Mr. BERTRAM: —that the Bill is aimed at price fixation completely, despite the fact that the Minister has desperately stated that it is aimed at the person who wants to exploit his fellow man, and nothing more. This is what has happened in other States. I invite any person reading *Hansard* to satisfy himself about this.

Mr. O'Connor: It has happened with the Government here.

Mr. BERTRAM: Nobody is particularly concerned about fair competition; we are worried about unfair competition. The Minister has indicated that that is all he is interested in. Surely it is expressing a jaundiced opinion if somebody says we cannot trust the Minister.

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

Ayes—19

Mr. Bateman	Mr. Jamieson
Mr. Bertram	Mr. Jones
Mr. Brady	Mr. Lapham
Mr. Bryce	Mr. McIver
Mr. Burke	Mr. Moller
Mr. Davies	Mr. Sewell
Mr. H. D. Evans	Mr. Taylor
Mr. T. D. Evans	Mr. A. R. Tonkin
Mr. Graham	Mr. Harman
Mr. Hartrey	*(Teller)*

Noes—19

Sir David Brand	Mr. Reid
Sir Charles Court	Mr. Ridge
Mr. Coyne	Mr. Runciman
Mr. Gayfer	Mr. Rushton
Mr. Grayden	Mr. Thompson
Mr. Hutchinson	Mr. Williams
Mr. W. A. Manning	Mr. R. L. Young
Mr. McPharlin	Mr. W. G. Young
Mr. Nalder	Mr. I. W. Manning
Mr. O'Connor	*(Teller)*

Pairs

Ayes	Noes
Mr. Brown	Mr. O'Neil
Mr. Bickerton	Mr. Mensaros
Mr. May	Mr. Lewis
Mr. Cook	Mr. Stephens
Mr. J. T. Tonkin	Dr. Dadour
Mr. Fletcher	Mr. Blaikie

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

Question thus passed.

Bill read a third time and transmitted to the Council.

MEMBER FOR BLACKWOOD

Resignation: Statement

MR. REID (Blackwood) [9.58 p.m.]: Mr. Speaker, may I have your permission to make a personal statement?

The SPEAKER: The member for Blackwood seeks leave of the House to make a personal statement. If there is a dissentient voice leave will not be granted. As there is no dissentient voice, leave is granted.

Mr. REID: I thank you, Mr. Speaker, and I thank the Deputy Premier for providing me with this opportunity to say a few brief words.

I wish to give notice that at the rising of the House this evening I will offer my resignation as member for Blackwood in this Assembly. It is not my intention to give the reasons for my doing this. Members will know that the seat has been abolished.

The brief period I have been a member of the Legislative Assembly has undoubtedly been the most challenging and, at the same time, the most rewarding of my entire life. As has already been stated in this House on a number of occasions, it is a tremendous honour to be a representative of the people in the Parliament of Western Australia, and one is consciously aware of the responsibility of this office.

During the time I have been a member of this Chamber I have seen the Premier of Western Australia, who has been a member of this House for 39 years, leading the Government for its second term. I have seen the member for Balcatta, who has also had a very long history as a member of this House—of some 29 years—assume the office of Deputy Premier.

I saw the member for Greenough, Sir David Brand, step down from the leadership of the Liberal Party and from the position of Leader of the Opposition after a record term as Premier of Western Australia. I saw the present Leader of the Opposition, Sir Charles Court, take the place of Sir David Brand. I have served under the member for Katanning, The Hon. Crawford Nalder, who is the leader of my party.

These are the experiences I will value all my life, and I am very grateful for the many friends I have made and with whom I have been associated from all political parties. I thank you, Mr. Speaker, and the Government for providing me with this opportunity to make a statement.

[*Applause*]

House adjourned at 10.01 p.m.

Legislative Council

Tuesday, the 31st October, 1972

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

QUESTION WITHOUT NOTICE

ELECTRICITY SUPPLIES

Red Bank Power House

The Hon. J. L. HUNT, to the Leader of the House.

(1) Owing to the demand for power in Port Hedland, is it the intention of the S.E.C. to increase the capacity of the Red Bank power house at Port Hedland?

(2) If so, what is the intended increase and what was the capacity of the original power house?

(3) When is this increased capacity to become operative?

(4) What is the number of S.E.C. consumers in Port Hedland in comparison with the year 1967?

The Hon. W. F. WILLESEE replied:

(1) Yes, through an additional unit at a cost of $500,000.

(2) The original capacity was 5.6 MW generating units and it is intended to double this capacity.

(3) During the summer of 1973-74.

(4) The latest figure available is for September, 1972, and this is 1,336, compared with 522 consumers in 1967.

QUESTIONS (3): ON NOTICE

1. PREMIERS

Portraits

The Hon. I. G. MEDCALF, to the Leader of the House:

(1) Does the Government have an official Portrait Painter?

(2) If not, has the Government given, or will it give, consideration to having official portraits painted of Premiers and former Premiers now living?

(3) If so, will the Government consider making use of the talent of well-known Western Australian artists with experience in portrait painting?

The Hon. W. F. WILLESEE replied:

(1) No.

(2) and (3) The matter will be kept under consideration, as will the suggestion that Western Australian artists would be available.

2. BOOKMAKERS' TURNOVER TAX

Holdings

The Hon. N. E. BAXTER, to the Minister for Police:

How many registered bookmakers are subject to Bookmakers Betting Tax on a turnover of—

(a) up to $100,000;

(b) over $100,000?

The Hon. J. DOLAN replied:

All on course bookmakers are subject to Betting Tax on turnovers up to and in excess of $100,000.

For the year ended 31st July, 1972, 154 bookmakers fielded in Western Australia.

The turnover of 84 bookmakers was in excess of $100,000.

3. FRUIT FLY

Control: Metropolitan Area

The Hon. I. G. MEDCALF, to the Leader of the House:

(1) What provisions at present apply to the control of fruit fly in the metropolitan area?

(2) Is the Government satisfied—

(a) that such provisions are adequate; and

(b) that such provisions are being observed?

(3) If the answer to (2) (a) or (b) is "No", does the Government have any practical plans for controlling fruit fly?

The Hon. W. F. WILLESEE replied:

(1) The Plant Diseases Act requires that all owner/occupiers of orchards implement the control measures prescribed. The Act also provides for the creation of compulsory fruit-fly baiting schemes to enable the baiting of fruit trees on a general and regular basis.

The Government provides technical and financial assistance to baiting schemes and maintains an appropriate inspection force.

(2) (a) It has been demonstrated that where the required control measures are properly applied, satisfactory control of fruit fly can be achieved. Satisfactory control has also been obtained where community baiting schemes have the support of the community and are efficiently conducted.

(b) Not all owner/occupiers of orchards are prepared to properly observe the provisions particularly in the absence of Local Government and general community support.

(3) The Government considers that the above provisions are adequate. Its endeavour to improve existing provisions by way of greater financial assistance and improved administration was not supported by Parliament.

ADJOURNMENT OF THE HOUSE: SPECIAL

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [4.42 p.m.]: I move—

That the House at its rising adjourn until Wednesday, the 1st November, at 2.30 p.m.

Question put and passed.

TOTALISATOR AGENCY BOARD BETTING ACT AMENDMENT BILL (No. 2)

Third Reading

Bill read a third time, on motion by The Hon. J. Dolan (Minister for Police), and transmitted to the Assembly.

RESERVES (UNIVERSITY LANDS) BILL

Second Reading

THE HON. J. DOLAN (South-East Metropolitan—Minister for Police) [4.43 p.m.]: I move—

That the Bill be now read a second time.

The Murdoch University is to be established on land held in trust by the University of Western Australia under the terms of the University Endowment Act, 1904-27.

The purpose of this Bill is to excise the proposed site from the endowment lands of the University of Western Australia and enable it to be vested under the provisions of the Land Act, 1933-1971, in the Murdoch University Planning Board, which is a statutory board.

The Bill also provides for the University of Western Australia to retain its interest in the pine trees planted on the land as set out in a deed of agreement between the university and the Forests Department.

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

GOLD BUYERS ACT AMENDMENT BILL

Second Reading

THE HON. R. H. C. STUBBS (South-East—Minister for Local Government) [4.45 p.m.]: I move—

That the Bill be now read a second time.

It is known that the Commonwealth Government has been examining the implications of Australia becoming a party to the international convention on the elimination of all forms of racial discrimination.

Australia signed this convention in 1966 but ratification has been delayed in the first instance by the need to remove elements of discriminatory legislation that would be in conflict with the convention.

Members will recall, for instance, having repealed the Native (Citizenship Rights) Act which became redundant upon Aborigines being given drinking rights under the Liquor Act.

Certain aspects of discrimination against Asiatics and Africans which have persisted in the Mining Act are to be deleted by the Mining Bill presently before Parliament.

Similar discrimination exists in the Gold Buyers Act and the purpose of this Bill is to delete such discrimination as it appears in the proviso to section 7 of the principal Act.

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

YOUTH, COMMUNITY RECREATION AND NATIONAL FITNESS BILL

Second Reading

Debate resumed from the 19th October.

THE HON. CLIVE GRIFFITHS (South-East Metropolitan) [4.46 p.m.]: This Bill seeks to repeal the National Fitness Act and the Youth Service Act with a view to consolidating them into one piece of legislation. The National Fitness Act was introduced in 1945 to give statutory authority to the National Fitness Council which had been set up in Western Australia at that time as a result of a Commonwealth Act which placed the responsibility for organising national fitness upon the various States.

The Commonwealth made money available to the States with the proviso that it be spent in accordance with certain provisions the Commonwealth laid down. The National Fitness Council, which was established at that time, was not Government controlled, and apparently certain problems arose because of the divergent views of its members which resulted in delays in obtaining decisions on many major principles.

The Act gave the State Government control of the council and one of the advantages was that it was exempted from paying sales tax on equipment purchased, which exemption at that time extended its purchasing power by about 25 per cent. It is interesting to note that the introduction of that original Bill did not meet with the same enthusiastic support that the Youth Service Act received when it was introduced in 1964. It is also interesting to read some of the comments that were made by members who spoke on the National Fitness Bill introduced in 1945. The comments of one member are extremely interesting because they give us some idea of the extent to which, in the short time from 1945 to date, our accepted ideas and standards have changed. With your concurrence, Mr. President, for the benefit of members I will read two or three passages from the speech made by Mr. Seward, who was the member for Pingelly in 1945. His speech is recorded on page 754 of Volume 1 of the 1945 *Parliamentary Debates*, and among other things, he said—

> I can give no support to this Bill for two reasons. The first is that I will not support any expenditure of money on education except for the purpose of improving the education

of children until such time as our very serious deficiencies are removed. We saw the other night a series of pictures regarding national fitness, and, as the sponsor said, they were fit to be exhibited anywhere. They were very pleasing. They were taken in attractive surroundings and were nice pictures indeed, except for one thing! I have no time for people running about half naked, particularly when the sexes are mixed. Why men should be allowed to sit down half naked with young girls 20 years of age is beyond my comprehension; and it is about time somebody took a hand at preventing it, because it is not necessary.

I was coming to Perth by train a few weeks ago, and I saw those poor youngsters at Guildford stripped to the waist and wearing just a pair of shorts while they did exercises.

If I had my way, I would horse whip the man in charge, because that sort of thing is absolutely unnecessary. I have engaged in sport just as much as anybody else, and enjoyed it. One can go through the realms of Australian sporting men and find some leading athletes of the world. Yet they did not go out in that condition but were properly attired.

In answer to an interjection, Mr. Seward said—

> As a matter of fact all he wants is a pair of shorts, a singlet and a sweater; that is the proper attire. It is the only attire for sport, and I will give assistance to promoting that, but it is about time this business of running about half naked was stopped. It is unnecessary and it is demoralising. As the member for Mt. Marshall indicated in his speech, there are grave fears as to what might be the outcome of that kind of behaviour.

I have read most of the speeches made in both Houses in 1945 when the original legislation was introduced. To me 1945 is a relatively short time ago, yet we find the member for Pingelly speaking in that vein. I did not know him, but he was not prepared to support the Bill, and he gave as one of his reasons the fact that boys were exercising while wearing only a pair of shorts.

The Hon. G. C. MacKinnon: Just as well he is not hear to see "Hair"!

The Hon. CLIVE GRIFFITHS: He would certainly be horrified today because our standard and acceptance of attire have certainly changed since 1945.

In 1964 the Youth Service Act was introduced to establish a Youth Council to formulate and implement a comprehensive youth service based on recommendations contained in a report of a committee under the chairmanship of the late Hon. A. F. Watts, C.M.G. Some of the comments of the Minister when he introduced the Bill in another place in 1964 are quite interesting. For the benefit of the House I will read part of the Minister's speech which will be found on pages 1172 and 1173 of Volume 2 of *Hansard* of 1964, as follows:—

> For the purpose of this exercise, left-school youth has been defined as the age group between 15 and 19.

He then stated that the report I have just mentioned contained some interesting information. He said—

> Probably the most unexpected discovery arising out of the committee's investigation was that so few of our youth belong to a voluntary youth organisation. The committee has estimated that at least 85 per cent. of our left-school youth are completely unattached. This is well above previous estimates which placed the figure at from 70 per cent. to 75 per cent.
>
> While it is recognised that not all of these young people are in need of assistance and can and should remain profitably unattached, overall there is a vast scope for improvement.
>
> The committee found that many of the existing youth groups are of too juvenile a character to attract the group under consideration, and emphasised that more of the efforts of these organisations should be directed towards the 14-19 age group.

He then went on to say—

> The committee stressed—and again I quote—
>
> > That, after giving full recognition to the results achieved and achievable by the numerous voluntary organisations which have hitherto existed in Western Australia, and the activities of sporting groups and other bodies, the sum of these activities falls far short of a complete youth service sufficient to measure up to the needs of this day and generation —and of generations to come.
>
> This Bill has been brought down in response to the urgent recommendation of the committee that a comprehensive co-ordinated youth service be set up by the Government. Considerable thought was given to whether the National Fitness Council should be charged with this responsibility. This organisation consists of a group of leading citizens who, over the years, have proved their ability in, and devotion to, the cause of youth. However, after careful consideration, it was decided that the National Fitness Council was already fully engaged with its present duties and could not reasonably be expected to accept this added responsibility.

> It is proposed, therefore, that initially an entirely separate organisation should be set up. It is conceivable that when the youth council is properly established there will be a tendency for the two councils to come together and ultimately to unite.

The Minister made three points in that speech. Firstly he emphasised that the indications were that the most important age group was the group from 14 and 15 to 19 years; the second point was that 85 per cent. of our left-school children were uncommitted to any organised sporting or leisure-time activity; and the third point—the most significant in his speech—was he considered that possibly the Youth Service Act and the National Fitness Act would ultimately need to be amalgamated. This brings me now to what the Minister said in this House when introducing the Bill under discussion. He said—

> Experience may, in the course of a few years, show that the Council for Youth Service sould merge with the National Fitness Council, or even absorb it. The desirability or otherwise of this can, the committee considers, only be determined as the result of events in the meantime.

