) Is he also aware that some 50 countries are now using reflective number plates; that the Australian Capital Territory has adopted this system, and expects the changeover to be completed in 1968; and that the estimated increased cost spread over five years of usage is equivalent to 20c per year?

(3) Would he give consideration to the introduction of this type of

number plate in Western Australia?

May I, Mr. Speaker, have permission to table a magazine which sets out the full information on this subject?

The SPEAKER: The honourable member cannot table the magazine, but perhaps he can persuade the Minister to do so.

Mr. CRAIG replied:

(1) to (3) I am aware that this type of number plate is in use in some overseas countries. It is also to be adopted as a standard fitting in the A.C.T. So far as Western Australia is concerned, before any adoption is contemplated we would like to await the results of the experience of the A.C.T., having in mind the fact that reflective number plates cost approximately $1 more than the normal charge for the standard plates.

Naturally we will have to take into consideration the reaction of the motorist who has to meet the additional cost of $1 for the reflective number plate. Further consideration will be given to this matter after the experience of the A.C.T. is known. I would ask leave to table the magazine, *Modern Motor*, which has been lent to me by the member for Darling Range.

The magazine was tabled.

IRON ORE (NIMINGARRA) AGREEMENT BILL

Third Reading

MR. COURT (Nedlands—Minister for Industrial Development) [4.51 p.m.]: I move—

That the Bill be now read a third time.

MR. BICKERTON (Pilbara) [4.52 p.m.]: Before this Bill goes on its way I would like the Minister to clarify a couple of points which I raised during the Committee stage, at a time when he was otherwise occupied. My main concern is the part of the Bill and the part of the agreement which enable the agreement to become not subject to the Interpretation Act—at least not subject to the Interpretation Act in its entirety.

As members are aware, the regulations and by-laws made by the company will follow the same procedure as other regulations and by-laws in that they will have to be tabled; but in the case of the regulations and by-laws made by the company no action can be taken by Parliament; in other words, a motion for disallowance cannot be moved. The matter which is causing the most controversy is that under this iron ore agreement, members of Parliament will not have any opportunity to move for the disallowance of such by-laws and regulations.

In the course of his speech, the Minister gave me the impression that the main reason for this was to overcome the situation where there might be a Government in office in Western Australia which was hostile to this company. The point I make is this: If there is a hostile Government, the by-laws and regulations will not come before Parliament because under the agreement they are submitted by the company to the Governor-in-Council and, of course, agreed to by the Minister—and he is a representative of the Government.

It is therefore obvious that the only regulations and by-laws which will be tabled here will be those which in effect have been agreed to by the Government. Governments have majorities, and with those majorities they are able to pass legislation in Parliament. That is the only way they can operate. If a Government is in agreement with a by-law or regulation, and if such by-law or regulation is reasonable, the Government will be able to command sufficient support in this House to defeat a motion for disallowance. Nevertheless, members of Parliament should have their rights restored to them—rights which they have in respect of other regulations and by-laws.

I cannot see any reason why agreement cannot be reached with the companies which are developing our iron ore deposits —deposits in respect of which agreements have been ratified by Parliament—to enable these agreements to be altered, and to make it possible for a member of Parliament to move for the disallowance of regulations made under the agreements. The regulations or by-laws would not be before us unless the Government, initially, had agreed with the companies concerned that they were, in effect, in order

There is nothing wrong in retaining what we already have under the Interpretation Act; that is, the right to move for disallowance. The Minister may be able to put me right on this issue, but what the companies have to fear with regard to the disallowance of their regulations, I do not know; because surely the Government will have sufficiently studied the regulations before they come to Parliament to know that they are right and proper, and reasonable as far as the public is concerned.

As a result of some information presented to Parliament during the discussion on a disallowance motion, the Government may change its mind. Some aspects of a regulation may be brought to light which have not been taken into account previously. However, this would

be only for the good of the State, and I am sure the company could have no objection to that whatever.

The Minister gave me the impression that had this point been pursued, these companies would not operate here. I would like some clarification on this point, because, in the main, these companies are used to operating in their own countries, where a system of democracy operates, and that system is very much similar to our own. The basis of it is the same. Therefore, surely they would not have any objection to the normal processes of democracy operating, particularly as the Government in the initial stage would have to satisfy itself that any intended regulation was one which would have a reasonable chance of being approved by Parliament.

I know this matter has been discussed a lot, but it was not clarified to my satisfaction during the Committee stage, and I would, therefore, be grateful if the Minister would be good enough to give the reasons why the normal processes for the disallowance cannot be retained.

MR. W. HEGNEY (Mt. Hawthorn) [5.3 p.m.]: I must take this opportunity of registering my protest against the decision of the Government in persisting with the clause in dispute. It does not matter which way one looks at it, the position is that the rights of Parliament are being sidestepped. I have heard the Minister on more than one occasion trying to defend this clause, but his arguments were not strong enough for me.

I do not propose to read from the Interpretation Act, but section 36 very definitely sets out what should be done when regulations or by-laws are made under an Act. I suggest that this provision was inserted many years ago to ensure that if a Government—whatever its political colour—decided to make regulations or by-laws under an Act, those regulations or by-laws would have to be tabled before the representatives of the people of Western Australia; that is, the members of Parliament in the Legislative Assembly and in another place. However, the Minister has tried to convince the members here—but he has certainly not convinced those on this side—that if Parliament refuses to insert this provision in the Bill, which will become an Act of Parliament, the particular company concerned will not operate. I refuse to believe that is the position.

In trying to justify his attitude, the Minister said that this company will build the railway, the wharf, and other facilities, at its own expense. That is all right, but the company would not do so if it was not going to operate. The Minister says that because this company is to provide these facilities, it should have the right to make its own by-laws; but Western Australia belongs to its citizens, and if this provision is persisted with, the citizens of the north-west will have no right whatever to protest against any by-law with which they disagree. What is more, this situation affects the very fundamental principle of democracy. It abrogates the right of members of Parliament to determine whether a particular by-law is unreasonable or unconscionable.

Why are the Minister and other members of the Government persisting with this provision? I heard the Minister say that a future Government—he did not mention its political colour, but I think we all know his meaning—may be hostile. That is an insult to any member of Parliament and to any future Government.

The Minister has said that if this company is to build the facilities, it should have some say. That is all right; it is entitled to a say, but, having had its say and having introduced by-laws and regulations, what then is the situation? In practically every other Act of Parliament passed since the time responsible Government was introduced into this country, there is a provision which states that any by-laws or regulations made under the Act are subject to review by members of Parliament. However, this is not the position with this agreement and a few other similar ones.

I say again that this is an absolute insult to members of Parliament and this provision should not be written into the legislation. With all sincerity, I assure members that what I am saying is not political. This is a direct blow to our democratic principles. I would like the member for Perth—or the member for Subiaco, if he were here—to express his views. Both those members are legally trained men, and I have no doubt they have studied the Constitution. I am sure that if they spoke the truth they would not agree with this provision.

It is true that the company is to construct the railway and the wharf; but I reiterate that the people of Western Australia have some rights, as have members of Parliament. It is an absolute farce to pass a Bill of this nature including this provision. I will read the clause dealing with the by-laws. It is as follows:—

> 6. The Governor may, on the recommendation of the Company, make, alter and repeal by-laws in accordance with and for the purposes referred to in subclause (3) of clause 9 of the Agreement, and the by-laws—

That is, in connection with the railway and port. The following provisions refer to these by-laws:—

> (a) shall be published in the *Gazette*—

That is in accordance with the Interpretation Act. To continue—

> (b) shall take effect and have the force of law from the date they are so published, or from a later

date fixed by the order making the by-laws—

That is in complete conformity with the Interpretation Act. Continuing—

(c) may prescribe penalties not exceeding one hundred dollars for a breach of any of the by-laws—

The company can do that. Paragraph (d) reads—

(d) are not subject to section thirty-six of the Interpretation Act, 1918, but shall be laid before each House of Parliament within the six sitting days of such House next following the publication of the by-laws in the *Gazette*.

After the by-laws have been tabled for six days, can any member of the Government, no matter how much he feels justified in protesting, do anything about such by-laws? Can any member of the Ministry do anything? No, of course not. Members can only read the by-laws, and that is the finish. This is a special provision which absolves the company from the provisions of the Interpretation Act. If that is not farcical and a direct blow at our democratic institution, I do not know what is.

I say again that I am not being political. I am only concerned with the citizens of this State. If the ordinary citizens in the north-west consider they are aggrieved because of any by-law or regulation introduced by this particular company, what can they do about it? In the ordinary course of events a citizen would get in touch with his parliamentary representative, and, he having done so, that representative would naturally study the by-law to see whether it was reasonable or otherwise. Following this, as a citizens' representative, he would be entitled to move for disallowance.

That, to me, seems to be democratic; but that cannot be done in this case. The Minister implied that if we refuse a provision like this, the company will not come to Western Australia to operate and make a profit. I refuse to believe it.

I rose because I wanted to voice my protest against such a provision. I agree with the sentiments so ably expressed last week on this particular question by the Leader of the Opposition. This provision is entirely wrong, and I fervently believe that members on the other side of the House should make a definite protest; they should see that this particular provision is amended because, if they do not, the rights of members of Parliament will be whittled away and the time will come when private members will have to make a stand to protect their rights and privileges, and their obligations to the citizens in this country.

I know this Bill will pass, but I vigorously protest against the inclusion of this provision, and even at this late stage I hope that in another place some amendment will be made to this iniquitous provision. In my view it is most iniquitous and most undemocratic.

MR. COURT (Nedlands—Minister for Industrial Development) [5.12 p.m.]: In replying to the two members who have spoken on the question of clause 6 of the Bill, I can only repeat the arguments put forward previously. If those members, and the Opposition, feel so strongly about this matter, the course is open to them to oppose the agreement. I repeat: Without this provision we would not have the agreement or the industry. A lot of emotional nonsense is being stirred up about this, and I am amazed that the Opposition members persist with it because they have to make up their minds whether they want these great industries or whether they do not.

Pages 19 and 20 are the appropriate pages, and clause 9 (3) is the appropriate provision. It refers only to particular facilities; and without this provision there is no other way of negotiating this type of agreement. Tens of millions of dollars have to be borrowed and invested to produce the necessary facilities; and the State could not provide them in 50 years. Do we want this company or do we not? Tasmania, which has a Labor Government, got over the situation in another way. That Government wrote in a clause to protect the company as far as it legally could within the Constitution, by stating categorically that no matter what Acts were introduced later on, the company would not be committed to any further obligations than those at the date it entered into the agreement, unless it agreed to the changes.

