

PUBLIC ACCOUNTS COMMITTEE*Printing of Report*

MR. HARMAN (Maylands) [9.25 p.m.]:
I move—

That Report No. 2 of the Public Accounts Committee relating to the Auditor General's Report for 1971, laid upon the Table of the Legislative Assembly on 15th March, 1972, be printed.

With the indulgence of the House I want to state briefly why I have moved the motion that the report be printed. The reason is fairly obvious. We want this report to be distributed within the departments of the State Government, so that the officers will have the opportunity to study the manner in which the Public Accounts Committee has examined the criticisms that are mentioned in the Auditor-General's Report for the financial year ended the 30th June, 1971.

At the same time I would like to have recorded in *Hansard* the excellent manner in which the witnesses appeared before the committee, and provided in a most detailed form the evidence which was required, so that the committee could then make a determination on the matters before it.

The officers of the departments who came before the committee were quite frank, and were able to give the committee a great knowledge of Government accounting. I myself have had many years of experience with Government accounting, but continually I am receiving further education in this system. I believe this goes for all the other members of the committee.

We are fortunate to be serving on this committee, as a result of which we are increasing our knowledge and our understanding of the manner in which the Government accounts are prepared and presented in the various reports which come before this Parliament.

I would like to thank the other members of the Public Accounts Committee and its secretary (Mr. Thornber) for the excellent way in which they have attended the meetings and studied the evidence that has been presented. We are quite hopeful that the work undertaken by this committee has already made a mark in this particular area of public accounting, and we hope the committee will achieve the success that was intended when it was originally decided by this Parliament that the committee be established.

Question put and passed.

House adjourned at 9.29 p.m.

Legislative Council

Thursday, the 30th March, 1972

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

LAPSED BILLS*Restoration to Notice Paper: Assembly's Message*

Message from the Assembly received and read requesting that in accordance with the provisions of the Standing Orders relating to Lapsed Bills, adopted by both Houses, the Legislative Council resume consideration of the following Bills:—

Main Roads Act Amendment Bill.

Western Australian Marine Act Amendment Bill.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [2.35 p.m.]: I move—

That leave be granted to deal with the message forthwith.

The **PRESIDENT**: When I put this motion, if there is a dissentient voice we cannot proceed with the matter. There being no dissentient voice I declare the question carried.

Question thus passed.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [2.36 p.m.]: I move—

That the Assembly's message be agreed to.

Question put and passed.

ABORIGINAL HERITAGE BILL*Introduction and First Reading*

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

POTATO INDUSTRY*Inquiry by Select Committee: Motion*

THE HON. V. J. FERRY (South-West) [2.38 p.m.]: I move—

That a Select Committee be appointed to inquire into and report upon the Potato Industry in Western Australia and to make such recommendations as are considered desirable to encourage greater productivity and expansion of the industry, including processing and export trade opportunities, with view to bringing further benefits to growers and the general public, and that the Select Committee be empowered to utilise the evidence received by a similar committee appointed in the previous two sessions of Parliament.

The motion for the appointment of a Select Committee to inquire into and report upon the potato industry in Western Australia was originally moved by me on the 10th August, last year. In moving the motion before the Chair, I wish to be as brief as possible but I feel I should give the house a resume of the sequence of events since that date.

The House saw fit to appoint this committee on the 24th August, 1971, following which evidence was taken by the committee at Perth, Spearwood, and Harvey. Shortly after, on the 11th October, 1971, Parliament was prorogued before the committee could complete its work and report to the House in accordance with the original motion.

Following the resumption of Parliament, the House saw fit to reappoint the committee on the 1st December, 1971, according to the resolution passed at that time. The committee found it impracticable to take evidence during the remainder of December because Parliament was completing its session, and with the approach of the Christmas period it was difficult for members to arrange for evidence to be taken.

Accordingly, it was not possible for the committee to be active until the last week in January. During this period the opportunity was taken to visit, and take evidence from people in places such as Busselton, Donnybrook, Manjimup, Pemberton, and Albany.

It was only a matter of days after returning from that trip to take evidence from country people interested in the potato industry that Parliament was again prorogued on the 9th February, 1972.

I think at this point it would be fair to say that evidence has been taken from a variety of witnesses who are engaged in the industry, or who represent various organisations, such as the Western Australian Potato Marketing Board, the Western Australian Potato Growers' Association, various potato growers, transport operators, housewives, agents of the board, the Department of Agriculture, vegetable merchants, and others.

The committee, if reappointed—and I hope the House will reappoint it—will continue its work. Indeed, if the House sees fit the committee will commence work next week during the few days immediately following Easter in which period the House will be in recess. The committee has arranged a programme during this period. It has arranged tentatively—subject to the will of the House—that evidence will be taken officially on Monday the 10th and Tuesday the 11th April in an endeavour to finalise the work of the committee and to enable it to report to the House at the earliest possible time.

I mention this to indicate that the committee is keen and anxious to complete the work it set out to do, and to complete

it at the earliest possible moment. I would like to record, in conclusion, my appreciation of the response that has been afforded the committee from people at all levels engaged in and associated with the potato industry in Western Australia. I appreciate the work of my colleagues, The Hon. Jack Thomson and The Hon. Des Dans, as well as the secretary (Mr. Ashley) and others who have helped us.

I say again that we have received some excellent co-operation from people at all levels of the industry. I appreciate the approach from those who came to talk to us to give us the benefit of their experience for the ultimate benefit of the potato industry.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [2.43 p.m.]: I have listened to the explanation of the honourable member, and I would say I have no objection to the continuation of this Select Committee in order that it might finalise its report as quickly as possible.

Question put and passed.

Appointment of Select Committee

THE HON. V. J. FERRY (South-West) [2.44 p.m.]: I move—

That the Honourable D. K. Dans, the Honourable J. M. Thomson, and the mover be appointed to serve on the Committee.

Question put and passed.

THE HON. V. J. FERRY (South-West) [2.45 p.m.]: I move—

That the Committee have power to call for persons, papers and documents, and to adjourn from place to place; that it may sit on days over which the Council stands adjourned; and that the Committee report on Tuesday, the 9th May, 1972.

Question put and passed.

DAYLIGHT SAVING

Investigation by Committee: Motion

THE HON. I. G. MEDCALF (Metropolitan) [2.46 p.m.]: I move—

That in the light of recent experience of Daylight Saving in the Eastern States and bearing in mind the varied results and conclusions reached in those States this House is of the opinion that the Government should arrange for a properly qualified committee of persons to report on the likely effects of Daylight Saving on the Western Australian population having regard for health, sociological, climatic and meteorological considerations so that if some Eastern States propose to re-institute Daylight Saving next summer the Government

may in the national interest of interstate trade, commerce and communications be in a position to produce some authoritative evidence to support a case for all States standardizing on a time adjustment which achieves an acceptable compromise in view of varying time factors and conditions in the several States.

This motion, to do with daylight saving, takes us back to the debate we had last year on this very subject when the Government introduced a Bill proposing to bring daylight saving into practice in Western Australia. We all know the result of that debate. The Bill was effectively rejected during the Committee stage by 14 votes to 13.

I am not here today to advocate daylight saving or to oppose it. My motion does not seek to do that; I make that quite clear at the outset. I am not standing up as an advocate either on behalf of daylight saving or on behalf of the opposite. I am asking, however, that a study be made of all aspects of daylight saving so that the House and the people of this State can be better informed as to what is involved in it.

When the Bill was brought before the House last year the Minister, in introducing it, stated that he had made some inquiries of the public to ascertain their views on daylight saving. It was also reported in the Press that the Minister had in fact canvassed interested parties to see whether or not they were in favour of daylight saving.

The Minister indicated that he had received about 600 letters from various individuals and organisations, probably representing about 10,000 people, and that the opinions of those various individuals and organisations as expressed in the letters he received were about five to one against daylight saving. At any rate, that is the comment which appeared in the newspaper and I believe it is substantiated by what the Minister said when he introduced the Bill.

This means that certain people had given their opinions about daylight saving and had endeavoured to persuade the Minister one way or the other. It was also subsequently reported in the Press that although the Minister had been informed of those views, they had not been made known to the members of this House generally; although the Minister did say that they were five to one against daylight saving. However, there was no actual study made as far as I am aware of all the various aspects of daylight saving which I will deal with today. The only real explanation—unless I stand corrected; and I am not attempting to criticise the Minister—given by the Government in favour of the Bill was that daylight saving was necessary for commercial reasons.

I, personally, accepted that explanation after going into the matter very carefully. After having been on a committee which did try to investigate the various cases for and against daylight saving, I came to the conclusion that the Minister's reasons were sufficient for me, personally; but they were not sufficient for a majority of the members of this House. Obviously they accepted other reasons when they decided to oppose daylight saving, as I have already mentioned, by a one-vote majority. Although I accepted the reasons put up by the Minister, it is quite apparent that many other people did not.

I want to stress again that I am not here to reopen the case for or against daylight saving, but I would remind the House that when we discussed this question last year I urged the Government to prepare an adequate case before next summer. What I am now saying is merely a repetition in a more detailed form of what I said at the end of my comments on daylight saving last year.

I do believe it is necessary that a proper and adequate study of all aspects of daylight saving be made. I hope we have enough time to enable such a study to be made; I believe we have enough time. The reason I gave notice of my motion on the opening day of this session was to give the Government adequate time to make the study. I have read that there is to be a conference between the States and the Commonwealth to discuss this matter generally. The Minister would know much more about this than I do.

The Hon. R. H. C. Stubbs: The date of the conference is set tentatively at the 30th June, but it is not final.

The Hon. I. G. MEDCALF: I thank the Minister for that information. There will be enough time to make a study to enable information to be placed in the hands of the Government and before the public. What I am saying is that a more adequate study must be made of this question in the light of experience of daylight saving in the Eastern States during the last summer, and in view of what might happen next summer. If we are to give consideration to the matter again in this House—and I believe it is very likely we will—an authoritative case must be made out for the benefit of members and for the benefit of public opinion. An authoritative case must be made out to cater for the different considerations which apply to the various aspects of daylight saving. No group of people can ever be blamed for rejecting a case which has not been proved to their satisfaction.