It seems to me that this time has been reached.

Bearing in mind the comments from those speeches of years ago, it might be of interest to some members if I read portion of what I said in a speech when I first came to this House. I said, amongst other things—and this is to be found on page 1410 of *Hansard* No. 2 of 1965—

> I now make reference to a matter in which I am very interested, and one from which the electors in my province, in particular, will gain some benefit. I refer to the Youth Council of Western Australia which has been constituted under legislation introduced by the Government in the last session and proclaimed earlier this year. I offer my congratulations to the Government for introducing the legislation, and to the members of this House who supported the Bill for their very constructive comments in the debate. Their remarks will prove to be of great value to those serving on the Youth Council, and I hope the Youth Council members will read the speeches which were made in Parliament last year, because many of the answers to the problems of youth were referred to. Of course, it will be the duty of the Youth Council to sort out the proposals which were put forward by members here, and to put them into effect in correct perspective.

I then went on to say—

> I hope the Youth Council will implement some scheme, through the funds supplied by the Government, for training youth leaders. By this means we will be able to have full-time, paid youth leaders in the various districts, and a dedicated person interested in youth work would be able to follow a career as a youth leader.
>
> The correct approach to this suggestion is not beyond the realms of possibility, and I hope the Youth Council has it in mind.

It is interesting to read in the annual report for the financial year ended the 30th June, 1971—which is the latest I could obtain—that the Youth Council spent something like $55,500 on full-time youth workers, part-time youth workers, and leader training. This is a significant amount of money and is an indication that the Youth Council carries out the objectives which are specified in the legislation and has taken notice of the suggestion made by various members of Parliament who spoke on the subject at that time. As a result we find that in our community today there are many full-time youth leaders who have been able to make a career of this extremely worthwhile work.

It is apparent the stage has been reached when the two organisations should be merged and the Bill before us provides for this contingency. Whilst it is my intention to support the measure I wish to make one or two comments in regard to youth work generally and the provisions of the Bill, particularly.

The thought crosses my mind that currently 37 individuals serve on the National Fitness Council and the Youth Council. These people have been chosen because of their expertise to organise the leisure time of young people, in particular, and of people, generally, in Western Australia. Of the 37 individuals, 25 serve on the National Fitness Council and 12 on the Youth Council. The measure before us provides for a maximum number of 24. In my opinion we could be losing the services of a number of dedicated people who have put in a great deal of time over the years on this sort of work. Are we casting aside those who still have a great deal to contribute in this field? I have made the comment because the measure will cut down on the size of the council.

It is interesting to note that the National Fitness Council has 13 subcommittees at the moment—at least, that number was recorded in the last annual report. Each subcommittee comprises eight or 10 individuals. If this number of subcommittees is to be continued, it is possible the measure before us could be too restrictive in connection with the number of people who will be on the council. I have made that statement constructively. I am not saying that council members will not co-opt some of these people, because perhaps they will.

When a committee is set up for the purpose of deciding matters connected with youth, there should be a balance of ideas and of talent. By this I mean that, intermingled with the academics, there should be people with practical experience among young people. Many people in our community have dedicated a great deal of their lives to the activities of boys and girls. Quite often such people do not have high academic qualifications, but they have a tremendous ability for knowing what young people want. I hope there will be a balance between the two different categories of individuals who will comprise the council that is to be set up under the measure. I make that statement constructively, also.

I now come back to the point I made when I read from the Minister's speech which was made in 1964; namely, the critical age group from 14 to 19 years. Bearing in mind that this is the critical age group I suggest to the Minister who will handle the new legislation that he should investigate the latest move by the Western Australian National Football League in regard to the age limits which it has adopted for junior councils in the respective metropolitan league districts. Recently, the Western Australian National Football League, upon the recommendation of its permit committee which comprises delegates from each of the eight league clubs, reduced the age groupings to under-11, under-13, under-15, and under-17, in lieu of those under-12, under-14, under-16, and under-18. The respective junior councils were notified of this decision.

If we are genuinely interested in providing activities for our young people in an effort to combat juvenile delinquency, this is an avenue which should be looked at in view of the numbers of young people who will be affected. Perhaps the suggestion could be made to the Western Australian National Football League that it forget about the professional attitude to football which seems to be becoming more and more prevalent among the league clubs. I believe they should content themselves with administering and promoting the sport.

I consider that, by aligning itself with the purely professional aspect of football, the Western Australian National Football League is acting irresponsibly as far as the youth of this State is concerned. The league should accept some of the responsibility for providing facilities and organised sport for young people, bearing in mind that the critical age group is 14 to 19 years and the action, on the league's part, reduces the age limit from under-18 to under-17. This, therefore, will affect a great number of young people.

The league itself seems to do very little for junior football. Indeed, as far as I am aware, the Little League is sponsored by the Rural and Industries Bank.

I repeat that these age groupings will affect a great number of youngsters. According to my calculations on the basis of eight league clubs and their junior councils the effect will be to throw out of organised junior sport between 2,000 and 3,000 young people who have not quite reached their 17th birthday. It is a tremendous number of youngsters. This is an extremely significant consideration as far as we, as members of Parliament, are concerned and as far as it relates to the administrators of this legislation. Between 2,000 and 3,000 boys will be discharged at an age when they are most susceptible to temptation and could thus fall by the wayside: and this after they have devoted their younger years to participating in organised junior football. Suddenly they will find they are unable to compete. What will happen to the 2,000 or 3,000 boys who now compete in 80 to 90 teams? Some will be channelled into eight teams known as the fourths competition and the residue will have nowhere to go.

The Hon. G. C. MacKinnon: Would not some of them play association football?

The Hon. CLIVE GRIFFITHS: Some probably will, but the associations are already catering for those who fell by the wayside as a result of the under-18 competition which applies at the moment. Boys who want to continue with football now play association football. I stress that the league's action will put 2,000 to 3,000 young people out of organised sport.

The Hon. G. C. MacKinnon: For the sake of the many people who read *Hansard*, should you not put into your speech an explanation of "association"?

The Hon. CLIVE GRIFFITHS: The honourable member brought in the word "association"; I did not.

The Hon. G. C. MacKinnon: I cannot interject to that extent.

The Hon. CLIVE GRIFFITHS: Apparently the honourable member is referring to other Australian rules football associations. I know of the South-West League, the Sunday Football League, and doubtless there are many others but I cannot think of the correct names. These are already attracting footballers; they are already attracting young people; and they are already obtaining the numbers from young people to fill their teams. These young people are drawn from those who go out of football at the age of 18.

This measure will have the effect of putting 2,000 to 3,000 of those young people out of organised sport at an age which was considered by the committee set up by the late Hon. A. F. Watts as being the most critical stage of their lives.

This is an extremely significant consideration. The Western Australian National Football League should be prepared to accept some responsibility in regard to what all these youngsters are to do with their leisure time. If the league is not prepared to reconsider its action or to accept some responsibility, I trust the Minister will take steps to rectify what I believe is a very irresponsible action on the part of the Western Australian National Football League. With those remarks I support the Bill.

THE HON. V. J. FERRY (South-West) [5.15 p.m.]: In rising to support this Bill I would like to raise one or two points which affect the situation of youth as I see it in the country districts. I am a little concerned that the youth in our country districts of Western Australia are not being catered for adequately. I trust, therefore, that the legislation before us will go a long way towards correcting the vacuum which apparently exists at the present time.

I would now like to refer to the work done by the Youth Council of Western Australia. I have taken out a few quick figures and I notice that the Youth Council had funds allocated to it in previous years commencing with the year 1965-66.

I think I am correct in saying that in that year the Youth Council started with a capital of $20,000. In 1966-67 the amount was increased to $71,100; in 1967-68 the figure was $122,000; in 1968-69 the amount was $118,000; and in 1969-70 it was $195,000. In round figures this comprises a total amount of $526,000 over the five-year period.

Following on that, the figure for the period 1970-71 was $251,000; for 1971-72 it was $215,000; and I think the vote for the current year is $250,000. I am not critical of these annual amounts as such, because I realise in all these sums there must be a starting point, and we must progressively move into whatever field we are endeavouring to assist. It was a gradual process as it concerned the Youth Council of Western Australia.

So far as I can make out the system adopted was one whereby the council would assist private organisations, or those sponsored perhaps by local authorities, to employ youth organisers either on a full-time or a part-time basis.

I understand the formula adopted by the Youth Council was that the council would offer to pay a subsidy of up to half the salary of the youth worker chosen. I believe I am correct in saying that in one or two special cases the Youth Council did in fact pay the entire salary for a brief period in order to get a youth centre established. This, however, I think is rather the exception than the rule.

The subsidy was granted for up to two years following which it would be progressively withdrawn. I did take the trouble to ask a few questions in this House on the 9th August, 1972 and it was rather interesting to note from the answers I received that at that time there were nine local authorities which were receiving subsidies for youth work in their particular areas. These were not in any one particular place. For example, I could mention areas like Boulder, West Kimberley, Esperance, Boyup Brook, Exmouth, and Bridgetown.

I mention these to illustrate that the subsidies granted had a Statewide distribution. In addition to the local authorities which have been assisted by the Youth Council there have been quite a number of other organisations which have been assisted. Some of these are church organisations, the Bunbury region Girl Guides Association, the Boy Scouts Association, and the like.

It is a good thing that this type of assistance has been made available to not only the local authorities to help them assist youth centres in their areas, but also to private organisations to help them encourage youth activity in their particular spheres of interest. I believe it is most important that we should encourage youth development in as many areas as possible.

The point I wish to bring out is in connection with the continuing assistance that has been provided. It has been brought to my notice—particularly in some of the country districts where youth organisers have been appointed and assisted by the Youth Council and the local authority for the area—that as the years progress the subsidy becomes progressively less which means that the local people are finding it increasingly difficult to maintain a youth organiser in their company.

I believe the new organisation as envisaged under this legislation would do well to review its system and the entire approach to youth work. I understand this will be done, and I am sure it will continue to be done.

I would now like to emphasise the difficulty in some areas, particularly in country districts, where the local authority concerned may not be over strong financially, and where there may not be a large number of people but where those concerned are very keen to help the relatively few young people remaining in the community. This is most commendable.

The people concerned have gone a certain distance in helping to provide a full-time or a part-time youth organiser. May I explain that the youth organisers in country districts do not assist only the youth of a particular town in a particular district. By way of example I could instance the town of Manjimup where the

youth organiser there—if my memory serves me right—visits the smaller towns like Pemberton, Northcliffe and Walpole. When the Shannon River mill was operating the organiser would also visit Shannon River.

Accordingly he does not necessarily confine his work to the youth directly associated with a particular town but to that of the entire district at large.

I believe the new concept of the organisation we are discussing today must have some regard for the situation in country areas and, as I have already said, I am sure this will be done. I am a little concerned that where district youth centres have been established in smaller rural communities they may be permitted to drift apart and fall apart. I think we all appreciate the handicaps that face the people in smaller rural communities today.

People in these smaller communities are handicapped to the extent that there is a natural drift to the more populated areas, and it is therefore vital that we should weigh in with a greater amount of money in an effort to cater for the youth in these more sparsely populated areas than perhaps those in the more populated areas. In other words there should be greater financial assistance somewhere along the line to help the youth in our rather sparsely populated areas.

I do not entirely disagree with the principle of progressive reduction in subsidies from the Youth Council to various organisations, because the very essence of success must be derived from the people associated with the centres—the church organisations, the Girl Guides, the Boy Scouts, or whatever they may be; they must take an active part in this work and accept the responsibility of not only guiding youth but of raising the necessary finance. This is the responsibility of the community and of youth.

I am concerned, however, that the responsibility may weigh too heavily on some of these organisations, particularly where the necessary facilities have already been established and, indeed, are tending to founder because of a lack of financial support. It would be a great tragedy, after our having encouraged youth to do certain things and to partake in youth activities in various areas with a view to helping them become good citizens, if this scheme were allowed to fall into disarray because of a lack of finance.

I hope due regard will be had for the needs of the young people under the new concept, particularly those in our rural communities. There are some who may take the view that I am a little one-eyed in this matter. But I do not think I am taking a one-eyed view but rather a practical view, particularly as this relates to country areas where we must have regard for distance.

We must appreciate the fact that a number of the people in these areas live away from the youth centre which is usually associated with the largest town in the area. In some cases it is necessary for them to travel many miles from their farm homestead or from the neighbouring town or settlement, and this involves expense for either themselves or their parents. The parents usually have to bear the expense and thus it is the parents who suffer a considerable disability.

Accordingly I do not think I am being one-eyed; rather do I think I am being practical in trying to meet the situation with a view to deriving the maximum benefit for the youth of our community.

I recognise there is also a need for youth guidance in our metropolitan area, just to quote another region; but I do again stress the great need for such guidance in our country areas. I am particularly concerned about the comparatively small country communities whose need for this type of assistance is very real.

I trust the new concept for the organising of youth under this legislation will be catered for with a great deal of sympathy by those charged with the responsibility to do so.

THE HON. R. F. CLAUGHTON (North Metropolitan) [5.27 p.m.]: Like other speakers I too support the Bill. I feel the measure would have come before Parliament whether or not there had been a change of Government. For some time there has been discussion between the people directly concerned with youth activities in this State in an effort to find some better arrangement for conducting the necessary services. The Bill before us is the result of these discussions and thoughts.

I know from experience in my own electorate that several district youth communities have been established with help from the council. The purpose of the existing legislation is to involve the local authorities in this aspect. At this point I would like to praise the City of Stirling for the manner in which it has contributed some $20,000 or more for the provision of a community recreation centre. This is a considerable sum, and I would like to record my appreciation for the action taken by the City of Stirling for also making allocations elsewhere within its local authority district.

I think the arrangements have worked reasonably well in the past. Mr. Clive Griffiths quoted a figure of 85 per cent. which related to those between the ages of 15 and 19 years—those who have left school—and who are still uncommitted to any particular organisation in the community. In the formation of the committee, which is called the West Stirling Youth Committee, a survey was conducted by the Swan Jaycees which came up with figures

similar to those provided by Mr. Clive Griffiths, and which led directly to the establishment of the district youth committee.

Several organisations interest themselves in the field of youth. Some of these are the Youth Council, the National Fitness Council, and the Education Department. The last mentioned provides youth education officers, whose task is to assist in the co-ordination and promotion of youth activities in each district, to attempt to maintain contact with the children as they leave school in an effort to direct them into existing organisations, and to render assistance to existing organisations as far as possilbe.

The particular committee to which I have referred, in association with the youth education officer appointed to the local high school, has conducted youth leadership and other similar courses. Apart from youth education officers, district youth officers are also appointed, but I am not certain who pays them. Youth education officers are paid by the Education Department, and a set proportion of their time must be spent in the schools so that they maintain contact with the school children. There would be little value in the appointment of youth education officers if their time were spent away from the schools and they did not have contact with the school-leaving group or were unable to direct them into suitable organisations.

