

# Legislative Assembly

Tuesday, 8 September 1981

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

## TRAFFIC

### *Reduction of Road Carnage: Petition*

MR BLAIE (Vasse) [4.32 p.m.]: I have to present to the House a petition, the wording of which is similar to that of many others presented to the Parliament, calling on the Government to reduce the legal blood alcohol limit from 0.08 per cent to 0.05 per cent. The petition bears 31 signatures and I have certified that it conforms with the Standing Orders of the Legislative Assembly.

The SPEAKER: I direct that the petition be brought to the Table of the House.

(See petition No. 89.)

## TRAFFIC

### *Reduction of Road Carnage: Petition*

MR COWAN (Merredin) [4.33 p.m.]: I have a petition which is identical to the petition which has just been presented by the member for Vasse. It bears 34 signatures and I certify that it conforms with the Standing Orders of the Legislative Assembly.

The SPEAKER: I direct that the petition be brought to the Table of the House.

(See petition No. 90.)

## LIQUOR AMENDMENT BILL

### *Introduction and First Reading*

Bill introduced, on motion by Mr Hassell (Chief Secretary), and read a first time.

## BILLS (2): ASSENT

Message from the Governor received and read notifying assent to the following Bills—

1. Workers' Compensation Amendment Bill.
2. Cattle Industry Compensation Amendment Bill.

## ANIMAL RESOURCES AUTHORITY BILL

### *Message: Appropriations*

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

## MISUSE OF DRUGS BILL

### *Second Reading*

Debate resumed from 27 August.

MR GRILL (Yilgarn-Dundas) [4.39 p.m.]: When we dealt with this Bill last Thursday week, the members for Collie and Fremantle and I made a number of remarks concerning it. None of those remarks was in favour of the line being taken presently by the Government in respect of this very important type of legislation.

All of us at that time strongly suggested to other members of the House and to Mr Speaker that the Government was heading in the wrong direction, and ignoring the very best advice on this subject. Since that time, it would appear there is growing alarm and concern in our society expressed at almost every level at the attitude and stance adopted by the Government in respect of this Misuse of Drugs Bill. Doctors, some of them very eminent people: lawyers, most of them eminent—in fact, the Law Society itself; social workers; youth workers; people working with young people in society; and those working with drug addicts every day of their working lives, probably every day of the week, have expressed concern and alarm at this legislation.

It would appear that the Government, and in particular the Minister, is quite obdurate in respect of this legislation. The Government is not prepared to listen to the professionals, the lawyers, or the doctors who have experience in this field, and to consider well-based findings of Royal Commissions both in this State and in New South Wales and Australia-wide; it is prepared only to listen to its own song, to travel to the beat of its own drum, and to bring down legislation which will be harmful to this State and, in particular, to the youth of this State, and in turn to those people in our State who simply just cannot defend themselves.

The increase in the incidence of serious crimes which are obviously related to drug abuse and addiction should be enough warning to this Government. The figures that came out two weeks ago should be enough evidence for this Government to be prepared to say, "Let us look at this problem anew. Let us perhaps consider the possibility, even though it may be remote, that we are not tackling this problem in the right way".

For the Government to deny that the present wave of crime within our society is unrelated to drug abuse would be stupidity and nonsense, as would be its denial that it is not listening to the advice of people best able to give evidence on this subject.

Alarm has been expressed at almost every level in our society. It is very easy indeed for the Government to sit back and point at the Opposition and say it is soft on drugs. Long before my colleagues and I took our present stand in this Parliament on this legislation we knew that epithet would be used freely and liberally by the Government to attack us. We know it will be used further in this debate. Notwithstanding that sort of obvious abuse and the use of those epithets, we are prepared to say that we represent reasonable and responsible drug laws, ones heading in the right direction and taking account of the present problems of youth and the ever-growing complexities in our society which by and large cause youth to resort to one form of drug or another, be it alcohol, tobacco, barbiturates, analgesics, or the forms of addictive drugs about which the Government expresses such concern.

It is very easy indeed for us to be stigmatised by this Government. Notwithstanding that, we stand by our guns in respect of this legislation and say that in its present form it is harmful and is a destructive piece of window dressing which is not tackling the problem. It is not going after Mr Big, nor is it looking at the questions of rehabilitation or better drug law enforcement, more and better trained police, and more rehabilitation centres.

In fact, it is militating very strongly against the influence of people working as drug abuse consultants in our society. Most of the good work being done in our society in respect of youth drug abuse has been done outside the statutory formal bodies that have been set up. That is mainly because young drug addicts in our society, firstly, are resentful of the police; secondly, are fearful of the present authorities being set up in the rehabilitation centres; and, thirdly, have misapprehensions about the role of older people in respect of this problem.

In this instance the major work is being done outside the more formal statutory bodies in our society. The work of these people has been made much harder by this sort of legislation. Take, for instance, the simple and straightforward provisions in the Bill which make it an offence to be found in a place or dwelling or on a property where certain drugs are being used. How can people working informally amongst young people and wanting to do something about the drug problem operate if they are not able to go into places or into dwelling houses or other areas where drugs are being used? Simply, under this legislation they cannot do that.

This legislation cuts off those people who badly need some form of help and guidance, because the people who may and can help them are fearful of

committing an offence by placing themselves in the position envisaged by the Bill.

Concern about the Bill is being expressed in our society at every level, from the most conservative level—I think we could probably place the Law Society of Western Australia in that category—to the more radical elements. All the way through, at every level, there is a strong feeling that the Government is going the wrong way. Take the young people themselves; take, for instance, the Youth Affairs Council of WA, a statutory body set up and supported by this Government, a newly-constituted and broadly-based group of individuals and agencies which try to tend to some of the hard-pressed needs of young people in our society. The major thrust of that coalition of agencies is to work towards providing lower cost accommodation for young people, a very enviable aim. I am referring to young people who already are disadvantaged on the private rental markets by landlords reluctant to rent to the unemployed, and who will be fearful of being disadvantaged further by the landlords being so fearful of their involvement in drugs.