We have not conceded this much. The by-laws, which are logical in the circumstances, relate to operations when these projects settle down; and, when made, they will be tabled in Parliament.

Mr. Bickerton: What for?

Mr. COURT: They will be made public and Parliament can see them. The member for Pilbara said that members will not be able to do anything about the by-laws. Of course they will. There is plenty of opportunity in this place by way of questions, the Address-in-Reply motion, and in speaking on the Estimates. No Government of any colour would sit idly by if it inadvertently agreed to a by-law which introduced a serious anomaly. So members of Parliament are not impotent.

Let me make this point: When these companies come to borrow the huge sums of money necessary for these facilities, they will not only have to convince the Government of their capacity to do these things, but they will have to go into the money markets of the world and convince the lenders that they can continue to operate on a basis which will permit repayment. As I explained to the House

the other night, the lenders are not making this money available so much on the security of the assets as on the capacity of the companies to function. The assets provide very little borrowing capacity at all, because if the companies default, the whole of these great assets revert to the Government without compensation.

Mr. Bickerton: That is not answering the question.

Mr. COURT: It is.

Mr. Bickerton: What would be wrong if a motion for disallowance was moved, in view of the fact the Government has already agreed that a by-law is O.K.?

Mr. COURT: It might be possible that such a by-law could be disallowed, but we are dealing with people who have to borrow money, not only in Australia but in other countries as well, and the financiers both in Australia and overseas would want to know, as far as practicable, that the conditions which prevailed in respect of the operation of those assets would continue. If any Government, no matter what its colour—and I agree with this point of view—decides it wants to abrogate these agreements, it should not be able to do it by a backdoor method.

Mr. Bickerton: I agree.

Mr. COURT: It should come straight out and publicly state what it intends to do.

Mr. Bickerton: This has nothing to do with abrogation.

Mr. COURT: If a Government wants to abrogate through a by-law it can, because under the Interpretation Act it can not only disallow, but can amend and vary.

Mr. Bickerton: Tell me what happens when a Government disagrees.

Mr. COURT: If a Government wants to abrogate this agreement, the means are there. If the Government of the day wants to abrogate this agreement, it can do so; but it should publicly state its intention to do so, and not do it by the backdoor.

Mr. Bickerton: What happens if the Government does not agree with a regulation or a by-law made by the company?

Mr. COURT: The provision is in the agreement to go to arbitration.

Mr. Bickerton: No, it is not.

Mr. COURT: Arbitration is the only sensible way in view of the fact that the company is dealing with assets that have to be borrowed upon. That is the condition of operation.

Mr. Bickerton: There is no provision to go to arbitration. The only thing on which to go to arbitration is an altered by-law or regulation.

Mr. COURT: That is not so.

Mr. Bickerton: What happens if the Government refuses the original by-law of the company?

Mr. COURT: If there is any disagreement on these matters, the only logical way to deal with the situation is to go to arbitration. The honourable member will see this if he reads the arbitration clause.

Mr. Bickerton: Why is there special mention only of the alteration to regulations in subclause (3)?

Mr. COURT: The honourable member should read that clause in conjunction with the arbitration clause. I can only give the advice I gave last week. The Government has this right of arbitration in any circumstances relating to these things, because these are matters of an industrial nature such as the use of roads, conditions under which other people may use the railway, safety factors, and the use of other things inherent in the operation of a port and railway of this size.

A Government should not attempt to defeat the purpose of the agreement by a backdoor method; let it come out in the open and introduce a Bill to Parliament that repeals or amends the ratifying Act.

Mr. Bickerton: Nobody has any argument with you on that.

Mr. COURT: I do not know what the argument is really about. In order to negotiate the finance necessary under this agreement, we would either have to do something similar to what was done in Tasmania or do what we have done. I prefer what we have done. By-laws and regulations are more public; and they have to be tabled here within six days for everybody to see and if any member of Parliament feels the Government has not done the right thing, he has ample opportunity in this House to express his viewpoint.

Mr. Bickerton: I suggest you read clause 3 again.

Mr. COURT: I have read these clauses until I can almost recite the darn things! I tell the honourable member that in my opinion this is the only practical way. It is a much more public and desirable way than the method that has been employed in the Tasmanian system.

I think ours is by far the better system. If the honourable member rejects our system—and I understand from what he said the other day that he does not like the Tasmanian idea—the only thing for him to do is to come out and say publicly that he opposes this agreement.

Question put and passed.

Bill read a third time and transmitted to the Council.

IRON ORE (HANWRIGHT) AGREEMENT BILL

Second Reading

MR. COURT (Nedlands—Minister for Industrial Development) [5.22 p.m.]: I move—

> That the Bill be now read a second time.

This agreement is one which has attracted more than normal interest because of the two local personalities interested in it—Messrs. Lang Hancock and E. A. Wright. Their association with the early exploration of the Hamersley Iron Pty. Limited areas is well known to all members of this Chamber. They came into prominence, in respect of this particular agreement, following the termination of Australian Blue Asbestos Pty. Ltd. operations at Wittenoom, and their request for two Mt. Lockyer iron ore areas previously discarded by Hamersley Iron Pty. Limited.

Their later requests for temporary reserves extended to 34 areas that have been covered by this agreement. They plan their early operations around the existing Wittenoom mine and town facilities. This could be of value to the town. The partners have made it clear, however, that the granting of the temporary reserves over these areas for iron ore does not commit them to resume asbestos operations at Wittenoom. They will, however, study the practicability of this on a "wet" basis if the iron ore rail, and port facilities sufficiently improve the transport economics for asbestos.

By way of explanation, when I refer to a "wet" process, I think that is the official way of referring to the process whereby the industrial disease problem does not arise, as was the case with the dry process previously used. The partners have stated to the Government that they would not be interested in reopening the asbestos mine on the old basis—if at all. I mention this to allay any fears, because there has been considerable medical discussion on the matter.

The agreement does not refer to, or cover, asbestos mining. The agreement in the Bill I am introducing today, like the recently introduced Nimingarra agreement, relates to the mining, transport, shipment, and processing of Pilbara iron ore. As emphasised before, like similar agreements, it is merely the authority—in this case for the joint venturers—to proceed with exploration and negotiations for sales, finance, engineering studies, etc., on a basis that terms and conditions for future development will be clearly understood if the project proceeds.

Other agreements ratified by Parliament have dealt in the main with the export of iron ore—in the first instance as direct shipping ore, and later, secondary processing including pelletisation and, in the case of Hamersley and Mt. Newman, the establishment of iron and steel industries.

The Nimingarra agreement opened up a new field of mineral processing; namely, ferro manganese. The Hanwright agreement again aims at the processing of iron ore deposits being undertaken within the State, and provides for the production of iron ore pellets, and later for the establishment of a plant for the production of metallised agglomerates or a plant for the production of steel if metallised agglomerates or a suitable substitute proves impracticable.

When the negotiations were first undertaken with Messrs. Hancock and Wright it was thought by them that they would process pellets from the start; because they thought that in the main their deposits were goethite and would need to be pelletised. However, as they proceeded with the work they found they had sufficient hematite available to seek permission for the export of iron ore as distinct from pellets.

However, the agreement is basically related to the installation of a pellet plant in the early part of the project, with some rights on certain conditions for the export of hematite during the establishing period, and then some control over the quantity of direct shipping ore after the pellet plant has, in fact, been established.

The agreement provides for the project to be undertaken as follows:—

(a) Initial exploration and survey during which time geological, engineering, port site and similar type surveys and research will be undertaken and contracts negotiated with potential purchasers of pellets, and finance arranged.

(b) The operating stages during which the project will be established and iron ore and pellets will be exported.

(c) The establishment of a plant for the production of metallised agglomerates—or a plant for the production of steel if metallised agglomerates or acceptable substitutes are not proceeded with.

I should mention that the reference to steel is only made in case the company cannot successfully embark on the production of metallised agglomerates or a substitute acceptable to the Government.

Metallised agglomerates are defined in the agreement as products resulting from the production of iron ore or iron ore concentrates by thermal or other means whereby the iron content is increased to not less than 90 per cent. There is, however, a provision in the agreement which allows the joint venturers to elect to produce a product of not less than 85 per cent. iron content, but in that case the annual tonnage of this lower grade product will have to be increased by 25 per cent. This is to give the State comparable economic results.

I should add that in broad terms ore with a lower content than 85 per cent. is more a product for the blast furnace, whereas a 90 per cent. plus product is one more likely to be converted directly into steel, instead of going through the blast furnace. It involves a very sophisticated process.

The fact that the joint venturers are required to produce metallised agglomer-

ates of the quality referred to means the production of a material of high iron content. It is considered to be a product which could influence steel industry buying in later years.

Processing on a logical programme is covered in the agreement and will be illustrated by a description of the main points in the agreement. The Hanwright agreement is with two companies known as Hancock Prospecting Pty. Ltd. and Wright Prospecting Pty. Ltd., companies incorporated in the State of Western Australia and carrying on business under the style, or firm name, of Hanwright Iron Mines. This agreement is based on deposits which, in the main, are south and south-east of the town of Wittenoom and, in fact, extend to some 80 miles south-east of Wittenoom. In addition, other deposits lie in the Turee Creek area south of Tom Price and approximately 65 miles south-east of Wittenoom. The joint venturers' commitments under the headings of investigation, export, and secondary processing may be briefly summarised as follows:—

Up to the present time the joint venturers have spent in excess of $280,000 and are required to expend not less than $750,000 in all on the following:—

(a) A thorough geological and, as necessary, geophysical investigation of the iron ore deposits in the mining areas and the testing and sampling of such deposits.

(b) A general reconnaissance of the various sites of proposed operations pursuant to the agreement.

(c) An engineering investigation of the route for a railway from the mining areas to the port, and wharf installation for the export of ore and pellets.

(d) An engineering investigation of a port site at a location to be mutually agreed on and a wharf site therein for the purposes of the joint venturers, but having regard to the proper development, use, and capacity of the port as a whole by other parties.

(e) An investigation of suitable water supplies for the townsites and port, or port services.

(f) The planning of suitable townsites in consultation with the State but having due regard to the general development of any port townsite and (if and to the extent applicable) the deposits townsite for use by others.

(g) Metallurgical and market research.

(h) The planning of a pelletisation plant and facilities.