Members will see that three separate groups—the National Fitness Council, the Youth Council, and the Education Department—have been working in the same field, with an overlap of duties and services. Obviously it is desirable that this duplication of services should be eliminated if possible. The Bill before us seeks to achieve that objective.

The measure provides for a wide range of youth; it is not concerned merely with the left-school group. One of its objects is to encourage recreational and other community activities, which include much more than simply the left-school group. It includes cultural activities which in the long term possibly could encompass a much wider field than simply sporting groups, boy scouts organisations, church youth groups, Y.M.C.A. groups, etc.

I notice that right through the Bill reference is made to "the Minister"; but no reference is made to who is the Minister. I suggest that clause 4, which contains the definitions, could be amended to include that "the Minister" means the Minister for Recreation. I suggest the administration of the Bill should be the responsibility of the Minister for Recreation and not the Minister for Education, because there is an obvious difference between the two portfolios even though at the moment the same Minister handles both of them.

If we leave it to the Minister for Education we may lose some of the emphasis the Bill seeks to direct to the efforts of the proposed new council. I suggest to the Leader of the House that thought be given to including the definition that "the Minister" means the Minister for Recreation.

Quite apart from the many youth activities engaged upon in the State, a new activity has emerged which I would like the Leader of the House to bring to the attention of the Minister for Education. I refer to a new sport known as orienteering. It is similar to the activities carried out by boy scouts, although it is directed more at bush walking and hiking. I cannot think of the term to describe it.

The Hon. G. C. MacKinnon: Like the venturer courses?

The Hon. R. F. CLAUGHTON: It is similar to those activities in which car drivers must do their own navigation in order to reach a certain point, except that orienteering is carried out on foot in bush country. It was recently established as a compulsory subject in Victorian schools, and it is being instituted as an international sport. An international competition has been organised. It is an activity which could possibly be taken up in this State.

I will not weary the House with unnecessary words on the Bill. I support it. I think in the long term we will see the development of a wider field of activities for youth in general, and the measure will not be aimed simply at the activities of the 15 to 19-year-old group.

If the people in that age group are to be made part of our community, and not disorientated from it, we must include them in all the activities of the community The hall I spoke of in my district is, I believe, nearing completion, and it is to be known as a community recreation centre. It will be available to all age groups, although it has been built specially to cater for the 15 to 19-year-olds. The intention is that the inclusion of all age groups will make the 15 to 19-year-old group feel part of the community, and that those young people will be encouraged to participate in community activities. I support the Bill.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [5.39 p.m.]: Firstly, I thank those members who have spoken for their support of the Bill. Mr. Clive Griffiths referred back 27 years to 1945, and I was particularly interested to hear how our ideas regarding youth activities have changed in that relatively short period. This demonstrates that if one lives with something one fails to notice how it changes. However, when we read of it in the stark reality of print, we realise a vast change has occurred.

The basis of the legislation is amalgamation, and it is being enacted in the hope of providing better coverage for youth activities throughout the State. Of course, the amount of money spent on such activities could never be sufficient. One of the great disappointments which emerges in this field is that one never gets a continuity of men who have engaged, as youths, in such activities returning to give guidance to other youths.

The Hon. G. C. MacKinnon: Many come back after a few years.

The Hon. W. F. WILLESEE: Yes, many do; and without them many youth organisations would crumble and die. As Mr. Ferry said, in small communities it is absolutely essential that continuity be maintained. However, it is not always maintained and for many reasons. Married life presents its own problems and a man must establish his own priorities, which often preclude the spending of his time and money and his travelling to various places for the purposes of youth activities.

The Government must maintain a continuity of effort to keep youth activities before the eyes of the public and, in particular, before the eyes of youth. That effort must be directed throughout the whole State—in country towns; larger, outer towns; and in the metropolitan area. We must provide entertainment and training which will help ultimately to make our youth good Australian citizens.

The point raised by Mr. Clive Griffiths regarding the age limit applied by the West Australian Football Association, which affects 2,000 to 3,000 young people, is typical of what happens when such organisations make decisions. I do not intend to speak for or against that position because I do not know the reasons for the decision, nor am I an ardent supporter of junior football clubs. However, many sports are available to young people. Once we have encouraged them to take an interest in sport, they can turn to many other sports. They need not necessarily engage in the one in which they have been trained; they may turn to other forms of maintaining physical fitness, whether on the beach and in the surf, or in other forms of athletics.

I would hope the proposed merger is successful and that the youth training concept continues to grow. I do not think the point raised by Mr. Claughton is one about which we need worry. He suggested the Bill should fall within the administration of the Minister for Recreation instead of the Minister for Education. At present the same Minister handles both portfolios, and I do not know whether there would be any advantage in attaching the administration of this measure to one or other of those portfolios in the event of their being separated. Of course, it would be for the Premier of the day, when allocating the portfolios, to determine this matter.

Irrespective of the Minister who should be in charge of this legislation, the ultimate effect of the measure lies in its result; and in the main the result lies with the people throughout the State who are appointed to these organisations, and with the particular officer who is trained in these matters.

This is very much a community effort from town to town, and from district to district, based on Government support which *in toto* will be fractional; but such support is essential because it is necessary to give encouragement and to provide the right type of training. For that reason it is necessary to introduce such professional elements into the council.

I thank members who have spoken in the debate for their support of the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by The Hon. W. F. Willesee (Leader of the House), and passed.

PREVENTION OF EXCESSIVE PRICES BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by The Hon. W. F. Willesee (Leader of the House), read a first time.

Second Reading

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [5.51 p.m.]: I move—

That the Bill be now read a second time.

This Bill, introduced for the prevention of excessive prices being charged for commodities, is a policy Bill prepared by the Government and presented to Parliament as a result of the previously declared election policy to legislate for the control of excessive prices.

Emanating from war-time prices control administered by the Commonwealth Government between 1939 and 1948, and relinquished by the Commonwealth in that year, State Governments assumed responsibility in this field. Since September, 1948, prices in New South Wales have been subject to control under the provisions of the Prices Regulation Act, 1948-49. Under that Act the Minister may declare any goods and services to be subject to control and may remove or reimpose controls on any item.

The Prices Commissioner is empowered to fix the maximum prices at which declared commodities may be sold or supplied, and to investigate the price of any goods or services whether declared or not.

General control of prices in New South Wales was progressively modified after 1952 and suspended in 1955.

The Hon. A. F. Griffith: You said that New South Wales suspended price control in 1955. Earlier in your speech you said that prices control has been operative in New South Wales since 1948. How can you say, therefore, it has been effective in that State since 1948?

The Hon. W. F. WILLESEE: I read from my notes, the revelant parts of which are—

> Since 1948, prices in New South Wales have been subject to control under the provisions of the Prices Regulation Act, 1948-49.

Further on I said—

> General control of prices in New South Wales was progressively modified after 1952 and suspended in 1955.

The Hon. A. F. Griffith: So prices control is not operative in New South Wales?

The Hon. W. F. WILLESEE: The Act may be in force, but it is not operative. Controls were temporarily reintroduced on a limited range of goods and services between 1955 and 1956. Control on bread was reintroduced in December, 1957, and on motor spirit in May, 1959. The maximum prices for these commodities have since been set by the Prices Commissioner. Many other commodities and services remain declared under the Act and maximum prices are not fixed by them. Milk, gas, electricity, coal prices, and rents are subject to control under other Acts.

Queensland, under its Profiteering Prevention Acts, has had price control machinery since 1920. The current legislation—the Profiteering Prevention Act, 1948-59—follows the same pattern as the New South Wales Act, except that a prices advisory board, consisting of the Under-Secretary of the Department of Labour and Industry, the Commissioner of Prices and an officer of the Department of Agriculture and Stock is established. The functions of the board are to advise the Minister with respect to the principles to be used by him in setting maximum prices or rates for declared goods and services.

At the moment no prices are controlled by the Commissioner of Prices, but the legislation has not been repealed and controls could again be imposed at any time.

In South Australia a system of price control over goods and services is still maintained under the Prices Act, 1948-70, which empowers the Governor to declare by proclamation that any goods or services shall be declared goods or services or shall cease to be goods and services for the purposes of the Act.

Under the South Australian Prices Act the Minister may by order fix and declare the maximum—and in some cases the minimum—prices or rates at which goods or services can be sold or supplied through the State or in any part of the State.

The South Australian legislation also provides for the appointment of prices advisory committees to make recommendations to the Minister on such matters arising under the Act as are referred to them by the Minister.

It is understood that there is no price control legislation currently in the Statute books in either Victoria or Tasmania, although two attempts to introduce prices legislation during the past two or three years in Tasmania have been made without success.

The controls proposed to be available by this Bill are not intended to be used to apply an "across the board" or "blanket" price control policy, but rather as its title implies to provide ways and means by which consumers may be protected from apparently excessive rises in prices of goods and services.

The Bill does not empower the fixing of minimum prices but deals only with the fixing of maximum prices and rates, as it was considered that the object of fixing of minimum prices was unnecessary in the light of today's economic climate.

It is considered that the existence of this legislation could well have the effect of acting as a curb on price rises, in that manufacturers of goods and suppliers of services will be aware that they could well be called on to justify any rise in price.

The Bill provides for—

(1) the establishment of prices advisory committees;

(2) the appointment of a prices commissioner;

(3) the regulation of prices and rates on the recommendation of a committee;

(4) the selective enforcement of maximum prices and rates as may be set.

The Bill will not affect and cannot be applied against any prices or rates made under the following Acts:—

Dairy Products Marketing Regulation Act, 1934;

District Court of Western Australia Act, 1969;

Electricity Act, 1945;

Hospitals Act, 1927;

Legal Practitioners Act, 1893;

Local Courts Act, 1904;

Marketing of Eggs Act, 1945;

Metropolitan Water Supply, Sewerage and Drainage Act, 1909;

Milk Act, 1946;
Motor Vehicle (Third Party Insurance) Act, 1943;
Rights in Water and Irrigation Act, 1914;
Supreme Court Act, 1935;
Taxi-cars (Co-ordination and Control) Act, 1963;
Transport Commission Act, 1966;
Wheat Industry Stabilisation Act, 1968;
Wheat Products (Prices Fixation) Act, 1938;
Workers Compensation Act, 1912; and
any other prescribed Acts.

The foregoing Acts make provision for the commodities which they cover, while the provisions in this Bill cover only those commodities or services not already catered for.

The Governor may establish one or more prices advisory committees as considered necessary to advise the commissioner as to whether maximum prices should be fixed and declared or continue in force.

A committee so established would also be required to investigate any matters which the prices commissioner may refer to it and may on its own initiative investigate any matter within its terms of reference.

A committee so established shall upon the request of the Minister, or if it considers it to be in the public interest to do so, submit a report to the Minister on the results of its investigation and include any recommendations which it considers necessary or desirable.

Any such report submitted to the Minister shall be laid before each House of Parliament as soon as practicable after the receipt of the report.

An important qualification in the Bill then directs that the functions and obligations of the committees, as just outlined, will relate only to the goods and services for which they were established.

A committee, when proposing to investigate any matter referred to it by the Minister or the prices commissioner may, and shall if required by the Minister, publish a notice in the *Government Gazette* specifying:

(a) the subject matter of the investigation;

(b) the manner in which any interested person may apply to be heard or give evidence.

If such notice is published in the *Government Gazette* it shall also be published in any other manner considered desirable to bring it to the notice of the public.

Such a committee, when carrying out an investigation, may authorise one or more of its members to conduct the investigation and to hear the evidence. A committee may also request the assistance of the prices commissioner in the conducting of an investigation.

The Governor may from time to time—

(a) add any goods or service to; or

(b) delete any goods or service from,

the goods and services in respect of which a committee is established.

The members of all committees shall be appointed by the Governor and consist of a chairman and equal numbers of trade and consumer representatives who shall hold office for such periods of time as are fixed by the Governor.

The trade and consumers' representatives appointed to a committee may within twenty-one days—

(a) of the date of their appointment;

(b) of any vacancy subsequently occurring in the office of chairman of that committee,

submit to the Governor the name of a person who is willing to accept the office of the chairman of that committee and who is, in the opinion of all those representatives, suitable for appointment as chairman of that committee.

Such nominated person shall be appointed chairman of the committee but if no such nomination is made the Governor shall appoint such person as he thinks fit to be chairman.

A meeting of the committee cannot be held unless the chairman and at least one trade and one consumer representative are present. All members of the committee, excluding the chairman, have a deliberative vote and any recommendation of the committee must be supported by a majority vote of its members. In the event of a tied vote the chairman may exercise a casting vote or adjourn the matter for consideration at a future meeting of the committee.

Where a vote is taken on any matter before a committee meeting and all the trade representatives present vote in a certain way and all of the consumer representatives present vote in the opposite way, the vote shall be considered to be equal.

Provision is made for the conditions under which committee members shall be deemed to have vacated office. Other clauses providing for remuneration and leave of absence for committee members are included in the Bill.

Clause 10 provides for the appointment of a prices commissioner who may either be appointed by the Governor for a term not exceeding seven years or, alternatively, he may be appointed under the Public Service Act, 1904.

The commissioner will have only the powers and duties specifically given to him by the Bill. For administrative purposes he will be subject to the control of the Secretary for Labour as his permanent head and, of course, beyond that to the Minister. Officers appointed to assist the commissioner shall be appointed under and subject to the Public Service Act, 1904.

Amongst other functions the commissioner is obliged to furnish to a committee or committees any information obtained by him in the execution of the Act or in the exercise of his powers under the Act.

The commissioner, by publishing an order in the *Government Gazette,* may upon the recommendation of a committee fix and declare the maximum price or rate at which any goods or services may be sold or supplied either generally throughout the State or in a specified area within the State. In explanation, he could set a price for, say, the North-West or some other specified area.

The methods by which the commissioner may fix and declare maximum prices and rates are clearly indicated in clause 12 (2) of the Bill. Amongst these methods is provision for prices to be fixed and declared on a basis conditional on specific circumstances which may be set by the commissioner. For example, the commissioner may fix a price and provide for a variation on that price in the event of an increase in wages, salaries, or production costs. However, the commissioner cannot fix and declare a maximum price for any goods or services unless either—

> the goods or services are, or have been, the subject of an order previously made and published in the *Government Gazette;* or
>
> A committee has advised the commissioner that a maximum price or rate should be fixed or declared.

It is provided in a further clause that the commissioner may fix a maximum undivided remuneration for a transaction that involves both the supply of a service and the sale of goods.

It is further provided that any order published by the commisioner may be, by any subsequent order of the commissioner, suspended, extended, or modified by publication in the *Government Gazette.* In the event of such action being taken by the Minister the commissioner shall not make any further order in respect of the goods or services which were the subject of the notice unless he has the consent of the Minister.

The commissioner is obliged to publish a list of goods and services subject to control in the *Government Gazette* in June of each year, and at any other time that he considers desirable. Any such list published must include the date on which the order relating to the goods and services was published.