I refer to the wording of my motion—

That in the light of recent experience of Daylight Saving in the Eastern States and bearing in mind the varied results and conclusions reached in those States this House is of the

opinion that the Government should arrange for a properly qualified committee of persons to report on the likely effects of Daylight Saving on the Western Australian population having regard for health, sociological, climatic and meteorological considerations so that if some Eastern States propose to re-institute Daylight Saving next summer the Government may in the national interest of interstate trade, commerce and communications be in a position to produce some authoritative evidence to support a case for all States standardizing on a time adjustment which achieves an acceptable compromise in view of varying time factors and conditions in the several States.

The motion sounds rather complicated, and I wish I could have simplified it more. I assure the House that I spent quite a lot of time in my endeavours to reduce the motion to the form in which it stands.

There are, in fact, five specific points in the motion to which I make reference. The first appears in the first two lines of the motion—

That in the light of recent experience of Daylight Saving in the Eastern States . . .

I would like to refer to the recent experiences of daylight saving in the Eastern States. My information has been gleaned from personal discussions with people when I was in Victoria in January last, from discussions I have had with people from the Eastern States, and from reports which have appeared in the newspapers.

I understand that in regard to New South Wales some public opinion polls have been conducted in Sydney. According to the newspaper reports, generally speaking, a preponderance of city people are in favour of it and a preponderance of country people are against it. In talking about the recent experience in New South Wales that seems to be the general conclusion.

From discussions I have had with people in Melbourne it seems quite apparent that the majority of the people are very much in favour of daylight saving. Public opinion seems to indicate that in New South Wales, Victoria, Tasmania, and South Australia there is a general feeling in favour of daylight saving; that is so certainly in the cities, but so far as the country area is concerned it does not apply in New South Wales where the majority of country people seem to be against daylight saving; but I may stand corrected by others who know more about this matter. I do hope this motion will not simply be used to debate the question for or against daylight saving. I am trying to analyse the position in regard to daylight saving in the other States.

As far as Queensland is concerned, there has been a very different result. A public opinion poll was conducted by a Brisbane newspaper. Of the 32,457 people who responded to the poll 63 per cent. were against summer time or daylight saving, and there was equal opposition from the city and the country. The opposition was so strong that it surprised the Premier of Queensland who has gone so far as to say that his Government will not be introducing summer time next year in Queensland.

So far as the Northern Territory is concerned, whilst we cannot classify this territory as one of the Eastern States or technically even as a State, nevertheless it did not change over to summer time; and like Western Australia it retained its original time. It did not adopt summer time, so it did not have any experience of daylight saving last summer. That is just about all I need say in regard to the experience of the various States. Apparently daylight saving has been satisfactory in the southern States, but not further north.

The second important part of my motion is that I am asking the Government to arrange for a properly qualified committee of persons to report on the likely effects of daylight saving. I pause here to consider what a properly qualified committee of persons might be. Obviously this is not a matter for me or for the House to decide; it is a matter for the Government to decide if the motion is passed, and if the Government decides to act upon the motion. The House might pass the motion, but it is another matter whether the Government decides to act on it. That is the prerogative of the Government, but I hope it will appoint such a committee if the motion is passed.

As to who might be appointed to the committee, I consider there are certain people who obviously by reason of their technical or professional qualifications would be sufficiently suitable and well informed to be able to advise the Government and the Parliament on every aspect of the matter.

I am suggesting the Government could form a committee out of one or more, or some of the following people. I am mentioning them by virtue of their office, rather than their personalities, because in some cases I do not know the particular persons concerned. In my opinion the Director-General of Health of Western Australia or his representative would be a most admirable person to be appointed to such a committee. The head of the Department of Meteorological Services of the State, who clearly would be able to give a lot of technical advice on various aspects affecting his department, is another. The Professor of Geography in the University of Western Australia, or some representative of the geography department—in other words, some geographer—could be included.

Another is a representative of the Postmaster-General's Department, if not the Deputy Director himself, who, from the point of view of communications and similar things which involve interstate problems, would be a very necessary person to have on such a committee.

The leisure and cultural groups should be represented, because clearly a great number of people in the community have been interested in daylight saving from the point of view of their enjoyment of certain cultural pursuits. I would suggest, perhaps, that the Government might even consider appointing the Environmental Protection Authority, or some representative from that body; I do not suggest the entire authority be appointed to the committee. I do not know what Mr. Ron Thompson is smiling about.

The Hon. R. Thompson: I am not smiling, I am just being my usual happy self.

The Hon. G. C. MacKinnon: In view of the attitude of the country people as evidenced in the New South Wales poll, would you consider that the Director of Agriculture should be included?

The Hon. I. G. MEDCALF: I should think the Director of Agriculture could by all means be considered for inclusion. I am not being exclusive about this; I am merely making suggestions.

I also feel the Government might consider including the Perth Chamber of Commerce, or some representative from city interests; and from the country it could include the Director of Agriculture, or his representative.

The Hon. J. Heitman: Not the Director of Agriculture; he would be no good, because he is a cityite! I would suggest the President of the Farmers' Union and the President of the Pastoralists and Graziers' Association.

The PRESIDENT: Order!

The Hon. I. G. MEDCALF: No doubt all those people could be, and would be, given consideration by the Government when it reaches a decision as to who should be represented on the committee.

I merely suggest that this type of person would be available in the community and should be able to take a seat on the committee and attend meetings at short notice. If he cannot do so personally, some person representing him might be able to attend and advise the Government on this matter.

The third aspect of the motion on which I would like the committee to report is the likely effect of daylight saving on the Western Australian population, having regard to health, sociological, climatic, and meteorological considerations.

I have already suggested the people who fit into these categories and who should take their place on the committee, but I think I should mention the considerations which come under these headings.

I first turn to the health and medical aspect. Last year we heard quite a lot of reference made to aspects of health which were said to be affected by daylight saving. For example the question of skin cancer was referred to both in the debate here and in the Press. The disease of conjunctivitis—if it can be called a disease—was also referred to. None other than the Minister for Health himself referred to the aspect of physical exercise and I think he said that the benefits of physical exercise and the extra time spent on it would far outweigh the disabilities of skin cancer. These are all aspects of health; the general matters of heat and radiation should be considered under the medical aspect.

We must also give some thought to sociological considerations. Sociology is a pretty broad term which includes many things, for example leisure activities such as all kinds of sport, including swimming, and also changes in business and communication patterns; the effect on children and on home life; the effect on workers and their employment; traffic problems; aircraft problems; the effect on the social habits of people, and so on. There is almost no end to what the sociological aspect might include, and it may have to be restricted.

Sociology does embrace a wide spectrum in relation to the community and it would enable quite a broad coverage to be given.

There are climatic and meteorological considerations such as questions of solar time which also have to be considered. We must consider the differences between clock time and solar time and the fact that solar time in Western Australia is so much ahead of clock time and perhaps covers the situation as it affects sunrise and sunset in different places.

The member for North Province (Mr. Withers) has already prepared some information on this matter. We must also consider how latitude and longitude affect daylight saving; and they do have a considerable bearing upon it, as does the question of temperature and the hours of daylight saving in different States and capital cities insofar as we have access to that information. There are also questions of radiation and cloud cover to be considered, together with that of pollution and the comparison in different parts of Australia of the effect of smog, and whether changes in clock time will increase it.

We heard quite a lot of debate on this matter last year but there was no advice proffered by anyone who really understood the situation and was scientifically qualified to speak on it, which of course is what the Government should get. Under the climatic and meteorological heading comes the time differential by which I referred to the differences between solar and clock time, and geographical

considerations as a result of the longitudinal differences in various parts of Australia.

Anyone who desired to make a submission to the committee could, I believe, do so. This would depend entirely on the committee's terms of reference. Undoubtedly, however, the committee would have to see that it did not become a forum for propaganda on behalf of different groups.

We would need to restrict the submissions to those that were in writing, otherwise there would be no end to them; the committee would get bogged down. Those who desired to make genuine submissions could be swamped by those who did not have anything to say to the committee that it did not already know.

The fourth consideration which is part of the motion is that the Government should act in the national interest of interstate trade, commerce and communications, because these matters are of considerable importance. I am sure nobody here would quarrel with that and that we are probably all pledged to work towards the prospering of interstate trade, commerce, and communications.

While I am talking about the national interest I should perhaps pause and relate how this question of daylight saving came up in the first place. It was started in Tasmania a few years ago, because of a fuel shortage; and in New South Wales it was espoused by the Premier who had a long-cherished ambition to bring in daylight saving in that State, and he was able to realise this ambition. Victoria and South Australia followed suit and, with great reluctance, Queensland agreed to follow the other States. Western Australia and the Northern Territory rejected the proposition for their own reasons so there we have the attitude of the six States and of the Northern Territory. The question that keeps recurring in my mind is: Is this not a national matter?

Surely this is a national matter if ever there was one. If we are not sure of the answer and think the States were acting quite within their rights in making their own separate arrangements, perhaps we should look at what happened.

Previously we had three national times in Australia, which we have had for many years. All of a sudden there were four separate clock times in the Australian continent. I wonder whether any State really considered the national interest in the decision it made. I am quite sure Tasmania did not consider the national interest, because it did not have to; Tasmania is isolated on its own below the 35th parallel and acted quite within its rights. However, did New South Wales consider the national interest when deciding to introduce daylight saving? Did any other State consider the national interest? I very much doubt it. After 72

years of Federation I consider we could have expected a slightly better result. I believe New South Wales consulted itself. Victoria consulted itself, and the rest of Australia had to like it or lump it.