This is what the Youth Affairs Council of Western Australia says about the legislation, and I quote from a broadsheet which was recently distributed—

The Misuse of Drugs Bill was apparently formulated without consultation with other statutory and non-statutory bodies with expertise and experience in the area of drug abuse, drug rehabilitation and youth affairs.

I go on to quote—

While the Youth Accommodation Coalition supports measures to decrease the availability of physically and socially destructive drugs, it is our belief that the proposed legislation has the potential to have a disruptive effect on the lives of many young people. We feel that a number of provisions of the Bill do not adequately discriminate between suppliers and occasional users or those who associate, knowingly or otherwise, with users.

In addition, it is felt that the Bill provides provisions that could have an adverse effect on rehabilitation centres oriented primarily towards providing services for youth.

Those are fairly strong words; in fact they are very strong words. They are publicly espoused words from a constituted body which has been set up, and is supported, by this State Government. That is what the youth of this State say in relation to this legislation. The Minister at least

should take some note of what the youth of this State feel in respect of this form of legislation.

Look at what the Law Society says about the Bill. A headline in *The West Australian* on 17 August 1981, reads: "Law Society warns of new drug Bill". The article goes on to say—

The Law Society warned yesterday that a person convicted of an offence under the Misuse of Drugs Bill could serve a longer sentence than a person convicted of murder.

It goes on to refer to the maximum penalty of 25 years' gaol, and in the case of a fine the maximum is \$100 000. The society is uneasy about this legislation.

Another body of some note—the Council of WA Civil Liberties—considers that the Government's new drug legislation is dangerous—strong words. The council makes reference to the ever-increasing crime rate in relation to drugs in Western Australia. The figures indicate that 65.8 per cent of people involved said there should not be a prison sentence for marihuana charges. In addition, the figures show that 34.2 per cent of people said there should be no criminal penalty at all. That is the opinion and view of the Civil Liberties Council of WA and of the people of this State.

On Friday, 4 September a public seminar was held on this Bill. It was attended by professionals right across the board—people who work with drugs, people who work with criminals, and people who work with drug addicts. The seminar resolved as follows—

This meeting expresses its deep concern at the nature of the Misuse of Drugs Bill; and that the meeting appoints a delegation to discuss the Bill with Sir Charles Court with a view to its withdrawal; and that the Government be requested to re-draft the Bill in consultation with a Committee of appropriate agencies and committees.

The attitude expressed at that public seminar was very much on all fours with the stance adopted by the Opposition on this legislation.

This Bill should be withdrawn and looked at by a Select Committee of this House. This Committee could call evidence from those people most associated with the problem, and then perhaps we might have a piece of legislation which will deal adequately with the problem.

I would like to quote Professor A. F. Whitlock, Professor of Psychiatry, University of Queensland, who is an authority on this subject. He says—

Fiercely suppressive laws designed to control particular human appetites are usually ineffective, and tend to aggravate rather than prevent criminal behaviour.

The damage done by the law about cannabis is greater than the damage done by the chemical in the cannabis.

That is, of course, relative to one of the great defects of this legislation. It does not discriminate properly between soft drugs on one hand and hard drugs on the other hand. Take, for instance, a quote from Margaret Mead, a world renowned anthropologist. She says—

The use of marihuana should be made legal if only to reduce the tension between young people and their parents.

I think everyone would agree that is a fairly radical statement. It is not the policy adopted by this party. It does point out this tremendous problem and it is a problem that this Bill seems to ignore; that is, the tremendous gulf and tension between the young and old in this society.

Mr Blaikie: It was your policy to legalise it and then you changed it.

Mr GRILL: Yes, it was our policy temporarily.

Mr Blaikie: And then you changed it again.

Mr GRILL: Yes.

Mr Blaikie: And again and again, and now you have no policy.

Mr Pearce: Rubbish!

Mr Parker: That is untrue. We changed it once. Several members interjected.

Mr Blaikie: You change your policy on marihuana like you change your shirt.

Mr Pearce: Like you change your shirt, maybe. We know about the member for Vasse.

Several members interjected.

Mr GRILL: On behalf of my party I will put the record straight. We did in fact, for a short period of two or three weeks, adopt a policy which was aimed at the eventual legalisation of a certain usage of marihuana in our society.

Mr Blaikie: It was not. It was aimed at it positively.

Mr GRILL: Let me put the record straight.

Mr Evans: What is the policy now, little man?

Mr GRILL: That policy was changed. Our present policy is not for the legalisation of marihuana.

Mr McIver: At least everyone can read our policy; yours is made behind closed doors.

Mr GRILL: Let us look at the words of Jim Carr. Most members would know him.

Mr Blaikie: We also know Jim Cairns. What does he think about it?

Several members interjected.

The ACTING SPEAKER (Mr Crane): Order! The member for Fremantle will keep quiet while I am on my feet. The House will come to order and hear the member for Yilgarn-Dundas.

Mr GRILL: The former Director of the Health Education Council in Western Australia was a person who worked favourably for this Government during most of his working life. He was a person very highly regarded in our community and he had this to say—

Making a law does nothing to alter the feeling of people, except that it makes some people, those already in trouble, feel trapped and more likely to use the substances that make them feel better.

I could go on all day with similar quotes from other eminent people.

Finally, I wish to refer to a letter written by a very ordinary person in our society, an old lady whose son died of drug addiction not very long ago. The letter is addressed to the Premier; I understand he will receive the letter tomorrow, and that every member will receive a copy.

