I would like to see a State land use authority established under the legislation; an authority with some real powers to stop people from proceeding. The present situation is entirely unsatisfactory, because leases can be pegged in reserves, after which people have to go and argue before the court that the leases should not be granted.

We ought to do something here and now to control that situation if we want to take the lead in this matter. I suggest to the Government that a very good starting point for this legislation would be the proposals in the "Bill of Rights" issued by the W.A. Nature Conservation Council.

I was disturbed to read in the paper this morning that a recommendation made by the Australian conservation federation —I think it calls itself that or a name very similar to it—that a total of 13,900,000 acres be set aside for reserves resulted in only 4,300,000 acres being so reserved, and that the Government policies in this State were blocking action.

Mr. Bovell: That is not correct.

Mr. TONKIN: What is not correct—that I read it?

Mr. Bovell: No, what you say.

Mr. TONKIN: That is what I read. Did the Minister read it?

Mr. Bovell: Yes.

Mr. TONKIN: I have not seen any denial so far. Is there going to be a denial published in the paper tomorrow morning?

Mr. Bovell: No, because I have not received replies to my queries.

Mr. TONKIN: When I read that I began to wonder whether the Bill before us was any more than a pretence.

Mr. Bovell: There was one area alone of 5,000,000 acres which we reserved.

Mr. TONKIN: I suggest the Minister would have a very good case to refute what was said. When I read that report in the paper—as many others must have done—I could not help but be disturbed—if the report is true—that Government action in this State was blocking a recommendation that these areas be declared as reserves.

From what I have said I think you will probably have gathered, Mr. Speaker, that I do not like the Bill very much. In the circumstances, I suppose we have to accept what the Government has brought down in the hope that when it finds the legislation is not worth much it might endeavour to improve upon it. If we have the opportunity, we will certainly give the country a far better deal than is contained in this legislation.

Debate adjourned, on motion by Mr. H. D. Evans.

House adjourned at 10.35 p.m.

Legislative Council

Wednesday, the 4th November, 1970

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

QUESTIONS (6): ON NOTICE

1. TRAFFIC

Road Courtesy

The Hon. G. E. D. BRAND, to the Minister for Mines:

(1) Is it unlawful for the driver of a vehicle to leave the headlamps on full beam in the face of oncoming traffic?

(2) If so, will the police pay particular attention to this aspect of road courtesy, and so eliminate another contributing factor to road accidents?

The Hon. A. F. GRIFFITH replied:

(1) Yes.

(2) Yes.

2. *This question was postponed.*

3. LOCAL GOVERNMENT

Litter

The Hon. G. E. D. BRAND, to the Minister for Local Government:

(1) Is it compulsory for vehicles carrying rubbish, industrial waste and rubble etc., to have the load completely covered to avoid spillage?

(2) If so, will instructions be given to the appropriate authorities to enforce this law?

The Hon. L. A. LOGAN replied:

(1) Yes. Road Traffic Code Regulation 1608A, and Section 665A of the Local Government Act.

(2) I am not aware that the regulation is not enforced.

4. TRANSPORT RESTRICTIONS

North-West

The Hon. G. E. D. BRAND, to the Minister for Mines:

(1) Did the Government make a recent announcement that transport restrictions on northern transport would be relaxed north of the 26th Parallel?

(2) (a) Was it also announced that the Government was studying the possibility of extending the revised conditions to other areas, including the Murchison;

(b) has this study been—
(i) commenced;
(ii) completed; and

(c) if completed, will urgent action be taken to implement the findings so the present transport problems in the drought areas in the Murchison may be eased?

The Hon. A. F. GRIFFITH replied:

(1) Yes.

(2) (a) Yes. The Government asked the Director General of Transport to study the practicability of extending these concessions to an area of the Murchison South of the 26th Parallel to see if this can produce for pastoralists and others in that area "higher quality-lower cost" transportation.

(b) (i) Yes.

(ii) No. The study should be completed in about two months' time.

(c) This will depend on the findings and the effect any changed policy will have on all sections of the community. Certainly the problems of those people in the drought areas will not be overlooked.

5. *This question was postponed.*

6. DROUGHT RELIEF
Pastoralists

The Hon. G. E. D. BRAND, to the Minister for Mines:

(1) Are pastoral properties situated in the Lower North Province still considered to be operating under drought conditions?

(2) (a) Is the amount of drought relief available still governed by the Means Test; and

(b) if so, will the Government consider easing the Means Test as a token of assistance to many pastoralists who now face ruin through lack of rain, feed, and the low price of wool, etc.?

(3) Will the Minister study the methods used by the States of New South Wales and Queensland, which give assistance to graziers when it is considered that the natural food and water have failed on half of the properties, and not necessarily through drought?

(4) Will consideration be given to instituting a similar plan for Western Australia ?

The Hon. A. F. GRIFFITH replied:

(1) A number of pastoral properties in the Lower North Province are reported to be suffering from the effects of drought.

(2) (a) and (b) The probability of recurring drought is one of the factors used to determine pastoral lease rents. In addition, some properties are affected to a greater degree than others. For these reasons, it is considered necessary that pastoralists substantiate the losses which they have suffered.

(3) and (4) Drought relief procedures in other States of Australia have been examined in the process of determining drought relief measures in this State.

LOCAL GOVERNMENT MODEL BY-LAWS (CARAVAN PARKS AND CAMPING GROUNDS) No. 2

Deletion of By-law 14: Motion

THE HON. CLIVE GRIFFITHS (South-East Metropolitan) [4.38 p.m.]: I move—

That the Local Government Act Model By-laws relating to Caravan Parks and Camping Grounds (No. 2) published in the *Government Gazette* on the 31st August, 1970, and laid on the Table of the House on the 9th September, 1970, be amended by deleting By-law 14.

In moving this motion I wish to make perfectly clear where I stand in regard to the model by-law which prohibits a person from staying in a caravan park for more than three months in any one year unless the Minister for Local Government gives his consent.

Firstly, I do not believe the Minister should be worried with appeals from people whose only desire is to stay in a caravan park for a period in excess of three months, as I believe he has many more issues of greater consequence to the State with which to deal. Secondly, I believe that if anyone has to deal with these appeals it should be the local authority through its health inspector. Thirdly, if it is imperative that permission be obtained, I believe the council officer should have to justify his reasons for not granting an extension of time, instead of the caravanner having to substantiate a case for being permitted to stay at a caravan park of his choice.

I realise that the by-law in question has been in existence since 1961. I must say that it has been the cause of much controversy over the years and, indeed, I have asked questions and spoken on this subject previously. I have always expressed my objections and I know that over the years other members have expressed their objections to the by-law.

Without going right back to 1961, I have some information which indicates that there was great concern about this by-law, as well as other by-laws, in 1964. Particular concern was expressed over this by-law and many meetings were held in the latter part of 1964 by various caravan associations and organisations and by people who were interested in, and had some knowledge of, caravan parks. I have some correspondence on the subject which was written before I became a member of Parliament. It has been given to me by Mr. W. Grayden, M.L.A., who has expressed some opinions on this subject from time to time. Going back over the years, concern has been expressed over this particular provision for a multitude of reasons.

I do not intend to elaborate on what is contained in the 1964 correspondence apart from saying that it involves an expression of objection to the necessity of appealing to the Minister for Local Government whenever a person desires to stay in one caravan park for a period of more than three years.

The Hon. G. C. MacKinnon: Three months.

The Hon. CLIVE GRIFFITHS: I am sorry; I meant three months. In order to evaluate what purpose is served by having such a requirement, we should cast our minds back to 1961 and recall the number of caravan parks that existed at that time as well as their construction. We should bear in mind that it was at this time that the by-law in question originated. If we compare the situation that prevailed in those days with the situation that prevails today, we will find they are entirely different. Members will recall that there was only a handful of caravan parks prior to 1961. They were built in areas where there was absolutely no room for expansion. In the main, caravan parks were in built-up areas and there were virtually no by-laws to control the activities of people running caravan parks. Certainly there were no uniform by-laws with respect to the amount of space or the amenities which ought to be provided.

Consequently the by-law in question was absolutely essential in those days. In saying that we should bear in mind that Perth was about to be the host city for the Empire Games and everything possible was being done to upgrade the standard of caravan parks to ensure that visitors to this State were adequately catered for. In those circumstances, with caravan parks as they were at that time, I believe there could have been a case for some of the by-laws attaching to caravan parks, and for this one in particular.

However, over the years caravan parks have abided by the provisions of this by-law and have complied with health regulations. Consequently, the standard of caravan parks in Western Australia has risen to such an extent that it is quite a different story today from what it was some years ago. In addition to the standard rising, the number of caravan parks in existence in Western Australia has risen. Therefore I believe that the by-law in question should not necessarily apply today.

One of my reasons for saying this is that we have a stringent and comprehensive set of health regulations which apply to caravan parks throughout the State. Whether a local authority wants those regulations or not, they are the law with regard to caravan parks. Health regulations ensure that the area occupied by each caravan is adequate and that toilet, showering, and lighting facilities are of a high standard. Indeed, I feel it would be difficult to find caravan parks of the standard of those now in Western Australia anywhere else in the world.

Most of the new caravan parks that have come into operation since 1961 are located in areas where there is ample land available for expansion should the necessity arise. This, of course, is in contrast with the situation that existed in 1961.

I have said that we certainly have more caravan parks in Western Australia now than we had in that year, even though the Government is unaware—it has no idea, in fact—of the number of caravan parks in Western Australia. This information is not known by the Government, notwithstanding the fact that the Government is making huge sums of money available to them, as the Minister indicated in answer to a question I asked. The fact that the Government has no idea of the number of caravan parks in Western Australia is not new.

In looking through some papers I discovered that on the 5th November, 1964, a question was asked which was precisely the same as the question I asked the Minister the other day. Incidentally, I was unaware that this question had been asked until this morning, but it was precisely the same; namely, "How many caravan parks are there in Western Australia?" On that occasion the Minister also said that he did not know.

The Hon. G. C. MacKinnon: The honourable member must appreciate that there is a convention in answering questions. If the information is not on the files, the answer must be given that the information is not available. It is not that we cannot find out.

The Hon. CLIVE GRIFFITHS: I am saying that the Government does not know.

The Hon. G. C. MacKinnon: If there is no demand for certain information to be recorded on files, the department advises that the information is not available. That is the convention of answering questions.

The Hon. CLIVE GRIFFITHS: I shall proceed with my speech and say that the Government says it does not have this information, notwithstanding the fact that it engaged a person to do a general survey of caravan parks throughout the State. I would have thought that one of the most important findings to be obtained from a State-wide survey of caravan parks would be the number of parks in Western Australia. I do not think that is an unreasonable assumption on my part. If somebody is doing a State-wide survey of caravan parks he ought to know how many there are.

The Hon. F. J. S. Wise: Is there any need for secrecy?

The Hon. CLIVE GRIFFITHS: I would not think so.

The Hon. G. C. MacKinnon: It is only necessary to have a new one built the following day and the figures are wrong.

The Hon. F. J. S. Wise: Many questions are answered approximately.

The Hon. G. C. MacKinnon: Yes.

The Hon. CLIVE GRIFFITHS: We are asked to recommend a by-law which will stop anybody from staying in a caravan park for a period longer than three months unless the Minister for Local Government agrees to a longer stay. Numerous arguments can be advanced for opposing such a requirement.

I have made it perfectly clear—and in case I have not I want to emphasise the point again—that I am not suggesting the Minister for Local Government will not give these people an extension of time. Indeed, I know very well that he will. I know the Minister will look at this matter in the same manner and with the same thought of achieving justice as he looks at every other matter put to him. I repeat again that I do not believe a Minister should be concerned with appeals that achieve nothing but telling somebody whether or not he can stay in a caravan park for an extra couple of months. If the Minister had nothing else to do, then I would agree with the by-law. However, I do not believe the Minister is not busy; he has plenty of other work to do which is more important than this.

Some of the arguments that may be expressed in support of my motion to oppose this requirement are contained in letters I have received over the last month. I have here a bundle of over 60 letters which have been addressed to me from people living in caravan parks. Every one of those people has given a particular reason why he feels that the by-law is unwarranted. I will read out a couple of the letters because they emphasise the arguments which I believe are valid for opposing such a requirement. This letter comes from a person in the caravan park at Coogee Beach, and she says—

> Dear Sir,
>
> I am writing to protest to you about the law concerning the three month stay in any one caravan park, if this law is enforced it will seriously affect us as we have two children going to Coogee school also my husband has a job close to the park, and also we have a daughter who has had a serious illness resulting in the losing of one kidney that is why we sold our home to live here by the sea her health has improved since we have been here but if we have to move every three months we feel that her health will suffer greatly. We are only one family which will be affected by this law being enforced so we hope something can and will be done to stop it.

The letter is signed. That is just one reason which affects that family; it is not a general reason affecting each of the 79 persons who have appealed to the Minister in the last two weeks. That is the figure the Minister gave me in reply to a question I asked recently. In the last 12 months eight appeals were received; but in the last two weeks 79 have been received.

The Hon. L. A. Logan: That shows somebody is stirring them up.

The Hon. CLIVE GRIFFITHS: No it does not. What it does show is—

The Hon. L. A. Logan: Somebody is stirring them up.

The Hon. CLIVE GRIFFITHS: —the fact that the people may appeal against the decision has been kept a secret. Suddenly, as a result of new by-laws being laid on the Table of the House, the subject has been revived. I have suggested that this subject has been the cause of controversy since 1961, and I gave the dates of the occasions on which it has been raised. However, it also revealed to the people that they may appeal against a decision made under this by-law. So they are doing precisely that, and the Minister is now confronted with 79 appeals. That was the figure the other day; he probably has received more since then. I presume he will go out and have a look at each case. The Minister knows what he is doing with the appeals, and so do I.

The Hon. L. A. Logan: You are anticipating.

The Hon. CLIVE GRIFFITHS: Well, the Minister can tell us what he intends to do if he decides to speak to this motion. However, this indicates precisely what I said a moment ago; that is, the Minister ought not to be expected to do this. An alternative method of handling the matter should be provided, and I will suggest such an alternative shortly.

I will not read out all the letters, but I have another here and, amongst other things, the person says—

> I'm sure if you make inquiries you'll find our children have a very good attendance record at school, but if they had to change schools every three months, think how this would be impaired.
>
> I cannot see how living in a park differs in any way from living in eight or ten storey flats, which seems to be the order of the day in Perth.