Mr. President, I ask whether this fiasco of different times and daylight saving does not remind you of anything else. I refer to the different rail gauges throughout Australia which came about because all the States went their own ways. I consider there is a tremendous similarity and I would have expected much better after 72 years of Federation. Members will recall the situation which existed when each State had its own railway gauge. Everybody had to change trains at the border or some place not far from the border. Altogether there were four or five different railway gauges on the route from Perth to Brisbane.

Last summer all the States went their own ways and it may well be worse next summer. I may be harking back to what I was saying on Tuesday but it seems that a little co-operative federalism is desirable. There should be more co-operation between the States and perhaps the Commonwealth should take an interest in this matter. I think the Minister implied the Commonwealth is interesting itself in this and I am pleased to hear that.

The Hon. R. H. C. Stubbs: There is to be a meeting of all the States and the Commonwealth will send along an observer.

The Hon. I. G. MEDCALF: I am pleased to hear that. But perhaps the Commonwealth will have to display more interest than simply sending an observer.

The Hon. R. H. C. Stubbs: The Commonwealth was interested last time because of the Northern Territory. However it plans to observe the reaction of the other States.

The Hon. I. G. MEDCALF: Will the position with the six States and the Northern Territory be that next summer we have five separate times instead of four? The summer before last there were three clock times in Australia; last summer there were four. How many clock times will we have next summer? Will we have five? Perhaps I am labouring the point and I am sorry if I am, but I want to make quite clear what is involved.

Normally when it is 12 noon in Western Australia it is 1.30 in the Northern Territory and South Australia, and 2 o'clock in the other four States. Last summer when it was 12 noon in Western Australia it was 1.30 in the Northern Territory, 2.30 in South Australia, and 3 p.m. in all the other States. The way things are going at the moment if there is no change in the attitude of the States—with the exception of Queensland—next summer when it is 12 noon in Perth, it will be 1.30 in the

Northern Territory, 2.30 in South Australia, 2 o'clock in Queensland, and 3 p.m. in the other three States. There will be five separate clock times and consequent dislocation of interstate trade, commerce, communications, and other arrangements of a domestic nature which people make.

For these reasons I say it is in the national interest for us in Western Australia to look at where we are going. If other States are not prepared to do so, this does not absolve us. We should have a good look at what is really involved in daylight saving and try to come up with some kind of reasonable solution whereby there could be an intelligent acceptance of standardised times by all the States.

The Hon. N. E. Baxter: There are three or four separate clock times now anyway.

The Hon. I. G. MEDCALF: There are three at the moment. We may have difficulties here and there and I am not forecasting the answer. It would be foolish for me to do so. There would be no point in my advocating a study committee if I knew what the answer would be. There is no need to study anything if we know the answer. It may be the answer is not one hour's daylight saving at all; it could perhaps be half an hour or something else. It is certainly not for me to forecast the results. Different conditions exist in each State and they must be taken into consideration.

I do believe there should be an attempt to co-operate and we should set the standard by gathering some accurate information on all the various aspects of daylight saving as they affect Western Australia. In this way we would be able to put up a case which would indicate that we are trying, at least, to act in the national interest.

I have already spoken for too long and I regret having delayed the House for this time. Nevertheless, I consider it is terribly important to advocate that the Government should be assisted by a study of this matter. This is all my motion seeks to do, and I will say nothing further at this stage.

Debate adjourned, on motion by The Hon. R. H. C. Stubbs (Chief Secretary).

TRAFFIC ACT

Amendment of Regulations: Motion

THE HON. N. E. BAXTER (Central) (3.17 p.m.): I move—

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

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

In moving the motion I would like first of all to inform members that it refers to the penalty imposed for failure to wear a safety seat belt in a motor vehicle. Under traffic infringement regulations a mandatory penalty of \$20 is provided unless a person elects to appeal to a court. No different statement was made by the Minister when we debated the amendment to the Traffic Act which dealt with the wearing of safety belts in motor vehicles. When replying to the second reading the Minister made reference to the penalties imposed in other States. I would like to refer to the Minister's comments which appear on page 345 of *Hansard* No. 2 of 1971. The Hon. Clive Griffiths had interjected to ask, "What about the penalties?"

The Minister said—

In Victoria the penalty for not wearing seat belts is \$20; and the example has been followed in all the other States with the exception of South Australia where it is \$10, but protests have been raised in that State by members of the Opposition that the penalty should be increased.

I say this because during the debate Parliament did not actually ratify the penalty for this offence. This was the only statement referring to the penalty and Parliament was not asked to decide whether it should be \$2, \$5, \$6, \$8, or \$10. At the time we simply agreed to this amendment to the Traffic Act in this way.

The Minister was good enough at the time to provide us with a copy of the draft regulations in regard to this amendment to the Traffic Act. I am holding a photostat copy in my hand and there is no mention in this document that it was the intention of the Minister to impose a mandatory penalty of \$20 for not wearing a safety seat belt in a motor vehicle. This was not included in the main regulation but was incorporated in the first schedule, item 121A—provision of penalties.

Let us look at the offence which merits this \$20 penalty. The wording is, "Failure to wear a seat belt while driving or a passenger in a motor vehicle to which seat belts are fitted." That is it in a nut shell. At the present time this penalty can only be imposed on the owners and passengers of approximately 30 per cent. of the licensed motor vehicles which travel on our roads. Therefore, the other 70 per cent. of drivers and passengers are not subject to the penalty. Surely a vehicle owner pays enough to keep his vehicle on the road without being hit to leg if his seat belt is not done up at a particular time.

There are various reasons why a person may not wear a seat belt in a motor vehicle, even though it is known that the regulations are in force. Firstly, there may be people like myself who object to the wearing of the seat belt. I do not say,

"I will not wear one." The law decrees that I must wear one so unless I happen to forget to put on my "Jerry Dolan" I always wear one. I say to my wife, "Don't forget your Jerry Dolan."

The Hon. J. Dolan: I accept that as a compliment.

The Hon. N. E. BAXTER: A second reason could be that some people like to defy authority, although I would say instances of this would be very few and far between. The main reason for not wearing safety belts is simply oversight. People hop into motorcars and forget to put their belts on. This has happened to me and I think it has probably happened to the majority of people in this Chamber. When I leave home I usually put on my safety belt, but then I might drive to Midland, carry out some business, and return to the car with something on my mind. After a while I realise I have not done up my seat belt. I could easily be picked up during this time. As a matter of fact I was warned one occasion. I had some teeth out at the dentist and hopped into my car with cotton wool in my mouth. I was lucky enough to strike a decent officer and was let off with a warning.

The Hon. J. Dolan: Your experience is not a novel one, you know.

The Hon. N. E. BAXTER: There are some officers who do not warn motorists. They will pick up a motorist for any offence. This is more applicable in the city than in suburban areas like Fremantle and Midland, where officers are perhaps a little more lenient about such offences. A person may have just forgotten to put on the seat belt with no intention of breaking a traffic regulation and he is apprehended by a police officer and automatically fined \$20, unless he appeals to the court.

For the reasons I have stated, I believe this penalty is far too severe. It may have been imposed in other States as a revenue-raising measure. This is all I believe it is—a penalty of \$20 for this offence is simply to raise revenue. In South Australia the more reasonable penalty of \$10 is imposed.

We have many breaches of the traffic regulations which are a lot more serious than this offence. Does a breach of this regulation present a danger to any other person except the person not wearing the seat belt? There may be a danger of a driver suddenly realising he does not have his seat belt on and having an accident as he tries to do it up. This could quite easily happen while the motorist is strapping it around his shoulders.

Some penalties are much lighter for more serious offences. I will quote from the Traffic Infringement Regulations, 1969, to compare the penalties imposed for other

offences. The first schedule is for \$2 penalties, and the first item in this heading is—

Pedestrian—not keeping left; jay walking, etc.—\$2.

Is it not more dangerous for a person to jay walk than a motorist not to do up his seat belt? I would say a jay walking person is in greater jeopardy than a driver without a seat belt.

There are quite a few offences which carry a \$5 penalty, and I will pick out the ones I have marked. These are as follows:—

Failure to produce driver's license in court—\$5.

This would be a person who has been apprehended and then fails to produce a driver's license in court. The next one I refer to is—

Pedestrian disobeying signal or direction of police officer or inspector—\$5.

That is a much more serious offence. The next one is—

Driver entering or attempting to cross blocked intersection—\$5.

This driver would present a great deal of danger to the general public. To continue—

Leaving vehicles unattended without taking precautions for safety or security—\$5.

This means that a person who leaves his vehicle unattended, perhaps without the brakes on and with the possibility of its running downhill and injuring somebody or destroying property, will be fined \$5. In my opinion this is a much more serious offence than driving without a seat belt. The next offence is—

Driving with "P" plate displayed when not the holder of a driver's license issued on probation for less than 12 months—\$5.

We then come to the offences which carry a \$10 fine. The first one is—

Driving, or permitting a person to drive, a motor vehicle without renewing an expired driver's license, where the renewal has not been refused, the license has not been suspended or cancelled or the driver has not been disqualified from holding a driver's license—\$10.

[Resolved: That motions be continued.]

The Hon. N. E. BAXTER: Another one reads—

Failure to comply with direction of a traffic control signal displaying amber signal—\$10.

This also carries a penalty of three demerit points. Continuing—

Failure to give way to vehicles of a round-about—\$10.

Those offences are much more serious than that of failing to wear a seat belt. These offences continue—

Failure to deliver up number plates of vehicles of which the license is cancelled—\$10.

Is this offence less serious than that of failing to wear a seat belt? Continuing—

Altering, obliterating, or defacing engine number—\$10.

In my opinion this is a very serious offence. It can only be assumed that any attempt to alter the engine number means that the vehicle has been stolen. In my opinion that is a criminal offence, and yet the penalty prescribed for it is only \$10. I then come to those offences which bring a fine of \$15. They are as follows:—

Exceeding speed limit by not more than 10 miles per hour—\$15.

I contend that anyone who exceeds the speed limit at any time is committing a much more serious offence than failing to wear a seat belt, and yet the penalty for this breach of the traffic regulations is only \$15. I now come to those offences which bring a penalty of \$20, and they are—

Failure to stop at a STOP sign—\$20.