With regard to the powers of the commissioner, it will be an offence under the Bill for any person to sell or offer to sell any controlled goods or services at a price greater than the declared maximum price. If controlled goods are sold or offered for sale at a price in excess of the fixed maximum by a person on behalf of another person then the other person will be deemed to have contravened the prices order unless he can satisfy a court that the transaction or offer took place without his knowledge and that he had genuinely endeavoured to ensure the observance of the provisions of the Act.

Clause 27 defines an "offer" as a published statement, exhibited price, price list, or quotation given by a person selling the goods. It would also be an offence for a person to knowingly pay or offer to pay a greater price or rate for declared goods or services than that which has been fixed by an order of the commissioner.

Likewise it would also be an offence for any person who in relation to an agreement for the sale of any controlled goods or services offers or accepts goods less in quantity or quality to the goods purported to be sold.

There then follows in the Bill, a series of clauses designed to inhibit circumvention of the direction of the commissioner.

Likewise, a person shall not, without the written consent of the commissioner, effect any alteration in the mode of packing, recipe, or formula, or manufacture any controlled goods at an inferior quality to that which applied immediately before the date of fixation.

If a person sells or offers for sale controlled goods or services with any other goods or services, whether controlled or not, he must separately specify the price or rate of the controlled goods or services.

The Bill gives the commissioner power to prohibit a person or persons engaging in transactions involving controlled goods or services if he is satisfied that the transactions are aimed at usurping the provisions of the Act.

No person having possession of controlled goods or services for sale shall refuse to sell those goods or services at a fixed price. It would also be an offence for any person to sell controlled goods and services conditionally upon other goods or services being purchased. A penalty of $500 is applicable against any person or persons who contravene any of the provisions just outlined.

Certain powers somewhat similar to those in the Consumer Protection Bill, and agreed to by Parliament, are made available to the commissioner to assist him in his deliberations. The commissioner, or a duly authorised officer, in carrying out his duties relating to investigations and inquiries may, under this legislation, require any person to give him information and answer questions put to him and he may require such information to be given orally or in writing on oath, affirmation, or statutory declaration, but no answer, information, or document given or produced by him shall be admissible evidence in any prosecution other than in respect to an offence under this legislation.

The commissioner may, by written notice, require the production of any documents relating to his investigations or inquiries and he may at all reasonable times search any premises, inspect any documents, take samples of any goods, and inspect any service carried out on the premises. The commissioner may make a copy of any document inspected by him, and subject to his certifying it as correct, may present it to a court as valid evidence of the original.

On the other hand, and to assist the prevention or abuse of these powers, the following provisions are set out:—

In the event of an authorised person entering a premises he must show a signed authorisation by the commissioner.

The commissioner when entering a premises must present a signed authorisation from the Minister.

A person is not obliged to answer any question unless he has been advised by the commissioner that he is required and obliged to do so under the provision of the Act. A person may not refuse to give an answer or information requested on the grounds that it may incriminate him.

Penalties relating to these provisions are as follows:—

A person refusing to give information, answers, or documents, or who gives false information, is liable to a penalty of $200.

A similar penalty applies to any person who prevents or attempts to prevent or obstructs the commissioner or an authorised officer from entering a premises.

Any person who can show that he has not been informed under the Act to give information or answer questions or produce documents can use this as a defence in any proceedings taken against him under the provisions of the Act.

This Bill also gives the commissioner, or an authorised officer, power to require by notice in writing any person to submit a return outlining specified details of goods in his possession or to provide specified particulars relating to service provided. Such returns shall be verified by a statutory declaration.

Adequate protection is made in that any person holding office or who is employed under the provisions of this Bill is subject to a penalty of $500 if, for any reason other than in the performance of his duty, he divulges to any person any information which he has acquired concerning the affairs of another person. The commissioner may communicate any information to the appropriate authority regarding a breach of any Commonwealth or State law relating to the regulation of prices.

Likewise, the commissioner may refer to the Commissioner for Consumer Protection any information he may obtain which relates to the interests of consumers or a particular consumer.

A further provision allows that in the event of any proceedings under this Bill relating to the sale of any controlled goods or services at a price in excess of the maximum price or rate, a court may order the offending party to refund the amount of the excess to the aggrieved party. Also, the commissioner may by written authority authorise a person to make complaints for offences against the Act.

The Bill provides that the Governor may make regulations for the proper administration and for the achieving of the objects and purposes of the Act.

Those are the general terms of the legislation. It comprises one of a series of Bills which includes provision for the Parliamentary Commissioner, environmental protection, and consumer protection, and it is in effect a companion Bill to the consumer protection legislation.

I commend the Bill to the House.

Debate adjourned for one week, on motion by The Hon. A. F. Griffith (Leader of the Opposition).

Sitting suspended from 6.13 to 7.30 p.m.

NOISE ABATEMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by The Hon. R. H. C. Stubbs (Minister for Local Government), read a first time.

ACTS AMENDMENT (ABOLITION OF THE PUNISHMENT OF DEATH AND WHIPPING) BILL

Second Reading

Debate resumed from the 18th October.

THE HON. R. J. L. WILLIAMS (Metropolitan) [7.33 p.m.]: This Bill deals with one of the most serious topics ever likely to be discussed in this House. No amount of debate will persuade any member of this Chamber who is an abolitionist to become a retentionist; and no amount of debate will persuade a retentionist to become an abolitionist. Such is human nature.

It is significant that in this day and age —and also in other days and ages—abolitionists always make out a case. They make out a very clever case. They make out a case which, on the face of it, seems to be a very sound and certain case.

In this debate I am sure members will speak with a great deal of fervour and sincerity, and they will speak from the heart. Yet I wonder whether in fact what the debaters call "public opinion" is not a

mirror of their own emotions and feelings about this particular subject. I wonder whether in fact the very job we are elected to do—which is to represent our electorates —will escape us in a case like this.

It is very significant that when a similar debate took place in the British House of Commons the Labor Party was the Government of the day and it absolutely refused to introduce the Bill as a Government measure. It introduced the measure as a private member's Bill through a man who had for many years sought the abolition of capital punishment. That member was the late Mr. Sydney Silverman, who was the member for Colne in Lancashire at the time. The reason given by the Government for not introducing it as a party Bill was that it wanted as free and as exhaustive a debate as possible so that public opinion could be mirrored accurately in members' speeches.

It would be very easy to become highly emotive about a Bill such as this. It would be very easy to present cases in certain lights. But the abolitionist argument which I think is based on an entirely false premise is the statistical argument. Many Royal Commissions have inquired into the abolition of capital punishment. The first one was held over 115 years ago. The conclusion reached by the Royal Commissions was that the statistics relating to capital punishment were meaningless. Different crimes were categorised in different countries at different times and the interpretation of the statistics yielded no comparisons and no evidence whatsoever.

Professor Thorsten Sellin of Switzerland is acknowledged as being the greatest authority in the world on statistics in relation to homicide. He appeared before the British Royal Commission, whose inquiries took four years from 1949 to 1953. The commission comprised some very eminent people and cost somewhere in the region of £23,000; so no expense was spared, and the report—which anybody debating this subject tonight will have read—is exhaustive. All that the members of the commission could deduce from Professor Thorsten Sellin's evidence was the fact that statistics did not make out a case for either retention or abolition, and that statistics were not significant. Peruse the tables as one likes, one cannot say from the statistics that capital punishment should be either abolished or retained. There is no argument on that point, but the abolitionists and the retentionists tend to bring statistics into the matter.

I am not here to argue the case in that light. I will not use statistics because they have no valid significance, and if statistics have no significance they are worthless in any argument. Statistics can be twisted in any direction. The retentionists say, "This and this added together make this." The abolitionists say, "This and this make this, and capital punishment should be abolished."

The second ground—and it is a very old ground—on which the abolitionist attacks capital punishment is the definition of "punishment." He says punishment must be reformative or preventive and must act as a deterrent, and nothing else. This, again, is a false premise. The argument has been framed in this way over the centuries. It is argued that if one hangs a man one cannot reform him—that is too obvious for words—and that hanging does not constitute a deterrent or prevent murder.

I would like to give a definition of punishment. Members may have read this definition. It is not mine. It is the definition of Lord Justice Denning, an eminent jurist, who, with the Archbishop of Canterbury, gave evidence before the British Royal Commission. I will read the definition because I feel it throws an entirely new and different light on the whole matter. Lord Justice Denning said—

> The punishment inflicted for grave crimes should adequately reflect the revulsion felt by the greater majority of citizens for them. It is a mistake to consider the objects of punishment as being deterrent or reformative or preventive and nothing else. The ultimate justification of any punishment is not that it is a deterrent but that it is an emphatic denunciation by the community of a crime. From this point of view there are some murders which, in the present state of public opinion, demand the most emphatic denunciation of all; namely, the death penalty.

Lord Justice Denning had the greatest difficulty, and would find himself in a highly emotional state, whenever he was asked to pronounce the death sentence, with all the grim trimmings that went with it—the chaplain, the black cap; the lot. But he formed that opinion, and I say murder is a most odious crime, and that the people of the day reflect what society demands be done to the murderer.

There are obviously hundreds of cases of murder for which we would never dream of inflicting capital punishment. To do so would be, as it were, to lower oneself to the same level. However, certain categories of murder and certain crimes which are prevalent today are repugnant to the whole world. When I think back just a few short months to the events at Munich, and when I think about the acts of terrorism that were perpetrated there, with the slaying of 12 innocent people who were bystanders, no-one can convince me that the Israeli athletes were terrorists. They were in Munich to compete in certain games. They were in Munich for a purpose far removed from politics. But revulsion swept the world at the very thought of what occurred.

To come to our own doorstep—this State of Western Australia—when a certain criminal was running around shooting indiscriminately and killing at every opportunity, many a citizen spent many a restless night in his bed. The sale of watchdogs increased considerably. People did not know whom to trust and they would not answer the door after dark, so heinous and so reprehensible is the crime of murder. In this instance it was murder without cause and murder for murder's sake. Regardless of what abolitionists might think, how does one treat a person like that?

We cannot say capital punishment should be abolished when we have absolutely nothing in this State to replace it. Do not let us persuade ourselves for one minute that the reformative influences working in our Department of Corrections or in our mental health institutions are anything other than second or third rate —not because of the staff of those institutions but because of the very equipment and antique premises with which they have to deal.

Are we to say to the murderer that we will lock him up and throw away the key but we will not guarantee the community that he will never get out of that place again? Society demands what we should do with these people—not the members of either House of Parliament, unless they are reflecting public opinion as honestly as they can.

No-one will convince me that all supporters of the Liberal and Country Parties are pro-hanging. I have many friends in these parties who are abolitionists. Likewise, no-one will persuade me that all Labor Party supporters are abolitionists, because they are not. I have spoken to some of these people and it has even been suggested that rather than abolish capital punishment it should be extended. This issue cuts across party politics—it is humanity of which we are speaking.

The Royal Commission report, paragraph 21, goes into the complexity and the reasons for murder. When I believe that society is ready to accept all the failings that are listed in the report, I will then be ready to stand here and say capital punishment should be abolished. The theory behind the belief of the abolitionist is a tremendously admirable one but it works on the base and false premise that society itself is absolutely perfect—although I agree we can strive for perfection.

If we look at the history of capital punishment we realise that public opinion has altered with the passing decades. No member sitting in this House tonight would see a child of nine hanged. Nobody would see a man hanged today for stealing a sheep or a horse. And yet, years ago these were quite common executions.

Centuries ago a man could be sentenced to be hanged, drawn, and quartered for a trivial offence. This was the most savage sentence possible—the criminal was disembowelled whilst he was still choking. In those days hanging was not the science it is today—the criminals were choked to death and they were left hanging until they died. However, while they were still breathing the job of the executioner was to disembowel the victim and scatter the bowels to the dogs and people around. The victim was then quartered—split down the middle and cut across the other way—and the four pieces, along with his head, were impaled upon the city wall to act as a deterrent to other offenders. The man's crime was probably trivial by today's standards.

This report points out that judicial hanging today is as clean a type of punishment as man can devise. It is terrible in its finality, but from the time the executioner opens the cell door, only nine to 25 seconds elapse before the criminal is dead. Try as the Royal Commission could, it could find no other form of execution which would supersede judicial hanging. This is summarised in paragraph 21 on page 6 of the report of the Royal Commission which says—

> Yet there is perhaps no single class of offences that varies so widely both in character and in culpability as the class comprising those which may fall within the comprehensive common law definition of murder. To illustrate their wide range we have set out briefly, in Appendix 4, the facts of fifty cases of murder that occurred in England and Wales and in Scotland during the 20 years 1931 to 1951. From this list we may see the multifarious variety of the crimes for which death is the uniform sentence. Convicted persons may be men, or they may be women, youths, girls, or hardly older than children. They may be normal or they may be feeble-minded, neurotic, epileptic, borderline cases, or insane, and in each case the mentally abnormal may be differently affected by their abnormality. The crime may be human and understandable calling more for pity than for censure—

Whilst I am reading the definition of the classes or murder, I would ask the House to think of murders which have occurred in this State. To continue—

> —or brutal and callous to an almost unbelievable degree. It may have occurred so much in the heat of passion as to rule out the possibility of premeditation, or it may have been well prepared and carried out in cold blood. The crime may be committed in order to carry out another crime or in the course of committing it or to secure escape after its commission. Murderous

> intent may be unmistakable, or it may be absent, and death itself may depend on an accident. The motives, springing from weakness as often as from wickedness, show some of the basest and some of the better emotions of mankind.

The report quotes three cases of cupidity, one of revenge, one of lust, three of jealousy, two of anger, three of fear, one of pity, one of despair, one of duty, one of self-righteousness, and one of political fanaticism. In some cases there was no intelligible motive at all. Do we legislate for the whole range of human emotions? That would be an impossible legislative task. It does not mean that we should not strive and keep striving towards the goal of finding a solution.

It could be that the very speech I make tonight will be ancient history in a matter of five years. It does not do any good to blind oneself to the fact that when murder is committed a death has occurred. I pray God that nobody in this House tonight has ever been touched by crimes of violence. One can only conjecture the misery and the agony of the family when the crime of murder touches its door.

We sometimes tend to forget the victim and all our human pity and sympathy go to the murderer. In certain classes of murder this attitude is well justified, but in other cases there is no justification for it at all.

I would like to refer to some of the murders which are reported in this volume and I would ask members to make up their own minds as to the category into which they fall and what the punishment should have been. The first murder I will refer to is No. 35 in the report. How would our community react to a crime such as this today—

> An unemployed labourer caused the death of a little girl aged 8 or 9, by asphyxiation due to severe pressure on her chest, in the act of raping or attempting to rape her.

The mind absolutely boggles at this crime. I wonder how the parents felt when they were told the cause of death of their child. The man was executed for his crime and I suppose any father who was half a man would have been prepared to throw the lever on that criminal. It is of no use saying that the man was deranged, abnormal, or insane. Lust took over and blinded him to everything. He killed a little girl of eight or nine years. Could anyone feel pity for such a man or believe that he should not suffer the final punishment?