The first phase of the agreement concerned with investigation will lead to the submission of plans and proposals by the 30th June, 1968—or if the joint venturers so request, an extension to the 30th September, 1968—for overseas export of iron ore pellets of not less than 2,000,000 tons in the aggregate in the first two years and not less than 1,000,000 tons per year thereafter in satisfaction of a required contract of not less than 10,000,000 tons of pellets.

After the investigational period, export of pellets along the lines I have indicated is required, and investment on all the facilities needed must not be less than $70,000,000. There is a proviso that this applies unless the joint venturers can demonstrate to the satisfaction of the Minister that they are able to construct the works and facilities—including the plant for the production of pellets—for a sum less than $70,000,000.

These facilities include a port to enable the use of the wharf by vessels having an ore carrying capacity of not less than 60,000 tons, and a railway between the mining areas and the joint venturers' wharf. This could be more than 160 miles in length dependent on where the port is finally located.

I might add that this company has expressed a very strong preference for Cape Lambert, and I will explain later on why there is a special provision in this agreement.

As is usual with these agreements, the joint venturers are required to construct towns complete with power and water at the mining and port sites, ore extraction and handling facilities, and roads.

The joint venturers are required to begin exports of pellets within a period of five years following the commencement date; that is, the date on which their proposals are finally approved. There is provision, however, for a two years' extension, but construction shall actually commence within the first two years following the commencement date and be progressively continued in accordance with the reasonable requirements of the Minister. Of course, this is to ensure that a commencement is made but little or no further action is taken.

The capacity of the pellet plant shall not be less than 1,000,000 tons per annum during the first two years, and be increased to a minimum of 3,000,000 tons per annum within a period of 10 years.

At any time after the joint venturers have constructed the works and facilities —other than the plant for production of pellets—they may sell unprocessed ore won from the mineral lease; but if by the end

of the first two years following commencement date they have not actually commenced construction of the plant to process ore into pellets, then they may not thereafter shift or sell any unprocessed ore unless in fulfilment of a contract or contracts entered into with the prior approval of the Minister.

If, however, the joint venturers have, within the first two years, commenced to construct the pellet plant, but not completed it within five years, then they are not permitted to ship or sell any unprocessed ore from the mineral lease unless in fulfilment of a contract or contracts entered into with the prior approval of the Minister.

The joint venturers are not permitted, without consent of the Minister, in any three-year period after completion of the pellet plant, to export from the Commonwealth a quantity of unprocessed ore from the mineral lease which is more than two-and-a-half times the quantity of ore won from the mineral lease and used in the joint venturers' plant or plants in the production of pellets, metallised agglomerates, or steel. However, from the date the joint venturers have in production a plant for the production of metallised agglomerates or steel, they may export four times the quantity of ore won from the mineral lease and used in the production of pellets, metallised agglomerates, or steel. It will be observed the reason for this is to encourage the joint venturers to get quickly into the processed materials.

After initial exports of pellets and iron ore, the latter subject to the restrictions I have outlined, the joint venturers are required before the end of year 14 to submit proposals for the establishment of a plant for the production of metallised agglomerates, or a plant for the production of steel, with provision in either case for expansion when economically feasible.

The plant for the production of metallised agglomerates must be capable ultimately of producing not less than 3,000,000 tons of metallised agglomerates per year, and in year 20 must have the capacity to produce annually not less than 1,000,000 tons of metallised agglomerates. The capacity must be further increased so that during year 24 and year 27 capacity for metallised agglomerates will be 2,000,000 tons and 3,000,000 tons per annum respectively.

The capital cost, including all developmental costs and research expenditure, of this phase must not be less than $80,000,000, unless the Minister approves of the utilisation by the joint venturers of a less expensive but at least an equally satisfactory method of producing metallised agglomerates than is presently known either to the joint venturers or the State.

As stated earlier, the production figures I have mentioned are subject to the metallised agglomerates having iron content of not less than 90 per cent., but should the joint venturers elect to produce metallised agglomerates having an iron content of less than 90 per cent., but not less than 85 per cent., all tonnages are to be increased by 25 per cent.

If the joint venturers submit proposals for a plant for the production of steel, this must be capable ultimately of producing 1,000,000 tons of steel per annum with capacity to be increased so that during year 20 it will produce not less than 500,000 tons, with progressive increase to not less than 1,000,000 tons during year 25.

The capital cost—including all developmental costs and research expenditure—is again to be not less than $80,000,000 unless, with the approval of the Minister, the joint venturers use a less expensive but at least equally satisfactory method of producing steel than is presently known either to them or to the State.

When the joint venturers are submitting their proposals for the establishment of a plant for the production of metallised agglomerates, or a plant for the production of steel, they are also required to include details of the necessary additional port development, the provision of navigational aids, additions to the wharf, the berth, the swinging basin, and port installation facilities and services.

Also required to be submitted are particulars of services and facilities or expanded services and facilities in relation to the towns on the mining areas or near the port, or in respect of any other towns or areas the development of which may be affected by the establishment and operation of the plant for the production of metallised agglomerates, or the plant for the production of steel.

In addition, satisfactory evidence of availability of finance is necessary and, if the Minister requires, production of any necessary export license to the joint venturers from the Commonwealth.

The joint venturers are required to commence construction of the metallised agglomerates plant, or the steel plant, before the end of year 15, and to complete whichever plant is undertaken before the end of year 20.

Royalties are the same as in other iron ore agreements previously ratified, and cover the fields of direct shipping ore, fine ore, and fines; but if the joint venturers have not in production by the end of the fifth year from the commencement date, or the end of such extended date approved by the Minister, a plant for the production of iron ore pellets, then, in respect of all iron ore—not being locally used iron ore—shipped or sold thereafter, royalties—on direct shipping ore, 7½ per cent. with a minimum 60c; fine ore, 3¾ per cent. with a minimum 30c; fines, 15c; and all other iron ore, not being locally used iron ore,

7½ per cent. with no minimum—will be increased by 100 per cent.

This will mean that for direct shipping ore the rate of 15 per cent. with a minimum royalty of 120c will apply, for fine ore 7½ per cent. with a minimum of 60c will apply, and for fines 30c will apply, and 15 per cent. will apply for all other ore not being locally used iron ore.

In addition to this penalty royalty for future shipment, the joint venturers are required to pay to the State a lump-sum royalty equivalent to a further 100 per cent. of the total sum paid or payable as royalty in respect of all iron ore shipped or sold up to the end of the fifth year, or the end of such extended date for which they have applied and which has been approved by the Minister.

It will be seen that by imposing this penalty in respect of royalties, the State is following its policy of encouraging companies to proceed to processing commitments.

Mr. Bickerton: Is that slightly different from the other agreement?

Mr. COURT: Yes.

Mr. Bickerton: In what aspect?

Mr. COURT: It is 100 per cent., whereas in the Nimingarra agreement it is 50 per cent. The difference in the two has been negotiated and agreed by the parties. There is a greater complexity in the Nimingarra deposits than in this particular deposit, and it can be assumed it would be Government policy to follow this particular course in all future agreements in the light of experience. Of course, this is expected to be more academic than real, because the company can easily avoid the 100 per cent. penalty by meeting its processing commitments. It is a means of endeavouring to make sure the company meets its processing commitments quickly.

The joint venturers will also be charged a rental for their chosen mineral lease—which must not exceed the maximum area of 300 square miles—from the existing 773 square miles of temporary prospecting reserves. Rents would range from 35c an acre for the maximum area down to 20c for less than 100 square miles. This is to encourage contraction of areas.

The joint venturers have not yet submitted a proposal for a port site, but have indicated a preference for Cape Lambert. When the port site proposal is received, provided Cape Lambert or Cape Preston is not sought, the Minister is required to give his decision within a period of one month. If the location submitted by the joint venturers is for a port site at or near Cape Preston, or at or near Cape Lambert, and the submission is made before the 30th June, 1968, the Minister is required, within six months after such submission, to notify the joint venturers of his approval or otherwise, or he may submit an alternative proposal.

In dealing with the proposal for the location of a port site—this will interest the member for Pilbara—the Minister shall take into consideration the possible future requirements of others who may, or could be, concerned in the area, and no priority shall be given to the joint venturers even if their proposals may precede those of other parties. This is necessary to protect the arrangement with Cleveland Cliffs in respect of Cape Preston and Cape Lambert. It presents no problems for Hanwright, because they hope to negotiate a joint development-user, or a joint-user arrangement with Cleveland Cliffs in respect of the port.

In fact, this arrangement was incorporated in the agreement by negotiation with a full understanding of the implications, because both companies hoped to negotiate a joint-user arrangement in respect of this port. The dates specified, which are different from the normal dates, have been incorporated after mutual agreement and discussion with both the parties concerned, because it would seem that if the two projects proceed both companies will want to go to Cape Lambert as the port of their choice, as Cleveland Cliffs has advised it prefers Cape Lambert to Cape Preston.

Mr. Bickerton: I notice the arbitration clause in the Hanwright agreement is different from that in the other agreement.

Mr. COURT: Yes, there are slightly different circumstances; and in view of the peculiar situation in relation to some of these agreements, there are some finer drafting differences, but the actual conditions are not changed. I would be quite happy to discuss the matter in detail with the honourable member, as well as any other points he may wish to raise.

Mr. Bickerton: This agreement appears to be better for the Government than the other one.

Mr. COURT: We always try to improve on them as we go along.

Debate adjourned for one week, on motion by Mr. Bickerton.

Message: Appropriations

Message from the Governor received and read recommending appropriations for the purpose of the Bill.

EDUCATION ACT AMENDMENT BILL

Second Reading

MR. LEWIS (Moore—Minister for Education) [5.46 p.m.]: I move—

That the Bill be now read a second time.

This is a small simple Bill, and would not have been brought down but for the importance of the first amendment. The measure is designed to amend two sections of the Education Act. The first amendment will permit exemption from attendance at school for limited periods for certain defined purposes, or more specifically, it will enable temporary exemptions to be

granted to allow the department to provide work experience for certain classes of students as part of the curriculum.

During 1966, new courses for non-academic students, which included experience in the work situation, were introduced at the Kent Street Senior High School in co-operation with the local Rotary club. This club played an important part by interesting many employers in the scheme.

Students taking these courses are actually employed for short periods under normal working conditions and are able to choose from a wide variety of occupations in such industries as operate in shops, offices, warehouses, and factories. The experiment has proved to be most successful in stimulating interest in pre-vocational courses, and in equipping students for job opportunities which will be theirs on leaving school. It has also had the effect of interesting employers in that offers of employment have already been made to a number of students.