That brings to my mind another subject upon which I have expressed a point of view on occasions. Last Christmas for the first time in my life I obtained a caravan and my wife and I stayed at something like a half-dozen caravan parks around the State in order to get an idea of the facilities that were available and to discover what sort of atmosphere is found in caravan parks. I would like to say that as far as I am concerned I am as convinced as I am standing here that the living conditions applying in caravan parks are far superior to those applying to a man, his wife, and several children living in a block of flats—and, in particular, a block of flats erected by the State Housing Commission. The people in State Housing Commission flats have no choice other than to accept the accommodation. While I am on this subject I would mention that the Minister for Housing suggested that 53 per cent. of the people who have nowhere else to live reject offers to live in high density accommodation.

However, notwithstanding that, because somebody prefers to live in a caravan park for the time being, we are suggesting there is something obnoxious about it; that the Government ought to be concerned about what will happen to people who live for four, five, six, or 12 months in a caravan park. Yet, without any compunction whatsoever, we are prepared to condemn people to live for a lifetime on the third or fourth storey of a block of flats. Those people have no privacy at all, and the mothers are continually worried stiff about where their children are.

I suggest to members that they go out and look at some of the facilities that are provided for recreation and for the safety of children in caravan parks. The laws relating to caravan parks are most stringent indeed in order to protect the people staying in them and to make them good places in which to live. Yet notwithstanding all these requirements we say we are going to worry the Minister for Local Government every time a person wants to stay in a caravan park for longer than three months.

I have another letter from the proprietor of a caravan park. Amongst other things, he says—

> Before building this Caravan Park, my wife and I travelled around Australia on a working holiday, we found it necessary at times to stay in one Park for more than 3 months, but we did not find this rule enforced at any of the Caravan Parks in which we stayed.
>
> In summing up the situation, I have found that most people would not like to stay more than 12 months in the one Park, but, I think that if they found it necessary to stay longer than the 3 months allowed and they were not creating a Health hazard, they should be given permission to remain in the Caravan Park of their own choosing.

That is another point. We are prepared to say that people can live in caravan parks, but that they must not continue to live in a particular caravan park; they must move from one to the other.

The Hon. F. R. White: Where is this caravan park to which you are referring situated?

The Hon. CLIVE GRIFFITHS: It is in Orange Grove. I have here another letter which gives the reason why the writer wants to live in a caravan park. These are ordinary people who must justify an appeal to the Minister for Local Government. That would frighten them in the first place. I do not mean that the Minister would frighten them, because he would not frighten them at all.

The Hon. F. J. S. Wise: He is a frightening fellow.

The Hon. CLIVE GRIFFITHS: I mean that the fact of having to appeal would frighten them. These are ordinary working-class people who have never had to do such a thing as appeal to a Minister for Local Government in their lives. They are now faced with this problem of having to submit such an appeal. How do they do this? These are the sort of people I am talking about. The letter to which I referred states—

> I am married with two children of which one is school age. My trade is electrical fitter.

This man is a smart sort of fellow! The letter continues—

> I have lived in a hire van for nearly one year and at present have a van of my own on order. If I am forced to move this could mean a financial loss as far as my work is concerned. (Travelling and moving expenses). Most important though is my child's education. I feel this will be disrupted if he has to change schools four times a year.

A further letter states—

> We are migrants from the U.K. and are working our way around Australia before deciding in which State to

stay, we want to stay at least twelve months in one place in order to have a good look around, also when our two children reach school age it would be very unsettling for them to be moved every three months.

We have no intention of selling our caravan and renting a house or flat at the ridiculous high rents we would be charged, and I also think our children are a lot better off in the caravan park with plenty of space to play than being shut up in a flat or playing on the streets.

Here is another letter which says—

With regards to the recent legislation on caravan parks i.e. (moving on every three months).

We have two boys attending Wattle Grove Primary School. It would be very inconvenient for them getting to any other school as my wife and I are both working full time towards purchasing our own home.

The Minister might feel that people can save sufficient money in three months to place a deposit on a home, but I know that this cannot be done. The next letter I wish to quote states—

Should this regulation become law,—

He means if it is implemented; he does not know it is already law—

—I will be forced to return to the Eastern States where my daughters education and my occupation will not be threatened, unless you could make representation on my behalf to the Minister concerned for an exemption from the regulation or at the least an extension of time to twelve months in any one caravan park.

I might add that from considerable experience of caravan parks in all states of Australia, the long term residents take a greater interest in maintaining high standards of personal and general cleanliness than short term residents.

Another person writes about the education of his children and says he does not want to move every three months, because he has two young children and he does not want them to be changing schools all the time; it would not be good for them. He then adds—

The teachers wouldn't take any interest in them. They would only be passed from one school to another and it wouldn't be fair to them. We are on a working holiday from Eastern States and thought it would be better for ourselves and them over here, but not so if have to be moved every 3 months which is ridiculous.

I have another letter here which points out—

Owing to the fact that I do not intend living in a caravan forever, I see no reason why I should have to move every three months to a new location. The caravan park I am located in at the moment is convenient to work for both my husband and myself.

She then goes on to give the caravan park a plug and relates all the difficulties associated with having to change her address —difficulties which relate to the Electoral Office, their change of address at the Post Office and the fact that her friends who write to her from England have to be given a change of address every three months. I do not wish to read all these letters, but to give members an idea of the amount of money that is invested in caravans I would like to read the following letter:—

We are applying for an extension to the 3 month stay in any one caravan park. We have invested over $3,000 in a caravan and hoped to be able to live where we wanted to, not to be pushed around from one place to another. As it has been said we do not live like gypsies but try to maintain a high standard of living equal if not above houseowners.

Moving every 3 months would entail such a lot of address changing for example, doctor, electoral roll, dentist, car licence, car insurance, and schools. We have no children of school age, but do agree with the parents that have that it would be fatal for them to have to change schools so frequently.

As for caravan parks being the wrong environment to bring up children we disagree. We are bringing up an 18 month old toddler who has always lived in a caravan and we can't see that he is any different to any other child; in fact he has a big area to play in which is very safe and away from the roads.

All these letters are written along the same lines. They all indicate—and they are written by people who are financially unable to purchase a home at this point of time—that rather than pay the high rents requested for private accommodation if it is available, particularly when the people concerned have three or four children, they much prefer to live in caravan parks.

The Hon. F. J. S. Wise: It depends on the convenience of the situation.

The Hon. CLIVE GRIFFITHS: That is so, and it is particularly desirable if the caravan park is situated close to their place of work. In such cases we should encourage people to live in caravan parks so they can save the necessary deposit and have an equity in the caravan in due course; and, having paid for it, they will be able to recoup some of that money in the event of its being sold.

So far as I can see this is a far more businesslike way of setting about the purchase of a house. It is certainly more businesslike than a person using most of his salary for rent and having no prospect of recouping any of it at any time for the purpose of paying a deposit on a house he might wish to buy.

It is, of course, possible that the Minister might consider this to be a legitimate reason; when people write in and appeal on the grounds I have mentioned the Minister may feel that their grounds are reasonable.

There are, of course, a number of people who work at Paraburdoo, Tom Price, and other places in the north, who have written several letters on this subject. They point out that they have gone to these places with the idea of working and saving money so they might be able to buy a house on their return.

They state that it is convenient for them, in the meantime, to leave their wives in caravans they own, which are situated in caravan parks in the locality in which they desire to purchase their home. They contend that by living in these caravan parks their wives are in close proximity to their friends; they are not isolated in blocks of flats with which, of course, are associated the attendant difficulties and problems of flat living. Nor do these people to whom I refer wish to leave their wives in houses in the metropolitan area because, for one reason or another, they feel insecure in such places.

This should be a sufficient reason for their being permitted to live in caravan parks. As I have pointed out, the husbands of the wives concerned are working in the north, or somewhere else; some of them may be seasonal workers—they may be shearers who go, for six months of the year, shearing in the north; or wherever one goes shearing for that period.

It is impossible for these people to rent a home for six months at a time and, as a result, they live in caravans. They do not want to be jumping from one caravan park to another every three months; they want to stay in one caravan park for the period for which it might be necessary for them to stay. Surely that is another justifiable reason for these people being allowed to live in caravan parks.

I think we all know that many people live in caravan parks while they are building their homes. As I have said before, it takes six or seven months—sometimes longer—to have the necessary plans and specifications drawn up for a home, and to have them passed by the local authority before one is able to start building. During that time the people concerned find it convenient to live in a caravan park. I do feel that this is a very sound reason for their wanting to remain in one caravan park for more than three months at a time.

In addition to those I have already mentioned, there are people who come to Western Australia from other States of the Commonwealth. They may get a job working on a particular project in the city or in the suburbs, or in one of the towns in the north. There is little doubt that we desperately need the services of tradesmen. We are endeavouring to entice migrants from overseas and we are also trying to bring tradesmen from the Eastern States; yet we are making it difficult for them to come here and live in the conditions in which they wish to live.

If the job on which a tradesman is working lasts for more than three months, and the tradesman feels he is happy in that job and wishes to stay in a particular location for longer than three months, he should be permitted to do so. We should encourage such tradesmen, because we desperately need their services.

I have given several reasons and have put forward a number of arguments why members should support the deletion of this particular by-law. On the other hand, I can think of only two arguments that could be advanced to support the retention of such a by-law. The two arguments to which I refer relate, of course, to matters of health. It might be said that the accumulation of gear and that sort of thing around the caravan creates an alleged health hazard and eventually the caravan park might develop into a slum area.

This, of course, can be policed and the matter is adequately covered by the health regulations. I suggest that members who have not read the health regulations should do so, because if they did they would find that those regulations provide adequate protection; and they would help prevent such a situation from occurring in a caravan park. So I believe that argument cannot be sustained.

The only other argument I can think of that could be used in support of the retention of the by-law is that the parks could become full of people who were staying for six months, 12 months, or more, to the exclusion of the traveller who is desirous of staying only a few days or a few weeks. This, I believe, is the most valid argument that could be put forward in support of the retention of the by-law. However, I believe this could be overcome, as it is in other countries, such as Great Britain, the United States, and others that I have been told about, by having a license to cover the park, that license indicating that a percentage of sites must be set aside for on-site caravans. That is already provided for in the by-laws that we are talking about at the moment.

The Hon. L. A. Logan: It is 40 per cent.

The Hon. CLIVE GRIFFITHS: Yes, 40 per cent. of the sites may be set aside for on-site caravans. I believe that in addition to this a percentage of the sites could be set aside for people who may be staying

for three months or more, and the balance of the sites could be retained for people who would be staying for less than three months—a few weeks or a few days.

By-law No. 10 makes provision for this and as members are probably interested in it I shall read the by-law. It states—

> A certificate of registration issued by the Council in the form of Form 2 in the Schedule to these by-laws shall be prominently displayed so as to be visible and legible to patrons and prospective patrons at all times and shall set out clearly—
>
> (a) the number of caravans which may be parked on the land at any one time;
>
> (b) the conditions, if any, under which the registration is issued;

That suggests that a license could be issued with several sorts of conditions—in other words, conditions which state that a certain percentage of the sites shall be allocated to on-site caravans; a certain percentage for people who want to stay longer than three months; and a percentage for other people. Those conditions could be policed in exactly the same way as these by-laws will be policed—by studying the register which, under the regulations made under the Health Act, it is compulsory for every caravan park proprietor to have.

Regulation 13 made under the Health Act states—

> (1) The proprietor of a caravan park shall keep a register showing the following particulars—
>
> (a) the name, address and signature of each person who is permitted by the owner or occupier of the caravan park to use a caravan parking site located in that caravan park;
>
> (b) the registration numbers of the caravan and vehicle towing it into the parking site;
>
> (c) the number of the parking site so used;
>
> (d) the dates upon which such use commenced and finished,
>
> and with the exception of the departure date all such information shall be entered in the register before the person using the caravan occupies a site on the caravan park.

The aspect I am discussing could be adequately policed under the Health Act. Therefore I believe a workable solution to this problem is possible.

I ask the Minister not to reject the motion out of hand, but to appreciate that a problem does exist. Also I would like him to consider a suggestion I intend to put forward as an alternative by-law to the one I have been discussing.

The Hon. L. A. Logan: I shall give it due consideration.

The Hon. CLIVE GRIFFITHS: I know the Minister will do that. The by-law I wish to delete reads as follows:—

> 14. Subject to clause 15 of these by-laws, a person shall not cause or permit any caravan or vehicle used for towing a caravan or for carrying camping equipment, to be parked or remain, on a caravan park for more than three months in any one year, except with the express approval in writing of the Minister for Local Government.

If that by-law is deleted we could insert another by-law to provide that people cannot stay in a caravan park for more than three months in any one year without the consent of the council, but the council shall give its consent more than once unless the health inspector or the inspector appointed for the purpose, can justify that such consent should not be given.

The Hon. R. H. C. Stubbs: It should be the health surveyor.

The Hon. CLIVE GRIFFITHS: Very well. We can alter it to make a reference to the health surveyor. That type of provision is already contained elsewhere in the by-laws. By-law 5 states—

> (1) An owner of a caravan shall not park it or allow it to be stationary on any land within a district other than a road unless—

Then we come down to paragraph (c) which states—

> (c) it is parked on the same land as a dwelling occupied by the owner of the caravan and is used with the consent of the Council in conjunction with the dwelling itself for residence by one or more members of the family of the occupier of that dwelling; or
>
> (d) it is used as a temporary dwelling, with the consent of the Council during the period of construction of a dwelling on the same land.
>
> (2) The Council shall not consent to the use of a caravan under paragraphs (c) or (d) of subclause (1) of this clause for a period of more than six months at any one time but the Council may give its consent more than once, and may permit more than one caravan to be so used by an owner if that permission is authorised by an absolute majority of the Council.

That by-law provides that the council may give its consent more than once to a person who wants to live on land on which he is building a house, and that consent is for six months. However, I say that in my proposition the onus ought to be on the health surveyor to justify why consent should not be given, instead of the other way around.

The funny part about the whole position is that a caravan park is controlled by stringent health regulations. Those regulations ensure high standards and people are to be permitted to stay for only three months. Yet, in the same by-laws, there is a regulation stating that the local authority may grant people permission to park on a site on which a house is being built for a period of six months; and such sites are not under the same strict control as are caravan parks. In addition, if the council sees fit, it can grant permission for a person to stay on a site on which a house is being built for a period longer than six months.