I will now refer to case No. 39, and this is the case I mentioned where one has compassion for the murderess. The report quotes—

> A woman gassed her son, aged 30, a hopeless imbecile, who had to be attended to like a baby. She had been told that she must enter a hospital immediately to undergo an operation. she at first said that she could not have the operation because there was no one to look after her son, but it was made clear to her that she could not live for more than six months unless the operation was performed.

So she gassed a 30-year old hopeless imbecile whom she had looked after for 30 years. The jury brought in a strong recommendation for mercy and the woman was reprieved immediately.

If members go through the 50 reported cases and read the sentence of the court and whether the person was executed or reprieved, I think everyone would agree that, on balance, justice was done—if we accepted Lord Justice Denning's definition of punishment.

Some people will state that capital punishment is not a deterrent and produce statistics to prove it. As I said, the same statistics can be produced to disprove it.

It is well known in criminal circles, and was well known prior to the abolition of the death penalty in the United Kingdom, that a professional criminal going out on a job with a gang would seek a declaration from each man that he was not carrying firearms. If any one of the men on a job used a firearm in the commission of a crime, and somebody was murdered, not just the person who used the firearm but the whole gang were, in criminal slang, liable to be topped, and in most cases were topped. Therefore the criminal in England never carried a firearm.

If members will look at the statistics again in the light of these facts they can draw their own conclusions. I will not use the statistics in my argument.

When we speak about capital punishment, we speak about something which strikes terror into the hearts of most people because of its finality. One pound of pressure on a trigger in a desperate situation and the effect of the fired missile is final also—absolutely final. There is no recovery from it. If we think of capital punishment as a deterrent, then we must remember that it is more likely to act as a deterrent against the premeditated type of murder than against the impulsive one. Generally speaking, the type of murderer who is reprieved is usually an impulsive one.

It is more likely to deter a normal person than it would one who is mentally abnormal. What we have to bear in mind is that there are more normal people in the community than there are those who are mentally abnormal.

Several cures have been attempted to reform murderers. I think the Nullarbor Plain has acted as the best barrier against crime in Western Australia; better than any barrier man could have ever devised.

In this State we are living in a society which, relatively speaking, compared with other States of Australia, is a paradise so far as the incidence of crime is concerned. In this State we do not get the organised professional brutal crimes committed to the same extent as they are committed in some of the Eastern States. One day I asked a criminal this question: Why do you not practise your gentle arts in Western Australia? Firstly he replied that there was not a great deal of profit in it, and secondly he said that our Police Force were not bent and they could not be bent. Finally he said, "I would not dream of it in case an accident accurred, because we know what penalty you have left in your State."

Do not let any member disillusion himself about the professional criminal. As the term implies, he is exactly that. He is a professional, and certain people in the community who come within that category will stop at nothing. It could be that in a few years to come we could get an influx of organised crime into this State. We will no doubt get an influx of people who extort confessions from fellow criminals by standover tactics such as removing their toes with bolt cutters. We might even get a big influx of drug pushers into this State. I noticed a Press statement by a Queensland judge the other day in which he said that if he had his way he would execute the drug pusher because that man was responsible for very many slow lingering deaths. The learned judge must have felt very deeply about the position.

If organised crime does appear in any community to a large extent, then all members of that community have to readjust their way of life and their way of thinking. Is it right that we should attempt to reform criminals? I can cite the case of one criminal who committed the offence of sexually assaulting two little girls. He was put into a criminal lunatic asylum—which is something we do not have in this State—and after five years the doctors considered he was partially rehabilitated and released him from the maximum security section of that particular place. Within 24 hours of being released from maximum security he mounted the wall surrounding the asylum and had committed the self same crime again. This was despite the fact that he had had five years' treatment. He was mentally abnormal.

However, society has a right to be protected from even the mentally abnormal, and what facilities have we in Western Australia for the reformation of these people? As I said earlier, we have very few indeed; in fact, so few are they that it is only due to the dedication of certain personnel within the penal system that we have a glimmering of any reform.

If one allows a murder to be committed indiscriminately, I venture to suggest that that crime committed by a person who murders to avoid being identified with a view to making his escape, could become very prevalent. The police officer who is attending to his duties and attempting to apprehend the miscreant could get shot and killed. That is no flight of fancy, because such a case has recently occurred.

If we, as a society, afford no protection to law enforcement officers, we are guilty of exposing them to a risk that is over and above their call of duty. From time to time members of our society could callously say, "But they are paid to do the job; they volunteer to do it." However, it is society's wish that they do the job and do it properly, and therefore they must be afforded every protection the law can give them. If that protection must be capital punishment, so be it.

If capital punishment will deter people from committing any crime, or carrying an offensive weapon in order that they may escape from the scene of the crime undetected or unidentified, then we should retain that penalty, because as that is an organised and premeditated act such people should not be allowed to escape the full consequences of it. If we say, "No death penalty, but just go to gaol for life," the fond image that is created for society in this day is that life imprisonment means just what it says—imprisonment for life. However, we who know the facts realise that this is not the true position. There are some offenders who do not serve more than 10 years of their life sentence.

The Leader of the Opposition in this Chamber, in his time, had the unenviable task of being the member of Cabinet who made the decision on many of these cases as to whether or not the Royal prerogative should be exercised. Nobody would envy him his task, but if one looks at the statistics prior to and during his term of office, 25 people were serving 10 or more years for the crime of murder—wilful or otherwise—but they were serving life imprisonment, and up until 1966 some 25 of those people were held in Fremantle prison. If we check the records today we will find that only five of them now remain in that prison. Twenty have been released and are among the members of the community. Each case was judged on its merits.

In that particular time, a few were hanged. They were considered to be beyond reformation. It was not the judge or the politician alone who made the decision on the fate of those men. Doctors and social workers were also involved. In other words, even after the court had passed sentence, every avenue was explored to ensure that those men either paid the full penalty or some ground was found for their reprieve.

If we talk to members of the legal profession we will find they exhaust every possible avenue in an endeavour to ascertain whether or not this final sentence should be carried out. No doubt in this

debate some members will say that mistakes can be made; that a man can be wrongfully hanged. This is the great peg on which abolitionists hang their argument at the moment, but can they point out, very definitely, and say without fear or favour, that anybody in this State has suffered the fate of a judicial hanging and that it was a mistake; that the person was innocent? If they can bring forward one sc ntilla of evidence to prove that, we should vote for the abolition of capital punishment.

The abolitionsts will cite the case of Timothy Evans and will say that he was hanged by mistake. I venture to suggest that Timothy Evans was hanged for the wrong murder; that is all. One cannot debate the merits or demerits of that case without opening up a much larger avenue for discussion. If we abolish hanging we may save a man's body at the expense of killing his mind and, with his mind, his soul. That is a dilemma which no abolitionist wishes to face. Every abolitionist wants to shove this point of view underneath the mental carpet; they do not want to know about it. As far as they are concerned the criminal has been locked away and that is the end of it.

They say that people who advocate capital punishment are inhuman, but in my opinion they are more inhuman, because they deliberately set out to allow a man's mind and soul to rot in incarceration.

What are the alternatives to the supreme penalty? Much has been said about a man being a psychopath, but we will never get a psychopath beyond the age of 40 or 42. After a man reaches that age there is no such thing as a psychopathic killer, because after that age a man has very little chance of becoming psychopathic. If members doubt what I am saying let them read the mental health case books concerning psychopathic cases.

If we feel that the people we represent are revolted by certain crimes practised in society, I say we have to consider the case very carefully. We often speak of public opinion, but I would like to see this debate carried on outside this Chamber among the people to obtain their expressions of opinion. If necessary, I would like to see a public meeting to hear the pros and cons of the question put forward by members of the public. By this means we would get them to understand what hanging means and what the abolition of capital punishment means. We could get the Press and the mass media to present an unbiased point of view of both sides of the argument. We should not leave the matter to be debated by politicians alone, because it is the sanctity of human life we are talking about in a society we are trying to make perfect.

I believe that public opinion—if it is possible to obtain an accurate public opinion—is ready to state that it is desirous to show great mercy to some murderers; those weak-willed people; those who are victims of circumstances, who murder in a fit of temper or as a result of some severe nervous strain. I always imagine a murderer as a pathetic and weak character who has found the strain of life too much and has done something desperate. I believe that the public is willing to show great mercy towards such a person, but I do not believe the public is willing to show much mercy to those who practise great violence, or those who elect to live a life of violence.

Sometimes we can be excused for living in a rarified atmosphere. In saying that, many people accuse us of being out of touch, but I do not think anybody is out of touch with the kind of violence that is gradually creeping into our society and which is becoming harder to eradicate.

We are not accustomed to death by the knife, and yet to some people, because of their country of origin, this is quite a natural way of dealing it out. People are not accustomed to crimes of violence in which a bottle is smashed and jabbed into a man's face perhaps causing the loss of sight or even death. I believe we must look at certain ethnic groups. A case quoted in the report to which I have referred is of a Chinese boy who went halfway round the world and eventually met up with the man he was seeking in a Chinese hostel in London. He killed that man because he had killed his father. Under Chinese law it was considered a filial duty to avenge one's self upon one's father's killer. The Chinese boy was tried. He was not acquitted but he was reprieved.

As I have said, public opinion deals harshly with violent people. We must always remember the words of an eminent British jurist (Sir Archibald Bodkin) who said—

> Law is not a pendulum to swing backwards and forwards. It is a stable, stern thing based on the experience of centuries.

We do not write the law as if it were something fresh. We write it in the light of experience. Our Criminal Code is exactly the same as the Criminal Code of Queensland. In point of fact, it was Queensland which codified it first and we adopted it in 1913.

We cannot tinker with the law because of expediency. We cannot push it to one angle one day to suit a particular style of government, and then push it to the other side the next day because of another style of government. To do that is to destroy the very roots of society.

We must beware, when we argue this point, of attaching too much importance —and I have done it a lot tonight—to the problems experienced in other countries; countries with a tradition different from our own and with a different population; countries with the special problems of

large cities and considerable slum areas; countries with different conceptions of law and justice representing problems essentially different from those with which we must deal. We must decide this matter for ourselves in the light of our own conditions and with due regard for the moral and social standards which have been built up in this country.

If, in the fullness of time, we make progress slowly, we may have done the community a greater service than to denude it of what it thinks it has in the form of a deterrent. If we abolish capital punishment now, we may be too premature. We may find ourselves later wishing we could restore it to the Statute book to help us deal with some particularly heinous crime to which we had never given thought. It comes to something in this day and age when one feels a little apprehensive about going on even an ordinary aeroplane flight.

I believe that these heinous crimes—the planting of a bomb on an aircraft and acts of terrorism committed by people without fear of retribution—are only the forerunners of much worse crimes. I fear that the abolitionist has a case, but I do not think the time for that case is here.

Hanging is repulsive. No-one will deny that statement because, when a hanging occurs, a life is taken; but the repulsion to that is mirrored in the normal community and premeditation by a normal person would sometimes cause him to stop and say, "It is not worth it. I do not want to lose my life because of this act." The strongest instinct in man is self-preservation; he does not want to die. That is how the very human race has survived. However society demands, as it is entitled to, the fullest protection we can give; and if it will deter any one person from committing a single murder, then as the law it has done its job.

This Bill deals with two subjects. It deals not only with the abolition of hanging, but also with the abolition of whipping. No-one in the House would consider that whipping, as whipping is understood —that is, with the cat—should be retained. It mutilates the body. However, having said that, I am not so sure that among some of the cures of present-day acts of vandalism should not be included birching or caning. I am not so sure that not the pain inflicted by that particular punishment, but perhaps the humiliation of it, would not pull to their senses some of those who perform these acts.

Some acts of vandalism are responsible for great grief to many people who save like mad to get what they want in life only to have someone destroy it. Only five days ago I was talking to a person who had really saved hard, and his pride and joy was a vehicle without a scratch on it. What happened? Some joy rider came along, whistled off with it and then proceeded to wreck it systematically. The owner will have a bill for $500 or $600 just for repairs to the interior, if it can be restored; and what will happen to the culprit? Possibly he will be fined $10 or will be placed on a bond.

I sometimes wonder whether, if such offenders were humiliated with perhaps a sharp physical reminder, they would not be deterred from committing a subsequent similar offence.

Having said that, I hope I have given the House sufficient ammunition with which to fire back. This is not the time to abolish capital punishment for certain types of murder. To do so, and to demand it, is a betrayal of the people we represent and who demand the security this Parliament can offer them. Let us have a little more thought for the victim and the victim's family and their mental agony, and less thought for those who perpetrate their brutal outrages upon society.

THE HON. W. R. WITHERS (North) [8.25 p.m.]: I cannot agree with this Bill. In fact if it were within my power I would broaden the use of capital punishment so that it would apply not just to some murderers but also to pack rapists, to twice-convicted drug pushers, to those who kill a policeman while he is on duty, and to terrorists who use poison, poison gases, bombs, or arms against the public. I would also impose the death penalty upon those who are called hijackers; those who take any public conveyance whatever with the power of arms, and who take the conveyance while members of the public are travelling in it.

I realise I would only waste the time of this Parliament by submitting for discussion and debate an amendment along those lines, so I will contain my argument to the contents of the Bill.

We have been given reasons for the abolition of capital punishment. Some of them have been based on compassionate grounds. It has been said that no man has the right to take the life of another; but I use the argument that no human animal who has committed specific acts has the right to live; and if he has committed specific crimes he does not have the right to live in captivity either in or on the fringes of our society, whether it be in a hospital or a cell.

I suspect that the death penalty is not a deterrent to certain types of murderers, but it is a deterrent to some potential killers. I am sure that if we applied the death penalty to those responsible for some of the crimes I have mentioned previously, the incidence of hijacking, acts of terrorism, and pack raping would decrease in the world, and particularly in this State. Thank heavens we do not have too much of this at present, but it will increase.

I know that we, as Western Australians, have been partly insulated from certain of these terrible crimes, but many of us have experienced some of the attendant suffering. By that I mean many Western Australians; not necessarily many members of this House.

Those members who are in favour of the abolition of capital punishment and therefore of this Bill should consider their position in the event of their losing loved ones under the most hideous circumstances. Let us assume a member's child or grandchild was tortured, sexually assaulted, and slowly murdered. We will assume the criminal was apprehended and proved guilty. The evidence showed that this guilty, sadistic, perverted murderer tore the life from the body of his young victim and took tape recordings of the screams, the pleas and the sobs; and during the torture period also took pornographic photographs of the victim. He did this to heighten his, or her, enjoyment. He or she took the photographs to look at and gloat over at a later date.

I ask members to consider the mental picture of their loved ones in this situation; to picture their suffering. I ask members to reflect upon their own reaction in these circumstances if they were to look upon pornographic photographs of their loved one who was now dead. I ask them to picture their feelings when they listened to the tape recordings or identified the last sounds of their loved one's voice screaming, pleading, and sobbing.

I ask members: Does this guilty person deserve to live? Let us now assume that the death penalty has been abolished and the criminal is committed to a State institution from which he, or she, is later released to mingle with people at a subsequent date. I wonder whether members could imagine how they would feel if, at a later date, they met up with this criminal —this pervert, this rapist, this murderer —in circumstances which reminded them of their lost loved one.