Failure to give way to a GIVE WAY sign—\$20.

Failing to give way to a vehicle on the right at an intersection—\$20.

Failing to stop at a children's crossing, or overtaking a vehicle that is stopped at a children's crossing—\$20.

That is a very dangerous practice, and yet a penalty of only \$20 is prescribed for it. Continuing—

Failure to give way to a blind person carrying a white stick or cane—\$20.

Failing to comply with the signal to stop given by a member of the police force or an inspector or not stopping where approaching such a person from his front or rear, while he is controlling traffic—\$20.

I quote these penalties to highlight many offences which are much more serious than a person failing to wear a seat belt. In all fairness we should ask ourselves: Is not the penalty for not wearing a safety belt a little too harsh?

On the 23rd March I placed a question on the notice paper asking how many vehicle drivers had been fined for not wearing a seat belt. The answer I received was not quite clear. I was informed how many cautions had been given and how many had elected to be dealt with by court procedure. I understand the fine of

\$20 is paid into the Supreme Court. The actual wording of my question was as follows:—

(a) how many vehicle drivers have been fined for not wearing a seat belt;

The answer I was given was—

(a) For metropolitan traffic area only—

536 Cautions have been given.
306 Infringement notices have been issued, however, 100 of these have elected to be dealt with by Court procedure. Briefs and summonses have been prepared.

From that answer one could assume that 206 persons have paid the penalty of \$20. However, this may not be in accordance with fact, because if we look at section 74 of the Traffic Act it will be noticed that where a prescribed penalty has been made for any traffic infringement it can be withdrawn on notice within 28 days after the service of the notice. Therefore, as I say, by deducting the 100 people who have elected to be dealt with by court procedure from the number of 306 people to whom infringement notices have been issued, we cannot assume that the remaining 206 people have all paid the penalty of \$20.

Therefore the answer I received to my question was rather disappointing because it did not provide the information I was seeking. As a consequence I asked a further question in relation to the wearing of seat belts, and the answer I received from the Minister, in part, reads as follows:—

In replying to the Honourable Member's question of 23rd March, 1972, the word "Nil" was inadvertently omitted from my answer.

The only conclusion I can draw from that answer is that nobody has paid the penalty of \$20, because the Minister went on to say—

The additional information was given in an endeavour to be helpful and not for the purpose of avoiding the question. The position is, that statistics by each type of offence are not maintained and as far as I am aware, no fines arising from seat belt offences have yet been imposed by the Courts in the Metropolitan area.

The fact that no fines have yet been imposed by the courts would imply that the 100 persons who had elected to be dealt with by court procedure had not been prosecuted, but this still does not give me an answer to my question as to how many of the 206 people have paid the \$20 penalty. I wonder why this information is not available. Surely if 306 people have committed an infringement of this regulation and 100 have elected to be dealt with by the court, it means that 206 people

have either paid the fine or have had their infringement notices withdrawn. Surely this information is kept either by the Police Department or by the Supreme Court where these fines are paid.

I did not think it would be any trouble to ascertain how many people have paid this \$20 penalty. It is rather astounding that the Police Department and the Minister seem to pride themselves on the keeping of statistics in regard to traffic offences, because during the debate on the question of wearing seat belts many statistics were quoted in regard to what effect the wearing or nonwearing of safety belts had had on the accident rate and to what extent the wearing of safety belts had resulted in the saving of lives and in preventing people from suffering serious injury following an accident, and yet they do not seem to have any statistics in regard to how many people have paid the penalty of \$20.

Another question I asked on this subject was as follows:—

How many persons, being drivers or passengers in motor vehicles not fitted with seat belts, have been—

- (a) killed;
 - (b) injured;
- since the 1st January, 1972?

The reply to that question was—

Information in the form requested by the Hon. Member is not available as it is not known if death or injury suffered by persons not wearing seat belts were in cars not so fitted or in cars fitted with seat belts and not worn.

This is highly amusing when we look at the additional information that was tendered in answer to this question. It reads as follows:—

Accidents Attended by Police Officers in Western Australia:

- (a) Persons killed or injured not wearing seat belts.
January, 1972
(i) Killed—6.
(ii) Injured—90.
February, 1972
(i) Killed—11.
(ii) Injured—222.
- (b) Vehicles involved not fitted with seat belts.
January, 1972—145.
February, 1972—371.

So records have been kept of these vehicles involved in accidents, but not of those vehicles fitted with seat belts. The Police Department does not seem to have any records to answer my question. This seems strange to me.

It appears other records are kept, but not the ones requested at the time. Frequently I do not know whether the information given provides true statistics or

guesses, because on many occasions it is impossible to obtain the information we require, in spite of the fact that great play has been made of this subject.

I do not want to delay the House too long; but in all fairness to the motoring public, and particularly to those who have safety belts in their motor vehicles, I believe a mandatory penalty of \$20 is much too high for the reasons I have explained. I have already said that people who have seat belts in their cars but who have not put them on, in the main have forgotten to do so. They certainly have had no intention of evading the law. After all, no-one wants to throw away \$5, let alone \$20, so they do not deliberately refrain from wearing their seat belt. I trust the House will agree to the regulation being amended.

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

LAPSED BILLS

Restoration to Notice Paper: Motion

On motion by The Hon. W. F. Willesee (Leader of the House) resolved:

That in accordance with the provisions of Standing Order No. 429 the undermentioned Bills be restored to the Notice Paper at the stages which they had reached in the previous session of Parliament:—

Aboriginal Affairs Planning Authority Bill.

Second reading. Adjourned debate (Hon. A. F. Griffith).

Community Welfare Bill.

Second reading. Adjourned debate (Hon. A. F. Griffith).

Sitting suspended from 3.43 to 4.02 p.m.

QUESTIONS (8): ON NOTICE

1. WATER SUPPLIES

Bremer Bay

The Hon. L. A. LOGAN (for the Hon. J. M. Thomson), to the Leader of the House:

With relation to the proposed reticulated water supply at Bremer Bay.

- (a) what is the estimated cost of this reticulated scheme;
- (b) what work is envisaged in the provision of this scheme;
- (c) are there any problems delaying the undertaking of this work;
- (d) as this scheme has been approved and included in the Loan Programme of Works extending over the financial years of 1970-71 and 1971-72, could the Minister favourably indicate as to the possibility of this work being included

in the 1972-73 Loan Works and be completed by the 1973 summer;

- (e) if not, could the Minister indicate when?

The Hon. W. F. WILLESEE replied:

- (a) Not available.
 (b) Investigations for a suitable source of water have not yet been finalised.
 (c) No.
 (d) This work has been listed for consideration on the 1973-74 programme with anticipated completion, provided funds can be made available, by the summer of 1973.
 (e) Answered by (d).

2. HAMELIN-DENHAM ROAD

Maintenance

The Hon. S. J. DELLAR, to the Leader of the House:

As the condition of the Hamelin-Denham Road is at present so bad as to be considered dangerous, will he advise—

- (a) what funds have been allocated for maintenance of the road in 1971-72;
 (b) have these funds been spent on the road;
 (c) if not, why not; and
 (d) will additional funds be allocated to this road in order that an improved access can be provided for Shark Bay residents and tourists who visit the area?

The Hon. W. F. WILLESEE replied:

- (a) \$12,000.00.
 (b) So far approximately \$7,000 has been spent. A Main Roads Department maintenance organisation has been working on this road for the last two weeks.
 (c) Answered by (a) and (b).
 (d) Yes. An additional \$30,000 has been allocated for improvement works. In order to obtain the best results the expenditure of these funds will have to be delayed until some rain has fallen in the area.

3. LAND

Residential Blocks at Bremer Bay

The Hon. J. M. THOMSON, to the Leader of the House:

- (1) What number of residential blocks at Bremer Bay has the Lands Department available for release at the present date?

- (2) If no blocks are available at present, could any indication be given as to when they will be?
 (3) (a) Are there any difficulties or problems preventing early release of further blocks at present;
 (b) if so, could the Minister indicate the possible trouble?
 (4) (a) When were the last number of blocks released; and
 (b) how many?

The Hon. W. F. WILLESEE replied:

- (1) None. There are 28 vacant Crown lots, to which roads have not been provided.
 (2) No.
 (3) (a) and (b) The Shire Council has requested that roads be provided by the Department before lots are released. There are no funds available for this purpose.
 (4) (a) and (b) A group of six lots was auctioned in July, 1966, of which three were sold. Some individual lots have since been sold, the most recent in March, 1968.

4. ST. JOHN AMBULANCE ASSOCIATION

Financial Assistance

The Hon. W. R. WITHERS, to the Leader of the House:

With reference to the statement made by a Minister on behalf of the Treasurer on the 28th March, 1972, relating to financial assistance to the St. John Ambulance Association—

- (a) would the Leader of the House request confirmation from the Treasurer—
 (i) that the application by the St. John Ambulance Association for an increased grant was made on the 18th June, 1971, and not towards the end of 1971; and
 (ii) that the application was followed up by a deputation on the 30th November, 1971;
 (b) will a special grant be allocated to the State Association for specific use in Port Hedland in view of the fact that Port Hedland has maintained a population growth rate

averaging 22% per annum since 1966, plus an additional 40,000 visitors per annum, and the area has only one ambulance without a base?

The Hon. W. F. WILLESEE replied:

- (a) (i) The customary annual submission in respect of the grant to the St. John Ambulance Association was made in a letter dated 18th June, 1971. As a result, the Government agreed to a substantial increase in the Association's grant for 1971-72 and the Association was advised to this effect, on 15th July, 1971.
- (ii) A deputation called on the Premier on 1st December, 1971, and submitted a request for additional assistance. Following this submission the Association was advised that the matter would be reviewed in April, 1972, in the light of operating results to the end of March and based on a revised budget for the financial year.
- (b) No submission has been received from the Association in respect of the needs of a sub-centre at Port Hedland.