Sir Charles Court: I did not know the postal services were as bad as all that.

Mr Young: To whom is the letter addressed?

Mr GRILL: To every member in this House.

Mr Young: I thought you said it was addressed to the Premier?

Mr GRILL: It is.

Mr Young: And he is going to get the letter tomorrow! I have become quite used to this sort of thing in this place.

Mr Bryce: It takes a week for a letter to pass across your desk and be opened.

Mr GRILL: The letter is written by a Mrs Taylor, and reads as follows—

Dear Sir,

This is in reference to my great concern of this new Drug Legislation Bill. I hope I can explain how I feel and so many other concerned people are worried about it. Although my poor dear son died from drugs, I am asking you please don't vote yes to pass the drug law bill now. Have it shelved so all the authorised people can help in putting their learned advice into it. I am frightened for our community if the police

are given more power in this city, because they are only concentrating on the soft drugs problem, not the people who are running drug rackets in hard drugs. There was a seminar held last week at the Wesley Mission, convened by the Drug Research Rehabilitation Association & Community Youth Group who are very concerned. Why is this Bill being rushed through and why are all the authorised people being ignored in this bill. People like Alcohol & Drug Authority, Drug Research Rehabilitation Ass., church youth groups, social workers, ADA, Youth Advisory Committee of Youth Sport & Recreation they have all been by passed. This social network has been built up to help keep government in touch. The psychiatrist Dr Gerald Tewfik is very concerned if this bill is passed, it will only make drug abuse more dangerous. The seminar agreed to a motion expressing concern at the bill. It asked that the bill be withdrawn and another drafted after consultation with the committees of appropriate agencies and social rehabilitation workers...

The letter goes on in the same vein for several pages; obviously, it is a very sincere contribution to the subject by a person who is closely concerned with the problem of drug abuse, and who has some real understanding of the problem; she has been through some real trauma in her personal life as a result of drug abuse by, and the death of, her son.

Mr Williams: Rather than have the Premier wait until tomorrow to read the letter, why don't you table it?

Mr GRILL: I have no objection to tabling the letter.

MR BATEMAN (Canning) [5.04 p.m.]: I suppose it is rather unusual that I should speak on a Bill such as this.

Mr MacKinnon: It is unusual that you speak at all.

Mr Coyne: The member for Perth will be speaking next.

Mr Laurance: They will not go that far.

Mr BATEMAN: I do not intend to traverse the ground covered by the member for Collie in his lengthy speech last Thursday; he did a fantastic job and at least prompted the Minister for Police and Traffic to make a Press statement on the issue. Nor do I intend to traverse the remarks of the member for Fremantle or the member for Yilgarn-Dundas because they, too, covered the legislation very fully and explicitly, and emphasised problem areas in the Bill.

However, I do wish to express my concern at the action of the Minister and the Government in ignoring the advice of many eminent lawyers, including Professor Harding, Professor of Law at the University of Western Australia, who have disagreed with some aspects of the Bill. It is quite disconcerting to see the Minister flying in the face of this mass of evidence against the Bill from these eminent and learned lawyers. He seems to have adopted the attitude of other Ministers of the Liberal Party Government that everything he says is absolute and that anything other people say—no matter what—is wrong. This is not good government.

Legislation such as this tends to erode our civil liberties. I suggest all members opposite read a little booklet titled *Hitler—The Fuhrer and the People*.

Mr Davies: They know it by heart.

Mr Nanovich: I'll bet you say a prayer for it every night.

Mr BATEMAN: Listen, compost tumbler—when you know a little about the erosion of civil liberties—

Mr Nanovich: I was not interjecting on you, but on your leader. The member for Morley should not laugh, either.

Mr BATEMAN: I apologise to the member for Whitford.

Chapter 12 of this booklet is headed, "The indifference to liberty". That is what this Bill is all about. It is a great tragedy that we see legislation of this type coming into this Parliament. We saw a smattering of this type of legislation in the Mental Health Bill, which the Minister for Health and the member for Melville discussed for many hours. That legislation contained the same indifference to liberties I am discussing this afternoon. The Misuse of Drugs Bill continues and emphasises that trend. What concerns me more than anything is that the powers contained in this Bill can jump sideways into many other areas.

On the back of the booklet to which I have just referred, a critic had this to say—

Hitler, the Fuhrer and the people: His life, his times, his policies, his strategies, his influence have often been analysed but rarely is the most elementary question of it all raised—How could it happen?

As we know, it did happen and that is what we are seeing creeping into this Parliament. This legislation is only part of that cancerous growth and it is not good government that we simply gloss over it.

Perhaps the most dangerous aspect of life in a democracy is our casual regard—amounting almost to indifference—to our liberty. We have become soft, taking too much for granted. We are not concerned about what is happening to our liberties in this country.

We have had a wonderful period of liberty; we grew up with it. Nobody needs to question the principles embodied in the British inheritance we have valued for so long. It has all been so easy; our Commonwealth and, presumably, our State laws are based upon this principle. We have accepted these principles without question. We have never had to fight for our liberty as people from other countries have fought. On any day of the week we can read articles in the newspapers recounting how people of other countries have been fighting and dying for their liberty. We received our liberty from the key to the political door.

However, we have become soft; we do not know the true worth of our liberty. The great danger is that, despite the fact that we recognise our liberty is being eroded, we are not prepared to fight to save it. In fact, we do not even have the right to fight for it. This Bill is a case in point: The battle is over before it starts; the numbers are against us and we have no right to fight.

Apart from the people who saw the Minister yesterday morning—full marks to the Minister because he agreed to examine some of the clauses in the Bill with a view to possible amendment—there has been no sign of public indignation about the nature of the freedoms to be given to the police. Numerous powers have been given to the police in recent years and many—although not all—have been abused.