If members consider I have used emotion to overdramatise a situation, I ask them to think again, because I have described an actual case. I refer to the Brady-Hindley murders in the United Kingdom in 1964. What I have described happened, but Myra Hindley was released temporarily this year to walk in a park which contained children. Myra Hindley and her evil partner, Brady, will be released permanently—if they do not commit a similar crime, of course—at some later date, because England does not have capital punishment.

I find it difficult to accept a situation where a person can commit a heinous crime and, even if he is proven to have the mind of a animal, be committed for treatment to an institution from which he, or she, will later be released into the main stream of society. This happens where capital punishment does not exist and it will happen in the United Kingdom.

If such a person as this does exist and, after treatment, develops a new-found compassion for others, is it right for that person to be treated and permitted to develop this feeling of compassion? Surely if such a person finds compassion he, or she, will also know feelings of guilt. These new-found feelings of guilt would be enough to cause such a person to seek further mental treatment, because such feelings would be enough to force him around the bend—to use the vernacular. In such a case I think it would be more compassionate to remove the people concerned from their new-found introduction to humanity.

I would also like members to consider this point: Should we tempt innocent bereaved citizens to take revenge and commit a crime to avenge their loved ones merely because our laws are weak and our punishments are even weaker?

I ask members to imagine the situation I earlier described. Would not a member—normally an innocent person with quite an amount of compassion—be tempted himself to commit a terrible crime if he came upon such a person whom he knew he had a chance to kill? Would not that temptation exist if our laws were so weak and the member knew that if the person were handed over to the police, tried in a court of law, and committed to captivity, he could be released 20 years from now, even although he had commited the type of crime I have described.

I could go on and present other situations to members. I could draw mental pictures of various crimes, but I am sure that members, with their fertile minds, can do this without my assistance.

I would like to reiterate that some *homo sapiens* will commit these heinous crimes. They will commit them against humanity, and some will not be deterred by the death penalty. It is my opinion that those who are not deterred by the death penalty deserve capital punishment. Those who are deterred will have conferred life on the innocent.

I have heard it said that a State hangman is difficult to find: and that his task is extremely difficult. This is, of course, a terrible task. Under our present system, I can understand why a hangman is difficult to find. Perhaps if we changed the system a little and invited the public to pull the hangman's lever, it would not be so difficult to find a hangman, because I am sure many citizens in our community would have enough sense of justice to kill an animal—and a person who has committed some of the crimes I have mentioned is, in my book, nothing but an animal.

I should like to continue for a short time on man's ability to do his duty. I point out that there are members in this House who

have been trained to kill. In fact, some of us have had the desire to kill under given circumstances. I am very thankful that this is the case because it gives us the life we have today; and when I say this I refer to the defence of this country in the 1939-45 war. I am extremely grateful to the men and women who must have gone through mental tortures, but who did kill to defend our way of life.

I have never implemented my training to kill but I was trained to drop bombs. Theoretically, they were to be dropped on ships, submarines, factories, and communication centres. We all know that bombs can be inaccurate. Every member of the air crew knew that when he dropped a bomb he had a fair chance of killing and maiming innocent people. This has been a common occurrence throughout the world during this century and it is still occurring in Vietnam and in other places.

I would find it much more difficult to implement that training now than I would to pull a lever to drop a man into a noose. When I say "man" I mean an animal who has committed a terrible crime against humanity.

I abhor killing, but I have been trained to kill legally, to protect our way of life from aggressors and from those who wish to destroy it. I now know it is my role at this moment as a legislator to protect and improve the quality of life. The quality of life includes the right of innocent, compassionate citizens to live without fear of extinction or partial destruction by those who can only be described as inhuman; as animals.

I ask members of this House not to adopt a double standard. I ask them not to adopt the double standard which allows us to kill legally in a war to protect our way of life and to protect the innocent, and then to abolish capital punishment and not to kill those who have committed terrible crimes.

I will vote against the abolition of the death penalty. However, I am willing to listen to further debate on whipping because at this point I have not yet made up my mind on that subject.

THE HON. G. C. MacKINNON (Lower West) [8.41 p.m.]: It is odd that a debate such as this should have produced what I believe to be possibly the best speech in reply to the introduction of a Bill which it has been my pleasure to hear for some time. I am referring to the speech delivered by my colleague, The Hon. R. J. L. Williams. It has set a pattern for this debate and his speech was very good indeed. Certainly the honourable member was detailed enough, but he was also restrained on a subject which has great emotional possibilities. At the same time he was broad in the application of his arguments. I congratulate him.

Together with him, I also find that, as a matter of principle, I am opposed to the abolition of the death penalty. I suppose there are few of the arguments for or against which we have not heard up to date.

It seems to be forgotten that death is still the final solution for many of man's ills. Even with all the advances made in medical science, there are still some complaints which beset man which can only be resolved by his death. It may well be that a person's death is not untimely. The person may have lived to a ripe old age before death catches up with him. Indeed, death is the ultimate lot of us all. A number of such physical ills can beset man and, indeed, the ultimate physical solution of all man's troubles is his personal demise. This is inevitable. Accordingly, I believe that many of the ills which could perhaps be termed spiritual and which beset man, making him a sickness upon the community, will only find their resolution in his death.

I have no doubt that arguments will be brought forward that this is difficult to accomplish. We must find people to carry out the task, to witness it, and so on. I am not prepared to say I would welcome the job. Therefore, it may be argued I have no right to expect someone else to do it. I know people who would not like to do the job I am doing; they certainly would not take it on. I have no doubt that someone can be found who will actually follow out the instructions.

Be that as it may, I still believe this is a side issue to the central question of whether or not the ultimate penalty should be capital punishment. I believe the ultimate penalty should be capital punishment.

It is peculiar to our day and age that this question should arise. The question appears to me to arise only in those societies where it is felt the community is wealthy enough to be able to afford this luxury; because it is only when a community is rich enough to siphon off enough money from the ordinary conforming, law abiding, tax paying, citizen that we can treat the people who offend against his way of life with the leniency, kindness, sympathy, and tolerance that seems to be the fashion today.

If we were a poor community—a dirt poor community—we could not possibly, and certainly would not, talk of reform, of better conditions, of gaols with individual rooms, or of private toilets, and so on. Those who offended against a community or society such as that would still be thrown into smelly dungeons and the like; indeed in some parts of the world they still are, because the community cannot afford to do anything else.

I have yet to be convinced that our method is any better. I have no doubt there are people in prison who have come

to accept that way of life and who are not terribly sure that they want to be released.

This may be an odd statement to make, but I have seen this happen in other institutions; in mental hospitals and the like, where people have become what is known as institutionalised, and where they are not prepared to get out and face the world or their responsibilities. Even when they become cured it is a job to get them to leave and face their responsibilities.

These days it is highly unfashionable to talk as I have been doing. All sorts of people have made statements on this question, one of the most recent and most notable being Archbishop Sambell. Right down through the ages people have talked about the need for reform; they have talked about this terrible question of capital punishment; they say that we should not take another's life; that it is legalised and judicial murder. We have all heard and read such statements.

From what reading I have done—and I would not set myself up in an argument on theology with an archbishop—I find this type of argument to be quite illogical, because any group of creatures while protecting its way of life has the right to take certain definite and specific action.

There is a world of differences between a killing carried out by a State in terms of the definition explained by Mr. Williams —that is as a symbol of the revulsion of the people against the crime that has been committed—and a murder for selfish reasons outside the scope of what the citizenry might desire. There can be no way in which one can argue that the punishment is murder; no way whatever. It is a complete contradiction in terms and therefore bears no weight at all.

Running like a thread through all the arguments about reform, the cure of prisoners, the abolition of capital punishment, the abolition of whipping and the like, seems to be the complete disregard for the man I earlier referred to as the ordinary, conforming, law abiding, tax paying citizen; the person who makes it all possible; the person without whom we could not have a gaol; without whom there would be no policemen walking the beat to safeguard the people as they go about their normal business; the person without whom we could not have electric lights in the streets; or without whom there could be no education, no defence, no social service, or anything else. Without such a person we could have nothing, yet he seems to get scant regard; and we have all the worry, all the concern and all the debate that ensues about those who offend in the fond—and I believe in 99 per cent. of the cases in the mistaken—belief that they can be reformed.

Reformation certainly does take place, and the statistics are there to show that this is so. I have a book showing the statistics in England and Wales in 1971. I got this out from England and it is here for anybody who wishes to refer to it.

As Mr. Williams has said, statistics can prove anything, one way or another. Statistics show there is always a large number of young offenders who though they have offended will never offend again. There are also those who will continue to offend. Statistics show those for whom I feel the greatest sympathy—the taxpayer.

There is, however, a group of hardened people for whom there is little or no hope. Members will recall that some year ago when Sir David Brand—who was then Mr. Brand—was Premier of this State a gaol was established at Karnet. It was quite unique in Australia. This institution had as its basis a special team which works to assist those who have become alcoholics and whose problem is to some extent based on their tendency to drink too much alcohol.

Karnet happened to be in the electorate I represented at that time. It was in that electorate for a while; it was then out of it, and it is now in it again. We got into trouble for establishing the gaol in this electorate—as one would for establishing it in any electorate.

It is apparently all right to build a hospital but objection is taken to the building of a gaol. Subsequently it was decided there was to be a gaol built in close proximity to Bunbury, in which town I have lived for many years.

I thought it might not be a bad idea for me to take the local citizenry on a visit to Karnet, which had been established at that time. On our visit to that institution we met Mr. Driscoll who, I think, is still in charge of the institution. We had discussions with several fellows; indeed I met one who, to my surprise, I knew reasonably well. His pattern was the same as many of the others.

We sat at different tables in quite a nice dining room. I believe that several members have visited Karnet since. The meals were served in a cafeteria type arrangement and, as I have said, we sat there and chatted with the prisoners and compared notes.

The most amazing thing I found was that the fellows with whom we chatted were really genuine authorities on prisons, for the simple reason that they had been inmates of most of the prisons in Australia.

While sitting at the table it was not possible for one to mention a gaol without one of the fellows saying that he knew all about it. They told us of the good points of Karnet and the manner in which it excelled all others. They drew innumerable comparisons and, to my surprise, one of them told me that what we need is a really tough gaol. I said I thought that

Fremantle was tough enough, to which one of them replied, "Oh, you should see such-and-such a gaol; that is really tough." They talked about the warders and the way they treated the men; they mentioned the subsidiary penalties imposed if they happened to look sideways at a warder and they mentioned what would happen in the case of dumb insolence and the like. They were really experts in their field.

Peculiarly enough, with certain notable exceptions which one could discern by looking at them, most of these people were intelligent men; they were men whom one would expect to succeed in many walks of life. Some of them would have been above average intelligence.

There were those who were obviously well below average, but there were others who were distinctly above average; they were intelligent men, and yet, despite their history and their knowledge of virtually every gaol in the country they still found themselves in gaol.

What hope of reform is there for this type of criminal? It is my great fear that with the removal of the death penalty these hardened criminals will find it less repugnant to commit the ultimate crime. Statistics may disprove this, but in my bones I believe this to be so; because I would certainly be deterred if I knew I were to hang.

Here again I feel there is a mistake in logic and consideration of this matter. We think always in terms of a criminal mentality; the sort of fellow I have been talking about a moment ago; the man who gave us a run-down on all the gaols in Australia. Quite frequently, however, that is not the type of criminal who commits murder.

From my own personal experience I can assure members that it is not always the criminal who thinks he would like to commit murder; because I would be surprised if there were less than half a dozen among those of us in this room who have not at one time or another thought, even fleetingly, that they would like to kill somebody for something he had done to one of their friends or dear ones.

People who contemplate such action are definitely stopped in their tracks by the thought of what might happen to them, and of the possibility of the ultimate penalty that might be imposed. I believe that many law abiding citizens are stopped from committing crimes of varying degrees, because of the punishment they may face.

In the area of true criminality this may not be so, but I believe it is so as it relates to the ordinary citizen. When we move on to a type of crime which is starting to cause tremendous worry in some parts of the world, I think we have yet another argument. The type of crime I am speaking of is gang brutality—the sort of thing where two or three people murder an old pensioner for $2. People who returned recently from the United Kingdom have told me that one of the biggest problems there at the moment is not the gangs of skinheads with their steel-tipped shoes, but their equivalent in girls. These are gangs of young girls who, for sheer fiendish pleasure, kill lonely people who live alone, with little or no fear of detection because, of course, there is no motive other than personal pleasure in killing.

Strangely enough, this is a rare phenomenon. I always feel a little sorry for animals when Mr. Withers and others refer to the behaviour of human beings as animal-like. Yet it is a strange fact that animals rarely kill except to obtain food. They rarely kill for pleasure; one or two species will, but it does not occur often. However, we have human beings who will kill for pleasure, and this is a crime which is becoming rather more prevalent than we would like to think about, and which Mr. Withers and Mr. Williams have said does not seem to have touched us yet.

What does one do with such people? When I was in Glasgow three years ago I was told that in order to join certain gangs a boy must commit a murder which was witnessed. Here again, the murder is committed utterly without motive other than to gain membership of a gang. Mr. Clive Griffiths referred to youths' idea of participation; this is the idea of participation of those youths in Glasgow. That was what was told to me, and I have no reason to disbelieve it.

Everyone to whom I have spoken about this, and particularly magistrates and others who work in the field, have told me that the punishment this type of person fears most is the type of treatment he hands out to his victim. In other words, a bash artist who likes to deal out violence is almost invariably terrified of a thrashing. Not one, but several magistrates have told me they think it is a great pity that whipping is not as prevalent as it used to be, because a person who can be so brave when he has three or four others behind him is generally not quite so brave when he is strapped across a bench. Then again, who wants to give the thrashing? These days one hears people saying, "I could not possibly spank my child"; and I have all sorts of arguments about that. However, I suppose it depends on the child and also upon the parent.

I am not impressed by the argument, "Suppose nobody can be found to do the job?" It is not very long ago that we could not find anybody to build something that would take even a piece of machinery into an earth orbit; but someone was found

to do it. We could not find anyone who would travel in a space ship; but such people have been found. I do not think any of these things are beyond the wit of man to resolve, and I think this problem can be resolved.

The one problem which seems to be beyond the wit of man to resolve, is how to make such people ordinary, conforming, citizens with whom the rest of us can live in peace, allowing them to go their own way providing they do not hinder us. Murderers, rapists, and bullies frighten us and we cannot live at peace with them.

Within the last couple of years I have been in a situation where I found a group of young lads on the road, and I was not game to get out of my car and ask them to move on. When there are five or six lads and only one of me I have a rough idea of what could happen, because I am not fit enough any more—not that I could ever take on five or six others, unless I was behind a machine gun. I could not take them on now because they frighten me and I am not afraid to say so.