Many other schools, both in the metropolitan area and in the country, are anxious to proceed with similar courses as soon as possible. The work experience programme will form part of the new high school certificate course and it is envisaged that students in the second and third years will have one week of work experience each term. They will be employed at award wages and conditions during their period of employment.

There is, however, one major obstacle in introducing this programme. In order that students are properly covered by the provisions of the Workers' Compensation Act they must be employed legitimately. However, the Factories and Shops Act precludes the employment of a child not of school-leaving age unless he has been exempted from attendance at school. At present the Minister can exempt a child from the age of 14 under certain conditions, but this exemption is permanent and cannot be withdrawn.

The amendment will resolve the difficulty, and will enable exemption to be granted for a period during which a child is engaged in employment of a nature that is related to his education at school. The exemption will automatically expire either at the end of the specified period, or when the employment with respect to which it was granted comes to an end, whichever occurs first.

The second amendment deletes those provisions in the Act which require the parents of a handicapped child to pay for its education. As the Act now stands, the parents of a blind, deaf, mute, cerebrally palsied, or mentally defective child must notify the Education Department of the child's disability and subsequently provide efficient and suitable education from an age to be determined by the Minister to the age of 16. If a parent is not in a position to provide this education, he must send the child to an institution nominated by the Minister, and may be required to bear such costs as may be agreed upon, or, failing agreement, as may be determined by a court.

The provisions under which the department may require a parent to bear the costs of educating his handicapped child are a carry-over from the past. They are not now enforced, and tend to give a false picture of the position. It will still be necessary for parents to notify the department of their handicapped child, and to ensure that it obtains suitable education as approved by the department; but the amendment will have the effect of relieving them of any possibility of being called upon to meet the costs.

Debate adjourned, on motion by Mr. W. Hegney.

INDECENT PUBLICATIONS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 24th August.

MR. W. HEGNEY (Mt. Hawthorn) [5.51 p.m.]: This Bill is a comparatively short one, and it contains only a few amendments to the existing Act. As the Minister said when introducing the measure, this is the first time the Indecent Publications Act has been amended since its inception in 1902. Actually there are only six sections in the parent Act.

The first section the Bill seeks to amend is section 2. The amendment is contained in clause 2 of the Bill. Section 2 of the parent Act provides, in substance, that—

> Any person who participates in—
>
> (1) printing and publishing obscene books;
>
> (2) delivering indecent advertisement for publication in newspapers;
>
> (3) Affixing or inscribing indecent or obscene pictures or writings on any wall, tree, etc.;
>
> (4) posting indecent pictures and printed matter to other persons;
>
> (5) printing indecent pictures or printed matter;
>
> (6) publishing indecent advertisements or reports in the newspaper,
>
> shall be subject to a penalty of £20.

The amendment in the Bill seeks to increase the penalty to $200. The Bill also contains an amendment to section 5 of the Act which states in part—

> Nothing in this Act relates to any work of recognised literary merit . . .

It is proposed to add the words "artistic or scientific" after the word "literary." Section 6 of the Act states—

> In reference to any indecent or obscene matter or advertisement appear-

ing in any registered newspaper, the following provision shall apply:—

> No person shall be prosecuted under this Act for printing, selling, publishing, distributing, or exhibiting any such newspaper unless—
>
> (a) he has first been warned in writing by any police officer above the rank of corporal that he will be so prosecuted if thereafter he prints, sells, publishes, distributes, or exhibits any copy of such newspaper, whether published before or after such warning, containing the matter or advertisement complained of, or any matter or advertisement of a like nature or effect;
>
> (b) under the written authority of the Attorney General.

It is proposed to repeal and re-enact that provision to make it conform with modern times. Clause 4 of the Bill does that satisfactorily. In his remarks the Minister said that a series of conferences had taken place between representatives of the Commonwealth and the various States, to try to bring about a measure of uniformity.

From what the Minister said, I gathered that the present literary censorship board of six members will be superseded by an advisory body of nine members representing the Commonwealth and the States. This will only be an advisory body, however, and the Commonwealth, or each of the States, will be entitled to reject or accept the recommendations of that advisory board.

I do not know whether that will get us very much further. I read a leading article in *The West Australian* a few days ago, relating to the provisions of the Bill, and it said there would not be very much to gain from the amendment. To a certain extent I agree with that opinion, though I do think the amendment is a move in the right direction.

I do not know how the proposed advisory board will function. I suggest it will have a difficult task to interpret and determine what is literary or artistic, and what is obscene or pornographic. I do not propose to take up the time of the House, nor do I seek to oppose the Bill. I agree with its provisions; and, in the light of what happens in the future, the States will be able to determine whether it is necessary to make any radical amendments to police the measure.

MR. DAVIES (Victoria Park) [5.56 p.m.]: The fact that this Act has worked so well since 1902 indicates the sensible approach that has been adopted by the Governments of the State to the publications with which we are dealing. I feel it is a matter of some regret that we should now have to look at the Act with a view to amending it.

As the Minister explained, this has been brought about as a result of the Commonwealth Government and the States agreeing to appoint a new board to deal with publications of this nature—although apparently, there is, as yet, nothing binding.

The Minister stressed that the amendments contained in the Bill related only to books; they did not refer to films and other forms of art. I regret this trend towards uniformity, particularly when we have enjoyed such good conditions for so many years in this type of legislation. Over the last three years or so, however, we have seen the States' rights gradually being given away in a number of instances, and the Commonwealth has now decided that we should have some standard form of legislation.

I understand this has been a particularly thorny problem both for the Commonwealth and the State Governments. To my knowledge, this matter has been discussed since 1964; indeed I think Sir Robert Menzies gave it some attention when he was Prime Minister; though even such a distinguished brain as his was unable to find an answer to the problem.

It would appear from the *Hansard* of 1902, that the Indecent Publications Act, 1902, was based on the Indecent Advertisements Act, 1899, as passed by the Imperial Government. Apart from containing the substance of the Imperial Act, it was also based on the New South Wales Act of 1901, dealing with the same subject.

Apparently at that time the Governments of the day were faced with indecent publications and obscenities, generally, to the same extent as we are today; because we find mention of such names as Boccacio and Balzac, among others, who were considered to be a little indecent or obscene in their writings, depending, of course, on the view of the reader.

Some difficulty appears to have been experienced in dealing with the interpretation of "obscene"; but, more than that, the Bill, at the time, seemed to be directed towards indecent advertising rather than towards works of any literary merit. Some time ago I read a Penguin book entitled *The Shocking History of Advertising* in which some mention is made of the Indecent Advertisements Act. The author stated in one portion—

> The discussions in Parliament on this measure were conducted in such veiled language that it is not easy, at first glance, to ascertain what the offending advertisements were about; but the Earl of Meath permitted himself to say that the Bill was directed

> against vendors of cures for 'a certain class of disease of a nameless character'.
>
> No one, said the Earl, could pass down certain streets of London without having thrust into his hands 'indecent and filthy publications which ought not to come before the eyes of any decent man or woman', leaflets which were 'inducements to promiscuous sexual intercourse'.

This seems to be one of the main problems in introducing legislation of this nature. Indeed, the same problem seems to have been paramount in the mind of Mr. Walter James, the Premier of the day, who introduced the Bill on the 12th August, 1902. He said it dealt with "an evil of which every member of the House must have some knowledge." I imagine that remark would cover a fairly wide scope, as, at that time, there were 50 members in the House, and they would be widely experienced and would possess a great deal of knowledge.

Mr. Rowberry: What do you mean by widely experienced?

Mr. DAVIES: One would expect men of that Parliament to be widely experienced. It is different from the position today, when we have specialists in various fields. Our Act seems to be directed along the same lines. Apart from the reasons given by the Minister, I wonder whether there is a real need to amend the Act; because when we examine the Criminal Code we find that ample provision is provided in section 204 for prosecuting people who publish obscene books, newspapers, and the like.

The Criminal Code was brought down in 1902, and, if my memory serves me correctly, the provision as existing in section 204 also appeared in that form in the original Act. These two pieces of legislation have been in force since that time. I wonder why it is now necessary to amend the Indecent Publications Act without at the same time amending the relevant section in the Criminal Code. The Minister might be able to explain this. I am sure there is an explanation, but it is not apparent to me.

The amendments in the Bill have apparently been introduced as a result of the decisions which were made by a joint meeting of the representatives of the Commonwealth and the various States. The new board, as proposed, might be beneficial, but I express a doubt as to whether it will benefit every State. I do not have to remind members of the position which exists in Victoria, where Mr. Rylah, the Minister in charge of this legislation has established a "Victorian" Victoria in regard to publications which might be regarded as being of an obscene nature.

Mr. Craig: It is said that he even bans the Mickey Mouse magazines!

Mr. DAVIES: That appears to be so. What concerns me a great deal is that although nowadays the means of communication are much faster than they were in 1902, we have not really experienced any trouble in regard to obscene publications of any nature, but apparently we must fall into line with the other States. As the problem has not raised its ugly head to any great extent, I am reluctant to agree to any amendment which is based purely on a uniform approach in Australia.

I am in favour of the amendment to section 5 which seeks to add the words "artistic or scientific merit." As the Minister explained, this will be subject to interpretation. It is proposed to increase the penalty, but I do not know the reason for it. Whereas at present the penalty is a fine of £20 or imprisonment for six months, it is proposed to alter it to a fine of $200 or imprisonment for six months. I do not know whether it is felt that, as the value of money has declined, the penalty of being imprisoned has become more serious. If the monetary penalty is to be so substantially increased for an offence committed under this Act, then in my view there is room also to increase the term of imprisonment.

The member for Mt. Hawthorn dealt with the amendments to section 6 of the Act, and indeed this provision is to be repealed and re-enacted in a new form.

The first section merely gives authority to the Minister to proceed with a prosecution. Under the original Act the Attorney-General was required to give the authority. However, under this proposed amendment I take it the Minister for Police will be the person who can give the authority.

The section which is now being repealed requires that a person who commits an offence is first to be given a warning. That is laid down in the Act, and I think it is desirable. If that person does not desist the Minister would no doubt set about proceeding with a prosecution; but in this amendment there is no statutory provision of warning. A prosecution can be proceeded with at the whim of the Minister. Action can be taken either on the first, the second, the third, or the fourth report, or on none at all. It is entirely up to the Minister. I regret to see that the statutory provision of warning is being deleted from the Act.