At this point, I wish to place on record that the new Commissioner of Police has my utmost respect; I believe he will do a marvellous job in ensuring many of the things which have gone on in the Police Force will not continue in the future. I am sure he has the support of all members of the Police Force and the public at large, and that he will do a job second to none.

The only people who are worried about this Bill are the young; the "oldies" like myself will not be greatly inconvenienced by it. The member for Yilgarn-Dundas read a letter from a concerned and frightened mother who lost her son as a result of drug addiction. Her letter related to the power of the police; the drug squad has almost untrammelled rights to push young people around. We all know that, in the past, many people have had certain articles planted on them to bring about their conviction; no-one will deny those

activities took place. Unfortunately, this Bill will make such activities legal; the police will be able to do what they want without any action being taken against them.

In an article in *The West Australian* of 7 September, Mrs Taylor, whose letter was read to the House by the member for Yilgarn-Dundas, claimed that the police hounded her son. The article, in part, reads as follows—

"I am frightened for our community if the police are given more power in this city, because they are concentrating on the soft-drug problem and poor, sick kids and not the people who are running the drug rackets," she said.

Members can understand the stress under which that lady was living. She has been concerned and has had a great deal of emotional disturbance. We can imagine what someone in her position is likely to say.

Let us consider what Professor Richard Harding, Professor of Law at the University of Western Australia, had to say in a *Daily News* article of 4 September 1981. A part of it relates to the comments I have just made about the fact that this Bill will allow police to do legally that which previously they have done illegally. I quote as follows—

It is well known that police undercover men already try to infiltrate drug rings as a means of detection. Paid informers are also used. Police authorities would argue that such methods are inevitable, given the clandestine nature of drug distribution; ordinary detection methods just are not effective.

That may well be so, but it does not follow that these practices should be endorsed and approved in the manner in which the Bill does.

A potential problem is set up by the conferral of a wide degree of immunity from prosecution for offences arising out of their work. For the informer—someone who invariably is already vulnerable to police pressure—this may supply a considerable incentive to produce what the police want to hear, irrespective of whether it is true.

I am sure Professor Harding did not make those comments lightly; he knew what he was saying. He has been involved in this type of investigation and in these sorts of studies. He has lectured on this matter to various people who have to try to combat this kind of problem in our society. Whether we like it or not, this does happen.

This Bill will give to the police the immunity which they did not have before. This will affect young people rather than we "oldies" who can defend ourselves, although we may not have the casual assurances we once had after this Bill becomes law, because it will make things difficult for all of us.

There is another group in the community involved in this problem, but its members do not say very much at all. They are part of perhaps the most conservative group. It staggers me that the Minister does not accept what they say, because these people are very obviously a most conservative bunch. I am speaking of the lawyers in our community. They are saying loudly and clearly that this legislation is seeing us down the road to a complete police State where we will be ready to be taken over by any group which holds any control over the Police Force.

Again I mention the booklet from which I have quoted. People may think it funny or stupid, but it helps to show just how repressive is some of the legislation we are bringing before this Parliament. This is what people said privately in Germany in 1932, 1933, and 1934—but not after that time, because they had no opportunity after that time in Germany. God forbid that we ever see that situation here. However, if we continue to bring in this sort of repressive legislation, which we seem to be doing time after time, this is what will happen to us.

The booklet indicates that almost the first actions in respect of Hitler—Hitler's appointment, his election, his control of the German Parliament—were all done legally. One of the first actions taken by Hitler was to remove civil responsibilities from police for any action taken by them in the pursuit of his enemies. The appointment of agents provocateurs, with retrospective absolution, was made at the same time. All of it was legal and nobody worried. Certainly no-one in our community seems concerned, except perhaps the woman I mentioned a moment ago who lost her son because, as she said, he was harassed by the police.

The Nazis knew they were on a good thing. So complete was the absence of any strong feelings on the subject of civil liberties, so complete was the Nazi propaganda success in reducing champions of civil liberties to ridicule, that even today the real secret of the Nazi evil is seldom discussed. That secret was the violation of every conceivable idea of freedom by a political party that genuinely held the democratic ideal in utter contempt. That is what we are seeing in this Parliament.

It is important I should continue to refer to what is contained in this booklet in the hope I can make everyone realise what is happening in this State as a result of the introduction of this sort of repressive legislation. We can hurl all sorts of innuendos and nasties about the place, but this is what is happening. The booklet indicates that the Nazis established a fear of Communist revolution in the middle classes. They established a fear of socialist reforms and a dislike of what was patently a weak parliamentary system. And who is to argue that our Parliament is strong today, when the Executive and the bureaucracy use this Parliament and every other Parliament in Australia as rubber stamps for decisions made and sometimes operating before Parliament ever heard about them? Is that not true? How often does this happen? We have all seen this sort of repressive legislation rubber stamped.

Hitler hammered the normal desire of civilised people for law and order. Law and order—does it not have a familiar ring? And Hitler did all this legally. Unfortunately, the Germans and the whole world paid the price. We are still paying the price.

It is so sad that this type of legislation should be introduced into this Parliament. It is certainly legislation which has a familiar ring of the early 1930s. This Bill puts the liberty of people in Western Australia in serious jeopardy. When legalism begins to dominate a weak democratic structure, the society is in peril.

Fear of drugs has replaced fear of communism and socialism as this Government's weapon against society. This Bill manipulates that fear. It should not be passed, and would not be passed in a Parliament half-way concerned with the maintenance of democratic standards.

I oppose the Bill.