Where is the consistency? At a caravan park, which is controlled by stringent health regulations, a person can stay for only three months, and if he wants to stay longer he has to appeal to the highest fellow in the business—the Minister for Local Government. Yet if some other person wishes to park a caravan alongside a house that is being built, he can get permission to stay for six months; and the council can grant him permission to stay for a longer period than that. That person does not have to go to the Minister for permission. Therefore, I cannot see why a similar provision to the one I have just referred to could not be applied to caravan parks.

I am not suggesting that we ought to provide that people can live in a caravan park forever. However, I believe they ought to be allowed to stay for a period longer than three months, and if they want to do so they should not have to appeal to the Minister for Local Government.

The Hon. L. A. Logan: I had a case the other day where a person wanted to stay in one permanently.

The Hon. CLIVE GRIFFITHS: In other countries in the world people are allowed to do this. I have a letter from a man who happens to own a caravan park in Great Britain. He has let it to somebody and is living in Western Australia. He said in the letter that shortly he is going back to England and will sell his caravan park. He intends to invest his mony here —not in a caravan park but in some other business venture. He pointed out to me that the Act controlling caravan parks in Great Britain is quite a comprehensive one but no provision similiar to the one I wish deleted is in operation in that country. The English Act has provisions similar to our by-laws except for the requirement that people have to shift on every three months.

Licenses are issued in Great Britain and those licenses apply for a certain number of years and they set out certain particulars that have to be complied with. If the caravan park is run in a proper manner for the period for which the license is issued the renewal is granted for a longer period. If, at the end of that period, the park is still being run in a proper manner, the period is extended still further until, finally, the license becomes permanent. I am not suggesting that we apply that principle here, but I do suggest that from all this information we can obtain a reasonable solution to the problem I am pointing out.

More than a passing interest has been shown in this subject because I have some cuttings taken from newspapers. I have several cuttings of recent date as well as others. I have had copies made of them if any members wish to see them. Reference to this subject has appeared in the Press on several occasions in the last few years, so it is obvious I am not the only one who is taking an interest in this matter. Many people think about it; many are concerned about it; and many will feel the effects of the by-law. In addition, many others are confused about it and do not know where to turn.

The Hon. S. T. J. Thompson: Are there many people who cannot get into caravan parks?

The Hon. CLIVE GRIFFITHS: I do not know. I do know, however, that not one of the caravan parks around the metropolitan area is full. I repeat what I said earlier: most of the new caravan parks around the metropolitan area have already set aside alongside them areas of land to make provision for extra bays should the necessity arise.

Quite frequently in the area I represent applications are submitted by people who desire to build new caravan parks, and the position is being watched very carefully.

[Resolved: That motions be continued.]

The Hon. CLIVE GRIFFITHS: I thank the Minister for Local Government for moving that motion. I happen to know that in the province I represent there are at this moment several applications pending from people who desire to establish caravan parks. We do not want to see caravan parks established and then the proprietors go broke because immediately that occurs the standards will fall. We have to ensure that people who run caravan parks are capable of running them properly in order to maintain the standard. Increased competition will maintain the standards of caravan parks. It is like a dog chasing its tail.

I hope the House will give serious consideration to the suggestions I have made, and I would like the Minister to have a look at the by-laws to see whether a more workable by-law can be worked out. I am not an expert at wording amendments, and I have made several attempts in this direction. I believe that if we use the existing provisions in the by-laws which relate to other places, it will be possible for a workable amendment to be drafted along the lines I have suggested. With those remarks, I commend the motion to the House.

Debate adjourned, on motion by The Hon. L. A. Logan (Minister for Local Government).

WESTERN AUSTRALIAN TERTIARY EDUCATION COMMISSION BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by The Hon. A. F. Griffith (Minister for Mines), read a first time.

MARKETABLE SECURITIES TRANSFER BILL

Report

Report of Committee adopted.

Third Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Justice) [5.34 p.m.]: I move—

That the Bill be now read a third time.

Before I ask the House to agree to the third reading of this Bill I will take the opportunity to mention one or two points, particularly in relation to the matters raised by Mr. Willesee on the question of corresponding law.

The note I have states that an error seems to have been made in the drafting of the original Act. Although it contained a definition of "corresponding law," that term was not used in any of the substantive provisions of the Act. This was rectified by the Marketable Securities Transfer Act Amendment Act of 1967, which deleted the said definition but, at the same time, did what was originally intended by enlarging the definition of "broker" to mean a person who was a "dealer" within the meaning of part IVA of the Stamp Act. That is the crucial point. This latter provision defined "dealer" as "a broker or broker's agent within the meaning of this Act or any corresponding law." It also contained its own definition of "corresponding law." The present Bill is drafted differently in that its substantive provisions, in clause 8, do refer to "corresponding law." Consequently it has been necessary to define that term.

I think that explanation covers the particular point upon which Mr. Willesee wanted to be advised. There was also a question on the date of sale, was there not?

The Hon. W. F. Willesee: The date of sale, and also purchases.

The Hon. A. F. GRIFFITH: The explanation I have is that the date on which a sale takes place is a matter of law. It is simply creating difficulty in the application of the relevant principles of law to have one or other of the parties to the transfer —or his broker—writing on the form what he considers that date to be. All the forms make provision for particulars as to the dates on which the respective brokers' stamps were affixed, and this is all that is required.

Regarding the maintenance of share registers, and the question of who should bear the cost of maintaining company share registers, I think that is a matter which is well beyond the scope of the present Bill. I believe I would be delaying the House unnecessarily if I entered into a discussion on that matter now, although I think the honourable member made a good point.

One has to bear in mind that, in the interests of the community, a company has to maintain a share register and that share register is, more or less, the titles office of the company. That, of course, is part of the infrastructure of the company itself.

I think another point raised referred to the full names of the parties to a transfer.

The Hon. W. F. Willesee: That is right.

The Hon. A. F. GRIFFITH: The new forms do set out that full names of the parties are to be given. The fact that they do not provide separate spaces for Christian names and surnames—as did the forms in the 1966 Act—seems to me to be of little consequence. However, the form is set out and the completeness of the information supplied will always depend on the conscientiousness of the person providing that information. I would prefer not to get out of step with other jurisdictions in other States, because this legislation has now become uniform. I hope those explanations will throw light on the points raised by Mr. Willesee.

The Hon. W. F. Willesee: I would be interested to know whether you have any comment on the situation which obtains with form three, whereby the broker has to advise on the question of uncalled capital.

The Hon. A. F. GRIFFITH: I did not have a look at that point, and I am not in a position to make any comment. However, I can look into the question and advise the honourable member privately.

The Hon. W. F. Willesee: It is a small point, really.

The Hon. A. F. GRIFFITH: I commend the third reading of the Bill.

Question put and passed.

Bill read a third time and returned to the Assembly with amendments.

INTERPRETATION ACT AMENDMENT BILL (No. 2)

Second Reading

Debate resumed from the 3rd November.

THE HON. I. G. MEDCALF (Metropolitan) [5.40 p.m.]: There is a great deal more to this Bill than meets the eye. It is a fairly short measure, as are a number of those which we have before us, but this Bill has an interesting background which affects the general relationship which has existed in the countries of the British Commonwealth over the past few years.

I do not propose to review that relationship in any detail because I might get away from the purport of the Bill. On the other hand, I think it is quite relevant to the measure to refer to the changes which have taken place in the Citizenship Act of 1948, which is defined under the term "Commonwealth Act" in clause 2 of the Bill.

The Bill simply seeks to add a further section 4A to follow section 4 of the Interpretation Act, which is the definition section. The proposed section 4A really deals with the phrase "British subject." It does not, in fact, provide a definition of a British subject in so many words, but it makes quite clear that henceforth the expression "British subject" is to have the meaning which it will have in Commonwealth legislation; namely, the Citizenship Act of 1948 as amended from time to time. The definition, which comes from the Commonwealth Act, will be implied in all State Acts which deal with British subjects.

Prior to 1949 all Commonwealth countries allowed to their citizens the title of British subject. The Commonwealth was fairly restrictive in those days, in terms of the number of countries which were members of the British Commonwealth, and all persons who were born or naturalised in countries constituting the British Commonwealth were, by law, by birth, or by naturalisation, British subjects. There is no doubt about that.

Those persons did not have any particular citizenship to complicate matters. They were all British subjects, they knew they were British subjects, and they called themselves British subjects. However, difficulties did arise, and in 1947 agreement was reached between member countries of the British Commonwealth that from then on, because of the internal difficulties in some countries, those countries would each have the right to pass their own legislation affecting British subjects.

Prior to this any changes affecting British subjects had to be agreed to by members of the British Commonwealth. However, the agreement gave to each member country the right to pass its own legislation because it was appreciated that the question of citizenship had arisen, and it might be necessary for individual countries to establish their own citizenship. The Australian Citizenship Act was passed in 1948, and that is the Act referred to in the Bill now before us. The Act became law on the 26th January, 1949, and it established the status known as "Australian citizenship."

That Act declared that all persons who were Australian citizens were also British subjects. Those people had previously been British subjects, and henceforth they were Australian citizens, and declared by the Act to be British subjects as well.

In addition, the Act recognised the citizens of other Commonwealth countries as being British subjects, and they were declared by the Commonwealth Citizenship Act to be British subjects. Those were people who were the citizens of other countries of the Commonwealth at that time, and of countries which might join the Commonwealth and be declared by regulation to be member nations of the Commonwealth. Since that date a great number of countries which were formerly members of the British Empire have gained their independence and joined the Commonwealth. As those countries obtained independent status, they were declared by regulation to be member nations, and their citizens were declared to be British subjects under this legislation.

However, with the passing of the years it has been considered by some—and certainly by the Commonwealth—that there has been a change in the meaning of the word "British." The Commonwealth has contended that the word "British" has acquired a more narrow meaning and is now taken by most people to mean citizens of Great Britain. As an illustration of that, reference is made to people from the United Kingdom as being British migrants; reference is made to the British High Commission; and the phrase "British passport" is taken by many people as meaning a passport issued in Great Britain. We all know that the phrase "British passport" was formerly used as meaning a passport issued by any of the countries of the Commonwealth. But it is contended—and I believe there is a certain amount of truth in it—that the word "British" has undergone a change in meaning.

In addition, it is contended by the Commonwealth—and the Minister referred to this—that a number of migrants who have come here from countries other than the United Kingdom have felt that when they acquired Australian citizenship they did not intend to become British subjects, and they were rather perplexed at finding that they had automatically become British subjects by declaration under this law.

For these reasons the Commonwealth Government advised the States that it proposed to change its Citizenship Act. In 1969 the Commonwealth Parliament

amended that part of the Citizenship Act which deals with British subjects, and it provided that henceforth the citizens of other Commonwealth countries, and Australian citizens, should have the status of British subjects. It was a fairly subtle change that took place. Instead of being automatically declared by law to be British subjects, Australian citizens and Commonwealth citizens are now held to have the status of British subjects. It might be thought that this change does not have much significance, and perhaps it does not have a great deal of significance.

The Hon. W. F. Willesee: The two words "without citizenship" are important.

The Hon. I. G. MEDCALF: Yes. Those words were added and they apply to some people. On the other hand, the change could have a good deal of significance when one looks at the overall change that has taken place since 1948. A great number of countries have joined the Commonwealth—countries which I suppose many people would be unable to locate unless they had very good atlases. At any rate, the average person would not know where some of those countries were. The names of the countries are still strange to us.

The Commonwealth Citizenship Act provides that it is the law for the time being of those countries determining their citizenship which is relevant in considering whether or not their citizens have the status of British subjects. To try to simplify that, the Commonwealth Act says that persons who are citizens of those Commonwealth countries under their laws for the time being have the status of British subjects. This may have some curious results but I think we are not particularly interested in that. We are more interested in the situation as it affects our own citizens.

For the purposes of State law we still find that the phrase "British subject" is used in many of our own Acts. We find it, for example, in the Legal Practitioners Act, whereby a person cannot become an articled clerk to a legal practitioner unless he is a natural born or naturalised British subject; nor can a person be admitted and certificated as a legal practitioner unless he is a natural born or naturalised British subject. Section 35 of the Local Government Act provides that a person is not eligible to be a councillor or a mayor of a municipality unless he is a British subject. There are a number of other State Acts under which this qualification is required.

When those Acts were originally enacted the Legislature must have had in mind that it was dealing with citizens of member nations, members of the old British Commonwealth, natural born or naturalised, who traditionally have been regarded as British subjects and who were therefore bound by oath of allegiance to the Queen. We now have a situation wherein a number of Commonwealth countries are in fact republics. Nevertheless their citizens have the status of British subjects. Perhaps that is one of the reasons for the subtle change which has been initiated by the Commonwealth. The citizens of those countries are no longer declared to be British subjects by us but they have the status of British subjects for the purposes of our law. This applies to the citizens of those countries under their laws for the time being.

If, for example, Tanzania, or Malawi, or any of those other countries were to pass a law to the effect that all the citizens of Communist China were henceforth citizens of Tanzania or Malawi, the citizens of Communist China would automatically have the status of British subjects in Australia. That is the effect of the legislation. That might be thought to be a rather fanciful example because, clearly, although that would be legally possible, I would imagine some changes would be made to our law if any other countries were to take advantage of such a situation. But it is a curious thought that under the law which we are now discussing we are making it theoretically possible for anyone who happens to be a citizen of any of those countries at any future time to qualify here as a British subject for all purposes.

There are of course other qualifications for people who wish to be admitted as legal practitioners or who wish to become eligible for the office of mayor or councillor of a local authority. People wishing to take on these positions have to qualify on other grounds. Of course, this makes quite a difference. There is also the immigration aspect. So in a sense we may be merely discussing the theory of this matter. The practice of the matter—that is, the practical opportunity which any of those people have to take advantage of the law—depends upon the immigration processes, but I do not believe it is particularly relevant for me to pursue that aspect.

As the Minister indicated, this is a case of uniform legislation, in the sense that it must be uniformly passed by all the States. The Commonwealth passed its Citizenship Act in 1969 but that Act has not yet been proclaimed and it will not be proclaimed until all the States pass legislation similar to the Interpretation Act Amendment Bill (No. 2) which is before this House. As regards the other States, I understand that New South Wales has passed its legislation, which has been proclaimed; Victoria and Queensland have passed their legislation but will not proclaim it until the Commonwealth proclaims its legislation; Tasmania and South Australia have not yet introduced any Bills

into their Legislatures, and it is not anticipated that they will do so this year. However, those States must do so, just as we must, before the Commonwealth legislation will take effect.