The second proposed section merely gives protection to the person or persons who will be appointed to the advisory board. I would have liked the Minister to tell us how the members of this board are to be appointed. Is there to be a selection from a panel of nominees; or is it proposed to confine the selection solely to members of the University, or perhaps to a Government body, or an association of writers? The whole position is too vague. If we agree to what is proposed now, we condone the setting up of the new authority, mention of which was made by the Minister

in his speech. I am not happy about this for the reasons I have already given; namely, we could find ourselves far worse off than we are at the present time.

The Minister did not indicate in his speech whether there had been a great number of prosecutions of people publishing obscene books or causing advertisements of an obscene nature. To the best of my knowledge, this sort of thing, in this State, is a rarity rather than the usual thing. I think there are plenty of readily available books in this State—indeed, as mentioned, in the Parliamentary Library—to which some people could take exception.

Mr. Rowberry: Exception to some of the by-laws!

Mr. DAVIES: This was mentioned in the 1902 debates. There are dogmas of the Catholic Church, the Bible, and various other writings of established bodies to which people could take exception. But the fact remains that apparently nobody has bothered to lodge a complaint. Therefore no prosecution has been launched. Of course, the launching of a prosecution could be a risky business, particularly as the books in question have no doubt passed the Commonwealth censor.

As the Minister indicated, I do not know of any set standards of censorship that have been adopted by the Commonwealth authorities. I do not think there has been any evidence in this State of depravity as a result of people reading books of an obscene nature. I do not know whether any research has been carried out in this direction. If there has, I have never heard of it. I think possibly most of the books have been over-rated. When at school I remember reading *Forever Amber*, which at that time was banned. I was disappointed with it because it was simply a history book which left me quite cold. There are now other books that have been helped along because of the publicity they have received—publicity which is not due to them.

If the people in a position to give this publicity adopted a more sensible and reasonable approach, many of the works in question would not sell more than 200 or 300 copies. I was rather taken with a recent article in the *Daily News*, which was written by one of the younger lady reporters. She described a book in every way, but did not give its name. However, when I was travelling, I happened to pick up the book to which she referred, and it was a useless book on all points. It might have been handy for students who were studying psychology, but from a literary viewpoint, or an entertainment viewpoint, it was completely lacking.

This young lady described the book in some detail but did not give the name of the author or the name of the book. I think it was quite sensible of her to do as she did. She was entitled to do this, because it was not a best seller. However, it would have been if she had mentioned its name. From the nod the Minister has just given, I can see that he agrees with me and knows to which book I am referring.

Mr. Craig: Did you bring it into the country?

Mr. DAVIES: No, I bought it at a railway station before travelling on the trans.-train, as I thought it would provide me with some light reading on the journey. I still have the book with me, but it has no literary merit so far as I can see. How it got past the censor I do not know.

As it is getting near the tea suspension, I will conclude by saying that whilst I appreciate the reasons for the amending Bill, I have a lot of misgivings about it, because our laws have stood the test of time and there is no need to amend them. I am sorry to see us join with the Commonwealth in regard to another matter, but this is in line with the trend of standardisation throughout Australia.

Sitting suspended from 6.15 to 7.30 p.m.

MR. JAMIESON (Beeloo) [7.30 p.m.]: As the member for Victoria Park indicated before the tea suspension, those debating the original legislation were more worried about the introduction of some new form of contraceptive into the State than with indecent and obscene books, and other publications which were available. This is indicated from a reading of the debates in *Hansard* at the time.

As the member for Victoria Park also mentioned, this had been the subject of the original concern when the legislation was introduced into the Imperial Parliament some few years earlier. Lengthy debates took place, and because members were Victorian in their approach to this subject they did not indicate exactly to what they were objecting, but rather made abstract references to the situation at various stages. However, we can all be fairly certain that this was their concern, and that it did not have anything to do with publications.

Section 4 of the Act deals with the advertising of any form of medical treatment or illegal operations, and also indicates that the Government was very interested in clamping down on abortionists who were advertising their services.

It is hard to realise, from a reading of the Acts of those days, just what the Legislature was trying to achieve. In all the Acts of recent times, definitions are included; but this was not so in the earlier days. It is necessary to consult a dictionary or encyclopaedia in order to place some interpretation on the words used. If we study the meaning of the words "indecent" and "obscene" as found in *Webster's New International Dictionary* we will realise that the interpretation is very wide, and it can therefore differ in accordance with a person's personality.

A reference to this dictionary will reveal that "indecent," in the main, means: uncomely; ill-looking; morally unfit to be seen or heard; offensive to modesty and delicacy; as, indecent language. The meaning of "obscene" is very similar. In fact, one would almost feel one was reading the meaning of "indecent." The meaning of "obscene" is: offensive to taste; foul; loathsome; disgusting; offensive to chastity of mind or to modesty; expressing or presenting to the mind or view something that delicacy, purity, and decency forbid to be exposed; lewd; indecent; as, obscene language, dances, images; and so on.

Mr. Rowberry: Does that include the twist, I wonder?

Mr. JAMIESON: It could do. It all depends on the interpretation one places on the meaning. I now want to come to the point I am trying to make. It appears to me we are debating a very cumbersome way of dealing with censorship by amending this particular Act. It appears that finally the decision in regard to censorship is to rest on the responsible Minister in each State.

The advisory committee, as its name implies, has a duty merely to give advice. Once that committee has determined that something is obscene it would, I take it, refer the matter back to the individual States in order that the Ministers concerned can make a decision. I assume that the publication, or whatever it may be, would have to be studied by the Ministers in order that they might decide whether the provisions of the law should be enforced in connection with it. To me this seems no improvement on the present situation, because it all depends on how a particular person views the situation.

The Minister did lay on the Table of the House some publications depicting art, and these were mainly concerned with the human form. The publications consisted of photographers' pictures of naked bodies in different poses. It is true that since the beginning of time the human form has been depicted by masters of art in statuary, painting, and more recently photography. No-one has ever taken exception to this.

The pictures found in present-day magazines such as *Playboy*, are felt to have a sexy approach. These photographs are of scantily-clad women whose bodies are very effectively draped with some form of material which places the accent on sex rather than on the artistic beauty of the human body, to which we have been accustomed.

It is on this matter that we must decide whether we are in agreement with the proposition of the Minister. I do not think we should be altogether, because although he explained that this legislation deals only with books, it really does not. It deals with all manner of subjects, as does the Act. The only operative section is section 2, at the end of which are the penalties, and these penalties are for everything.

Of course, the penalties for every offence under the Act will be increased. The member for Victoria Park dealt briefly with this when he said he thought there was probably no necessity to indulge in this sort of increase. Whether there have been any prosecutions under the original Act, I am not clear. I do not think there would be many because, as I have pointed out, there were no clear definitions of what were offences.

I must refer to a section of the Police Act because it operates in conjunction with this Act. Section 66 of the Police Act gives the police power to take action, and that section seems to be fairly comprehensive. Subsection (5) of section 66 reads as follows:—

> Every person exposing to view in any street, road, thoroughfare, highway, or public place, or who shall expose or cause to be exposed in any window, or other part of any shop or other building situated in any public place, or highway, or who shall offer for sale or attempt to dispose of any obscene book, print, picture, drawing, or representation.

Such a person would be guilty of an offence. Of course, the Minister has said that the reference to a book will be removed from that Act.

Then there is the Criminal Code, to which I referred earlier. If people are not caught under one Act, they will be caught under another. Section 204 of the Criminal Code is almost identical with the section in the Police Act. The only difference is that the penalty in the Criminal Code is far in excess of that in the Police Act. As a matter of fact, I think the offence is that of being guilty of a misdemeanour, and the penalty is imprisonment with hard labour for two years; whereas under the Police Act a person found guilty would be liable to imprisonment for any term not exceeding 12 calendar months, with or without hard labour.

It would appear to me that we are not achieving very much. If we take the offence of somebody committing a misdemeanour out of one Act, surely we should take it out of the others and put the responsibility on the Minister to determine whether there should be a charge under any of the Acts. As it appears now, we are saying there should not be a charge under the Police Act, but upon complaint, or information being supplied, the police can take action under the Criminal Code. I do not think that is desirable. When straightening out this problem in one Act, it should be straightened out in all Acts.

The Minister mentioned that this Bill deals only with books, and because of that

I took the trouble to find out what constituted a book. The definition of a book, in part, is "a collection of tablets of wood or ivory, of sheets of paper, parchment, or similar material, blank, written, or printed, strung or bound together; commonly, many folded and bound sheets containing continuous printing or writing."

In his introductory speech, the Minister said this did not include magazines, but obviously the definition of a book—according to Webster—could be anything that consisted of a number of sheets, be it a magazine or not. So the Minister could find himself in considerable bother in determining whether a magazine was, in fact, published for literary or scientific purposes, or not.

Getting back to the whole problem, it would appear to me to be, as the leading character in the "Teahouse of the August Moon" said: Pornography is a matter of geography. I intend to show that it is a matter of fact. While we would not condone in a public place, school children or people with unbalanced minds drawing figures with rather exaggerated sexual organs, and other features, we appreciate that type of drawing as being part of native art. I have with me a catalogue of Australian aboriginal art and in the catalogue there are many caricatures which exaggerate the forms of human beings, and their respective spirits. No doubt this is because the natives think there is something mystical about sex—and probably some of our people do, too.

The natives over-feature the genital organs, and this is the case not only with native art. It can be seen in any art gallery that one cares to visit. So it would appear to me, as I have just mentioned, this matter of geography is important. Whilst I do not condone drawings of this nature it would seem they are considered quite a form of art and not objectionable when done by people other than those in our midst. To that extent I would like to indicate how, if one does not see these features as being obscene and indecent, one can make something altogether different out of them.

I will draw the attention of members to a publication dealing with Depuch Island; and all members received this publication. It is a Western Australian Museum special publication, and is No. 2 of 1964. It is worth reading just to get an insight into the native works of art on Depuch Island. The study of the book can be best left to members themselves. Some parts of the publication, I think, are worth quoting just to show how the human mind works. There is an indication in a report on the native engravings by Dr. W. D. L. Ride. He was dealing with a previous expedition to the island, and particularly with that of Captain J. C. Wickham, who visited the island in June, 1840; and a visit at a later stage by Mr. F. D. McCarthy. When referring to this matter he said—

> In addition to being struck with the high quality of the native art, both Wickham and Stokes remarked upon the absence of sexual motifs in it. This is somewhat puzzling, since, as can be seen from the description of more modern workers like McCarthy (McCarthy 1961) and ourselves—

Incidentally, the "ourselves" at the time included the Minister for Education. I think he had a look at the engravings. He went to the island and saw some of the native art there. To continue—

> the engravings to Depuch have a very high proportion of anthropomorphic figures showing enlarged genitalia, and scenes of copulation are common. It seems unlikely that these have all been engraved since the visit of the Beagle and one can only surmise that these very highly stylised figures differ so much from those of European pornographic and "suggestive" art that Wickham and Stokes did not recognise their nature.