**MR BLAICKIE (Vasse) [5.23 p.m.]:** Unlike Opposition members who have spoken, I intend to support this Bill. It is important legislation which echoes the sentiments of most sound-thinking Western Australians. It is legislation supported by most of the community.

I was quite amazed at the very negative comments made by members of the Opposition. It certainly gave me great concern that an Opposition party in this State in 1981 would recognise the serious drug problem we have and recognise it is a growing problem, yet speak out against the Bill.

**Mr T. H. Jones:** Are you saying it is the answer?

**Mr BLAICKIE:** I am not saying it is the answer, but I am supporting the Bill.

**Mr T. H. Jones:** Two bob each way.

**Mr BLAICKIE:** Unlike the member interjecting I am not having two bob each way; instead I am backing the Bill completely.

It disturbs me that Opposition members have spoken in such a negative way. I believe their comments do not reflect the attitude of the people they represent.

**Mr Brian Burke:** What would you know? Are you still a member of the League of Rights?

**Mr BLAICKIE:** The Bill consolidates the law as it now exists and in fact clarifies it further. It makes it difficult for those people who wish to get around the legalities of our present laws.

**Mr Brian Burke:** You have had your turn; sit down.

**Mr BLAICKIE:** The Commissioner of Police, in his latest report to the Parliament, indicated the growing concern he has for the drug problem, something he has done since 1970 and certainly since I have been a member of this House.

**Mr Parker:** How long have you been a member of the League of Rights?

The **SPEAKER:** Order! I call on members of the Opposition to desist from interjecting and to allow the member to make his speech.

**Mr Parker:** We will if he advises us—

The **SPEAKER:** Order! I warn the member for Fremantle that fair is fair. His interjection and those of one or two other members have absolutely no bearing on this debate. I ask that they discontinue their interjections.

**Mr BLAICKIE:** If members care to study the report of the Commissioner of Police they will see that not only has there been a dramatic increase in drug crimes, but also there has been the more insidious increase in the number of people who have been involved in and convicted of drug pushing.

For the Opposition to say this Bill is a negative one which abrogates people's rights and for its members to liken the Bill to a Hitler-type operation is quite ludicrous. Opposition members have got themselves tied up in a party political row as to where they stand on this matter.

**Mr Brian Burke:** Rubbish!

**Mr BLAICKIE:** What other reason can there be for their attitude?

**Mr Brian Burke:** That is exactly the attitude used by Hitler before he ordered the burning of the books. You do not sacrifice fundamental freedoms.

**Mr BLAICKIE:** The problems confronting us concern the commissioner and the bulk of all

reasonable-thinking citizens in the State. Most people are concerned at the number of people dealing in drugs. Drug pushing is increasing at an alarming rate.

Mr T. H. Jones: Do you have a drug problem?

Mr BLAIKIE: There is a drug problem in my electorate and I have reported this to the police. On a number of occasions, as the member would be aware, I have spoken on this very issue. I have done this ever since I have been a member of this Parliament. I have been very concerned about this problem, particularly when I see the terrible tragedies inflicted on people involved with drugs.

I share the concern expressed by the member for Collie during his contribution when he commented on an article in the *Collie Mail* which indicated that Collie now appears to have taken over from Margaret River as the State's principal marihuana-growing region. That is not the sort of tag any of us like to see given to towns in our electorates.

The Bill clarifies and consolidates our present laws. It strengthens the hand of the Police Force, as it ought to, in dealing with the upper levels of the drug scene—the peddlers and the pushers. This is as it should be.

I do not believe any member of this House is prepared to say that what I have outlined should not be the case; although members of the Opposition have strongly hinted that the legislation will take away the rights of our people. If a person deals in narcotics for profit or for any other reason the police ought to know about it, and it should be an offence dealt with severely.

Mr Brian Burke: Who is arguing about that?

Opposition members interjected.

The SPEAKER: Order! The House will come to order!

Mr BLAIKIE: I make the point again that all members of the Opposition who spoke to the Bill—I heard all of the Opposition speeches—pussyfooted around in regard to these controls over drug peddling; they did not seem to get down to the nub of what the Bill is all about.

Mr Parker: We have a very good understanding of what it is all about.

Mr BLAIKIE: The legislation will strengthen the hand of the Police Force in dealing with the upper levels of drug pushing, and so it ought. Therefore it can be seen this legislation is very important.

As I said earlier, I am most concerned by the attitude taken by the Opposition. I cannot understand why its members have been so negative in their comments and, in fact, have

opposed this Bill, which is quite rightly intended by the Government to catch up with people involved with the drug scene in Western Australia.

It is interesting to carry out research into this subject.

Mr Parker: Have you done that?

Mr BLAIKIE: If the member for Fremantle, the member for Gosnells, and the member for Ascot wait a while, they will get a mention.

Mr Jamieson: What about me?

Mr BLAIKIE: The member for Welshpool will get a mention also. I reiterate that it is interesting to carry out research into the remarks made by certain people in the Australian Labor Party. In July 1978 *The West Australian* referred to the report of an inquiry into the drug scene in South Australia. I will make available to members of the Opposition a photocopy of the report in which I am sure they will be interested. The article is headed, "New 'Pot' controversy: Dunstan sees no ill-effects". At that time Mr Dunstan was the South Australian Premier, and he was reported as saying that the moderate use of marihuana did not have any harmful effects.

Mr Bryce: Can you prove he was wrong?

Mr BLAIKIE: I intend to prove that not only was he wrong, but also he was not right!

Mr Brian Burke: Not only do you intend to prove that he is not right! You are a verbal gymnast.

Mr T. H. Jones: I have heard everything.

Mr Brian Burke: No-one understands what you are saying, let alone yourself.

Mr BLAIKIE: If I may continue—

Mr Brian Burke: Spare us!