I believe that we are really dealing with the theory rather than the practice of this matter, but it is nevertheless important and it is quite proper that this Bill should be before this Parliament. I wish to record my support for the measure.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by The Hon. A. F. Griffith (Minister for Justice), and transmitted to the Assembly.

POLICE ACT AMENDMENT BILL (No. 2)

Second Reading

Debate resumed from the 3rd November.

THE HON. R. THOMPSON (South Metropolitan) [5.59 p.m.]: This Bill to amend the Police Act contains some good provisions, and it contains one provision which I intend to oppose; that is, clause 3 of the Bill. I do not like that clause in any shape or form.

Since the Police Act was first introduced in 1892, it has been amended approximately every five to seven years. Over this period of time the Act has been amended on 38 occasions in all. The longest period that it went without amendment was between 1915 and 1925, which was a 10-year period.

This Bill amends 10 sections of the principal Act. I consider that the portion of the Bill dealing with drugs is worthy of the support of the House. Although each honourable member may have his own views as to which drugs he considers to be harmless, one set of rules should apply to provide for the drug cannabis to be covered separately, and another set to apply to those which are regarded as hard drugs. I believe that if someone is pushing—I believe this is the term that is used—or selling cannabis, and that person can obtain sufficient customers, eventually he will sell drugs of the harder type.

I think all members are acquainted with the drug problem, and already we have enough worries concerning the use of alcohol by some young people. We also have the problem of the young and the not so young who smoke cannabis.

Possibly the only reservation I have in regard to that part of the Bill dealing with drugs is that an innocent person could be sucked in, if I can use that expression. Let us assume that four or five young people are in a motorcar at a drive-in or a beach and one of the party hands around a packet of cigarettes which contain cannabis or marihuana, and a young girl or boy accepts a cigarette being completely unaware that it contains a drug. Further, if the person who handed around the packet of cigarettes was already under suspicion by the police, and the police eventually arrived on the scene, in such circumstances it can readily be realised that an innocent party could be charged under the provisions of this legislation and be subject to severe penalties.

The thought of such a situation disturbs me a little, because I fear for an innocent party who is caught in these circumstances. What I have outlined could happen, because some years ago I cited the example of a very well-behaved girl who went to a drive-in and was offered what she thought was a cool drink. Eventually she became drunk. At the time she was in a motorcar with other young people, but she was unaware that the drink handed to her contained vodka. The drink was vodka and orange, but because the vodka was tasteless this young girl did know she had been given an alcoholic drink. At the time the parents of the girl were greatly concerned.

The Hon. L. A. Logan: That is a drink which is supplied in cans.

The Hon. R. THOMPSON: Yes, that is so. This drink was offered to the girl, in the dark, and that was the position she eventually found herself in. I do not think that girl has had an alcoholic drink since, although she is now a woman. The point I am trying to make is that some people could be placed in a fairly difficult position under the terms of this legislation, although they may be completely innocent. I only hope that the police, the magistrates, and the judges will administer the law quite fairly.

I have no criticism whatsoever to offer about the police; in fact, the only remarks I would make in this regard would be in favour of the police, because I consider that at present they are overworked. The Police Force is definitely undermanned and as a result its members are working overtime. The shortage of policemen is very evident in both the Cities of Perth and Fremantle, and their duties cannot be effectively carried out.

Last Sunday evening I happened to be in Perth with my family doing some window shopping, and in the two to three hours I was in the city I did not see one policeman. In my opinion this is a grave situation. I think we need more policemen so that they can be seen. However, I do not believe the position is any different today than it was when I was young.

The Hon. A. F. Griffith: Did you see any trouble?

The Hon. R. THOMPSON: Whilst in Perth the only trouble I did see—that is, what I considered to be trouble—was in the form of louts in motorcars that had noisy exhausts who were racing around the block all the time I was in the city. Despite this they were not apprehended and eventually they went on their merry way. I would point out, of course, that this is another instance of where one cyclist or one car driver can create a bad impression and give other young people who frequent the city a bad reputation. I believe that if a policeman or even a patrolman had been on duty in the city at that time, this incident would not have occurred.

Sitting suspended from 6.06 to 7.30 p.m.

The Hon. R. THOMPSON: When we speak about cannabis, and when we read reports on this subject by eminent, and sometimes highly qualified, people in the community—this applies also to other social questions—we find there is generally a difference of opinion. Many people say that the smoking of cannabis is not harmful to health; similarly many people say that the smoking of tobacco is not harmful. Probably I can be classed as one who is addicted to smoking tobacco, but every time I think of Sir Walter Raleigh I curse him for introducing and popularising tobacco smoking. I suppose there are many millions of people who hold the same view.

The Hon. G. C. MacKinnon: Tobacco smoking certainly does not do people any good.

The Hon. R. THOMPSON: Wherever we can restrict the use of any drug that is harmful to the health of the people we should do so, and nip the problem in the bud. In the main the young people who have tried out, and who have become addicted to, this mild form of drug to which I have made reference are merely pawns in the whole set-up. I should not talk about wars, and what soldiers from the war zones do when they go on leave, but I must point out that some servicemen who have come to Australia from the war zones have been convicted for bringing cannabis into Australia. This remark also applies to certain classes of Asian seamen who make a habit of trafficking in this drug.

Long before I was elected to this Chamber I realised that people were able to buy Indian hemp along the waterfront, but in those days no interest was shown in this drug by the people around the waterfront or by the community generally; yet there were then several thousand people working on the waterfront.

Probably we do not know its full effects. Many of the young people who have visited countries overseas came into contact with this drug. In the first instance they probably smoked it out of bravado, just as young boys and girls in their very early ages take a puff at a cigar for the experience, and to learn what it is like. They have no intention of taking up cigar smoking.

I agree with the penalties that have been prescribed in the Bill. They should be made heavy, and they should be imposed provided the innocent parties I have mentioned will not suffer as a consequence of any act for which they are not responsible, such as smoking the drug when they do so unknowingly.

The Minister for Health should consider amending the Health Act to bring before the people the penalties for the taking of drugs. In these days we see various signs in shops and stores, one of which is "Dogs not allowed in this shop."

The Hon. F. J. S. Wise: But dogs cannot read!

The Hon. R. THOMPSON: The point is that people can read. We see similar signs displayed in hotels. In view of the increased penalties that are prescribed in the Bill some form of educational programme should be implemented. It is not fair to require school teachers to take the responsibility for educating young people in respect of drug taking.

In my view people who conduct public dances, all local authorities, and owners of public halls should be required to display prominently signs to indicate that it is illegal for people to take drugs on the premises. The signs should also set out penalties for selling drugs, including imprisonment for up to 10 years. The penalty for the smoking of drugs should also be shown.

The Hon. G. C. MacKinnon: A greatly increased health education programme is being conducted, and we have just appointed two additional officers for this work.

The Hon. R. THOMPSON: Recently I was privileged to hear an address given by Jim Carr, and I would recommend any organisation which is interested in these matters to invite Jim Carr to give an address, because he has an easy manner in dealing with people. He starts off by asking them questions. I heard him say, "I came here to speak, but you will do the talking. I will listen, and I will do the adjudication afterwards." At the particular meeting we spent about 2½ hours with Jim Carr, and what we discussed was very informative. Everyone present was most appreciative of what he did.

The Hon. G. C. MacKinnon: We are aiming the increased health education programme at students attending high schools.

The Hon. R. THOMPSON: Various groups, which have virtually become discussion panels, have been formed. Jim Carr

mentioned that one group had been established at Beverley, and another at, I think, Corrigin. If the town was Corrigin, then according to Jim Carr the group has high hopes of success. He pointed out that this was something which had not been tried anywhere else in the world; except that a meagre attempt had been made on some university campuses in America to establish this type of discussion group.

The ultimate aim of such group discussions is to bring children, community leaders, teachers, parents, and everyone else concerned to the same level where they can discuss these matters openly. Jim Carr said this gave everybody a better understanding of each other's point of view. He found that as a result of the formation of the group in Corrigin, the relationship between the people in the town changed in a very short period of time. It might be effective in a small town like Corrigin, but to achieve the same result in the metropolitan area on a large scale might prove to be more difficult. However, through the youth clubs, the Boy Scouts' Association, the service clubs, and similar organisations the formation of discussion groups could be made a part of the health education programme. It is not of much use to form these groups if their members are not prepared to put out tentacles to get the message across to other young people.

Heavy penalties have been prescribed in the Bill, but I would not like anybody to be convicted under the new legislation unless some educational programme was adopted to inform the people exactly what the penalties are. We should bear in mind that drugs have to be purchased; they are not given away; and they cannot be obtained easily.

In places where people gather it behoves those responsible for the gatherings to display prominently the penalties that are prescribed. When a person sees the penalty before his eyes he will think twice before he commits an offence; and thinking twice will be sufficient to deter many people.

We have seen the effect of this in the change in the liquor laws of this State, where the .08 per cent. test has been introduced. People attending social functions are conscious of the heavy penalties for drunken driving, and they think twice before they drink to excess.

The young people who will be the main ones involved in drug problems, and who are now around 14 years of age, are the ones to be educated. Therefore at the age of 15 or 16 years, when most of the young people begin to experiment with drugs, those who are educated now on the harmful effects of drugs will be aware of the heavy penalties. The notices setting out the penalties should be displayed in as many public places as possible, because these will have a deterrent effect. I would point out that when people see a policeman they are not inclined to break the law; the same applies to motorists who, on seeing a police patrolman, quickly take their foot off the accelerator and travel within the speed limit.

The health education programme should be continuous. If there are no buyers of drugs, there will be no drug takers; and as a consequence the drug problem will diminish. I support the provision in the Bill which deals with drug taking, provided sufficient education is given to people who are likely to be affected.

The provision in the Bill which deals with vandalism is commendable. The instances which the Minister has enumerated are serious ones. These acts of vandalism have proved to be costly to local authorities. The severing of the lifelines on beaches, or any other form of vandalism, should not be condoned; and people who cause malicious injury or wilful damage to property should be made to pay the penalty. As the position stands, there are insufficient people to police the actions of these irresponsibles.

To give an illustration I refer to an instance which occurred several years ago. After much endeavour I was successful in obtaining a disused school building for the Boy Scouts' Association at Coolbellup. This was the old Bibra Lake school. This association did not have any place in which to meet. There is no public hall at Coolbellup at which organisations can carry on their activities, although the shire is now building a hall. The boy scouts group was meeting at various places, including private residences.

Eventually the old disused school building was made available to this organisation. It is disheartening to see the damage that has been caused to the building by vandals. It is only about 15 years old, and it has been renovated; but in the course of time the vandals smashed every window, wrenched the taps off the walls, and drained the water tanks dry. In this locality there is no water or electricity supply, and people depend on rain water. The vandals made attempts to lever the tanks off the stands. The boy scouts group raised a few hundred dollars to repair the damage and put the building into shape. It even bought a small lighting plant.

This building is in a remote area and it has been subject to vandalism time and time again. It is a shocking state of affairs when youth is trying to do the right and correct thing and fools deliberately smash something which is of public use. Therefore, I have no reservations about that amendment in the Bill.

However, with regard to clause 6 which amends section 69, I believe we are going a little too far. I realise that the penalty involved is a maximum. However, the Minister said this clause is designed to deal with those who steal from building sites, and that it was difficult to amend

the legislation to deal with this aspect only. He said that the draftsman had decided that an amendment to section 69 was the best way to do this. However, I would point out that section 69 deals with all types of stealing and not just with stealing from building sites. The section reads—

> Every person who shall be brought before any Justice charged with having on his person or in any place, or conveying, in any manner any thing which may be reasonably suspected of being stolen or unlawfully obtained, and who shall not give an account to the satisfaction of such Justice how he came by the same, shall be liable to a penalty of not more than one hundred dollars, or in the discretion of the justice may be imprisoned, with or without hard labour, for any term not exceeding six calendar months.

That fine is being increased to $400. I know the intention is to deal with those who steal from building sites, but by increasing the penalty under section 69 we are increasing the penalty to be imposed on anyone who is suspected of conveying or having stolen goods, whether they be from a building site or anywhere else. I believe the Minister should have a second look at this.

I can recall speaking to a builder who came from Holland and I asked him what difference there was between the tradesmen in Australia and those in Holland. He said that in Holland employees have what is virtually a license in connection with building materials. They can take certain quantities of material away from building sites. If this were not allowed, it would not be possible to get builders to work. I am not blaming the Dutch community for the amount of stealing which occurs here. I am pointing out that it appears this license is being exercised in this State, judging by the number of people who are convicted for stealing from building sites.

I am referring not only to people who steal at night-time, but also to a number of tradesmen who, from time to time, take things from building sites. I know a number of builders are only too willing to allow their employees to take anything which is left over after the erection of a building. It does not pay builders to go around and collect all the incidental items which are frequently surplus on the completion of a building. In Coolbellup, particularly, a very successful builder always tells his employees that if they like to clean up the site, they can have everything that is left over. That is quite a reasonable attitude.

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

The Hon. R. THOMPSON: However, I cannot condone the actions of those people who wilfully steal from a building site. Nevertheless, as section 69 is the one which is being amended to deal with this situation, I believe that a penalty of $200 would be sufficient because not only those who steal from building sites will be affected. If a person is convicted for stealing a trailer load or a utility load of bricks or cement slabs, or something of that nature, I think the penalty should fit the crime, and I believe $400 is a little high.

The Hon. A. F. Griffith: As you yourself said, it is not a minimum penalty.

The Hon. R. THOMPSON: Yes, I agree. At this stage I will depart a little from the provision I am discussing because for a long time now I have been concerned about the penalties being imposed by magistrates on people who steal cars. If a person is before a magistrate for stealing 10 bags of cement, the charge is that he has stolen 10 bags of cement at $1 a bag, or whatever the value might be. In other words, he is charged with having stolen 10 bags of cement valued at $10. However, when someone is charged with having stolen a motorcar—and the motorcar might even belong to a doctor—he is simply charged with stealing a motorcar. In my opinion the law should be amended so that such a person is charged with stealing the value of the motorcar.

The Hon. F. R. H. Lavery: A motorcar valued at so much.

The Hon. R. THOMPSON: Yes. This would make the young people think twice before stealing a car. From time to time we read of a group having stolen a certain number of motorcars. It could even be 10 or 15 cars over a period of time. If this group was charged with having stolen 10 motorcars valued at $10,000 it would think twice before stealing them.

The Hon. A. F. Griffith: We amended the Child Welfare Act to permit the court to take the value of the vehicle into consideration and to disclose the culprit's name.