Here again there is no harm in the observation of such art, but I should wonder whether, if somebody saw such art on a wall in an established settlement like the City of Perth, the art would be very well appreciated. I think it would not, and we would say that there was something wrong with the person responsible. I would agree with that comment.

Alternatively, we would say that he had a rather primitive mind perhaps in the same way as the native who seemed to feature this particular vista. Native works of art in most countries seem to depict a considerable number of copulation scenes and others associated with sexual rites. This seems to be one of the most important things in life and, rather obviously, it is. As a consequence when we with our rather more refined taste go into art galleries and see the human figure in its basic state, we have no objection to it. However, when it is exhibited in a magazine we have second thoughts about it.

I would like to quote another section from this work which deals with the matter and it indicates that before we criticise any particular art—be it art or drawings anywhere—we should know a lot about it and its origin. We should have this knowledge before we indulge in some form of super-criticism and be prepared to have it banned. The author goes on to say—

> We know very little indeed about the traditions which were once associated with the engravings. For instance, although some engravings clearly represent mythical figures, we are ignorant of the relevant legends. We do not know in what way animal engravings would have been connected with hunting; they may have been

> made to increase the catch by magical means or to record a successful hunt. If the engravings were made for magic, the ceremonies which accompanied their making have not been recorded. Copulation scenes may have been connected with fertility ceremonies, love magic, or even the record of past events. The interpretation of particular engravings would be assisted by the recording of all existing legends or myths.

The people who observed these engravings were indicating clearly to us that before we criticise any feature of art we should be prepared to examine its background. Even in those days possibly the natives were not without humour in their engravings, because in Watering Valley, which is probably the only watercourse on the island, various kinds of engravings were found. It says—

> Two men have been engraved on vertical faces high above the eastern side of the Valley, and look down it towards the sea. They appear to have long penes and are probably urinating. Lightly pecked figures beside the main rock support the interpretation, for they too are urinating. It is tempting to speculate that some myth linked these figures with the creation of rock pools. A similar single figure occurs up the tributary to Watering Valley, once again very close to a rock pool.

It is important to consider the background before one objects. If we came across such an etching in the metropolitan area, we would probably stare at it in amazement and say that somebody was quite immoral in his outlook on life for having drawn such an etching. However, it is important to note that because it is native art, we view it quite differently. In looking at the various forms of the different figures in these books, and the exaggeration of sex organs, etc., one could well picture the same thing being indulged in by some depraved person—as we would consider him—in our community.

I am really glad the matter does have to go back to the Minister for a final decision on any action, because if he is to be the censor, it finally falls on his head to make a good decision, and one about which he cannot be criticised in the House. I suppose there has to be a censor in each and every State, but as the member for Victoria Park said, this means that only the Minister will be finally responsible.

I would draw members' attention to the fact that if we saw the etching which is on the one dollar note drawn on the wall of a latrine or something like that, around the city we would be aghast. However, because it is featured in pictorial form it is acceptable. One does not have to view dollar notes very closely in order to see that the genital organs are exaggerated. Again, this is a form of art and I doubt whether anybody could take exception in any way to the etching which appears on our one dollar note. As a matter of fact, I think he would be very prudish if he did.

Mr. Toms: You cannot keep hold of them long enough to be able to see it.

Mr. JAMIESON: Of course, that is another point, namely, being able to keep them long enough to look at them. I would like to refer now to literature which is produced and which has a double meaning. The Minister referred to this kind of literature. Even in this category, so long as it has a double meaning, I think that it possibly can be a rather clever play on words and something which can be taken either way by the person who is reading it. If the individual chooses to take it one way, that is his prerogative, as it is with the individual who takes it the other way. I do not consider that much is achieved through trying to ban this kind of literature.

Indeed, some of the works which are of a very descriptive nature are actually recommended. I remember one of my colleagues once telling me that his daughter, who attended a select ladies' school in the community, had been reading a novel which he picked up and after reading a few extracts from it he thought, "Good heavens! Whatever is she reading this for?" It was a horrid description of the Mau Mau in Africa, and it dealt with sex ceremonies and other similar rites. It was very, very descriptive, and very straight to the point about the actions of those tribes. The daughter explained to her father that the books were on the reading list and he could hardly believe it. Thereupon she produced her list of books and, sure enough, there they were. Obviously these books had been recommended because of the descriptive ability of the author to indicate clearly, without any exaggeration, the actions of these people when they were engaged in various activities.

Therefore, I do not think there is anything wrong with this kind of literature. If people want to read this kind of thing, or even if people want to read trash, it is up to them. Most people who are educated, or who have been educated to some degree, would choose—if they had time to read—works which would be of more advantage to them. There will always be the depraved person, or the person of lesser mentality in the community to whom various kinds of smut publications are important.

Even so, probably everyone is entitled to think what he likes, because whilst there are all sorts of obnoxious things in the community—things with which we do not readily agree—to some extent we have to be tolerant about them.

I would suggest that the Minister needs to have another look at the situation in order to see whether the Criminal Code does not need some revision to improve the situation of people who might be involved in such circumstances. The idea of allowing the advisory board to be exempt from legal criticism, or from legal action, is a very good move. Of course, the Minister has more to do than just read every book which comes along, and consequently he must rely on somebody. If those who are involved say it is obscene, wrong, good, or bad, they should not be liable to any form of action in law.

To that extent the move is quite sound. However, because it encompasses many other things which could be considered to be native art, or other types of art when exhibited in various places, I object strongly to the provisions which increase the penalties in relation to them.

I again draw attention to the fact that the original legislation obviously was not put on the Statute book to control books, but to control other matters. At the time its main purpose was to control the introduction into this State of contraceptives; and whether they would come within the term "indecent," I would not be certain. I suppose they would when compared with modern art and other forms of modern works. So I suggest that the Minister should have a close look at the provisions of other Acts to ascertain whether it is desirable to increase the penalties for the matters I have mentioned. There is ample scope for action to be taken under the Police Act, or under the Criminal Code, against people who sell pornographic photographs or literature. These publications do appear now and again among certain members of the community and there are always some people willing to buy them.

Mr. Bickerton: I always thought a book on pornography was a book on chess!

Mr. JAMIESON: That could be right. The honourable member might be like the man who, when asked if he had any pornographic records, replied, "I do not even have a pornograph." Therefore, whether one is impressed by pornographic photographs depends on one's mind.

So whilst I am partly in favour of the Bill because of those provisions which will achieve some good, I am inclined to oppose those provisions which seek to increase the penalties. I cannot see much purpose in including them in this measure when ample penalties for such offences are provided in the Police Act and in the Criminal Code. Consequently I view the Bill before the Chamber with mixed feelings.

MR. ROWBERRY (Warren) [8.3 p.m.]: I rise with a great deal of temerity to intrude into the debate on this subject of obscene and indecent publications. The Bill before us seeks to amend section 5 of the principal Act by adding after the word "literary," where appearing in lines two and seven, the passage "artistic or scientific" in each case. In my opinion the Bill does not go far enough. Why not include the words "historic merit" as well? It has been amply demonstrated in the discussions that works of historic merit could be subjected to a great deal of adverse criticism because of their graphic account of certain happenings.

However, I did not rise to discuss the legal aspects of the Bill. In effect, the measure deals with censorship; that is its prime purpose. It seeks to replace the six-member Commonwealth Censorship Board with a Commonwealth-State literature board of review comprising nine members. Whether nine members will come to a more liberal conclusion on what is obscene or indecent, is anybody's guess. Much will depend on who the nine members are, what their academic and historical background is, and who selects them. Those are points about which we have been told nothing.

In a subleader article last Thursday, the 31st August, 1967, *The West Australian* published the following:—

> The bill before the State parliament represents a small improvement within the existing system of censorship, but it does not contribute to any liberalisation of the system itself.

In the light of modern-day thinking some liberalisation of censorship is most essential. A great writer once said we will have no liberalisation of censorship until all the middle-aged and aged people die, because they associate the pleasures which are connected with sexual activity with something evil, repulsive, and degrading. In general, this is sometimes the attitude of censors. Why do they not face up to elemental facts?

Who will define for me the words, "obscene" and "indecent," and then decide what degree of obscenity or indecency will be necessary to offend me? In the course of his speech the Minister said we learn by experience, but that is exactly what censorship prevents us from doing. It prevents us from gaining the necessary experience to build up a resistance which is so necessary. Medical officers know that in order to be able to resist a disease the body must build up antibodies by being exposed to that disease, and if a man has never been exposed to a certain disease he will probably die when he is first infected with it. That has been proved time and time again.

Mr. Jamieson: Do you think that is what is wrong with Mr. Rylah?

Mr. ROWBERRY: Yes, I do. I will have something to say about Mr. Rylah later. I now want to read to the House a cutting from a magazine which came into my possession a short time ago. It is a cutting from an article written by Dorothy Drain which was published in a women's mag-

azine a few weeks ago. Members who read women's magazines may know the one to which Dorothy Drain contributes her articles, which are certainly not "down the drain" by any means. This article reads—

Clean Fun

The N.S.W. Department of Agriculture has developed a new variety of oat, described as "an early maturing oat, moderately resistant to smut."

Mr. Runciman: A wild oat?

Mr. ROWBERRY: No, not a wild oat. Dorothy Drain has this to say about this "tame" oat which has been developed after much scientific research—

Such a respectable oat!
Resistant to smut (and I quote).
So reassuring to think
It's immune to a leer or a wink.

This is what the censors seem to have entirely forgotten. To continue—

And wouldn't the censor dote
On this early maturing oat
Which is never by vice beguiled?
(Being tame, of course, not wild.)

The point is that censorship defeats its own purpose, by virtue of the fact that members of the public are deprived of the opportunity to choose for themselves. Why should someone else choose and decide what literature or book I should read; or, for that matter, what anyone else should read? A book is read in private; it is something between the reader and the author's written page. Nobody else intrudes upon one's reading of the book; it is read in complete privacy and secrecy; and because of that it is entirely different from the publications mentioned in the parent Act—those which are exhibited publicly.

So where censorship may be necessary for the public eye generally, it is quite wrong to censor a book which is read in complete privacy and which is something entirely between the reader and the author's written word. The matter with which I am concerned is quite different from censoring something which is sent through the post and exhibited publicly.