What is the solution? If they are told that they may be placed in what is no longer a gaol, but more of a rehabilitation centre, and taught woodwork, painting, or the like, and released within a short space of time, I wonder whether they would feel much shame about being the way they are. I have a feeling they would not feel any shame at all. Therefore, I must admit that I have scant sympathy for those who offend against the law of society, and particularly for those who do so deliberately.

There are some who offend quite by accident, as Mr. Williams mentioned in his detailed examination. For those I can feel sympathy. I can also feel sympathy for those who have a child such as that mentioned by Mr. Withers. However, as far as the bulk of them is concerned, I reserve my sympathy for the law-abiding, conforming, taxpaying citizen. It is to him and his dear ones I believe we owe our loyalty, our allegiance, and our consideration. For those reasons I intend to vote against the measure.

THE HON. N. E. BAXTER (Central) [9.07 p.m.]: When I heard and read the speech of the Leader of the House during the introduction of the Bill, I was quite surprised to find that in dealing with the two facets of the measure—the abolition of capital punishment, and the abolition of whipping—although he referred to the abolition of whipping in his opening remarks, he made no further mention of it.

One would have thought that the Leader of the House would have added to his first sentences when introducing the Bill and given the House reasons for the proposed abolition of the penalty of whipping.

Recently I turned up a verse which I believe applies very closely to the Bill before us, and the matters connected with it. I would like to quote as follows:—

The Government have brought us a Bill, which they look upon with pride.
It is designed to save the murderer's neck, or child raper's worthless hide.
They say if you murder someone, we'll only put you in gaol.
Premeditated or otherwise, hanging's quite beyond the pale.
And if you rape a woman, girl or little child,
We wouldn't think of birching you, we'll treat you much more mild.
For you we must look after in our large house of correction,
Where good meals will be served to you and excellent direction.
We will then parole you, after a certain span of years,
And know that you will leave our house shedding many tears.
Confident you will not kill, rape, or commit such sins again,
Seeing we have saved your neck or prevented you from pain.
When you bash and rob some person to get his watch or money,
We'll put you in our calaboose and even give you honey.
Now, if you steal some motor cars, we'll let you off with dollars ten.
Because it would be so very cruel to put you in the pen.
Our laws we will administer and see you get the best,
Even if we detain you, it will be quite a delightful rest.
But beware you law abiding citizen, who makes some small mistake,
Like forgetting to wear your seat belt, that really gives us an ache,
For you we'll show no mercy, and hit you for plenty,
And you will be a lucky one if you get out under twenty.
We'll never bat an eyelid at the justice we mete out,
For we think that you are worse than any kind of lout.
Let all of the do gooders hold up their hands in horror at my ditty.
Pra'ps they'll be the victim of some hooligan or lawbreaker on the morrow? What a pity.
And then maybe, their attitude will change some overnight,
When they have had a dose of illegal acts, and gotten them a fright.

So when we view the world today,
see and hear what's going on,
Should we not have some second
thoughts before we impose upon
The coming generations, a situation
such
That property life and sanctity
will not mean very much.

I believe that verse sets out the trend in the world today.

After speaking last year on the matter of whipping, I was rather surprised to receive a letter referring to corporal punishment from the Leader of the House, dated the 14th April, 1972. The letter was quite lengthy, and I will not refer to all of it. However, in his letter the Leader of the House said that those who are punished by whipping and who do go on to commit further offences are likely to commit worse offences than the ones for which they were whipped. Some people may believe that kind of talk, but most certainly I do not.

I have in front of me a cutting which was forwarded to me after I spoke on the matter of whipping. I believe it comes from an issue of *Pix*, by the look of the paper; but it bears no date or title. It contains a photograph of three youths sitting on a rail. The caption beneath the photograph is as follows:—

> Three of the birched youths. From left: James McKell, William Keenan, William Connelly. The weals left by the birching are still visible.

Under the headline, "I thought they were hitting me with red-hot wire . . . " the article states—

> Top officials of the Isle of Man consider they have the cure for the offensive behaviour of Mods and Rockers—"birch them!"
>
> They haven't hesitated to use this punishment on culprits during the present holiday season at the popular vacation spot in the Irish Sea. It started at Douglas, the island's capital, with the sentencing of four visiting Glasgow youths to nine strokes each.
>
> Many people in Britain, where the birch is no longer used, have praised the sentence.
>
> Chief Magistrate Tom Radcliffe, 73, who ordered the birching, said: "British law is getting soft. It forgets the pain of the victim. Our system works and we are proud of it. The birch is feared and respected. Britain should try it."
>
> And the island's Lieutenant-Governor, Sir Ronald Garvey, added: "It beats me how consecutive governments can afford to ignore the views and feelings of 99.9 per cent. of the electorate who want birching brought back."
>
> The birched youths, Joseph McKay, William Keenan, James McKell and William Connelly, all aged 19, admitted causing bodily harm to a holiday maker by setting upon him, hitting him with a bottle and stamping on him after he asked them to stop swearing. The four were fined a total of £80.
>
> Two hours after the sentence, the birch was produced—three 3 ft. twigs bound into a 14 in. long handle at one end and weighing nine oz.
>
> James McKell said: "I was led away to an upstairs room. Nine people were waiting. I was bent face downwards over the back of a chair. I cried with fear. My trousers were pulled down and my shirt pulled up. Two policemen held my arms and a third held my head down. A fourth, a sergeant, used the birch. The pain was terrible. I kept screaming for my parents. I was in pain for hours."
>
> William Connelly said: "I thought they were hitting me with red-hot wire. I just shouted until they had finished."
>
> William Keenan said: "It was over quickly. But I'll never do anything that could get me the birch again."

If any member cares to look at the photo of those three strapping youths who bullied an elderly man who asked them to stop swearing, I will make it available to him.

What does one do with such people? Does one simply fine them? That means nothing to them; they laugh at fines and even at gaol. I sincerely believe that the officials of the Isle of Man have the right idea.

These people should be given a taste of the birch; if they are I am sure they will not repeat the offence. That is my belief in regard to the punishment of whipping.

Let me turn to the Bill itself which proposes to do away with the death penalty and whipping. One amendment in the Bill deals with the abolition of capital punishment for the crime of treason. If members turn to section 37 of the Criminal Code they will see that treason constitutes a crime against the life of the Sovereign, the murder of the Sovereign, the murder of a member of the family of the Sovereign, and anybody who levies war against the Sovereign.

Another amendment in the Bill seeks to abolish capital punishment for the crime of piracy and this crime is dealt with in sections 78 and 79 of the Criminal Code. Surely this crime is serious enough to warrant the imposition of the death penalty. The Bill also seeks to abolish capital punishment in respect of the offence of perjury, mentioned in section 125 of the Code. Perhaps in this case the amendment is open to less doubt.

In relation to the punishment of whipping the Bill seeks to abolish whipping for the offence of indecent treatment of boys under 14 years of age. We all know what that means. Similarly a further amendment seeks to abolish whipping for the offence of defilement of girls under 13 years of age. The Bill also proposes to abolish whipping for the offence committed by a householder of permitting the defilement of young girls on his premises.

Clause 28 of the Bill seeks to repeal section 206 of the Criminal Code which deals with the punishment of whipping being inflicted in certain cases, and this includes the defilement of a female under the age of 13 years whom the offender knows to be an idiot or imbecile.

I draw attention to the amendment in the Bill which seeks to repeal and re-enact section 282 of the Code, dealing with the penalty for wilful murder and murder. This, together with other amendments in the Bill, seeks to abolish the death penalty for the crimes enumerated.

How would a person feel if one of his loved ones was wilfully murdered by the savage act of another, perhaps in the circumstances mentioned by Mr. MacKinnon, as a result of the actions of a gang? I know of one person in my province whose wife was murdered and I know what were his feelings because he wrote to me and expressed his feelings. His view was the penalty should be an eye for an eye, and a tooth for a tooth. To him that was how justice should be meted out. In that case the person who committed the offence was a minor and perhaps that was an extenuating circumstance.

In these days with higher education we find the situation in society where young people mature earlier than they did years ago. For that reason we should consider reducing the age of responsibility in respect of the commission of crimes, particularly indictable crimes or crimes of carnal knowledge. Some consideration should be given to reducing the age of responsibility, because some young people today are more mature at 12 and 13 years of age than were others of 16 years of age in years gone by.

We should reassess the responsibility for the offence of carnal knowledge of a girl under the age of 16 years. From my knowledge of everyday affairs, I know that in many cases of carnal knowledge it is not always the fault of the man or the boy concerned, but the fault of the girl; yet the man or boy receives the sentence. We should consider reducing the age to under 14 years relating to carnal knowledge of a girl.

In these times we find that a dangerous situation exists, because of the way some young girls make up and dress. It is very difficult at times to determine whether a girl is 14 or 18 years of age. If a girl does not reveal her age then a man or a boy should not be held responsible for having carnal knowledge of her. These are the matters with which we should be concerned, instead of attempting to make it easier for people who commit serious crimes.

In regard to the incidence of crime, Western Australia is in a fortunate position because it is isolated from the Eastern States. I believe that if we pass this Bill to abolish capital punishment and whipping we will leave ourselves open to an increase in crime. In my view capital punishment is a very strong deterrent to murder, particularly wilful murder, bashings, robbery with violence, and similar types of violent crimes.

Recently members of Parliament received a letter from the Police Union opposing the abolition of capital punishment. I agree with the sentiments expressed by that union, because police officers have a public duty to perform; and in carrying out their duty they are subject to being shot, stabbed, and killed. I believe they should be protected, and that people who commit crimes which result in the death of police officers in the execution of their duties do not deserve any other penalty but capital punishment. On the one hand we have the people who are maintaining the law, and on the other hand we have the people who are determined to break the law and who go to any lengths to do so.

At present robbery with violence and the carrying of offensive weapons are punishable by imprisonment with or without whipping. In this respect we should look at the examples of what has occurred in other countries in recent times, and we should not merely pay heed to what the Leader of the House has said—

> They do, however, tend to confirm the view held by Criminologists and Psychiatrists in those countries that Corporal Punishment may well harden the offender's suspicion of, and antogonism to, society and confirm him in his anti-social outlook.

I would point out that the whipping taught the offenders concerned a lesson which they would not forget too easily. That was in the case I mentioned earlier which took place on the Isle of Man.

I believe that many crimes, such as robbery with violence, car stealing, etc. would be reduced to a minimum with the application of the birch, because most of these offenders are cowards, and that is clearly shown in the article I read out. As soon as they receive the birch they scream for their fathers or mothers. We can only go by the experiences in other parts of the world, including the Isle of Man, in taking steps to reduce the incidence of crime.

I cannot see my way to support the Bill, because I think if passed it will accentuate the incidence of crime in Western Australia to a marked degree. We should not be encouraging the commission of crimes which are perpetrated in other countries, so that a person does not dare to walk along the street at night for fear of being bashed and robbed by gangs of boys, men, and girls. Is this the sort of thing one wants to see in Western Australia? This will come about if we are not prepared to mete out penalties that fit the crime.

All that we would do by agreeing to the Bill is to encourage crime, and to say to the offenders, "If convicted you will be placed in an institution of the Department of Corrections. The public will pay for your upkeep there until such time as you have expiated your crime. We will not lay a hand on you." Such an attitude will not get us anywhere.

I am not hard in my attitude to children or even to adults. I have not at any stage in my life felt I should kill someone because of what he did to me. My attitude has always been this, "You will receive your just desserts sometime." However, when it comes to cases of people committing premeditated murder, or causing death or injury of another person, then I believe the penalties should be solid. In my view the penalties should remain as they are in the Criminal Code and they should be imposed as required.

Debate adjourned, on motion by The Hon. L. D. Elliott.

STOCK (BRANDS AND MOVEMENT) ACT AMENDMENT BILL

Second Reading

Debate resumed from the 25th October.

THE HON. J. HEITMAN (Upper West) [9.29 p.m.]: Once again we have before us a Bill which seeks to amend the Stock (Brands and Movement) Act. This is the third time since I have been a member of this House that an attempt has been made to amend the Act so as to reduce the incidence of sheep and cattle thefts in country areas.

On the last occasion when a Bill was introduced to amend the Act, although I did not agree with everything contained in it, I think it did improve the Act in the course of time. On this occasion the same thing is being attempted.

Clause 3 of the Bill will amend section 17 of the principal Act, and will delete the provision that a brand must be six inches in length and two inches in width. Also, there is provision for the earmark to be of a prescribed size. We have found, over the years, that the actual size of a brand did not matter a great deal as long as it was legible. However, I notice that once again a minimum size will be prescribed, and I again suppose that the actual size will be prescribed by regulation because no minimum size is mentioned in the Bill. If the amendment is accepted then the size of the earmark will not be specified in the Act. Perhaps it would be better to state that the earmark should be legible at a certain distance. I think that if a brand four inches by 1½ inches is applied neatly it is quite legible. This especially applies to a lamb because as it grows the brand grows.

Another important factor to be considered is the price involved in purchasing new brands. A large brand would increase in size as a sheep grows, and although it might be of considerable size it could be quite illegible. If we are to declare a definite size it should be a size which is legible to those who want to read it.

On my farm we make our own wool brands, and I have had to make a new size each time the Act has been amended. The original brand was 7½ inches by three inches, and that was amended to six inches by two inches.

The size of earmarks has also varied. A pair of earmarking pliers costs about $40, and when the regulations are altered new pliers have to be purchased, which would be a considerable cost to the pastoralists and farmers in this State. We need to be mighty careful when discussing the size of brands and earmarks because of the expense involved in replacing equipment.

I also believe that we should state, in the Bill, the actual size of the brands and earmarks, and we should not leave that matter to those who make the regulations. The department which handles the legislation might specify sizes which do not suit the pastoralists and graziers who own the sheep and cattle involved. I do feel that if a brand is legible it should be sufficient. Each time the sizes of the brands are altered additional expense is incurred.

The Hon. J. Dolan: Does the legibility of the brand depend on the person who applies it?

The Hon. J. HEITMAN: Definitely. As long as the brand is legible it does not matter what size it is. For that reason I do not think we should have to prescribe the actual size. If stock carries the brand of a previous owner, then I think that brand should be sufficient.

A brand might be as thick as a finger, but when it is dipped into the printing material and applied to a sheep it can leave a terrifically big and smudgy brand. However, if a piece of wire is used and dipped into the printing material it will leave a clear brand on a sheep which will be quite easy to read. It is not the size of the brand that matters; it is its legibility.

Earmarking pliers have been supplied by manufacturers for many years. They are of a standard size, but they have to be changed each time the Act is amended. I do not know what the new size will be.

The Hon. J. Dolan: It will depend on the department.

The Hon. J. HEITMAN: I imagine the Department of Agriculture will prescribe the size of the earmark we will have to use, and also the size of the brand. That is what I am objecting to. I think we should stipulate the size of the brand and the size of the earmark, and argue the point in this House. Quite a number of farmers hold seats in this House and I think we could determine the right size.

The Hon. J. Dolan: I think the aim of the department will be to produce a uniform size of brand to which the majority of farmers would agree.