5. WATER SUPPLIES

Borden Town Scheme

The Hon. J. M. THOMSON, to the Leader of the House:

With relation to the Borden Town Water Scheme—

- (a) is it proposed to provide a filtration plant to this scheme;
- (b) has such a plant unit been requested;
- (c) what is the work now envisaged on this water supply;
- (d) is it proposed to include provision for any work on this scheme in the 1972-73 and/or 1973-74 financial year?

The Hon. W. F. WILLESEE replied:

- (a) No.
- (b) Yes.
- (c) No work is currently envisaged.
- (d) No.

6. LOCAL GOVERNMENT

Karratha Office

The Hon. W. R. WITHERS, to the Minister for Local Government:

- (1) When will a Local Government office be established with a Resident Officer to attend the needs of Karratha townsites?
- (2) What temporary service will Karratha receive for the immediate needs in this respect?

The Hon. R. H. C. STUBBS replied:

- (1) The Shire Clerk, Shire of Roebourne has advised—that an officer will be again stationed at the Public Works Department office at Karratha about the middle of May.
- (2) Health and building matters will receive the attention of the resident Health and Building Surveyor. Other matters will have to be dealt with from Roebourne.

7. LAND

Release in Northcliffe Area

The Hon. V. J. FERRY, to the Leader of the House:

- (1) Further to my questions on the 22nd and 28th March, 1972, is it the intention of the Government to release further land in the Northcliffe area specifically for building up purposes for holders of land in the immediate vicinity before the results of current experimental programme are available?
- (2) If so, can details of proposed releases be given?

The Hon. W. F. WILLESEE replied:

- (1) Land has been released and is likely to be released following close examination of inquiries from farmers for specific additional areas.
- (2) Details are publicised by letter and in the Press at the time the land is released.

8. WATER SUPPLIES

Jerramungup

The Hon. J. M. THOMSON, to the Leader of the House:

With reference to the Jerramungup proposed 12 million gallon dam, what is the planning for the construction of this work?

The Hon. W. F. WILLESEE replied:

Provided funds can be made available, in the 1973-74 financial year.

POLICE ACT AMENDMENT BILL*Second Reading*

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [4.08 p.m.]: I move—

That the Bill be now read a second time.

This Bill contains four separate amendments of the Police Act, 1892-1970. The first amendment deals with section 61 and concerns amusement centres. Under the current provisions of this section, amusement centres are not permitted to remain open to conduct business on Sundays.

With the present-day trend the emphasis of regarding Sunday as a day of rest is fast disappearing and modern youth now seek various avenues to occupy their leisure hours.

Point of Order

The Hon. G. C. MacKINNON: On a point of order, Mr. President, I am afraid we do not have copies of the Bill.

(Copies of the Bill were distributed)

Debate Resumed

The PRESIDENT: Would the Leader of the House please continue.

The Hon. W. F. WILLESEE: Various deputations have been received from youth groups and businessmen seeking some relief to enable these amusement centres to remain open on Sundays and it is for this purpose that the present amendment has been formulated.

It is intended that permission be granted to allow amusement centres to remain open on Sundays for the prescribed period from 10.00 a.m. to 6.00 p.m., but this does not include Good Friday or Christmas Day. The opportunity to tidy up this section of the Act to meet modern-day requirements has also been taken and minor alterations to the wording have been included in the Bill.

The second amendment concerns section 75 which deals with the sale of unclaimed stolen goods. Owing to lack of suitable space to house property, plus the fact that there has been a considerable increase in the accumulation of unclaimed stolen property recovered by the police, the Commissioner of Police now desires the holding period of such property before disposal to be reduced from a period of 12 months to six months.

By reason of the requirements of section 76 of the Police Act, it is usual to hold unclaimed found property for a period of six months before public auction and as both types of property in the hands of the police ultimately receive the same fate if not claimed—sale by a Government auctioneer and the proceeds paid to revenue—it is considered that six months' holding period is adequate for the purpose of section 75.

The third amendment concerns the unlawful use of motor vehicles. Concern is being felt at the increased incidence of unlawfully assuming control and unlawful use of motor vehicles now occurring in this State, particularly in the metropolitan area.

Prospective car thieves with jumper leads or other vehicle starting implements in their possession have been interviewed by the police at late hours and in the vicinity of motor vehicles, but despite their obvious intentions, no offence has been committed although certainly contemplated.

It is desired to add another subsection 4 (b) to section 65 of the Act to give police the power to intercede against would-be car thieves similar to that contained in subsection 4 (a) dealing with would-be assaults against the person and breaking and entering offenders.

A minor amendment is also necessary to subsection 4 (a). If dangerous weapons are found in the glove box or concealed in other parts of a car no action can be taken against the offender as the legislation at present specifically states "has on or about his person." A slight addition is desired to overcome this anomaly and for this purpose the words "or in his possession" have been added to rectify any doubts that may arise.

I commend the Bill to the House.

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

TRAFFIC ACT AMENDMENT BILL*Second Reading*

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [4.13 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill, Mr. President, is to amend the Traffic Act 1919-1970, to provide for—

- (1) Variation of conditions and limitations of drivers' licenses issued by order of the court on appeal following refusal by the Commissioner of Police to issue or renew a license or where he has cancelled or suspended a license under section 24 of the Act.
- (2) Payment of the difference in license fees appropriate to the unexpired portion of the license instead of returning the license and number plates when a vehicle subject to a concession in fees is disposed of.
- (3) Authority for the Commissioner of Police to appoint traffic inspectors with limited powers for the purpose of carrying out duties of crosswalk attendants or vehicle examiners.

- (4) To provide for the reduction in fees for a pensioner's license to drive a motor vehicle other than a passenger vehicle from \$3 to \$1.

I have mentioned the measures in the above order rather than the order in which they appear in the Bill, as the first three measures are mainly designed to overcome anomalies and the fourth is an effort to assist the pensioner by a reduction in fees.

At present a person who is convicted of an offence in connection with the driving of a motor vehicle may apply to a magistrate in a court of petty sessions for the removal of the suspension and the issue of an extraordinary license. In directing the Commissioner of Police to issue an extraordinary license, the court is required to impose such limitations and conditions as it thinks proper. Provision is also made for application to the court for variation or cancellation of the limitations or conditions during the currency of the extraordinary license.

Where the Commissioner of Police refuses, under section 24 of the Traffic Act, to issue or renew a driver's license, or cancels or suspends a license, provision is made for appeal to the court and the issue of a license subject to conditions and limitations as it thinks fit. However, no provision exists for the variation of the conditions and limitations during the term of the license and the Law Society has drawn attention to an anomaly between sections 24 and 33A of the Act. The Commissioner of Police agrees with the proposed amendment which gives the court power to vary the limitations or conditions of a license issued under section 24.

The second measure, providing for the payment of a difference in fee where a concession has been issued under section 11 of the Traffic Act and the vehicle is disposed of to another person, relates to section 16 of the Act. Under that section a person is at present required to return the license and number plates to the licensing authority when he disposes of the vehicle. There is little doubt that under subsection (8) of section 11 of the Act it was intended a person should be able to convert the license to full rates instead of returning the number plates when he disposes of the vehicle, and the proposed amendment is to remove any ambiguity.

Under the Police Act the Commissioner of Police may, subject to the approval of the Governor, appoint noncommissioned police officers with extensive powers under the various Acts which they are required to enforce. For a number of years crosswalk attendants have been appointed to carry out duties on school crosswalks, and recently civilian vehicle examiners have been appointed to replace police officers carrying out inspection of motor vehicles for licensing purposes. It is necessary to give crosswalk attendants and vehicle

examiners authority under the Traffic Act to carry out their duties and it has been the practice to seek the approval of the Minister for their appointment as traffic inspectors under this Act.

In view of the numbers of such appointments it is now desired to give the Commissioner of Police authority to appoint these persons as traffic inspectors, at the same time limiting their powers to the duties related to their position. There is no intention of interfering with the power of country local authorities to appoint traffic inspectors in their districts.

For the purpose of cancellation of the authority of traffic inspectors when they leave the job, provision has been made for the revocation by the Commissioner of Police of any appointments previously made under the authority of the Minister.

It was originally intended to exempt aged pensioners from the \$3 increase in the surcharge on motor vehicle registrations but some major difficulties were experienced with this proposal which would have made its implementation difficult.

At present there are no means of identifying the owners of motor vehicles according to age, invalidity, or pension. Also, not all motor vehicles are handled by the Police Department—most local authorities outside the metropolitan area register local vehicles and keep independent records. The continual change in vehicle ownership will lead to much higher administrative costs because under this scheme transfers by pensioners will have to be noted separately in order to maintain an up-to-date record of eligibility.

Finally, it would be very difficult to prevent a tendency for the relatives of pensioners to register their vehicles in the pensioners' names to take advantage of the concession.

A reduction from \$3 to \$1 in the annual renewal fee of motor drivers' licenses would in all probability be a more valuable concession to pensioners, especially in the case where both husband and wife hold licenses.

The identification of pensioners eligible to receive this concession would present no administrative difficulties provided the concession is granted upon application. I commend the Bill to the House.

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

GUARDIANSHIP OF CHILDREN BILL

Second Reading

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

That the Bill be now read a second time.

The original Guardianship of Infants Act of 1920 was introduced to Parliament in a climate in which women's rights were

being more widely acknowledged. The Bill was introduced to this House shortly after the State had accorded women the right to be elected to sit in Parliament.

The Hon. J. Cunningham, when introducing the measure, mentioned that "the general effect was to give the mother certain co-ordinate rights of guardianship with the father of her children."

In the light of six years' experience in the administration of that legislation, it is recorded in *Hansard* that judges, justices of the peace, and officers of various courts came to the conclusion that mothers were not adequately protected by the 1920 legislation, as it placed too much onus on the mother to substantiate her rights in courts of law when the father was not considered a fit and proper person to retain monopoly of control.