During the course of the debate reference was made to young children, and the need to protect them from obscene and indecent publications. Let us, for example, consider the human form. Would anybody, in this House or anywhere else, be prepared to say that the human form, as the Creator made it, is indecent or obscene? It is only the use to which the human form is put which makes it indecent or obscene; there is nothing wrong with it as it exists.

It has been said that pornography is merely a case of geography; and this was borne out very forcibly during my recent tour of Europe. When I visited the Louvre and the Palace of Versailles in Paris, I was struck by the number of young children who were being taken on guided tours and shown the ancient works of the Romans and the Greeks. None of the exhibits was covered up at all. I took particular notice of the demeanour of these young people; and I noticed no leering or winking—and there were certainly no asides. They accepted these works of art as a matter of course. Why did they do so? They did so because they were brought up—and are still being educated—in a decent, clean, pure, atmosphere so far as sex and the human body is concerned.

I think the Minister ought to know the reason why the *King's Cross Whisper* was not deemed to be an indecent publication. It was due to the fact that the female sexual organ was not exhibited. I would like to read from the *King's Cross Whisper* which, I believe, was laid on the Table of the House. The editorial states—

Whisper Magazine not Obscene, SM Rules

On June 26, a charge of obscenity against the publishers of *King's Cross Whisper* was dismissed by the Sydney Court of Petty Sessions.

The magazine in question was *Girls from Whisper*, a collection of jokes and photographs of nude and semi-nude girls.

Among other things the magistrate had this to say—

The cartoons jokes and script, inclusive, appear to me to be innocuous, although in some instances they could be said to be of a suggestive nature. In none of the photographs is the female sexual organ displayed. It appears the desire is to emphasise the breasts.

So it would appear that we have suddenly discovered, in these modern times, that women have breasts!

I would now like to relate some of my experiences when I toured Russia, where the Winter Palace in Petrograd has been converted into a huge museum and art gallery which, we were told, would take at least a fortnight to go through. Here again we saw the same thing, where hundreds of school children—not of the student age, but below the age of 14, and of both sexes—were being conducted through this art gallery and museum. They were being shown line upon line of the female form depicted in statuary, with nothing on at all; and, what is more significant, the female sexual organ was depicted quite clearly. After all is said and done, females do have sexual organs! So, as I have said, it is merely a case of geography.

The whole truth is that we have been brought up in a prudish and prurient fashion, where we have come to look upon sex as something dirty. I hope the committee which is to be set up will be able to look at this matter with clean eyes;

because when one sees filth or smut in a picture or a statue, it is very often because that is how one's own eyes behold it. Some people quite often revert to the Bible to find things which are obscene and indecent.

When it comes to people being exposed to smut, and to so-called indecent pictures, or to statuary and to pictures depicting the human form, I think we can learn a great deal from the attitude of the people in other countries where they are accustomed to such things; where they have always been accustomed to such things and, accordingly, treat them as a matter of course.

I would go so far as to say that as a rule, our own young children treat these things in a matter-of-fact fashion, and their thinking is only changed when their elders convey to them the impression that sex is dirty. A short while ago I listened to some young children while they were playing. They were children of both sexes and were about 10 years old. The children had a female dog with them, while next door there was another dog. One of the children said to the boy next door, "Your dog is always howling. What is the matter with it?" The little boy replied, "He is howling because your dog is a female and mine is a male." Nothing more was said about it; the children went on playing.

I suppose if some adults, other than those who did overhear the remark, were present they would have told the children not to speak in that way, because it was dirty to do so. The children would then build up the image that sex was evil, that the bare human form was evil, and that the functions of sex were evil. I would not like to think that the board proposed to be set up under the Act will be actuated by that sort of standard.

After all, the original Act does not set any standard, because section 2 provides—

> ANY person who—
>
> (1.) Prints, makes, sells, publishes, distributes, or exhibits any obscene book, paper, newspaper, writing, picture, photograph, lithograph, drawing, or representation; or
>
> (2.) Gives or delivers to any other person any picture or printed or written matter which is of indecent or obscene nature, with the intent that the same or a copy thereof, or any part of such matter or a copy thereof, should be published as an advertisement in any newspaper;
>
> shall be liable to a penalty not exceeding twenty pounds . . . .

I draw attention to the reference to newspapers in that section. At the start of my remarks I quoted from a newspaper. Even though publishers, editors, printers, and such people sometimes rail at the dictates of censorship, they themselves have a peculiar system of censorship which they have practised down through the ages. This is censorship in the form of suppression of facts which do not coincide with the ideology to which the particular newspaper subscribes. By doing that they prevent the people from getting at the truth. Instead of publishing the facts as news, they publish slanted opinions on the facts; further, very often they do not publish all the facts, nor do they publish in full the views of those who contribute to the opinion columns.

By a long continued system of suppression and censorship they have gradually built up an attitude of mind not only in relation to sex, but also to foreign policy, and to our attitude to other nations. In many cases they have built up a poisonous, and in many ways a wrong, attitude. I am finding out these things in my old age, but I wish I had found them out earlier in my life.

The point is that censorship should never be allowed to go unchallenged. We should not allow our right to read and think as we like, and to decide for ourselves, to be usurped by any body of men, irrespective of whom they might be in the community.

MR. CRAIG (Toodyay—Chief Secretary) [8.24 p.m.]: When I introduced the Bill I anticipated that members would have their own individual ideas on this controversial matter of censorship; and to a considerable extent this has been borne out by the contributions made this evening. I think the member for Beeloo summed up the position adequately when he said indecency is determined by one's own mind, and I agree.

I should point out that the Bill does not attempt to lay down a code of ethics or a standard of censorship. All it seeks to do is to amend the Indecent Publications Act to indemnify members of the board and any publisher who has a doubtful book which is under consideration by the censorship board. The Bill refers only to the censorship of books, and here I would draw the attention of members to the lengthy definition of "book" read out by the member for Beeloo from a dictionary. The term "book" is defined in the agreement between the States and the Commonwealth as—

> A work or collection of works, whether consisting of words or of pictures or partly of words and partly of pictures, in respect of which literary, artistic or scientific merit prima facie exists.

In the past the whole question of censorship rested in the hands of the Commonwealth. That is the reason why so much controversy has arisen between the States,

as evidenced by the various opinions expressed by different sections of the public in individual States on the banning of a certain book by the Commonwealth board.

In the first place, the function of this aspect of censorship is undertaken by the Customs Department. If there is a doubt in the mind of the officer who bans a book, the matter is referred to the Commonwealth Censorship Board. It does not necessarily receive the attention of the full board, but generally it does receive the attention of three members. If three members of the board decide to ban a book, an appeal can be made for the case to be heard by the full board. What the agreement between the States and the Commonwealth seeks is State representation on this board. We have been successful in getting the Commonwealth to accept the recommendations put forward by the States, to the extent that the board will be increased by three members to represent the States.

One main provision which was necessary to be included in the Bill seeks to indemnify publishers. This arises in the case of a publisher who desires to print and to publish a book. He might have some doubt whether it would be regarded as obscene by the police, or by members of the public. If the publisher has a doubt he would submit the book to the Minister who would refer it to an appropriate authority.

If a book is claimed to possess literary merit it will be passed on, say, to the Professor of English at the University; if it is claimed to have artistic merit it will possibly be referred to the Director of the Art Gallery; and if it is claimed to have scientific or medical merit it may even be referred to the member for Wembley. That is the basis on which we will work. If the opinion received by the Minister is that the book is obscene, or that there is some doubt as to its obscenity, it will then be submitted to the proposed Commonwealth advisory board.

If the board in its wisdom says, "No, we do not feel this is obscene," then the publisher can go ahead knowing the board has decided this way, and that he is more or less exempt from any action by the police or the public through the courts.

Mr. Davies: Wouldn't it go straight to the Commonwealth advisory board?

Mr. CRAIG: Not necessarily, because the particular State involved would have to be sure of its grounds. It does not want to involve the board in any unnecessary work of review. The State would have to have some opinion to support its approach to the board. I think the honourable member realises this is necessary. The main feature is that the States will now have some say in this matter.

The member for Victoria Park stated that we are handing over our powers to the Commonwealth. We might have been doing this for many years, but in this case we are getting some power back, even though it be in a minor way. The measure gives us a say in this matter.

It has been said that the Indecent Publications Act has been working well since 1902. I would say this is so in so far as what can be considered obscene magazines, and the like, that might be displayed on a bookshelf in a book shop around the city are concerned. This is something on which the police can take immediate action or a member of the public can lodge a complaint. These provisions will still apply under the Indecent Publications Act even after this amendment is passed.

I might say that we in Western Australia have been particularly fortunate, as we have not had the problem of censorship that other States have had; and to my knowledge no action has been taken in this regard for all of two years. I think the last instance was in relation to a painting of somewhat doubtful interpretation. This painting was exhibited in the Art Gallery and the police requested that it be removed. That, to my knowledge, is the only instance where, in this State, action has been taken on anything considered to be obscene.

Reference has also been made to the fact that this particular matter is also covered to a degree by section 204 of the Criminal Code. That is quite true; but this would be an indictable offence, and if any action were to be taken by the police, or through a court, I imagine it would be done under the Police Act and not under the Criminal Code. This particular point was brought to my attention by the parliamentary draftsman when he was drafting the Bill. It might be of interest if I quote his comments as follows:—

> It should be noted that section 204 of the Criminal Code provides a misdemeanour in relation to obscene publications, but as this is a matter for indictment by the Attorney-General the provision may for the purposes of the Commonwealth-State arrangement be disregarded.

In other words, this particular section of the Criminal Code provides that any action must have the consent of the Attorney-General before being taken. This is similar to the provision in the Indecent Publications Act, as amended by this measure, where approval of the Minister is necessary before any action is taken.

I feel sure this particular section of the Criminal Code will be amended when there is some degree of uniformity between the States on the Criminal Code; and, as I think the honourable member knows, the States are working towards this end at the present time. Due cognisance will be given to this point when amendments to the Criminal Code are submitted.

A reference was also made to the penalty. As I stated when I introduced the Bill, the amount has been in existence since 1902 so far as the pecuniary penalty is concerned, and it was felt this should be the more realistic figure of $200, with the alternative of six months imprisonment. This measure is in line with the Police Act in relation to the pecuniary and penal requirements.

Mr. Jamieson: Did you know that the Act, when originally introduced, provided for a penalty of two years' imprisonment?

Mr. CRAIG: I did not know that.

Mr. Jamieson: It was cut down in Committee.