The Hon. R. THOMPSON: I appreciate this, but I am saying that the charge does not read that way. I have seen some of these charges.

The Hon. Clive Griffiths: Don't they charge them with unlawful use?

The Hon. R. THOMPSON: Yes. Having disposed of the clauses of the Bill with which in the main I agree, I now wish to deal with what is to me the vital clause; that is, clause 3 which adds a new section 54A. It reads—

> 54A. (1) A disorderly assembly is an assembly of three or more persons who assemble in such a manner or who so conduct themselves when

they are assembled as to give persons in the neighbourhood of the assembly reasonable grounds to apprehend that the persons so assembled—

(a) will disturb the peace; or

(b) will by that assembly needlessly provoke other persons to disturb the peace.

(2) Persons lawfully assembled may become a disorderly assembly if being assembled they conduct themselves in such a manner as is referred to in subsection (1) of this section.

(3) Any member of a disorderly assembly who, after being warned by a member of the Police Force to disperse immediately and go peaceably to his home or his lawful business—

I think that should read, "or on his lawful business." To continue—

—neglects or refuses to do so, commits an offence.

Penalty: One hundred dollars or a term of imprisonment not exceeding six months or both.

The word to which I object in the main is "apprehend" in the proposed new subsection (1). Good reasons exist why this word should be deleted and the word "fear" substituted. A reference to the dictionary reveals that the word "apprehend" means—

To take hold of; arrest, cease; to become aware of, perceive; to anticipate especially with anxiety, dread, or fear; to grasp with the understanding, recognise the meaning of.

Section 62 of the Criminal Code reads—

When three or more persons, with intent to carry out some common purpose, assemble in such a manner, or, being assembled, conduct themselves in such a manner as to cause persons in the neighbourhood to fear, on reasonable grounds, that the persons so assembled . . .

If it is good enough for the word "fear" to be used in one Act, it should be good enough for it to be used in another, although I disagree entirely with clause 3.

The Hon. A. F. Griffith: If I say to you that you are usually quick to apprehend, what do you think I mean?

The Hon. R. THOMPSON: That is a different thing.

The Hon. A. F. Griffith: It is no different. It means what you read out from the dictionary—to perceive.

The Hon. R. THOMPSON: Yes; but if the word "fear" is included in the Criminal Code and is thought sufficient, it should be sufficient for the Bill under discussion.

The Hon. A. F. Griffith: Can you promise me you will always live with that view?

The Hon. R. THOMPSON: I am going to vote against the clause.

The Hon. A. F. Griffith: You know what? I have gathered a fair indication of that.

The Hon. R. THOMPSON: I imagine the Minister would have done so because he has been listening to me for a long time now.

The Hon. A. F. Griffith: I would have bet my sox on it.

The Hon. R. THOMPSON: In this clause we are setting a precedent, and I fear for the rights of the individual because where will these restrictive laws start and finish if we agree to legislation of this kind? The wording of the Criminal Code is totally different if it is really read and spelt out. However, the wording of this clause gives any person who has a suspicion, after seeing three people together—three people could be standing and talking under a street light—that they might do something, the right to ring the police and, on that person's word, those three people will have to be taken into custody. That is what I understand from the reading of this legislation.

The Hon. A. F. Griffith: Nonsense! They have to be taken into custody? Where do you read that in the clause—that they have to be taken into custody?

The Hon. R. THOMPSON: In the word "apprehend."

The Hon. A. F. Griffith: Mr. Thompson! Your imagination has gone wild!

The Hon. R. THOMPSON: The Minister did not in any way explain this provision to the House. All he said was that an incident at Scarborough was virtually the reason this legislation was before us. It is in order to combat such incidents. The Minister went on to say that the police had found it extremely difficult, when there was a milling crowd, to arrest anyone other than those people on the fringe of the crowd. I ask the Minister: Will this provision make it possible for the police to arrest the whole crowd?

The Hon. A. F. Griffith: You know that. You know what the situation is.

The Hon. R. THOMPSON: This legislation does not change any function of the police. The police are already clothed with sufficient powers to do all that is required under the law. The law has stood the test of time.

The Hon. A. F. Griffith: Has it?

The Hon R. THOMPSON: It has stood the test of time.

The Hon. A. F. Griffith: I suppose you think that the Commissioner of Police is asking the Government to do something about this situation because sections in the Criminal Code and the Police Act have stood the test of time?

The Hon. R. THOMPSON: I read the report of the Commissioner of Police some days ago and it made no mention of the fact that he desired legislation along these lines.

The Hon. A. F. Griffith: The Commissioner of Police does not decide legislation. The Government decides legislation.

The Hon. R. THOMPSON: There were no recommendations in the report to this effect, although he made other recommendations.

The Hon. A. F. Griffith: The Commissioner of Police does not comment on that sort of thing in his report.

The Hon. F. R. H. Lavery: He should.

The Hon. R. THOMPSON: Did anyone from the Police Department say that the police do not have enough power already and want this extra power? Of course not.

The Hon. A. F. Griffith: They did not?

The Hon. R. THOMPSON: No.

The Hon. A. F. Griffith: You seem to be well informed.

The Hon. R. THOMPSON: I am very well informed.

The Hon. A. F. Griffith: Who told you that?

The Hon. R. THOMPSON: Truthfully, I think this provision is aimed at getting on a bandwagon with the proposed law and order campaign to be conducted by the Commonwealth. I consider we are fearing something unnecessarily and that we are putting onto our Statute book something which is not necessary at this time. I acknowledge that I made a comment the other evening, with which Mr. Medcalf agreed, that crimes of violence will increase. I certainly do not take that statement back.

The Hon. A. F. Griffith: No. That was on a different Bill. That is why you do not take it back.

The Hon. R. THOMPSON: I do not change my mind from Bill to Bill.

The Hon. A. F. Griffith: I can change my mind.

The Hon. R. THOMPSON: I think crimes of violence will increase but, usually, they are not committed by a group of people, but by one or two persons. Of course I am not saying that a crime of violence could not be committed by a group of people, but usually that is not the case. Section 62 of the Criminal Code makes provision for this type of crime. A crime of violence is indictable and it is certainly not a case for a summary court.

The Hon. A. F. Griffith: Have you read the debates in another place?

The Hon. R. THOMPSON: No I have not.

The Hon. A. F. Griffith: For your information, members in another place said exactly the same thing as you are saying now.

The DEPUTY PRESIDENT: Order! The Minister will have his opportunity to reply.

The Hon. R. THOMPSON: I tell the Minister quite truthfully that I started looking at the Bill at midnight last night and I fell asleep at approximately 12.30 a.m. In addition I have been fully committed today. In any event, I never read debates in another place and what is said there never influences what I say here. This is my constant attitude for the simple reason that very early in my career in this Chamber I once read debates in another place. To my misfortune the Bill was heavily amended and I had the wrong impression of the legislation when it came to this Chamber. Possibly it was a good thing to make the mistake at that time, because since then I have refrained from reading what occurs in another place. I like to deal with legislation as we receive it in this Chamber.

As I have said, the provision in question is setting a dangerous precedent. As members of Parliament we know only too well that sometimes we are accused of telling untruths or misleading people. Perhaps some members of the public hold this opinion about members of Parliament. However, when we, as members of Parliament, deal with the public on specific problems we often find it extremely difficult to hear the truth from many people. Consequently it is extremely difficult to assist them.

Proposed new section 54A (1) makes provision for a person who has reasonable grounds to apprehend that persons assembled will disturb the peace. The person who fears this may go to the trouble of ringing the police and could hatch up any sort of a story to tell the policeman. In fact, such a person could mislead a policeman completely. It is not necessary to clothe any members of the public with these powers.

The police have sufficient powers under other sections of the Act; namely, sections 43, 46, 54, and 96(12). If members read these provisions they will see that the police have all the power they need. Further, if a person commits an act of an indictable nature, that person can be charged under section 62 of the Criminal Code.

I will not go into all the airy-fairy things people say and I have heard, nor will I mention some of the comments I have read in the paper in respect of this provision and what it will mean.

The Hon. A. F. Griffith: You know what would happen.

The Hon. R. THOMPSON: I consider that the W.A. Division of the United Nations Association of Australia is on the right track in the submission which it sent to all members of Parliament. I feel that submission should be recorded so that people who read *Hansard* will know what it contains because the submission has not been published fully in the Press.

It reads—

UNITED NATIONS ASSOCIATION OF AUSTRALIA, W.A. DIVISION.
7 Sherwood Court,
PERTH, 6000.
Telephone 23 1388.
2nd November, 1970.

ATTENTION MEMBERS OF THE LEGISLATIVE COUNCIL!

We are concerned about the haste with which the Police Act Amendment Bill is going through at the end of this Parliamentary session, allowing little time for members of the public to study it in depth and have discussion on it.

Our Association would like to see a review of police powers and the right of assembly, not only to ensure that the police are given adequate powers to deal with any eventuality, but also in order to guarantee that rights of assembly are administered without favour or discrimination.

It takes time to obtain police permission and other requirements in order to conduct a mass demonstration and we would not like to see legislation which may inhibit the opportunity for spontaneous protest* by limited numbers of people in a given situation. *(a particular instance is the protest by a few young people against USA invasion of Cambodia (1st May 1970) which had the seeds of trouble and where the police, under proposed powers of the Bill, could have intervened. The situation, in fact, ended well, with refreshments for all at the USA Embassy.) We would like to be satisfied that the law would be administered without inequality.

While the intention of the Bill, no doubt, is simply a measure against anti-social conduct, there should be no opportunity for the police to disperse a small group, who are behaving in an orderly manner, merely because they do not like the views being expressed.

In Western Australia, we have been fortunate in that we have not experienced anything like the tensions over assemblies that we have read about in other states. The way to minimise the likelihood of this eventuating here is to have a complete review of the relevant legislation, keeping the points that we have outlined in view, as well as any others which may arise during a thorough investigation and public discussion on the subject.

We urgently recommend, therefore, that a Bill of this importance, pertaining to police powers and the right of assembly, be referred to a Parliamentary select committee, either of the Legislative Council or a joint committee of both houses, for deeper investigation. Should this proposal be impracticable at the end of a Parliamentary session, we earnestly request that you simply vote against this portion of the Bill.

Yours sincerely,
President UNAA: W.A. Division:
Convenor Human Rights Standing Committee:

It is signed by N. W. Knight and Betty King.

I can certainly agree with the association's closing thoughts on this subject. As it is towards the end of a parliamentary session I do not think we could appoint a Select Committee. In fact, I do not consider a Select Committee would solve the situation, because the terms of reference would have to be very wide indeed if it were to look into all aspects of the matter. Nevertheless, if we are concerned about the behaviour of young people, I cannot see anything wrong with a member of the judiciary being appointed a Royal Commissioner to inquire into the sections of our Police Act, and possibly the Criminal Code, if it is felt that some deficiency exists. These Acts should be brought up to date because many sections of both of them are very old. By the same token I indicated when I first started to speak that the measure has been amended some 38 times since it was originally introduced.

The Hon. A. F. Griffith: I wonder what significance there was when you mentioned that it had been amended every five or seven years.

The Hon. R. THOMPSON: The significance is that this measure has been constantly under review and has moved with the times.

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

The Hon. R. THOMPSON: If we look at the Police Act, as it exists at the moment, we will find many sections that could reasonably be deleted. I refer to provisions which state that horses must walk through laneways and carriageways at a walking pace so that they will not obstruct people, and to other provisions of this nature. Many sections of the Police Act could be struck out because they have no bearing on the situation today, and probably will never have any bearing whether we live in Tuckanarra, Woodanilling, or Perth. We simply do not see horses at street assemblies or political meetings these days, but in the old days people used to put horses and carts across roadways to stop people from having political meetings.

The Hon. V. J. Ferry: Some go slow at Flemington.

The Hon. R. THOMPSON: That is the reason for its inclusion in the legislation. If members refer to the Police Act they will see that some sections make specific reference to political meetings and to people blocking streets with horses and carts. The Act specifically says that horses and carts must move at a walking pace, or at four miles an hour. There are many other provisions in the Police Act which could be examined with more advantage than the inclusion of something which, to my mind, is distasteful and ill-timed.

The United Nations Association letter, which I have just quoted, mentions in the first paragraph that the provision is hasty and it would like to see a review of police powers and the right of assembly. I cannot see anything wrong with this request. However, I think the investigation should be undertaken by someone a little more competent than members of Parliament. Whoever undertook the review of these sections of the Act would have to be a very humane person with quite a deal of experience on the bench.

I can understand the United Nations Association being concerned about this because the charter of that body allows for the right of free assembly. Under this clause of the Bill if three or more people assemble—and that is a free assembly—and somebody lays a complaint those people can be charged. I would like the Minister to point out that I am wrong.

The Hon. A. F. Griffith: I merely point out to you that you exaggerate.

The Hon. R. THOMPSON: I want the Minister to tell me where I am wrong.

The Hon. A. F. Griffith: Gracious me, I have been trying to do that for years.

The Hon. R. THOMPSON: It just goes to show that the Minister is not very convincing at all.

The Hon. A. F. Griffith: Not where you are concerned, because you are not open to persuasion.

The Hon. R. THOMPSON: I think the right of free assembly is one of our cardinal rights and I do not want to see anything written into legislation so that people who may be acting in the right manner can be charged. It could be a case of three lads skylarking. I know of one lady who lives not far from me who continually phones the police about the kids playing on my lawn. The football gets kicked into her yard and she phones the police. Unfortunately, we have people such as that in our community who will continually complain about the actions of young people.

The Hon. A. F. Griffith: Do you think that would be a disorderly assembly?

The Hon. R. THOMPSON: No, I am merely giving an illustration and pointing out that some people are police happy. A week or so ago when speaking on legislation to amend the Local Government Act I mentioned the case of a woman with a non-existent lawn on the street verge. She drives the Fremantle police silly by ringing them up and complaining about people driving over the verge onto her non-existent lawn. We have such people in the community and they can result in others being charged when they should not be charged at all. There has been a provision in the legislation to deal with anyone who is creating a disturbance and acting in an offensive manner since 1892 when the Act first came into operation.

Section 54 of the Police Act deals with offensive behaviour and it was inserted into the Act in 1964. It was amended in 1965 and probably some other section was repealed at that time. So we go on. It is a little hard to follow the principal Act because many of the new sections that have been inserted are not numbered to show where they fit in. Section 96 was also amended in 1965 to bring it up to date. I do not think the situation in Western Australia has changed one iota since those amendments in 1965.