The 1926 Bill presented itself as a measure establishing without any question of doubt that the welfare of the child was of paramount importance. That premise is not only retained in the Bill now before members for consolidation of this legislation, but is indeed further emphasised.

The amending legislation of 1926 did not repeal the 1920 measure—thus leaving the two Acts in force to be read as one piece of legislation.

The amendments now proposed will, I hope, appeal to members as they not only further emphasise the paramount importance of the child but also provide the administrative facilities which long years of experience have indicated will best benefit the child in need.

As I have mentioned, this Bill, in addition to amending the existing legislation in certain few respects, consolidates the provisions of both existing Acts, and I am pleased to be able to say that the draftsman, in drawing up this consolidation, has been able to combine some sections and generally to present the law in more appropriate sequence than is possible with the dual Acts.

It is not my intention to dwell on those clauses of the Bill which in effect maintain the *status quo* and I shall devote any further remarks to certain aspects of the law which it is now proposed to amend.

Clause 3 ensures, *inter alia*, that where a person who has ceased to be a child but has not attained the age of 21 years, yet at any time had been the subject of an order under any of the provisions of the Acts now to be repealed, may be granted an order on his own application or that of either parent or guardian for maintenance or education on his own behalf to the age of 21 years.

Clause 4—interpretations—defines a "child" as any boy or girl under the age of 18 years and includes illegitimate and

adopted children and also "accepted" children—that is, a child accepted as one of the family.

This definition aligns this legislation with related legislation. Since 1965 the Married Persons and Children (Summary Relief) Act has defined a child to include an illegitimate or adopted child and also a "child of the family" to include a child "accepted" as one of the family.

It is desirable that when opportunity presents regard should be had for established definitions in comparative social legislation. No new ground is being broken in adopting this definition as it merely confirms existing practice.

The existing Acts are not clear as to who may apply to the court. The position is clarified in clause 6 of the Bill with wording that makes it clear that all parties concerned have access to the court.

In addition to rewriting the existing law, clause 17 provides the court with the means of procuring a relevant report from a welfare officer. To enable such report to be made the officer is empowered to enter and inspect the child's accommodation.

While the court is empowered to order payment of maintenance under the existing law, the new clause 18 widens considerably its power to order that a parent of the child shall pay reasonable sums in maintenance or education. Also the position will be quite clear that maintenance is orderable by a court following a contest as to guardianship.

As a consequence of the provisions contained in this clause such order may be altered, varied, suspended, or discharged, as circumstances may require, on the application of the recipient. Orders for payment of maintenance may in future be made with retrospective effect. This provision has been inserted in sufficiently emphatic terms to persuade, it is hoped, the court to exercise the power as a matter of routine unless circumstances indicate otherwise.

I would add, however, that there is no intention whatsoever of granting retrospectivity in a case where the applicant has delayed unduly an application for payment of maintenance.

The reason for requesting provision for past maintenance to be awarded is because of the delays in bringing these cases before court. The power in section 11, subsection (6) of the Married Persons and Children (Summary Relief) Act to order payment up to six months prior to the hearing is very rarely used by magistrates. Invariably the Child Welfare Department is called upon to provide monetary assistance during this period and very little recovery of this expenditure is made and the amount involved is considerable. For these reasons a more definite provision was considered desirable.

Another new provision is contained in clause 19 which empowers the court to make an interim order for immediate provision in the interests of the welfare of the child in cases where such assistance is of an urgent nature. Urgency occurs from time to time because of unavoidable delays in assembly of adequate material for consideration by the court to enable full determination to be made on all aspects while it is not at that time possible to determine what order, if any, should be made on the application to dispose of the matter. The purpose here is to prevent hardship due to delay in legal action.

The effect of clause 22 is to increase greatly the maximum penalty which may be inflicted on a person who is under an obligation to make payment in pursuance of any order and who fails to notify the person specified in the order his change of address.

The maximum penalty might be expected to be enforced in only the most serious consequences and as a result of neglect to notify change of address. As a consequence of such neglect an innocent child might well suffer materially at the hands of a defaulter whose whereabouts may remain unknown over a considerable period of time.

In moving the second reading of this Bill, Mr. President, I do so in the hope that the efforts which are now being made to adjust this legislation in the light of experience of its administration over a considerable period of time will appeal to members.

Debate adjourned, on motion by The Hon. R. J. L. Williams.

CONTRACEPTIVES ACT AMENDMENT BILL

Second Reading

THE HON. R. F. CLAUGHTON (North Metropolitan) [4.30 p.m.]: I move—

That the Bill be now read a second time.

I think I should begin by relating how the need for this amending legislation came about. Members will know that I am the president of the Family Planning Association of Western Australia, and when the organisation was first formed its members were rather stunned to learn there was legislation in this State which restricted the advertisement and sale of contraceptives. It was felt that this legislation would severely restrict any efforts they may make in implementing a programme of establishing clinics to give family planning advice in this State.

In holding this view it was felt that the whole Act would need to be repealed and my inquiries were first directed to this end or to find some way by which family planning could be exempted from the provisions of the Act. It was found that it was extremely difficult to arrive at a form of phraseology that would apply

only to family planning clinics as organised by the Family Planning Association and not to some other nefarious organisation adopting the same style.

Subsequently we were visited by the Chairman of the Medical Advisory Committee of the Family Planning Association of the United Kingdom who informed me that because of the manner in which contraceptives were dispensed within the clinics there was no danger of the association coming in conflict with section 5 of the Act; that is, the Act permits a medical practitioner or a chemist to dispense and sell contraceptives. This is the way in which it is done within a family planning clinic.

Without dwelling on that aspect at this time I would point out that although the genesis of this legislation stemmed from my association with the Family Planning Association in this State, whatever is contained in the Bill is entirely my own responsibility. I have consulted with members of the association but I have decided what form the Bill will actually take.

At the outset I would also like to mention the film *Beyond Conception* which was shown to members of this Parliament last night. I saw this film recently in Sydney where it was screened for the Family Planning Association of Australia and that association was concerned it was allowed only a restricted viewing and it was making efforts to have this restriction lifted. Therefore the action taken by The Hon. R. H. C. Stubbs in this State has been of benefit to family planning associations throughout Australia.

The Hon. R. H. C. Stubbs: I think it will be available in Western Australia from the 28th April.

The Hon. R. F. CLAUGHTON: An order for that film has been placed from Western Australia, and we hope to have a copy permanently within the State. The material presented in that film is completely relevant to this legislation and to the programme adopted by the Family Planning Association. Although the movement within Australia has a long history, in recent times the organisation in Western Australia has been supported with funds by the people in New South Wales. It was largely through their efforts that the body in this State was established. Western Australia received a great deal of help from New South Wales.

At the outset of my explanation of this legislation I would like to fit the Bill within a wider context. I think most people who viewed on television the debate and the talks by Professor Paul Ehrlich when he was here could not have failed to be impressed by the case he put forward for the limitation of the world's population, and by his description of the effects which a population explosion would have—effects such as the stress on people leading to outbreaks of war and to pollution.

The Hon J. Heitman: That would apply more to a country like India than to Australia.

The Hon. R. F. CLAUGHTON: I will deal with that aspect. There have been other publicists besides Professor Ehrlich, and I would mention Desmond Morris whose book *The Human Zoo* I would recommend to all those who are interested in the subject. In it he describes threats to world peace and to man's survival. The population explosion is a very real threat even if acts of aggression between nations cease. The problems created by the crowding of people is a subject on which much evidence is already available.

Without overstressing this matter as I do not want the main point of the Bill to be lost sight of, I refer to an article entitled "The Human Race Has, Maybe, Thirty-Five Years Left", by David Lyle. This was produced by the Planned Parenthood/World Population Organisation, and is a very well reasoned argument for limiting the world's population.

I will outline briefly his argument. The article comments on countries like India, and describes the conditions in the city of Calcutta if the population explosion is allowed to continue. Anyone who saw the film "Beyond Conception" last night will realise how quickly the population can expand. David Lyle then goes on to describe the effects of a rapidly expanding population in a volemouse population. With good crops there is an increase in the mouse population, but when there is no food left the mice fight amongst themselves and devour each other. They resort to cannibalism, and there is evidence of stress and a rapid decline in the population.

I have made a side note headed "Battered Baby." This is one of the expressions of the human population indicating signs of stress in crowded conditions. The author of the article then describes several other populations in which there is overcrowding, and he relates the conditions that exist. He mentions an island population which has controlled its numbers over a long period, and which is in a state of stability with its environment.

Finally he deals with the American environment, and this could apply to Australia, because this country is similar to the U.S.A. and uses the same sort of technology. I will go through some of the problems which he has listed and they will have a familiar ring to some people. He referred to the theory of the growth of population and the lack of food.

The Hon. R. J. L. Williams: It is roughly two centuries ago that Malthus, an economist, propounded the theory about the growth of population and the lack of food.

The Hon. R. F. CLAUGHTON: We all know about the Malthus theory.

The Hon. R. J. L. Williams: It is known as the Malthusian theory.

The Hon. R. F. CLAUGHTON: The author of the article deals with the permanent water shortage which is predicted to occur; and mention was made by one member of this Chamber the other day of the limitation of the metropolitan water supplies. The author refers to the spread of urbanisation where the city spreads further and further out, and consumes all the open space for perhaps a distance of 100 miles. Reference is made to the mobility of people. Nowadays there are more and more cars per family, and the stage is reached where the roads are so clogged up with cars that the people end up with a lower degree of mobility. He points out that the spread of cities in America has resulted in open land being consumed at the rate of 1,500,000 acres each year. Reference is made to the economics of change where we have to spend a great amount of money to provide roads and other community facilities; and of the tremendous expenditure in America to overcome the problems of pollution. Among other things he mentions a highways programme which cost \$41,000,000,000. He refers to pollution and the effects of pesticides and fertilisers.