Mr. CRAIG: It was before your time, and before my time, too. I think I have referred to most of the points made except those of the member for Warren, who gave us a very good treatise on pornography, geography, and some of the excerpts from *King's Cross Whisper*. This is an example of what takes place in the other States and the difficulties with which they have to contend. The honourable member made reference to the action taken against the publishers of this particular newspaper. This action, of course, was unsuccessful with the result that the paper is circulated throughout the whole of the Commonwealth; and we would be foolish to take any action in Western Australia, because of the decision given in New South Wales.

Mr. Rowberry: Just because the action was tried before a broadminded judge!

Mr. CRAIG: I think we are all generally broadminded on this question; it comes back to a matter of interpretation and one's state of mind. One can always read a double meaning in anything of this nature when it is published in a newspaper, or the magazine to which the honourable member referred.

He quoted the subleader which appeared in *The West Australian* of the 31st August. I felt it summed up the position well, inasmuch as it said that the measure does not go far enough. I agree with that contention, and admitted it when I introduced the Bill. However, the measure is at least a start. No doubt we will see some improvements that can be effected; and, if this is so, no doubt action in this direction will be taken. Nevertheless this measure is a start towards some degree of uniformity of thinking by the Commonwealth and State authorities on the contentious question of censorship.

Mr. Rowberry: Would you agree to include the word "historic"?

Mr. CRAIG: I cannot see where that comes into it. I think the Bill clearly defines what the amendments include. One amendment adds after the word "literary" the words "artistic or scientific." I suppose one could interpret something that is historic as being literary or artistic.

Mr. Rowberry: With legislation, you would have to define each individual thing. If you do not do this, the things that are not defined are inadmissible.

Mr. CRAIG: I would point out to the honourable member that the terms or definitions were drawn up as a result of a number of conferences between Commonwealth and State technical officers—if I might refer to them as such—and they include members of the respective Crown Law Departments.

Mr. Hawke: What is the legal meaning of the word "artistic"?

Mr. CRAIG: I think the member for Northam might peruse one of the books I tabled last week when I introduced the Bill. This particular book was one classed as having some artistic merit.

Mr. Hawke: Some?

Mr. CRAIG: Yes, some.

Mr. Hawke: What page?

Mr. CRAIG: If the honourable member would like to remove a particular page and publish it in a form other than that in which it is depicted, it could be considered an obscene publication.

There are a lot of people who feel we should have no censorship at all. Even the member for Warren possibly conveyed the impression that because of his mature age and so on, and his wide knowledge of this particular subject, especially the pornographic and geographic angle, we need not have censorship. He would be in a position to choose his own particular types of books. He even went as far as to say he would read them on his own; but I would not like to feel that after reading them he hid them under his pillow and no-one else was allowed to read them.

There is, as I said, a section in the community which feels there should be no censorship. There might be a lot of merit in this contention because, as I have emphasised before, there are certain types of books, magazines, and other publications, which have an appeal to only a certain type of person. We older people, as it has been said, are concerned with the effect that any of this doubtful literature has on the minds of the younger generation. As I also said earlier, there is concern felt as well for the effect on older people.

There is nothing wide-sweeping about this Bill. It is an attempt to improve the standard of censorship. It provides the machinery whereby a publisher can appeal against the decision of the Commonwealth advisory board, on which board the States will be represented. Therefore I commend the Bill to the House. It is, as I said before, a first step; and all the States have agreed to the proposals and have introduced legislation on these lines. Accordingly I trust this Bill will be acceptable to the House.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. W. A. Manning) in the Chair; Mr. Craig (Chief Secretary) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Section 5 amended—

Mr. ROWBERRY: I once more appeal to the Minister to include the words "or historic" after the word, "scientific" in line 7. Many works of historical merit are now available for purchase from book stalls. I would mention the work of Rabelais, which can be bought freely. I do not pretend to have read it in its original form, but it is available in classical translations. Another is Ovid's *Art of Love*—

Mr. Craig: And quite a few others.

Mr. ROWBERRY: Yes.

Mr. Ross Hutchinson: Are these the historical ones you are quoting?

Mr. ROWBERRY: Ovid's *Art of Love* is not only concerned with love, but is historical, because it gives a picture of what people did and thought in those days. We should not be concerned merely with remembering dates and how many people were slaughtered at certain times; we should be interested to know how people thought and lived, because that is really history.

Members will recall that the Minister said we have come a long way since the publication of *Lady Chatterley's Lover*. That is one of the dullest books I have read. The only thing which made it commendable—and I think the words were included just to raise it a little from the drain—was the use of the four letter words. However, many books are available which would be classed as sheer pornography if the historic merit were not taken into consideration.

I therefore ask the Minister to reconsider this with a view perhaps to having the words inserted in another place.

Mr. CRAIG: I personally cannot see the necessity for the inclusion of these words. I feel that the matter is already covered by the definition in the amendment; that is, the work must be literary, artistic, or scientific. However, this is only my own personal opinion. I respect the thoughts of the honourable member and will obtain an opinion on the matter and inform him accordingly.

Clause put and passed.

Clause 4: Section 6 repealed and re-enacted—

Mr. DAVIES: Proposed new subsection (1) appears to widen the power of the Minister. I do not know whether this was intended or has been as a result of the Commonwealth agreement. The Act merely refers to newspapers, whereas the amendment is much wider.

With regard to proposed new subsection (2), I understood the Minister, when replying to the debate, to say that this would give some protection to a publisher until such time as a book had been declared obscene or otherwise. From my reading of the Minister's second reading speech, I believed the clause related solely to the protection of people acting for and on behalf of the proposed board. Would the Minister please clear this matter up for me? Did I misunderstand him, or does this mean that publishers are protected until such time as the matter is decided.

Mr. CRAIG: Yes. There may be a little misunderstanding about this. Protection is provided for the publisher. This amendment indemnifies a member of the board against any action as a result of the decision made.

Mr. JAMIESON: When the Minister informed members that similar legislation had been passed in all other States, I assume he meant that this was in respect of the main clause. I imagine the other one would depend on the interpretation of the Acts existing in the various States. It appears this is the only clause which could be equally binding in all States. In other words, it gives exemption to the advisers so they would not be liable to any prosecution. As long as that is clear —and that this is the actual salient feature of this Bill—then I agree with it.

Mr. CRAIG: The honourable member is quite correct in his interpretation. This is the basis of the agreement, too.

Mr. ROWBERRY: I am concerned about the board's prosecuting without the authority of the Minister. These books and obscene publications will be submitted to a board—or an advisory body—which shall make a decision, and no prosecution shall be brought without the authority of the Minister. The Minister will then be submitted to all sorts of smut and filth, and indecent and obscene publications, and to me the situation could arise as depicted in the following verse:—

> The Minister sat in his vast bureau,
> (And he was as pure as he could be)
> Banning the books that seemed to him low
> And reading those that were really so
> To keep a continent clean and free;
> While the clerks rushed out and clerks toiled in
> Bearing him loads of printed sin,
> And the Minister grinned with a ghastly grin
> And rang for his secretary.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

POLICE ACT AMENDMENT BILL

Second Reading

Debate resumed from the 24th August.

MR. DAVIES (Victoria Park) [8.54 p.m.]: This short Bill is related to the matter we have previously dealt with. I do not wonder that our policing of obscene publications has been so successful, because I find it is covered under three different sections of three different Acts. We have the Criminal Code, which, as the Minister mentioned, provides for imprisonment with hard labour for two years. In the Indecent Publications Act, which we have just amended, there is provision for a penalty of $200, or six months' imprisonment. Now, in the Police Act, we find that subsection (5) of section 66 also sets out what the members of the public shall not do with obscene books, prints, pictures, drawings, or representations.

If a person does any of these things, of course, he could be deemed to be a rogue and a vagabond, and upon conviction he could be imprisoned for a term not exceeding 12 calendar months. So, under the three Acts, a person could be imprisoned for six months, 12 months, or for two years with hard labour. Also, under the Indecent Publications Act there is a fine of up to $200 which can be imposed as well as, or in lieu of, the term of imprisonment.

The Minister tells us it becomes necessary to take the word "book" out of subsection (5) of section 66 of the Police Act in order that prosecutions may be proceeded with under the Bill we have previously dealt with or, alternatively, under the Criminal Code. I cannot see any objection to this and I think it is probably something which should have been done a long time ago. I must confess this is the first time I have looked at section 66 of the Police Act and I am rather surprised there are so many actions which can be deemed to indicate that a person is a rogue or a vagabond, and accordingly can be proceeded against.

This possibly means that many Acts could be looked at and tidied up. We have had a committee going through the legislation considered to be outdated and redundant, and, as members well know, a lot of Acts have been suitably dealt with to remove them from the Statute book. I understand this work has been carried out by a Mr. Clarkson, and it would appear that his work is practically accomplished. Perhaps the same committee could have a serious look at the way these various Acts interlock.

It seems rather strange that in this day and age one could be considered a rogue and a vagabond by exposing to view in any street or public place an obscene book, printed picture, drawing, or a representation. If I remember correctly, some years ago there was a shop in Perth which specialised in books of literary merit. I think the shop was in Pier Street.

Mr. Hawke: What age was the member for Victoria Park then?

Mr. DAVIES: I was not the member for Victoria Park then. I do remember a few prosecutions at that time, and possibly they came under the section of the Act to which I have referred. I would not like to suggest the conditions under which a person would be considered a rogue and a vagabond today. The Acts are being tidied up and it is only right the world "book" should be deleted from the Act.

MR. CRAIG (Toodyay—Minister for Police) [8.59 p.m.]: I thank the honourable member for his support of this complementary amendment to the Police Act. He may recall that a couple of years ago we made considerable amendments to the principal Act with regard to penalties, and at that time attention was drawn to certain redundant features. It was stated then that this would be one of the first tasks to be carried out by the committee referred to by the honourable member. It is a coincidence that within a week we have had two amendments to this particular section of the Act. However, I thank the honourable member for his support of the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

House adjourned at 9.1 p.m.

Legislative Council

Wednesday, the 6th September, 1967

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

QUESTIONS (10): ON NOTICE

L.S.D. DRUG

Illegal Possession: Legislation

1. The Hon. J. DOLAN asked the Minister for Health:
   (1) Is the Minister aware that the New South Wales Government, as a matter of grave urgency, is proclaiming new regulations—prepared by its Poisons Advisory Committee—to provide severe penalties for the illegal possession or distribution of the hallucinatory drug L.S.D.?
   (2) Is there provision under our laws for similar action to be taken in Western Australia?