The Hon. S. T. J. Thompson: Isn't the behaviour today becoming more offensive?

The Hon. R. THOMPSON: I think behaviour has improved considerably because at that time we had what were termed bodgies and widgies, with bike chains and flick knives. How often does one hear of such things now?

The DEPUTY PRESIDENT: Order! The honourable member will address the Chair.

The Hon. R. THOMPSON: One never hears of that type of thing now. However, those amendments were included at the time for the purpose of combating the situation that existed.

The Hon. L. A. Logan: Didn't we hear something about skinheads and leatheries last week?

The Hon. R. THOMPSON: Well, the Minister wishes me to talk about skinheads and bikies. Here is another good example to build up my case. I read recently in either the *Weekend News* or *The Sunday Times*—

The Hon. A. F. Griffith: I will tell you what: It needs building up!

The Hon. R. THOMPSON: —where these people went along to a place known as the Dean's Den. The police were there because they knew the young people would be there. But what happened? A few words were exchanged, then somebody started a record player and they all sat down on the steps for a couple of hours and everything resolved itself. There was no trouble. I am not on the side of the lout-bikies, lout-skinheads, or lout-anybody; however, those people did nothing wrong. The papers reported the incident

and I must believe what I read because no prosecutions took place. The police left—that is how serious the incident was.

The Hon. A. F. Griffith: The police left after being called to the scene?

The Hon. R. THOMPSON: According to my reading of the newspaper, the police were not called to the scene. They attended because they knew the Dean's Den was to be closed as a result of the conflict between two groups of young people. The police went to the scene before 8 o'clock—or whatever time the place was supposed to open—and it was reported in the Press that the police left after an hour because someone started a record player and they all sat around singing songs. I can only go by what I read.

The Hon. A. F. Griffith: In that case where there is a considerable number of young people the police would go there, and then leave because there was nothing wrong. But in your mind if three people assemble together they have to be arrested.

The Hon. R. THOMPSON: I am not saying these people did anything wrong, but if some crank phoned the police and said, "These people are doing wrong"—

The Hon. F. D. Willmott: The police would look into the matter for themselves.

The Hon. R. THOMPSON: Well, what is the meaning of it? What is the reason for it?

The Hon. A. F. Griffith: You have been told but you do not understand.

The Hon. R. THOMPSON: I wish I could be told again. In his second reading speech the Minister said—

> I shall explain to members in what manner we are not fully equipped legislatively to meet the situation now developing. Section 54 of the Police Act deals with disorderly conduct on the part of an individual or individuals. However, the requirements of this section are not feasible where the police are confronted with overwhelming numbers of disorderly people. Independent arrests for offences which might be described as "specified" forms of disorderly conduct are practically impossible except on the isolated occasion when an arrest may be made from the fringe of the milling crowd. While the Criminal Code caters in section 62 for problems associated with "unlawful assemblies," that legislation is designed to meet exigencies of far more serious consequence where there is reasonable apprehension at the prospect of an unlawful assembly developing into a riot.

The Hon. A. F. Griffith: What do you think the word "apprehension" means there?

The Hon. R. THOMPSON: The Minister should let me make my speech. I am quoting his words. To continue—

> Offenders in this category are required to stand trial before a jury.

The Hon. A. F. Griffith: You made great play about "apprehension."

The Hon. R. THOMPSON: I will refer to the interjections of the Minister in a moment, because I love to have the Minister interject. To continue—

> The current problem is one lying about midway between the disorderly conduct section of the Police Act—section 54—and the unlawful assembly section of the Criminal Code—section 62.
>
> It is therefore proposed to empower the police to take action when it is considered that an assemblage has been acting in such a manner as to give persons in the neighbourhood—

Note these words—

> —reasonable grounds for suspecting that the assemblage will disturb the peace—

Not, "has disturbed the peace." To continue—

> —or will needlessly provoke others to disturb the peace. To sustain a successful prosecution, it will be necessary to prove that persons have been acting in such manner and have ignored a police warning to disperse.

The Hon. A. F. Griffith: Do you understand it now?

The Hon. R. THOMPSON: I understood it before. The Minister is the one who does not understand it. The point I made is that some nut can ring up and complain that three or more people may, to his way of thinking, disturb the peace.

The Hon. A. F. Griffith: Then what?

The Hon. R. THOMPSON: Then the police come along and say, "We have received a report that you are disturbing the peace." The people involved say, "We are not." But the onus of proof is on those people.

The Hon. A. F. Griffith: Either you are naive or you think the police have no intelligence at all.

The Hon. R. THOMPSON: I have more appreciation of the police, probably, than the Minister.

The Hon. A. F. Griffith: That wouldn't surprise me.

The Hon. R. THOMPSON: However, I have no appreciation of the Minister's legislation. I want to know why it is necessary. The Minister gave no reason. He wanted me to say what I thought of the word "apprehension."

The Hon. A. F. Griffith: I just thought you slid over it a bit easily.

The Hon. R. THOMPSON: "Apprehend" is a verb and is totally different from the noun "apprehension."

The Hon. A. F. Griffith: Mr. Dolan should not have told you that.

The Hon. J. Dolan: I never said anything.

The Hon. R. THOMPSON: I did not need to be told. I think it would have been better had this legislation been designed to break up some of the underground secret organisations we read about, such as the Ustachi and the Mafia. Organisations such as those operate outside the law and bring terror and violence to people. If this Bill was designed to cover that situation I would give it my wholehearted support. However, I get back to the point I made previously: I fear for the right of the individual when we start making Western Australia a police State. What will happen if we have a repetition of legislation such as this?

However, after objections had been raised by the United Nations Association and other bodies, the Minister said—if quoted correctly in this morning's paper—that he was prepared to let the Opposition adjourn the debate on this Bill for a week. I took the adjournment of the debate—and I want to make this perfectly clear because there is no reflection on the Minister—and I thought that, bearing in mind the state of the notice paper, it would be in the interest of the House to deal with the Bill today. In view of the statement the Minister made I would like him now to agree to a deferment of the Committee stage until next Tuesday. People who consider that this legislation is either good or bad—whether the letters be for or against—will then have sufficient time to contact the Minister, myself, or any other member. This will prove whether the public are interested or disinterested in the legislation.

The Hon. A. F. Griffith: Would you remain standing for a minute? A Press reporter came to me last night and said, "Have you seen the letter that has been circulated to members of the Legislative Council?" I said, "No, I have not had the benefit of receiving one." The reporter showed me a letter similar to the one you quoted. The word "haste" is used in the first two lines. I said to the reporter, "I do not know what haste you are referring to. The Bill has not even been introduced yet and, for all I know, the Labor Party might ask for a week's adjournment."

The Hon. R. THOMPSON: I qualified my remarks by saying "If the Minister was correctly reported."

The Hon. A. F. Griffith: You would not want 10 minutes' adjournment on this Bill.

The Hon. R. THOMPSON: I know that, but I will need an adjournment of the Committee stage because the commitments I have had today have not permitted me to frame any amendments I might wish to move.

I agree with the second reading of the Bill, because I think it contains some useful provisions. I do not, however, agree with the clause to which I have referred. If I had my way it would go out the window. I will, however, endeavour to amend it so that a more reasonable construction may be placed on it.

The Hon. L. A. Logan: The windows are all closed.

The Hon. W. F. Willesee: That will not stop him.

The Hon. R. THOMPSON: If I am not successful in my amendments I would like it understood quite clearly—and I hope my colleagues will support me in this—that I will be voting against this clause of the Bill.

I ask the Minister to grant an adjournment of the Committee stage of the Bill till next Tuesday. If he does not agree to that I will need sufficient time to frame suitable amendments, because I have not had time to do so today. I think I have clearly stated my case in respect of this legislation. It is a sorry state of affairs. If some thought had been given to clause 3 of the Bill it would not be here.

The Hon. A. F. Griffith: I will willingly agree to the Committee stage being taken on Tuesday.

The Hon. R. THOMPSON: I thank the Minister.

The Hon. A. F. Griffith: It would not be the first time this has been done.

The Hon. R. THOMPSON: I cannot refer to a debate in another place.

The Hon. A. F. Griffith: Oh yes, you can.

The Hon. R. THOMPSON: It is on record that when this provision was being debated in another place the Minister in charge of the Bill said he had been warned by the Crown Prosecutor and the Parliamentary Draftsman that they considered this would be a most contentious provision. The Minister realised this fact as evidently did the Crown Prosecutor and the Parliamentary Draftsman. They probably thought the provision should not be included in the Police Act.

There are sufficient sections in the Police Act to cover this position. As I said, section 62 of the Criminal Code clothes the police with all the power they require in this State of ours; a State which the Minister has so often said is a good one. It is a good State because, in the main, we are a law-abiding people.

I do not condone a number of the things that go on but, generally, the youth and the adults of this State uphold the law. I do not, however, want to see anybody saddled, or we might find this State of ours becoming a police State.

THE HON. R. F. HUTCHISON (North-East Metropolitan) [8.35 p.m.]: All I wanted to say or intended to say has been said by Mr. Ron Thompson, and I thank him for his contribution. I hope the Government will take notice of what the honourable member has said. I, too, have received letters similar to those received by Mr. Thompson.

I do think our Police Act could very well be looked at. One thing I have noticed is that one hardly sees a policeman out at night in the city or in the outskirts of the city. There have been two or three incidents in the areas to which I refer which necessitates the presence of more policemen.

Mr. Ron Thompson has covered all that needs to be said on this matter and I do not wish to recapitulate what has been said. I would point out, however, that women, particularly, are nervous at night and I have had representations from some suburbs asking why more policemen are not available to look after things. I do not know why this is so, but I do know that one or two girls of my acquaintance have been very badly frightened.

I support what Mr. Ron Thompson has said and I hope the Minister will take notice of the points he has put forward.

THE HON. C. R. ABBEY (West) [8.37 p.m.]: I am sorry I did not rise earlier but there seemed to be a little confusion. The contribution made by Mr. Ron Thompson smacks to me of shying at shadows.

This State, this Parliament and, of course, the Government maintain that free assembly of the individual is an inalienable right which should be protected. I am sure every member here subscribes to that principle. We should bear in mind, however, that at least 98 per cent. of our population will go about their business in a peaceful manner, hoping to enjoy with their families the right of not being interfered with; the right to enjoy such things as going to the beach at the weekend without having to put up with interference from groups of people who take the law into their own hands. We have known this to happen recently.

I am sure that a great proportion of our public in Western Australia will support this Bill to the hilt. I certainly intend to do just that. Our Police Force is noted for its calm handling of riotous assemblies. I believe we have one of the best Police Forces in Australia. Its record surely proves this. It must, however, be supported by the Government and by amendments such as those before us which might help to strengthen our legislation. If we do not take firm steps now we might, in the future, well reach a situation where it will be necessary to introduce firmer and more restrictive measures.

The Hon. R. F. Hutchison: Would you not agree with the need for more police?

The Hon. C. R. ABBEY: Of course we agree with the need for more police, but within the limits of the effectiveness of the police. We need many more policemen but there is a limiting factor. The men of the Police Force must be trained and paid and if there is to be a deterrent in the law, as is proposed by this legislation, surely it will assist the Police Force to carry out its duties adequately. I am sure our Police Commissioner and his officers are capable of properly interpreting and putting into effect the amendments in this Bill.

The Hon. R. Thompson: Do you know what sections 43 and 46 of the Police Act say at the moment?

The Hon. C. R. ABBEY: The honourable member should be patient; I did not interrupt him when he was speaking.

The Hon. R. Thompson: The Police Force has all the power it needs to carry out what is required to be done.

The Hon. C. R. ABBEY: This might be the honourable member's opinion but there is a need to spell out what the police should do in a certain situation and there is no doubt that this Bill spells out a situation which is generally required by the people of our State.

It is all very well for the honourable member to look after the small minority about which he is concerned. Free assembly of a few people for purposes which very often are designed to create a disturbance, given the slightest opportunity, is not to be countenanced. I see no reason for us to bend over backwards to make it easy for people to put into effect some of the plans they obviously desire to bring about. To be permitted to protest is one thing, but to do so in a riotous manner is something quite different; it is something we need to control. It is amazing to me how some people can read ulterior motives into this Bill; and this is what I feel Mr. Ron Thompson is trying to do.

The Hon. R. Thompson: What ulterior motive did I read into the Bill?

The Hon. C. R. ABBEY: The ulterior motive that it was designed to create a situation where our Police Force can take restrictive and unfair action.

The Hon. R. Thompson: You did not listen to me. I did not mention the Police Force at any stage. I did not say the Police Force. You get your facts straight. You mind what you are saying.

The Hon. C. R. ABBEY: When the Police Force has to put into effect this legislation if it becomes law the responsibility will rest with the administrators; and this cannot be divorced from the Police Force.

The Hon. R. Thompson: This is not dealing with the Police Force but with complaints from individuals. You did not listen to me. You are reading into my speech something which I did not say.

The Hon. C. R. ABBEY: The police are the administrators.

The Hon. R. Thompson: You obviously have not read the Bill or the Police Act.

The Hon. C. R. ABBEY: I am well aware of the situation and I see it from the viewpoint of the average individual who wants protection.

I will now move on to that part of the Bill which deals with the drug situation in our community. We have here, I feel, a very real attempt to cover the situation which is occurring and which could occur in the future. The only complaint I have had about this part of the Bill is that perhaps it does not go far enough.

The penalties appear to be fairly severe; but I do not think any punishment is too great for the pusher; the person who gets our younger generation hooked on drugs for his own purposes. I am sure the Minister—I mean Mr. Ron Thompson—

The Hon. R. Thompson: He will be Minister next February, not now.

The Hon. C. R. ABBEY: —agrees with me on that point.

The Hon. A. F. Griffith: Mr Ron Thompson is in good form tonight.

The Hon. W. F. Willesee: He even forecast the election date.

The Hon. C. R. ABBEY: It is appropriate at this stage to bring before the House information about some of the situations from which our young people suffer through drug addiction. Unfortunately drug addiction is not always caused by pushers or the people who so unwisely get involved with pushers. Sometimes drugs which are prescribed by medical practitioners are addictive. I am aware, and the Public Health Department is aware now of the great dangers of some reducing tablets that members of the medical profession used to prescribe. Only recently a case was brought to my notice of a young person who was hooked on reducing tablets. This person is down to a very low weight and is so addicted that medical care does not seem to have any effect. I know of several other similar cases of addiction.