Besides that there are many social problems involved, some of which are heart diseases, mental aberrations, threats of redundancy in industry, talks of an automation syndrome—and this is new to me—alcoholism, drugs, riots, and increase in crimes.

How does all this affect Perth? I suggest we all have heard previously something about the "battered baby" syndrome. Such instances already occur in Perth and inquiries at the Children's Hospital reveal some very recent examples. This is an indication of the stress which people undergo.

There is also the aspect of cities which have a high incidence of crime among residents who live in crowded conditions. The main point at issue is that we do not want these problems to arise in this State. They are not proving to be great problems to us now, and we should prevent them from arising before they come upon us.

The present population growth rate in the metropolitan area is 4.2 per cent. The Environmental Protection Authority has pointed out in its report on the alumina refinery that our population could reach 10,000,000 in 63 years' time and that it would be doubled by 1990. This is the atmosphere in which the legislation must be considered.

We need to take steps now in order to achieve the population we desire and in order that the individual might have only the number of children desired. This can be achieved only if all the relevant information is freely available. That, in essence, is the objective of the Family Planning Association and of the two amendments in this Bill. The first of these amendments

is to amend the definition of "public place" contained in section 2, by adding the words—

but does not include or apply to a pharmacy registered under the provisions of the Pharmacy Act, 1964.

The second amendment is to repeal section 4 of the Act which restricts the advertising of contraceptives. The amendment to section 2 is designed to confirm the original intention of the Act; that is, that contraceptives should be dispensed only by chemists and medical practitioners.

The amendment is necessary because of a legal opinion given by a research assistant at the Monash University. I will quote part of this opinion which is contained in a letter dated the 10th June, 1971, which reads as follows:—

After a study of the Contraceptives Act, 1939, it seems to me that the position is that no shops (including chemist shops) can sell contraceptives. I am excluding from the above statement oral contraceptives and any other contraceptives specifically included under the provisions of the Poisons Act, 1964.

"S. 5. Any person . . .

(c) who sells or offers or exposes for sale any contraceptive in a street or public place

shall be guilty of an offence."

"Public place" as defined in s. 2 is wide enough to include a shop and a similar definition in other Act has been judicially interpreted to this effect.

If this interpretation is wrong, it would seem that all shops, including chemist shops, are able to sell contraceptives, but it seems more likely that the first interpretation is correct.

I have not been able to find any provisions in the Pharmacy Act, 1964, or any other enactment that would permit the sale of contraceptives.

Subsequently I made inquiries and the following is part of an opinion given to me by a Crown Law Department officer after I sent him the letter I have just read:—

Although section 5 has been mildly misquoted the conclusion that no shop is able to sell contraceptives appears correct.

It would be possible to alter the situation so far as pharmacies are concerned by adding after the final paragraph of the interpretation "Public place" the passage "but does not include or apply to a pharmacy registered under the provisions of the Pharmacy Act, 1964."

This would largely rescue the pharmacist from the threat of section 5. I say "largely" because he would still

need to exercise discretion since his pharmacy is likely to adjoin, or even be surrounded by, a public place. He would need to ensure that no contraceptives were exhibited in view of persons standing in an adjoining public place. This might not be easy where the pharmacy constitutes portion only of the floor space of a larger shop.

The question must arise concerning how a family planning clinic would be affected or able to operate under the Act, and I explained this earlier. A medical practitioner is in charge of the clinic. The patient sees the doctor who prescribes whatever contraceptive is required and then dispenses it to the patient. There is no conflict in this regard at this time. However, perhaps at some future time we may find it necessary to reconsider this aspect.

I have introduced this amendment because I do not want the pharmacists to feel the clinics run by the association are in any way trying to take away any of their business. The clinics are prescribing specifically for patients who go to them. They do not cater for people who merely come to the clinic in search of contraceptives. They are family planning clinics and they have been established to give advice. This is their primary function. They advise the patient on the most suitable contraceptive. If the patient has any other problems, advice is given in connection with them. I repeat that the clinics have not been established to cater for those merely wishing to purchase contraceptives.

The Hon. G. C. MacKinnon: Surely if it is a proper family planning clinic it must give advice to those who desire to have a child and have not been able to do so.

The Hon. R. F. CLAUGHTON: I am not quite sure what the honourable member means.

The Hon. G. C. MacKinnon: If a couple desire to have a child and have difficulty in achieving their objective, surely they also should be able to get advice from the clinic.

The Hon. R. F. CLAUGHTON: That is right. That is part of the function of the clinic. If a patient has a fertility problem, the doctor in charge will, if he is able to do so, give advice. If he is not able to give advice himself, he will refer the patient to some other doctor who has a better knowledge in that field.

If other problems are involved—physical, mental, or emotional—then again the doctor will refer the patient back to the local doctor or to a specialist.

It was thought at one time that difficulty might be encountered regarding the Poisons Act of 1964, but schedule 4 of that Act authorises doctors to dispense and sell contraceptives.

At present there is a single charge of \$1 made by the clinic for the total service provided. That is, the consultation fee for the doctor and, if it is a new patient, a smear test which is not an inexpensive item to have analysed. At present the clinic bears the cost, and it also bears the cost of any contraceptive prescribed for the patient. The clinic is providing an extremely cheap service and it will very quickly run out of funds and into bankruptcy because of the costs involved. Salaries, alone, cost about \$30 per session. A maximum of 15 patients can be treated at any one session, so the income would be \$15 which means there is a permanent deficiency.

For those members who are interested I will quote the attendance figures at the clinic so far. Since the clinic opened on the 24th February, 48 patients have attended, and most of them have attended in the evenings. At the last morning session, on Tuesday, no patients attended and that is a very serious situation. The attendance at the morning sessions had numbered 5, 6, 5, 4, and on the last day none. That gives a total of 20 patients for the morning sessions, and there have been a total of 28 patients who have attended the evening sessions.

Of these people, seven have been single persons and I am informed that a number of the single persons have a stable *de facto* arrangement. Three men have attended the clinic; two of them inquiring about vasectomy, and the other man had a history of problems concerning his marriage and he wanted some advice about what to do. The first two men were referred back to a G.P., or a person who specialised in that type of operation, and the third man was referred elsewhere.

It is a matter of concern to the clinic, and to the association, that the people who have attended so far have come from all over the metropolitan area—from Bassendean, Gosnells, Kalamunda, and Sorrento, just to name a few. Most of the patients originally came from the United Kingdom where they had previously attended clinics and were well orientated towards seeking advice. It is estimated that only 10 or 15 per cent. of the patients came from within the area of the clinic.

I bring that information to the notice of members because it indicates the need to publicise the presence of the clinic in that area. If we do not tell people about the clinic they will not be able to seek advice from it. Another point is that approximately 85 per cent. of the people who attended the clinic were covered by hospital benefits. That means if they attended their own general practitioner they would be able to claim a refund on the charges. However, because they do not and consult a general practitioner at a family planning clinic they cannot claim a refund.

Until patients obtain the right to claim on hospital benefits the clinics will not be able to operate at a level which will enable them to survive. I have already mentioned that we fixed a fee of \$1 to encourage people to attend, and so that those in the lower social economic group, whom we felt would be in need of advice, would not be barred because of cost.

The association is in the process of negotiating with the Hospital Benefit Fund and the Australian Medical Association and we hope it will not be too long before we have approval for the Hospital Benefit Fund to change its rules. Some hospital funds in the Eastern States allow for benefit to be claimed, but not all of them.

That deals principally with the amendment to the definition of "public place," although I have made some reference to the need for advertising and publicising the operations of the clinic.

The Hon. I. G. Medcalf: I cannot work out why the honourable member wants to exclude pharmacies. Surely a pharmacy is not a public place.

The Hon. R. F. CLAUGHTON: Earlier, I read the information given to me. I am not a lawyer so I can only rely on the advice and information provided for me. I am not sure whether or not Mr. Medcalf was present when I read out that information.

The Hon. I. G. Medcalf: I was present, but I was astounded.

The Hon. R. F. CLAUGHTON: Well, the statement was based on judicial judgments; judgments which had been made. The Crown Law officers agreed that this could well be so.

The repeal of section 4 of the principal Act—which section contains the ban on the advertising of contraceptives—is covered by clause 3 of the Bill. I have indicated the importance of disseminating information as far as the clinic is concerned and as far as the general problem of population control is concerned. I will read the section of the Act so that members will be aware of how stringent it is. Section 4 reads as follows:—

4. (1) Any person who—
 - (a) inserts or causes to be inserted in any newspaper, magazine, periodical, handbill, circular, programme or other document printed or prepared in this State any statement which is intended or apparently intended by such person or any other person to promote the sale or disposal of any contraceptive as such; or
 - (b) publicly exhibits or causes to be publicly exhibited any such statement in view of persons who are in any public place; or

- (c) gratuitously sends or delivers or causes to be gratuitously sent or delivered to any person, or throws or leaves or causes to be thrown or left upon premises in the occupation of any person or upon any public place any handbill, circular, programme, or other document containing any such statement aforesaid

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

Further, subsection (4) of section 4 states that members of a corporate body are individually liable. There can be no doubt that the purpose of the Family Planning Association is to promote the sale and use of contraceptives. Otherwise, there is no purpose for such a clinic. There can also be no doubt that it would be difficult for the clinic to advertise without possibly infringing the Contraceptives Act. In other words if it were to put up a notice to the effect that family planning clinics would be held on certain days, it could possibly infringe the Act.

I notice I am addressing only a few members in the House at the moment.

The Hon. G. C. MacKinnon: Do not draw attention to your own side of the House, whatever you do.

The Hon. R. F. CLAUGHTON: Section 8 of the Act provides that prosecutions for offences against the Act may be commenced upon a complaint made by any person. Consequently any person at all who feels inclined to take objection to the clinic could lodge a complaint. Perhaps members will now appreciate why people of the standing of Dr. Rees, who is the Medical Superintendent of King Edward Memorial Hospital, and Professor MacDonald of the University of Western Australia, are very cautious in agreeing even to the simplest publicity for the clinic.