Mr BLAIKIE: —Mr Dunstan was asked whether South Australia would be the first State to legalise marihuana use, and he said that his Government would listen to public discussion of the final report of the inquiry, to which I have referred, before making a decision. He went on to say that the question was too hypothetical; but his personal attitude was that no ill-effects are gained from smoking marihuana.

Mr Davies: What date was this?

Mr BLAIKIE: The report appeared on 4 July 1978. It is rather interesting that in the same year at the State Conference of the Western Australian Branch of the Australian Labor Party a decision could not be made in regard to the Labor Party policy on marihuana smoking. In fact, at a couple of conferences that decision could not be made. Again, it is rather interesting



that in *The West Australian* of 14 November 1978 an article is headed, "ALP fails to decide on marihuana".

Mr Brian Burke: Is this your research, or have you just read the paper?

Mr BLAIKIE: On 6 February—

Mr Brian Burke: Did you get this out of "The Perishers"?

Mr BLAIKIE: At a State executive meeting of the ALP on 6 February 1979 a vote was taken in favour of legalising marihuana use. The State President of the ALP (Mr Bryce) commented that he strongly opposed the proposition to legalise marihuana use, but would accept the executive's decision. I give him credit for at least opposing the proposition.

Mr T. H. Jones: What does this have to do with the Bill?

Mr BLAIKIE: It has a great deal to do with this debate. I have shown that members of the Opposition have taken an extremely soft line in regard to drug offences.

Mr T. H. Jones: Did you hear me when I spoke for three hours on this Bill?

Mr BLAIKIE: I heard all the remarks of the member for Collie. He made a relatively good speech, but I did not agree with his conclusions.

Mr Brian Burke: You are in trouble now.

Mr T. H. Jones: Sir Charles will sack you in a moment. You are gone.

Mr BLAIKIE: This House must remember that all Opposition members are controlled by their Caucus—by executive decisions. They are hoist with their own petard; if their party makes a decision they must accept it. The State President of the Australian Labor Party bitterly opposed the decision to legalise marihuana use, but he still had to go along with it.

Mr McIver: A pretty good case must have been put up.

Mr Brian Burke: Tell us about the research.

Mr BLAIKIE: I am referring to the difference between members on the other side of the House and members on this side of the House. We do not have a caucus; we can exercise an independent point of view.

Mr Brian Burke: Where is this research?

Mr BLAIKIE: The interesting point to which I refer is that in the days following the ALP executive decision a great furor occurred. I compliment members of the Opposition who opposed the executive decision.

Mr Bryce: They were responsible.

Mr BLAIKIE: They acted with due responsibility—they needed to. A couple of members of the Labor Party—in particular, Mr Graeme Campbell and the member for Gosnells—supported the ALP policy. An article in the *Daily News* of 9 February 1979 is headed, "'Yes' voters on pot stand firm". One must keep in mind that the member for Gosnells is the ALP spokesman on education. What a wonderful spokesman he makes!

Mr Brian Burke: Hear, hear!

Mr BLAIKIE: I reiterate the statement, "What a spokesman on education!", so that it is again recorded in *Hansard*.

Opposition members interjected.

The SPEAKER: Order! I prevail on those members of the Opposition who have been interjecting to desist, and allow the member for Vasse to make his speech.

Mr Brian Burke: Hear, hear!

Mr BLAIKIE: What a spokesman on education! All members of this House and the public of Western Australia know that the ALP executive met again and changed its policy in regard to marihuana. That was an important decision; a very sound and positive one.

Opposition members interjected.

Mr BLAIKIE: The interjections of members on the other side lead me to make the comment that halfway through the ALP's exercise the member for Gosnells had a change of mind on the question of whether he should support the legalisation of marihuana use. Initially he was one of the keen supporters—

Mr Brian Burke: What has this to do with the Bill?

Mr BLAIKIE: It has a lot to do with the Bill. The points I have made reflect the attitude of members of the Opposition. I have shown how negative members of the Opposition have been. The Hon. Ronald Thompson, a former Labor Minister for Police, said that it seemed half the ALP was controlled by "trendies". For goodness sake, members of the Opposition should take note of what they are doing, and have a good look at themselves.

Mr Grayden: They are dominated by others.

Mr BLAIKIE: That is correct.

Mr Grayden: They are utterly dominated.

Mr BLAIKIE: I will refer to remarks made by the member for Gosnells and reported in the Press. He will have an opportunity to say whether these remarks are correct. In fact, I would like him to try to change his remarks reported in *The*

*West Australian* some 18 months ago. The article states—

The MLA for Gosnells, Mr R. J. Pearce, said yesterday that at the next ALP State executive meeting on Monday he would vote to reverse the policy.

Mr Pearce's decision was influenced by a strong reaction in his electorate against the marihuana decision.

Mr Bryce: Democracy at work.

Mr BLAIKIE: To continue—

There has been mounting pressure within the ALP to have the decisions overturned. The State executive seems certain to be asked to call a special State Conference to review the policy.

Mr Grayden: What date is that?

Mr BLAIKIE: The article appeared on 14 February 1979. I remind members that the policy of the ALP apparently changes as many times as its members change shirts.

Mr T. H. Jones: What about the Young Liberals?

Mr Wilson: What did the Young Liberals have to say?

Mr BLAIKIE: I thank the member for Dianella for his comment. He was one of the people reported as being concerned about the executive decision to legalise marihuana use, and credit is due to him for that stand.

Mr Grayden: With good reason.

Mr BLAIKIE: He did so with good reason and I congratulate him for his decision.

Opposition members interjected.

Mr BLAIKIE: As I have said, members of the Young Liberals movement are quite free to make any decision they care to make, and that is the case with any branch of the Liberal Party. Parliamentary members of the Liberal Party are not subject to a caucus decision; that is the difference between the two parties. The people of Western Australia—

Opposition members interjected.