The Hon. J. HEITMAN: But we alter the size of the brand every time we have an amending Bill.

The Hon. A. F. Griffith: So you need to purchase a new brand every time?

The Hon. J. HEITMAN: The wool brand is easy enough to make these days. Of course, they can be purchased but they are very expensive. One type of brand has a spring-loaded handle. The brand consists of a numeral and two letters. I do not know what they cost but they are expensive. At one time they were $7 or $8 each.

Another type of brand consists of a container for the fluid with a felt below the container. The felt is in the form of the brand, and is of regulation size. The branding fluid seeps through the felt from the container and the idea is to just stamp the brand onto the animals. Pieces of wool stick to the felt and after a while the brand turns into a large blob which is not legible. However, according to the regulations the size of the brand would be right on the dot. I think the majority of farmers would be happy if the brand were legible so that it could be picked out fairly quickly at a distance of 10 feet. The size has been altered several times during the past years.

I consider that in the case of an earmark, if the letters are not less than half an inch for sheep and not less than three-quarters of an inch for cattle, that would be of sufficient size.

Clause 4 of the Bill will repeal section 31 of the principal Act. Section 31 of the Act sets out that there is no need to rebrand or re-earmark if the brand or earmark of the previous owner is legible. I think that provision is quite all right as it stands.

Clause 5 of the Bill will add a new section 35A. I suggest there is no need for the proposed new section. It reads as follows:—

> 35A. Except as provided by section thirty-six of this Act, the proprietor of any stock which have been imported into the State shall brand the stock within the time and in the manner prescribed.

Section 36 of the Act sets out that if a brand is legible then it does not have to be done again. After all is said and done, who would want to buy a sheep which was covered with brands? If I were to buy a sheep from the Leader of the House and it bore his brand of "Willow", there would be no need for me to rebrand that sheep if the original brand were still legible. I cannot see any need for the inclusion of proposed new section 35A.

Clause 6 of the Bill repeals and re-enacts section 40 of the principal Act, which reads as follows:—

> 40. Any stock that is not branded, pasturing on unenclosed land may be impounded by any justice, Inspector or Police officer.

Proposed new section 40 reads as follows:—

> 40. Any stock that is not branded, earmarked or otherwise identified in accordance with the provisions of this Act, found depasturing on unenclosed land may be impounded by any Inspector or Police officer.

I cannot see that there is any need for the alteration. However, I do not intend to worry about it very much.

Section 46 of the principal Act will be repealed and re-enacted under the provisions of clause 7 of the Bill. I agree with the provisions of clause 7. One can go to a sheep sale and buy five or six lots carrying different brands and different earmarks. However, those brands would be legible because the stock could not be sold unless that were the case. The owner of the stock may have left the sale early, and he may not have signed the waybill. The new provision will allow a stock agent to assume responsibility and sign the waybill so that a contract carrier can transport the stock. As long as the brands and earmarks are recorded, and the waybill is signed by a responsible person, that is good enough.

By having a waybill or some verification that the sheep are being carted from one place to another for a certain purpose by a responsible person, the incidence of sheep stealing will be decreased. That is the object of the Bill, and it appears to me that the waybill will be effective. The stock agent or the responsible person at the sale could sign the document, and if the contract carter is pulled up by the police he can produce the waybill to show he has picked up the sheep and that they have the right brands and earmarks. I do not think the policeman will worry about seeing whether there are eight, nine, or ten earmarks, but he will certainly check to ensure that the brands are legible, and he can compare them with the brands

enumerated on the waybill in the carter's possession. I think that is quite a good provision.

Clause 8 repeals and re-enacts section 49 of the Act and provides for a more or less permanent permit for anyone moving sheep across the road or along the road from one property to another for the purposes of dipping, drenching, crutching, or any other purpose necessary for the correct husbandry of sheep. This provision is better than requiring one to go to an inspector for a special permit every time one wants to move stock. I think one should be able to obtain a permit for 12 months if one thinks one might have to move stock from one property to another during that period.

Clause 9 amends section 50 of the principal Act and provides that the waybill must be made out in triplicate. The amendments to section 50 will tidy up the section a little and make it easier for the police officer to ensure that the right waybill is being carried by the transporter.

Clause 10 amends section 54 by inserting the word "wilfully" before the word "slices." Great play seems to have been made of the mutilation of the ear of a sheep. I have run sheep for many years and it is on a very rare occasion that a shearer on the long blow or in clearing up the head will slice the ear of a sheep. The shearer is always very careful.

The Hon. J. Dolan: "Slices" is only one of the words used.

The Hon. J. HEITMAN: This slicing is not intentional and it happens only occasionally. The ears, with the earmark, must be left on a sheep skin, but that does not prevent people from stealing sheep. They will take the carcase and hang the skin, with the earmark, on the fence. If such people wanted to be nasty, they could slice the ear off, but they are not interested in the skin; they want the carcase.

I do not think there will be a great deal of defacing of earmarks by those who want to sell sheep. Occasionally the ears will be sliced during shearing but I cannot remember seeing a sheep with its ear cut off for any purpose other than the curing of a cancerous ear. I have known people to chop a bit of the ear off in order to bleed the sheep when it has been poisoned, but it does not happen very often.

The Hon. J. Dolan: The word "slice" occurs in a number of places in section 54.

The Hon. J. HEITMAN: That is right. It is a safeguard. Perhaps it is needed.

I will vote for the Bill. I feel that every time we amend this Act in an endeavour to make it foolproof we leave another loophole. At the moment, I cannot see one. I think it is more important to ensure that the brand is legible than to be concerned about its size.

THE HON. S. T. J. THOMPSON (Lower Central) [9.52 p.m.]: I, too, intend to support this measure. I think it cleans up the Act to some degree. I want to mention one or two points.

I support what Mr. Heitman said about the minimum size, although perhaps the size of the brand does not enter into it now as far as sheep are concerned because the eartag has been included in the definition of "brand". Therefore, a sheep need not have a wool brand on it at all.

For the last six years all our sheep have been eartagged, so they are legibly branded on the eartag. However, we also brand our stock. When they stray into neighbouring properties it is easier to pick out a wool brand than to catch the sheep in order to look at the eartag. We have used the same wool brand for many years. I would hate to see it ruled out because my father used it, I used it, and my son now uses it. The same applies to earmarks, which are transferred from father to son.

As regards the waybill provisions and the definition of a run, I am concerned about the necessity to obtain a permit to bring stock home for drenching or dipping. One is compelled to have a brand for each run. We might have to take sheep a couple of miles along the road, but we have only one brand so I assume that is only one run and we would not need a permit.

The Hon. J. Dolan: Do you want to know the definition of a run?

The Hon. S. T. J. THOMPSON: Yes. My interpretation of it is that the run is the whole property which is run with the one brand. One is compelled to have a brand for each run. To my knowledge, not many people are running two brands. Is one compelled to have two brands if one's property is in the one district?

The Hon. J. Dolan: If your property is in two sections a mile apart, that is considered as one run.

The Hon. S. T. J. THOMPSON: That is my interpretation of it.

We have cleared up the matter of waybills when taking stock away from the saleyards. The Bill effects quite an improvement, but I think it will be very difficult for the inspectors to distinguish the earmarks on all the sheep in the triple-decker trucks by just glancing through them on the road. When there are half a dozen different earmarks it will be impossible for them to assess whether or not the waybill is correct because they cannot get into the trucks.

The same applies to the farmer when he is running sheep up the race into the truck. If he has half a dozen different earmarks on his property, an odd mistake could occur on the waybills.

The Hon. J. Heitman: For that reason you need the brand as well.

The Hon. S. T. J. THOMPSON: Yes. That is a problem. The Bill says "registered brands or earmarks as defined." What happens in the case of sucker lambs which must be earmarked and do not have to be branded? I think there will need to be a little bit of give and take in relation to waybills as far as some of the dealers' properties are concerned. I have no argument about the branding of the stock brought in.

With reference to sliced ears and sliced skin, the insertion of the word "wilfully" will protect the farmer against the sliced ear but it will also protect the agent. I contend that no agent should buy a skin that has a defaced earmark or no earmark at all. The protection of the owner is also passed on to the dealer and the effect of the provision will be nullified a little. I think the law should stand as it is and that a skin with no earmark should not be permitted to be sold. We should stand fast in that matter.

The Hon. J. Heitman: You could get a statutory declaration. They are $4 a time now. You cannot afford to lose them.

The Hon. S. T. J. THOMPSON: I think that is a slight weakness. By inserting the word "wilfully" we will perhaps make it easier for the agent, and I do not think any agent should be allowed to buy or sell a skin that has the ear chopped off. The mutilation of an ear occurs very rarely. Perhaps earmarks on the back of the ear are cut more often than others, but not many earmarks would be defaced by shearers.

I support the Bill. I think it will go some way towards achieving what we expect it to achieve.

THE HON. D. J. WORDSWORTH (South) [10.00 p.m.]: Once again it is necessary to amend the Stock (Brands and Movement) Act. The Bill is filled with good intentions in an endeavour to alleviate the stealing of stock, but I wonder, in many ways, whether we are not getting tied up with a great deal of red tape. It is only recently that waybills became operative. This has brought about many difficulties, and that is the reason for these amendments.

The matter of branding sheep has been the subject of a great deal of discussion. Western Australia has always had a reputation for overbranding sheep. Admittedly the Act states that a prescribed branding fluid must be used, but it must be recognised that in spite of the fact that new branding fluids were introduced by the C.S.I.R.O., the system is still not satisfactory, and no brand is acceptable when it comes to the handling of wool. This particularly applies to a brand that has recently been applied to a sheep and has not had a chance to weather. This occurs with all our sheepskins. I wonder whether many of our skins do not lose a great deal of value through being affected by brands.

In this State the brand that has been prescribed comprises two letters and a numeral. In theory this is of great benefit, because no two brands are alike, whether a sheep owner be in the north of the State or in the south of the State at Esperance. The branding of sheep as a means of identification has many disadvantages. In my opinion it is impossible to keep a legible brand on a crossbred sheep. The brand would have to be reapplied every few months.

The Hon. S. T. J. Thompson: The sheep are now earmarked.

The Hon. D. J. WORDSWORTH: I know that eartags can now be applied, but up until recently Western Australia had the reputation of overbranding, because a brand had to be reapplied periodically in order to keep the brand legible. In the State of South Australia they do not use two letters and a numeral. I can think of some sheep I bought in South Australia at the famous Muteroo Pastoral Company at Broken Hill which runs approximately 30,000 or 40,000 sheep. The brand of that company is three dots which remains legible all the year round.

I admit that three dots may be confused with other brands, because there cannot be so many designs, but I think that such a brand serves the purpose much better than our brands in that we have to keep legible two letters and a numeral.

The Hon. J. Dolan: How do you explain that? You say there is one brand of three dots used by a postoral company near Broken Hill. The same principle applies. What are some of the other brands that are used in that State?

The Hon. D. J. WORDSWORTH: That is so, but some States do not find it necessary to have three letters. Some States would allow a letter "E". Provided there is not another pastoralist near the one that uses the "E" brand, it does not really matter whether someone in the north has the same brand as another person in the south. It is highly unlikely that the sheep on those two properties would get together. In my opinion it is very difficult to keep brands legible in this State. As Mr. Heitman has said, the brand on merino sheep grows with the sheep. I find that the brand on my sheep grows also. The brands are a big mess after a month or so. However, this is beside the point, because I think

most members are overcoming the problem of brands by using eartags. Apart from anything else, branding is a very expensive exercise.

The Hon. J. Heitman: So are eartags.

The Hon. D. J. WORDSWORTH: Yes, they are. As it happens, I think it costs 1c to brand a sheep and 4c to put an eartag on it. So one recoups the cost over the life of a sheep. Eartags are only for honest people, because they are easy to remove. Whilst the Act provides that one is not allowed to remove an eartag, it is very easy for someone to do this if he is really out to steal a sheep.

I agree with most of the clauses contained in the Bill, but with regard to the branding of imported stock, here again I wonder whether this is really necessary. When one imports stock from another State one has to brand them again. On my property I have cattle with a "K" brand, which is the famous Kelly brand of Victoria. The likelihood of anyone having cattle with a "K" brand near me is very remote.

The Hon. J. Dolan: They did not come from Glenrowan I hope?

The Hon. D. J. WORDSWORTH: No, the brand is the famous Barwidgie brand. The next amendment deals with the impounding of unbranded stock. Mr. Heitman doubted whether this was necessary. If he reads the original Act he will find that stock can be impounded if they are not branded, but there are other ways of recognising stock that do not have a brand. What the amendment seeks to do is to ensure that the earmark is recognised as identification.

The next matter deals with waybills which I think has been aired a great deal. There has been considerable trouble, particularly at stock sales, where people have bought one ram and have tried to get a waybill for it, the difficulty arises when the vendor has many sheep for sale. I think the provision for another form of document to be used will prove to be very sound.

I also agree with the query over the movement of stock from one property to another. Quite frankly, I have a farm which is situated three miles from another owned by me and I have never had a waybill to move stock down the adjoining road, although I move them about twice a week. In fact, there would not be a day in the week when I would not have some stock on the road without a waybill. I use that road as a means of transporting stock from one paddock to another. I thought that this amendment should be defined a little more. When one looks at the clause one sees the words, "from neighbouring lots." My two farms are certainly not neighbouring lots. There must be some long term provision for the movement of stock.

The Hon. J. Dolan: Neighbours do not have to live alongside one another; they could live in the neighbourhood.

The Hon. D. J. WORDSWORTH: If it is considered that neighbouring lots should not be alongside each other the provision is quite all right.

The next point I query is that relating to horses. In the original Act stock includes a horse. It comes to my mind that my children have become members of a pony club and they travel from one gymkhana to another, and under this Bill, or under the original Act, I cannot see that they are exempted from having to carry a waybill every time they attend a gymkhana. I thought that the Bill should specially provide for horses. Perhaps the Minister could check on this point for me.

The Hon. J. Dolan: Have your children used any waybills as yet?

The Hon. D. J. WORDSWORTH: I certainly have not.

The Hon. J. Dolan: Then why bother about it?

The Hon. D. J. WORDSWORTH: It is just that sooner or later a police officer is going to stop a vehicle that has horses on the back of it and ask: Where is your waybill?

The Hon. J. Dolan: I do not think you need worry about it.

The Hon. D. J. WORDSWORTH: I will carry the point a little further. If I am not allowed to drove my sheep along a road from one paddock to another, am I allowed to ride my horse? If the Act is read properly, I am not allowed to ride my horse without a waybill.

The Hon. W. F. Willesee: Surely those people who transport trotters from one place to another do not have to carry a waybill?

The Hon. D. J. WORDSWORTH: Under the Act a waybill is not necessary for "horses" specifically, yet the definition of "stock" includes horses. However, I ask the Minister to check on the points I have raised, and in conclusion I wish to say that I agree with the Bill in principle.

Debate adjourned, on motion by The Hon. R. H. C. Stubbs (Minister for Local Government).

House adjourned at 10.10 p.m.