Those are the chief reasons for asking members to agree to the repeal of certain existing provisions. They unnecessarily inhibit the work of the association and I doubt whether any member would disagree that the clinic's work is very important. To make family planning advice generally available throughout the community is a desirable objective. It would not be desirable for the clinic's work to be limited by the provisions of the Act.

I have with me a few examples of the literature that has been published and distributed by the association. There are a whole series of pamphlets on family planning. One is termed, "The Safe Period" and is on the rhythm method. The clinic gives advice upon all methods. Another is entitled, "The Pill" and contains all the relevant information on that subject which a woman would want

to know. Another is entitled, "Catholics and Family Planning" and was published by the F.P.A. in England. Another is called "Intra-uterine Devices" and explains what they are; whether they are harmful to an individual; whether they prevent pregnancy, and that sort of thing. Another is entitled "Methods of Family Planning" and lists all the most common methods.

Those are examples of literature produced by the association, not in Western Australia but in England and the Eastern States. As I have said, the literature is available within the clinic. There is another one which perhaps I may mention called, "Voluntary Sterilization for Men and Women" which shows by illustration what actually takes place when this is done.

I do not think any member could object to the style of literature which is put out by the association. On the other hand one could refer to many magazines which are readily available in Perth. I am not suggesting they should be banned but I shall mention some by way of an example. The first is entitled *Real Secrets* of July, 1971. I do not think there would be many people who would raise objections to this magazine, but it is rather incongruous that this type of thing is tolerated and the clinic is unable to advertise available contraceptives which, I think, must be regarded as an essential need these days. On page 71 of *Real Secrets* an advertisement appears for the, "Pictorial Guide to Sexual Intercourse." An advertisement on page 69 of the same magazine states that the, "Photographic manual of sexual intercourse is now in paperback at only \$2.95."

Again, a magazine called *Honey* of September, 1971, features on the end page a photograph of a nude woman. It is not a full length photograph of a woman and, in fact, the photograph is attractively and artistically presented. Accompanying the photograph with an advertisement for jewellery is the following piece of prose which I shall read. It says—

And thus Aphrodite, inflamed with passion and desire implanted by her father Zeus, prepared to lie with a mortal man.

First, the Graces anointed her with fragrant oils and perfumes and adorned her in her most precious jewels. She wore bracelets and earrings, around her throat there were golden necklaces and her delicate bosom shone like the moon.

About her waist she draped the magic belt whose powers of seduction neither god nor man could resist. And then she set forth to seek Anchises the shepherd whose beauty rivalled that of the gods.

On seeing her approach, her lustrous beauty so aroused him that he led her straight to his couch of the skin of bears and lions.

And there, a mortal man, by the will of the gods and destiny, slept with an immortal goddess.

It finishes with the statement, "Nothing changes in three thousand years." This is an advertisement for necklaces, chokers, ear-rings, brooches, bracelets, rings, and belts.

The Hon. R. J. L. Williams: I know now why they stopped teaching Greek in schools.

The Hon. R. F. CLAUGHTON: I am not objecting to the advertisement and, as I said, it is tastefully done.

It certainly attracts the attention of the person reading or scanning the magazine but it seems rather odd that that sort of advertisement is permitted and tolerated when we have this legislation which restricts the advertising of contraceptives.

The Hon. R. J. L. Williams: It is mythical, though.

The Hon. R. F. CLAUGHTON: In the same magazine an advertisement for a deodorant appears. Again, it is tastefully done. It gives the name of the deodorant and says—

(It) has been developed under strict clinical supervision, so that it's absolutely safe and gentle to spray on the most feminine part of you.

It is a product used by women and there are no restrictions on the advertising of it. I do not think any of us are in any doubt about where it is used.

I want to draw attention to some leaflets provided by the makers of contraceptives. One deals with the Dalkon shield. I think the law would allow the leaflets to be supplied to chemists and medical practitioners but they would not be freely available to the people who use the product. The leaflet is intended to inform the prospective user. If one goes to a chemist's shop and asks for a leaflet, the chemist is able to supply one; but, because of this legislation, if one is sensitive about these matters one cannot find these leaflets on the counter of the shop so that one can conveniently take one.

Another series of booklets is published by the Kimberley-Clark Corporation, the makers of Kotex. The series is entitled *The Life Cycle Library*. Volume I is entitled "The Miracle of You", Volume II "Your Years of Self-Discovery", and Volume III "You and Your Daughter." These booklets deal very sensibly with the problems of growth, questions a growing child might ask, and the relationship between mother and daughter. They contain illustrations of the reproductive organs, and so on.

Again, if these booklets were freely available, even in chemists' shops, so that people could wander by and pick them up, they would be of some assistance in providing information about biological processes.

If this section of the Act were repealed, what sort of advertising could we expect to see? I think we would probably see advertisements along the lines of that for the vaginal deodorant. I have been able to discover other examples in women's magazines, which are the logical media for advertising these products.

On page 26 of the February, 1971, issue of an American magazine called *Journal* there is a single column advertisement headed "Your next baby is too important to leave to chance." It is an advertisement for Delfen contraceptive foam. I do not think anyone could find anything objectionable in that advertisement. I have not been able to find advertisements for any contraceptives other than those made by this particular manufacturer.

On page 146 of the *American Woman's Day* of October, 1971, there is a single column advertisement headed "What if you don't take 'the pill'?" This advertisement also advertises Delfen contraceptive foam. I could produce other examples of advertisements for contraceptives and vaginal deodorants. They are tastefully done and I do not think anyone would object to them. This is the sort of advertisement we might see if this section of the Act were repealed. They are probably designed by the manufacturers. These companies have been very helpful to the Family Planning Association in Australia.

I would now like to touch briefly on a campaign organised through Government agencies in Korea. The family planning movement is not confined to Australia and the United Kingdom. Extensive programmes are under way in Korea, India, Taiwan, the Philippines, and a number of other countries. In order to find the most effective way to run their campaigns, the Korean organisation made a survey of the listening and reading habits of the people. It is perhaps of interest that the organisation received a gift of \$225,000 from Japan to assist the campaign.

I am unable to give the source of the next extract I will quote. I took it from a journal in the Health Education Library and someone had borrowed it when I went back to check the title. I can obtain it afterwards, if necessary. I think the journal was published by the International Family Planning Association. On page 67 the following passage appears:—

In addition to radio and television time and 10 million match boxes, this expenditure produced altogether almost 4 million pieces for distribution, varying from two-page fliers to 50-page booklets and big outdoor posters.

That passage refers to the fund that had been accumulated for the programme, which was directed to specific groups in the community. For high-school students a 50-page booklet was produced. In high schools essay contests were conducted. For college students a three-day debating contest was held. For newlyweds family planning leaflets were distributed to 250,000 couples. A special poster was produced, and so on.

This also involved a newspaper cartoon contest, an essay contest, a family planning song-writing contest, and the production of 10,000,000 boxes of wooden matches with different labels by the largest match-manufacturing company. A Disney film about family planning was shown in about 500 theatres in the country.

A programme of this type would not be applicable in Western Australia, but it indicates the type of advertising which can be employed. In years to come this advertising could be limited by the legislation which is before us now.

At the moment the family planning organisation is concerned to become established. If the section is repealed, objectionable material could still be controlled by the Indecent Publications Act, 1902-1967. If concern is felt regarding any particular advertising, this legislation would give the Minister the power to prevent its publication. The legislation provides that actions can only be brought by the Minister in charge and not simply by a person who finds something objectionable in an advertisement.

I would like to reiterate that the work of the association is now limited by section 4 which I seek to have repealed. There is no danger that the results will be in any way objectionable. National magazines and even State newspapers would have to consider the legislation pertaining in other States when printing such advertisements.

The Police Offences Act in South Australia is very similar to our Indecent Publications Act. This Act does not refer to contraceptives, in other words there is no restriction on the sale and advertising of contraceptives in that State.

In Victoria the Summary Offences Act restricts the publication of advertisements and other material under section 40. This Act also prohibits exhibiting, hawking, or gratuitously delivering contraceptives.

In New South Wales the Offensive and Indecent Publications Act includes an interpretation of contraceptives in section 3. Of all things, in this legislation contraceptives are termed "indecent." Again only the Minister can proceed with an action.

The only Act in any way related to this subject in Queensland that I have been able to find is the Objectionable Literature Title Act. There is no specific mention of contraceptives in that Act although there

may be other legislation. The association in South Australia has run into trouble because apparently a journalistic ethic is placing another form of censorship on its actions. I hope this will not be the case in this State.

There are many other articles and documents I could have quoted. I hope ultimately that we have national legislation of the type adopted in the United Kingdom and the United States of America. Unfortunately there are limitations on what we can do. We would like to see the 27½ per cent. sales tax on contraceptives removed.

The Hon. G. C. MacKinnon: Are you winding up or starting again?

The Hon. R. F. CLAUGHTON: I am just finishing off. We would also like the association to be recognised as a voluntary charitable organisation. At the moment it cannot claim tax benefits and it must conform in the same way as any corporation or company. I would like to thank members for listening and I sincerely hope they will support the Bill now before the House.

Debate adjourned, on motion by The Hon. G. C. MacKinnon.

ADJOURNMENT OF THE HOUSE: SPECIAL

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) 15.31 p.m.: I move—

That the House at its rising adjourn until Tuesday, the 11th April.

Question put and passed.

House adjourned at 5.32 p.m.

Legislative Assembly

Thursday, the 30th March, 1972

The SPEAKER (Mr. Norton) took the Chair at 11.00 a.m., and read prayers.

TRANSPORT

July Report on Urban Needs: Tabling of Plans

MR. GRAHAM (Minister for Development and Decentralisation): Yesterday the Leader of the Opposition asked whether certain plans relating to the proposed development of the City of Perth in the transport sense could be made available. I now have two plans with me and I ask permission for these to be laid upon the Table of the House.

The SPEAKER: Permission granted.

The plans were tabled.