Mr BLAIKIE: —should know, if they do not already know, the difference between the parties.

Opposition members interjected.

The SPEAKER: Order! The House will come to order!

Mr Brian Burke: Seek leave to continue your remarks.

Mr BLAIKIE: The real difference is that Labor members are subject to a Caucus decision, but members on this side of the House are not.

Mr Parker: You are like sheep.

Mr Brian Burke: Also pretty woolly.

Mr BLAIKIE: I have shown why the Opposition has taken a negative attitude towards this legislation which will have important benefits to the people of Western Australia.

Mr Grayden: They are fragmented on this issue.

Mr BLAIKIE: Yes, they are fragmented, and in a negative way.

Mr Grayden: They don't know which way to turn.

Mr Davies: You have two minutes left.

Mr BLAIKIE: Again referring to the remarks of the member for Gosnells, the article states—

He said yesterday that the widespread reaction from many sections of the community had convinced him that his original attitude was opposed by most of the people he represented in Parliament and by most West Australians.

The policy of the Opposition and its attitude towards this legislation is as wrong as the attitude of the member for Gosnells when he supported the legalisation of marihuana use. If a few "trendies" were again able to get to the member for Gosnells—

Mr Grayden: One of the "trendies".

Mr BLAIKIE: —and were able to convince him that they represented a majority of the people of Western Australia, I have no doubt he would again change his mind. That is something about which I have great concern.

My remarks have indicated clearly that the Opposition not only is in a shambles, but also it is a sham. It supports the drug ring that already exists.

Opposition members interjected.

Mr BLAIKIE: That is shown by the fact that the Opposition has done nothing positive to oppose this drug ring.

Mr Bryce: You are an old drunk. You indulge in alcohol. You support the drug ring that is already there from pub to pub.

The SPEAKER: Order! The member for Vasse will desist from interjecting.

Opposition members interjected.

The SPEAKER: Order! The House will come to order! If I incorrectly referred to the member for Vasse it was because of the impression I had been given. There has been so much interjecting coming from members on my left-hand side that I

reasonably assumed somebody from that side was making a speech. I call the member for Vasse.

### *Point of Order*

Mr BLAIKIE: The remarks made by the member for Ascot were offensive to me and were totally untrue when he referred to me as being drunk. I ask that those words be withdrawn.

The SPEAKER: The words spoken by the member for Ascot may well have been offensive, but in my view they were not unparliamentary. The member for Vasse has qualified or rebutted the assertions made by the member for Ascot in his remark.

Mr Brian Burke: Cop that!

### *Debate Resumed*

#### *Leave to Continue Speech*

Mr BLAIKIE: I move—

That I be given leave to continue my speech at a later stage of the sitting.

Motion put and passed.

Debate thus adjourned.

### QUESTIONS

Questions were taken at this stage.

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

### MISUSE OF DRUGS BILL

#### *Second Reading*

Debate resumed from an earlier stage of the sitting.

MR BLAIKIE (Vasse) [7.31 p.m.]: Earlier I was giving the House a summary of the attitude of certain members of the Opposition, and particularly the policy of the Australian Labor Party—

Mr Evans: And doing it very poorly indeed.

Mr BLAIKIE: If the member for Warren cares to wait, now that he has provoked me I will give him a mention also.

I was indicating the policy of the Australian Labor Party as it related to drug abuse in this State, and how that party had changed its policy from time to time. It would appear to me that when the whim took the party, it would change its policy to one of legalisation; but if it detected an air of community opposition, it would change back again.

Mr Grayden: It changes its mind with free abandon.

Mr BLAIKIE: Not only with reckless abandon, but with irresponsible abandon.

Let me assure the House that the people of Western Australia have seen what has happened in relation to the ALP. Let me record in *Hansard* that the people of Western Australia ought to be aware that, in the event of a future Labor Government, it could well change its policy again. The stand it has taken in relation to this debate is indicative of what a future Labor Government would do if it went into office. It would take a very soft line in relation to drugs in the community, in relation to drug abuse, and in relation to its attitude to drugs.

Mr Bateman: That is not quite right. You would be terribly surprised.

Mr BLAIKIE: The member for Warren indicated earlier that he had certain attitudes in relation to this. When the State executive of the ALP took its decision and made its stand in support of the legalisation of marihuana smoking, the following comment appeared in the *Daily News* of 8 February 1979—

Mr David Evans (Warren) said: "I have considerable reservations about this policy. It is a matter I will be taking up in the proper confines of the policy-making machine of the party."

Mr Evans: And did it not change? Has it not changed?

Mr BLAIKIE: That bears the mark of a typical politician—"two bob each way, but don't tell the public where you stand". That means the door is always open. If necessary, one can come back or go the other way before the door shuts.

Another supporter of that scheme was the Hon. Grace Vaughan, then a member of the Legislative Council. Unfortunately the member for Mt. Hawthorn is not here tonight, but in relation to him the article in the *Daily News* said—

Mr Ron Bertram (Mt. Hawthorn) said he had not studied the ALP's position.

He questioned the State Government's attitude to drugs.

Mr Bertram said, "The Government should be called upon to explain its stand on drugs."

"It has done nothing at all to stop 'pushing' of drugs in this State and it needs to explain its neglect."

If that were the case—and I do not believe it was—this neglect has led to the formulation of the Bill before the House. An opportunity has been allowed for public comment, as the Bill was introduced in October last year. The Government

has been most understanding, and the public have had something like 10 months in which to make comments. However, members of the Opposition are saying that the Government is rushing the Bill through. What utter nonsense and utter rot!