It is terrible that innocently prescribed drugs should have such an effect on people, and young people in particular, that they become addicted and cannot control their desire for the drug. The drugs to which I am referring are of the amphetamine variety and, of course, are not now obtainable. We are facing a situation where in the future our medical facilities will definitely become overstrained in their efforts to cope with this type of drug addiction. There does not at the moment appear to be any real answer to the problem except to cut off the supply at the source. I believe this measure will help to do that.

Unfortunately, the importation of drugs appears to be on the increase and many subterfuges are being used to bring drugs into the State. If it is known, and it will be known, of course, that this State will crack down on this type of drug trafficking, I am sure it will have some effect and will do a great deal to assist in the prevention of drug addiction. So I have great pleasure in supporting the Bill and I hope that if we find the legislation has not been given sufficient force we, as a Government, will introduce further amendments next year to make the penalties even more severe than they will be when this Bill becomes law.

Adjournment of Debate

THE HON. T. O. PERRY (Lower Central) [8.49 p.m.]: I move—

That the debate be adjourned.

Motion (adjournment of debate) put and a division taken with the following result:—

Ayes—8

Hon. G. W. Berry	Hon. I. G. Medcalf
Hon. R. F. Claughton	Hon. T. O. Perry
Hon. Clive Griffiths	Hon. S. T. J. Thompson
Hon. J. G. Hislop	Hon. R. Thompson
	(Teller)

Noes—13

Hon. C. R. Abbey	Hon. N. McNeill
Hon. G. E. D. Brand	Hon. J. M. Thomson
Hon. J. Dolan	Hon. W. F. Willesee
Hon. V. J. Ferry	Hon. F. D. Willmott
Hon. A. F. Griffith	Hon. F. J. S. Wise
Hon. J. Heitman	Hon. F. R. H. Lavery
Hon. R. F. Hutchison	*(Teller)*

Pairs

Ayes	Noes
Hon. H. C. Strickland	Hon. E. C. House
Hon. J. J. Garrigan	Hon. F. R. White

Motion thus negatived.

Debate (on motion) Resumed

THE HON. J. HEITMAN (Upper West) [8.53 p.m.]: I rise to support the Bill. I believe that in this day and age we have too many people taking the law into their own hands and thinking that the minority should rule whenever and wherever they feel like kicking over the traces. In my view this measure will go a long way towards bringing law and order into places where it has not been seen on many occasions in recent years.

Also, I believe that when the papers blow up the reports of disturbances, vandalism, and the use of drugs, it does not help the situation. Even in this afternoon's paper we can see the photograph of a girl and the story she told about drug addiction. That sort of thing does not help. In my view the more that type of behaviour is advertised the more young people will attempt to do the same sort of thing. If reports of misbehaviour were sent straight

to the police for investigation, instead of being written up in the Press, we would go a long way towards preventing trouble. I believe we read more than we should about the problems and effects of vandalism and drug taking, and the position is further accentuated by the fact that too many people have too little to do.

Wherever we find people with little to do—where they do not take part in sport, or are not associated with clubs, such as the police boys' clubs, or scouting and guiding—there is always trouble. We always find that people with idle hands can get into mischief. I know that in the country areas those who are mixed up in vandalism do not play sport. They do not mix with the rest of the community but set up their own little gang and eventually get into trouble. We should all play our part in helping to train people, particularly young people, to do something useful with their leisure time. If that were done there would be a great deal less trouble and the police would not have as much difficulty as they do now in trying to combat this type of antisocial behaviour.

As Mr. Abbey said, the penalties proposed in the Bill are very heavy. However, if the penalties were reduced I do not think the legislation would have the desired effect.

The Hon. C. R. Abbey: I think we should make them heavier.

The Hon. J. HEITMAN: Perhaps they could be made heavier, but I think the Bill is a fair step forward in an effort to try to control the problems we have, mainly with our younger people. I believe we should all help the police by finding the time to train young people in doing something more useful with their leisure time—something more useful than getting into trouble. I support the measure and hope it will have the desired effect in the years to come.

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [8.57 p.m.]: Might I say at the outset that I regret the incident that occurred a few moments ago. It is only on rare occasions that the Minister refuses the adjournment of a debate, but on this particular occasion Mr. Ron Thompson had asked me directly whether I would leave the Committee stage until some other day. In order that I could indicate to the honourable member that so far as I was concerned I was quite prepared to deal with the Committee stage on Tuesday, I interjected to give the honourable member that information. At the same time I hoped I would convey the message to the other members in the Chamber that those who wanted to speak would be free to do so, because it was within my knowledge that there were other members who wanted to speak—I had asked the Whip about the matter.

However, I apologise to Mr. Perry for the fact that I called "No." It disturbs me to think that I refused the adjournment but, by the same token, it was obvious that the majority of members appreciated the situation.

I certainly do not want to give any force to the suggestion that was conveyed in the paper circulated on behalf of the United Nations Association that the Government wanted to hurry the Bill through. I do not think that could even be suggested; because I had already said I was quite content to have the Committee stage dealt with on Tuesday. This would give Mr. Ron Thompson and other members an opportunity to place amendments on the notice paper.

As regards the Bill itself, it contains 13 clauses and all of them, with the exception of two, find favour with Mr. Ron Thompson. With other members who have spoken all the clauses find favour. The clauses which do not find favour with Mr. Ron Thompson are clause 3, and clause 6 which provides for the $400 penalty.

Mr. Ron Thompson was concerned with the penalty attaching to clause 6 because he thought it was too high. You were told, Mr. Deputy President, that I did not explain the reasons for this Bill. Then the honourable member went to the trouble to read the reasons I gave when introducing the measure. Those reasons are contained in the speech notes, a copy of which he had the advantage of receiving last night. So, the reasons for the introduction of the Bill were given. Whether they were of a satisfactory nature or not, in the mind of the honourable member, is an entirely different matter, but the reasons were given.

I explained that in the opinion of my colleague, the Minister for Police, section 54 of the Police Act and section 62 of the Criminal Code did not deal sufficiently with the situation which prevailed from time to time. Mr. Ron Thompson argued that point with me for a considerable period of time, and he then found it convenient to introduce two sections which I had not mentioned at all. However, since he has mentioned those sections I will mention them also. First of all, let us look at section 54 of the Police Act which reads as follows:—

> Every person who shall be guilty of any disorderly conduct on any street, public place, or in any passenger boat or vehicle, any Police Station or lock-up, shall, on conviction be liable to a penalty of not more than one hundred dollars for every such offence, or to imprisonment, with or without hard labour, for any term not exceeding six calendar months, or to both fine and imprisonment.

Section 64 of the Criminal Code deals with another situation, and reads as follows:—

> Any person who takes part in a riot is guilty of a misdemeanour, and is liable to imprisonment with hard labour for three years.

That is an indictable offence where a person would be tried by jury, and is entirely different from what is written into the Bill we now have before us for consideration.

Turning to section 43 of the Police Act, the section which the honourable member found convenient to mention, we find another situation.

The Hon. R. Thompson: That is the dragnet section.

The Hon. A. F. GRIFFITH: It is the dragnet section. It might not have been a bad idea if the honourable member had said so at the time. The section provides that a policeman can take into custody, and keep and maintain in custody, a person who does what is set out in the section.

The Hon. R. Thompson: There is not much that a person can do which is not set out in that section.

The Hon. A. F. GRIFFITH: Then why not say so, instead of misleading the House.

Point of Order

The Hon. R. THOMPSON: Mr. Deputy President, I ask for a withdrawal of that statement. I did not mislead the House. If members look at the section of the Act I quoted they will see that most offences are covered. It is the dragnet section and I think the Minister should withdraw his statement that I misled the House.

The DEPUTY PRESIDENT: I ask the Minister to withdraw his statement.

The Hon. A. F. GRIFFITH: I apologise, Sir. Of course, at no time would I intend to convey an incorrect impression.

Debate Resumed

The Hon. A. F. GRIFFITH: The point I was trying to make was that section 43 of the Police Act, introduced into the argument by Mr. Ron Thompson, gives the police all the power which he claims, and the section states that a person will be taken into custody if he does any of the things mentioned in the section.

We can then turn to section 46 of the Police Act and we find a very similar provision. Any officer or constable of the Police Force and all persons whom he shall call to his assistance, may take into custody, without a warrant, any person who offends against that section of the Act.

It will be recalled that I said this Bill sought to do something between section 54 of the Police Act and section 62 of the Criminal Code and, indeed, it does, if the Bill is read, and if it is understood and interpreted in the way it is intended to be. Proposed new section 54A reads as follows:—

> 54A. (1) A disorderly assembly is an assembly of three or more persons who assemble in such a manner or who so conduct themselves when they are assembled as to give persons in the neighbourhood of the assembly reasonable grounds to apprehend that the persons so assembled—
>
> (a) will disturb the peace; or
>
> (b) will by that assembly needlessly provoke other persons to disturb the peace.
>
> (2) Persons lawfully assembled may become a disorderly assembly if being assembled they conduct themselves in such a manner as is referred to in subsection (1) of this section.

Mr. Ron Thompson then gave an example of what this really means. He mentioned a student assembly where the police were informed that something was likely to happen. The police went to the place and found nothing of a disorderly nature happening so they went on their way.

The Hon. R. Thompson: I did not say the police were informed at all.

The Hon. A. F. GRIFFITH: Well, the police went there so they must have been advised, or they gained knowledge of it, or they had something in the way of information which took them there. However, it was not a disorderly assembly and they went away.

Prior to that, the honourable member suggested that because there was an assembly of three persons, under the proposed new section I read out a policeman would be bound to apprehend those people.

The Hon. R. Thompson: On the laying of a complaint.

The Hon. A. F. GRIFFITH: This new section does not say that a complaint has to be laid at all. Proposed new subsection (3) reads as follows:—

> (3) Any member of a disorderly assembly who, after being warned by a member of the Police Force to disperse immediately and go peaceably to his home or his lawful business, neglects or refuses to do so, commits an offence.
>
> Penalty: One hundred dollars or a term of imprisonment not exceeding six months or both.

I told the House, and I told the honourable member, what would probably constitute an unlawful assembly, and I mentioned the case of a large number of people at Scarborough. I think it was reported in the Press that 300 or 400 people were involved and as I described in my second reading speech it is very difficult for the police to do anything about a situation

such as that because the culprits get into the centre of the bunch and cannot be reached.

Proposed new section 54A will enable the police to tell the people to disperse We must give the police the benefit of having sufficient intelligence to be able to conduct themselves in a proper manner.

The Hon. R. Thompson: They do now.

The Hon. A. F. GRIFFITH: They do now, and the present Bill will give the police a better opportunity to deal with the sort of situation which has been occurring in the metropolitan area in recent times.

We ought to get our feet firmly on the ground when discussing this matter and realise that the police have a difficult job to do. I have a file which I could quote and it illustrates the difficulties which confront the police. Those difficulties have been reported to the Minister for Police, the police have asked that something be done, and they have made the suggestion contained in proposed new section 54A. The new power will be somewhere between that contained in section 54 of the Police Act and section 62 of the Criminal Code. The police will receive a different sort of power. Thank goodness Mr. Ron Thompson did not go to the extremes I read about in another place where there was talk about political meetings.

The Hon. R. Thompson: I am a rational person, and the Minister would know that.

The Hon. A. F. GRIFFITH: I know that, but I did not think the honourable member was very rational when he expected to find himself in the Ministry next year. I could not agree with that.

The Hon. R. Thompson: I could not miss that quip, and the Minister himself would not have missed it either.

The Hon. A. F. GRIFFITH: Not for a moment. However, the honourable member has always been a wishful thinker for as long as I have known him. To get back to the Bill: We have to place our feet firmly on the ground and realise there is nothing terrible about the situation.

The Hon. R. Thompson: If the Bill did not include the words to which I have objected I think it would be much better. If the Minister says he wants the police to have this power it should be given in a different manner.

The DEPUTY PRESIDENT: Order! The honourable member will be able to bring forward his points during the Committee stage.

The Hon. W. F. Willesee: That will not be until next Tuesday.

The Hon. A. F. GRIFFITH: Mr. Ron Thompson gave us the best possible example we could have when he quoted the student gathering.

The Hon. F. J. S. Wise: Does not this clause really paraphrase section 62 of the Criminal Code?

The Hon. A. F. GRIFFITH: I do not know that it does.

The Hon. F. J. S. Wise: It has similar wording.

The Hon. A. F. GRIFFITH: Section 62 of the Criminal Code provides for trial before a jury. That is for a serious offence when a person is indicted on an unlawful assembly charge. Section 62 of the Criminal Code refers to riots, and reads as follows:—

> When three or more persons, with intent to carry out some common purpose, assemble in such a manner . . .

And so it goes on. That is an offence under the Criminal Code, which is indictable, and would be tried before a jury. We do not want to go that far. It is necessary to leave that section in the Code for occurrences of an extreme nature, but we want to give the police the power to take action at a gathering they think is likely to develop into an assembly which would cause inconvenience to other people in the neighbourhood. The police want to be able to tell those people to go home, and if they do not go home there will be power to charge them before the court, and the penalty will be provided.

That is the extent of the provision, as seen by other members who have supported the clause. Those members have seen it in a different light from that seen by Mr. Ron Thompson. I hope Parliament will give the police the necessary power because the Government is interested to see that occurrences similar to that which took place at Scarborough can be controlled. The troublemakers are usually in the centre of the bunch and the police cannot arrest them. However, if the police are able to tell the people to go home they will be able to handle such situations. If the House passes the Bill then the police will be given that power.

I repeat: It is not my intention to deal with the Committee stage of the Bill until Tuesday so members will have every opportunity to place amendments on the notice paper. Of course, not for a solitary second do I give any undertaking that the amendments will be agreed to, but I would like to look at them and consult my colleague in another place.

I thank members for their support, generally, of the Bill. I apologise for the situation which occurred tonight: It is not one I relish.

The Hon. R. Thompson: I will put the proposed amendments on tomorrow's notice paper.

The Hon. A. F. GRIFFITH: I will put this Bill on the notice paper in the ordinary course of events. As I have said, it will not be further dealt with until Tuesday.

Question put and passed.

Bill read a second time.

COMMONWEALTH PLACES (ADMINISTRATION OF LAWS) BILL

Second Reading

Debate resumed from the 3rd November.

THE HON. I. G. MEDCALF (Metropolitan) [9.16 p.m.]: I do not propose to delay the House very long in the remarks I shall make on this Bill. I think the Minister has more than adequately explained the situation which has developed and the reason for the Bill. I support the measure. I just want to make a few observations, and I hope I will not weary members too much with them.

It is curious that it has taken approximately 70 years, since the Commonwealth Constitution came into force, for a matter like this to crop up. It is curious that all that time has gone by before the States' powers to legislate in respect of places which the Commonwealth owns in the States have been questioned. They have not only been questioned, of course; the States' powers have been held to be absolutely invalid and void, and the States have no legislative power whatsoever in any Commonwealth places. That is the effect of the decision. One might well ask how far back in time that goes.

It shows that some of the basic assumptions we have made about the Constitution can be proved wrong at short notice. It also shows the extent to which the law is a matter of opinion. This decision of the High Court was given by a majority of four judges against three. In other words, four judges believed that the States had no power to legislate in relation to Commonwealth places, and three judges believed that they did. That demonstrates how much the law, when it comes down to a refined point such as that, becomes basically a matter of the individual opinions of the judges.

The immediate cause of this constitutional upset—and upset it was, in a big way—was not a test case but purely a point taken by a lawyer in a civil trial, and hence it could have arisen at any time.

One can see the logic of the position as far as the legalities of it are concerned. The Commonwealth acquires a place—in this case a Royal Australian Air Force base—which is a Commonwealth place acquired for public purposes. Section 52 of the Constitution has already said the Commonwealth has exclusive power over places acquired for public purposes. That clearly appears to cut out the States' powers to legislate at all in respect of those places. Although there is some sort of logic in it in law, what an illogical position in fact is demonstrated by the decision!

To take our own situation in Western Australia, we have the town of Bullsbrook and alongside it the Air Force base at Pearce. The State laws apply in the town and they do not apply at the base. The fence is 20 or 30 yards away. The problem also applies as far as every Commonwealth place is concerned. Presumably offences can be committed in suburban post offices and there is no recourse, either criminal or civil.

The Hon. A. F. Griffith: Under State law.

The Hon. I. G. MEDCALF: Provided there is no Commonwealth law which applies to criminal or civil offences unless they happen to come within the Commonwealth Crimes Act. In other words, on certain subjects no Commonwealth law governs these Commonwealth places, and no State law governs them, but the courts of this country, both Federal and State, have quite erroneously believed for all these years since Federaton began that State laws applied, and they have given decisions of a civil nature and of a criminal nature accordingly. One cannot help wondering what is the position of someone who has been convicted of some criminal offence at the Pearce Air Force base.

The Hon. J. Dolan: And who is still in gaol, perhaps.

The Hon. I. G. MEDCALF: Exactly. And what is the position of a builder who sued somebody over a debt or made some civil claim in a matter that occurred within the Pearce Air Force base? There must have been many claims, both civil and criminal, in places of that kind. They were occupied throughout the war. What is the position? I cannot answer it, but it is one of the complexities to which the Minister referred in his speech. He referred to some of the extraordinarily complex problems which are now faced by the Commonwealth and the States.

Hence the States have rallied very well to the Commonwealth in this matter and have agreed to pass complementary legislation. I know they did so at the request of the Commonwealth, but of course they also did so because they wanted to ensure that there was a law applying and that this hiatus was not left as a hiatus. The States must have had mixed feelings in doing this because they submitted to the Commonwealth that this exclusive jurisdiction of the Commonwealth which had been found to exist should be shared in the future, and that there should be concurrent jurisdiction so that the States

could in future pass laws on Commonwealth places without having to go cap-in-hand to the Commonwealth on each occasion, and so that the Commonwealth need not give up its jurisdiction but could pass its own laws if it wanted to.

That was a reasonable attitude to take, because it dealt with the situation which everyone understood had existed ever since Federation. The Commonwealth has so far declined to accede to that request. The Commonwealth has simply said, "No. We do not think this is a problem area as far as the constitutional position is concerned. We believe that this solution is satisfactory at the present time." The Commonwealth has so far declined to agree to any variation in the Constitution; that is, it has declined to agree to a referendum. This makes it extremely difficult for the States, because we all know the fate of referendums when there is one strong voice in opposition. The Constitution has such stringent provisions concerning referendums that one strong governmental voice in opposition almost dooms a referendum to failure from the start.

The Hon. F. J. S. Wise: Do you think it has anything to do with the fact that women have equal rights and have been taught to say "No" for so long?

The Hon. I. G. MEDCALF: That raises other problems.

The Hon. A. F. Griffith: Not constitutional ones, either.

The Hon. I. G. MEDCALF: This legislation, which has been settled by a senior committee of Commonwealth and State representatives, does not need any further critical examination by me nor very much critical examination by the House. I think we can be satisfied that that senior committee has done as good a job as is possible in the very difficult circumstances. It has attempted to make the legislation as retrospective as possible in both civil and criminal causes. It has attempted, in clause 6, to avoid duplicate civil actions: in other words, where actions might be brought under State law and under the applied laws which are to apply under this Bill—the applied laws being State law—the committee has attempted to avoid any suggestion of technical loopholes which would allow people to bring two actions.

In clause 7 there is a saving provision, which I believe is the retrospective provision, which attempts to preserve the rights given by State laws in the event of the applied laws proving to be insufficient. In clause 8 there is a provision designed to prevent people from being punished twice—once under State laws, and again under the same laws as applied by this Bill. We would have had two separate series of laws dealing with the same offences, and of course it is quite wrong for people to be punished twice. I may say that appears to be already covered in section 45 of the Interpretation Act.

The Hon. W. F. Willesee: Where would the priority lie when there was a dual prosecution?

The Hon. I. G. MEDCALF: If it was a case of the prosecution being in a Commonwealth place, I am quite sure the priority would now lie under this Bill.

The Hon. W. F. Willesee: That would be the State law?

The Hon. I. G. MEDCALF: Yes.

The Hon. A. F. Griffith: The Commonwealth would want the State jurisdiction to have control of the situation.

The Hon. W. F. Willesee: In that case there would not be a dual problem, would there?

The Hon. A. F. Griffith: No, I do not think there would be.

The Hon. I. G. MEDCALF: There might be circumstances in which this could arise.

The Hon. W. F. Willesee: I think there is a great possibility of it.

The Hon. A. F. Griffith: But the Commonwealth has not got the machinery to deal with the administration of justice in the matter.

The Hon. I. G. MEDCALF: That is so. The Commonwealth has therefore asked the State to provide it, and there is provision in the legislation for the State officers, courts, and instrumentalities to play their part in enforcing the applied State laws, now applied to Commonwealth places by virtue of this Bill.

Clause 14 deserves mention. The Minister referred to it in some detail. That clause provides smoothing-over provisions which will preserve the operation of State laws and actions previously taken under State laws.

The situation, generally, is that I think the States are to be commended for agreeing so promptly to the Commonwealth's request and for bringing in this legislation. I thoroughly approve of the Government's attitude in placing a time limit on this Bill because unless some action is taken along those lines I cannot see that there will be any way of moving the Commonwealth into agreeing to some sort of a change in the constitutional position. I therefore think that is a wise move, and I support the Bill.

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

SALE OF LAND BILL

Second Reading

Debate resumed from the 3rd November.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the Opposition) [9.30 p.m.]: At the outset let me say that this is a desirable Bill. Possibly

I am led to make such a statement in view of the fact that the Bill was a result of recommendations from the Law Reform Committee. However, I agree with the general trend of the Minister's remarks when he said the measure contains provisions which would benefit the community.

As I read the Bill, it will achieve what the Minister says it will. It will protect, wherever possible, purchasers of properties under contract of sale who, through no fault of their own, are unable to complete a contract. In itself, that is a very broad concept. In support of the Bill the Minister outlined the historical development of the legislation and when that is studied we find that, in broad principle, the measure was submitted to many people including the judiciary, the Law School, the Law Reform Committee, practising practitioners, and the Real Estate Institute. If the Bill now before us is the result of the considered opinions of those people—and I believe it to be so—then surely it is worth a trial.

The Hon. A. F. Griffith: Can I just make the point that the Real Estate Institute did not see all of this. You will recall that at the time I made mention of that.

The Hon. W. F. WILLESEE: I do not think the Minister, when inroducing the Bill, said that the Bill was the result of a unanimous decision; but that it was the result of an overall decision. I think we can accept the fact that, basically, in regard to all legislation that is brought before us, if the majority of the parties agree to it in principle, we cannot go far wrong. Naturally, there would be differences of opinion in certain directions but I think I can go so far as to say that in regard to this Bill there was general agreement by most parties.

The Hon. A. F. Griffith: I did not want to mislead you into thinking that I had said the Real Estate Institute had considered the whole of the Bill, because it has not.

The Hon. W. F. WILLESEE: Another feature of the Bill which I like is that it will repeal many pieces of obsolete legislation. In fact, one of the advantages of legislation being considered by the Law Reform Committee is that it attempts to clear our Statute book of those Acts which are outdated and, in many instances, give rise to problems.

In this instance the Bill seeks to repeal nine pieces of legislation ranging from the year 1878 to 1940. For that reason alone I would be tempted to support the measure, because I believe that if we compare the Vendor and Purchaser Act of 1878 and the conditions that existed in the State at that time with this Bill and the conditions that exist in 1970, we will surely agree that this legislation is worthy of a trial.

Without delaying the House unnecessarily, I would like to refer to some features of the Bill that appeal to me. Alongside clause 6, under the heading of "Part II.—Sale of Land Under Terms Contract" there is the marginal note "Restriction on rescission," and in subclause (1) of this clause, *inter alia*, appear the words—

> . . . unless and until the vendor has served on the purchaser a notice in writing specifying the breach complained of and requiring the purchaser to remedy the breach within the time mentioned in subsection (2) of this section. . .

Therefore, in accordance with that provision, the purchaser has the right to remedy the breach. If he fails to do so after he has been notified in writing he is subject to whatever may result from such failure. At least he is given an opportunity to do something.

Clause 8—limitation on encumbrances—reads as follows:—

> A vendor of land under a terms contract shall not encumber the land by mortgage or otherwise unless—
>
> (a) within the period of twenty-eight days before he does so, the purchaser of the land consented in writing thereto;

If the vendor does not comply with that provision, he is subject to a penalty of $750.

Clause 9—power of court on application for leave to encumber the land—contains the important words—as I view them—of—

> . . . subject to such conditions as are necessary to protect the interest of a purchaser under the contract.

So again the purchaser is given every opportunity to be protected.

In regard to restrictions on the sale of subdivisional land, it is unnecessary for me to go into that question, because I am sure all members are aware of what happens in these situations. In connection with this, in clause 13 we find the following:—

> A person who would, but for this Act, have the right to sell five or more lots in a subdivision or proposed subdivision shall not sell any of such lots unless—
>
> (a) he is the proprietor thereof;
>
> (b) he is selling as agent of the proprietor;

So it goes on.

Clause 14—restriction on sale of mortgaged subdivisional land—reads as follows:—

> (1) Where a person is the proprietor of five or more lots in a subdivision or proposed subdivision he shall not sell any of such lots that

is subject to a mortgage unless the mortgage relates only to that lot and he sells the lot under a contract which provides that the consideration for the sale of the lot shall be satisfied . . .

It seems to me that, here again, there is protection for the purchaser which has not obtained to date, despite the fact that we are repealing many obsolete pieces of legislation with the passage of this Bill. So I could continue to speak in support of the measure.

However, there is one provision that is not clear to me. I refer to subclause (1) of clause 15, which commences with—

Where the Minister considers . . .

I wonder who the Minister will be? The definitions in the Bill do not define who the Minister will be.

The Hon. A. F. Griffith: The Interpretation Act deals with that.

The Hon. W. F. WILLESEE: In the course of reading through the Bill I find a reference to the Minister for Lands and the Minister for Town Planning.

The Hon. A. F. Griffith: I think the Minister would be the one who is placed in charge of administering the legislation under the provisions of the Interpretation Act. I have introduced this legislation. The Premier gave me the task of conducting the legislation and I would be the Minister.

The Hon. W. F. WILLESEE: Apparently I was not right in either case.

The Hon. A. F. Griffith: That is how I think it will be.

The Hon. W. F. WILLESEE: Why not specify in the Bill who the Minister shall be?

The Hon. A. F. Griffith: The Interpretation Act specifies that in all Acts.

The Hon. W. F. WILLESEE: I do not have the Interpretation Act before me but it would be fair to say that the Minister in charge of the legislation would be the Minister referred to. Due to the fact that the two departments mentioned are the Lands Department and the Town Planning Department I thought it would be pertinent to think that the Minister would be one of the Ministers who administer those two departments. I have now been handed a copy of the Interpretation Act by my colleague, Mr. Dolan, and I find that the definition reads as follows:—

"Minister" means the Minister of the Crown to whom the administration of the Act or enactment or the Part thereof in which the term is used is for the time being committed by the Governor, and includes any Minister of the Crown for the time being discharging the duties of the office of the Minister.

The Hon. A. F. Griffith: That allows for an easier distribution of the Acts.

The Hon. F. J. S. Wise: Without having to assign the duties.

The Hon. W. F. WILLESEE: I have never had so much help in all my life. May I say that I am quite relieved to discover who the Minister in charge of the Bill will be. Of course, I am pleased to find in clause 18 that house-to-house selling will not be permitted. I think this is most important. In the next clause the purchaser is given the right to rescind the contract within a certain time. I would also mention that if a person commits a breach of clause 18 he shall be subject to a penalty of $200.

I do not think there is any need for me to continue this line of support any further. As I said in the first instance, the Bill is most desirable. I think it has been studied very closely, and I am sure that once it has been placed on the Statute book and any problems are met in the future they will be easily rectified. The Bill is certainly a step forward in an attempt to assist a purchaser in any land transaction, and the fact that we will now have on the Statute book a consolidated piece of legislation dealing with the sale of land must lead to a simplification of the procedure in the future.

Debate adjourned, on motion by The Hon. I. G. Medcalf.

House adjourned at 9.42 p.m.

Legislative Assembly

Wednesday, the 4th November, 1970

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

QUESTIONS (22): ON NOTICE

1. WATER SUPPLIES

Land Resumption at Balcatta

Mr. GRAHAM, to the Minister for Water Supplies:

(1) Is it proposed that the Metropolitan Water Supply, Sewerage, and Drainage Board will resume land in the Bryan Road, Balcatta locality?

(2) If so—

(a) for what purpose, and what function is it to fulfil;

(b) what acreage will be involved;

(c) how many properties will be affected;

(d) will it entail any houses and, if so, would it be possible to exclude such houses;

(e) why must the site be in this locality;