Mr Pearce: It is a different Bill every time it comes back

Mr BLAICKIE: The Bill is an important measure; it is a positive measure; but I do not believe it goes far enough. The Government ought to have moved further in order to meet the problem of drugs—the increasing problem of drugs peddled in the community. I see a great need for education of the community, including parents. I see a need for the community to be concerned and to be made aware of the problem. More importantly, parents need to be concerned and to be made aware.

Mr Parker: In what way does the legislation assist in that regard?

Mr BLAICKIE: Far more importantly, the Bill contains measures to deal with people who have been convicted. In the past, the penalties were too soft.

There is a need to explain to parents and to the public at large the problem related to drugs. There should be identification of the drugs, and the effects that they will have on communities, families, and individual people. Members of the Opposition who have not seen people emaciated by drug abuse would have a different concern from the people who have seen that situation.

The drug abuse soft line indicated by the Opposition is one of pathetic nonsense which will not convince the public and it is evident from where the Opposition is receiving its support. The attitude of softness is not one which will be accepted by the community.

The Bill is important; and on those grounds I support it.

MR PEARCE (Gosnells) (7.38 p.m.): It is amazing how many back-benchers on the Government side spend all their time researching the Labor Party's policy and attitudes. It is amazing that so much research leads to so little learning. One would have thought there would be few experts on enlightened social policies in the Government back bench, but speech after speech proves that that is not so.

If one were to think about the title of the Misuse of Drugs Bill, it would occur to one that the two drugs most misused in this community do not rate a mention in the Bill. I refer, of course, to the addictive drugs of alcohol and nicotine. Those two drugs are the most addictive drugs, with the

possible exception of heroin, and the reason they do not rate a mention will be shown. Those two drugs cause the greatest social damage. Alcohol causes hundreds of deaths in a year as a result of road accidents involving drunken drivers. In the long term, nicotine causes thousands of deaths a year as a result of lung cancer and other cancerous disorders. My colleague, the shadow Minister for Health, has told me that 1 300 deaths a year occur in Western Australia alone because of tobacco-related disorders. Again, alcohol causes thousands of deaths across Australia in a year.

These are the two drugs which are the most misused by the community, and they ought to be viewed with the greatest concern. There is a simple reason that the Government is not turning its attention to these drugs, and that is because the people who sit on the Government benches smoke and drink—

Mr Blaickie: That is absolute rubbish!

Mr PEARCE: —and most of their supporters do so as well. It is an accepted social phenomenon that drinking and smoking are "on". Some supporters of the Government have shares in the companies producing these products.

The point which needs to be considered in this regard is that that sort of drug use is sanctioned by the community through long use.

Mr Blaickie: I do not disagree with the comments you are making, but how can you be so hypocritical to make those sorts of comments when you sanction marihuana use?

Mr PEARCE: Good point! I will come to that, because my attitude with regard to marihuana is well known.

Mr Blaickie: Yes, it is very well known, and you happen to be the shadow Minister for Education.

Mr PEARCE: Despite the efforts of the member for Vasse to suggest that I have taken some convoluted position on this matter, I am prepared to say quite clearly that I do not approve of drug usage of any type in the community when people are damaged by that usage. I have never personally smoked marihuana, and I do not encourage people to smoke it. I do not encourage people to use nicotine, and I do not smoke. I do not encourage people to use alcohol, although I do drink. I am prepared to concede that. I do not drink to excess like some members opposite. I may be the shadow Minister for Education, but I have never been drunk and assaulted a policeman—

Government members interjected.

Mr PEARCE: I am not referring to anyone specifically. It little serves the Government's back bench to point to me and say that because I have shown an inconsistent attitude, it is all right for me to get drunk every Friday night; or indeed seven times a week, but it is okay for one of their Ministers, under the influence of whisky according to the official story, or under the influence of LSD according to his own story, to assault two policemen and rip a microphone out of a police car. Not only do members opposite support that kind of behaviour, but they put such a Minister back into the Ministry.

Mr Grayden: Haven't you got a couple of hit-run drivers on your side of the House, including a man who killed a person?

Mr Hassell: Two!

Mr Grayden: And another one who was involved in an accident and just drove off?

Mr PEARCE: I am not denigrating the Minister's efforts at self-rehabilitation in that regard.

Government members interjected.

Mr PEARCE: He is a shining example to the community in that regard.

#### *Point of Order*

Mr GRAYDEN: I take the strongest exception to remarks of that kind from an individual who has not only supported the legalisation of cannabis, but also introduced a Bill to advance the concept of homosexuality. I take strong exception to a member of that kind making allegations like that.

The ACTING SPEAKER (Mr Crane): Are you asking for retraction of the words?

Mr GRAYDEN: Yes, I am.

The ACTING SPEAKER: The Minister is asking for retraction of the remarks which have cast aspersions at him. One of the Standing Orders of this place is that members will not cast aspersions at other members of this House. In the interests of a smooth debate, it would be better if you would refrain from making such remarks, and withdraw them.

Mr PEARCE: As I understand the remark I made before the Minister took umbrage, from memory the sentence I used was, "I do not denigrate the Minister's efforts at self-rehabilitation. They have been a shining example to the community". I withdraw that remark.

#### *Debate Resumed*

Mr PEARCE: The point I am making with regard to this matter is that it little suits members on the Government back benches to point to the heroin and marihuana users in the community and say they are wrong, but to say the alcohol and nicotine users are right. That is an hypocrisy for which I do not fall.

I said to the member for Vasse, much as I deprecated the use of drugs such as marihuana, I believed it was wrong for judges who drank whisky to send drug users to gaol and, indeed, for Government members who are well known as users of the two socially accepted drugs I have mentioned, to get together to legislate to send marihuana users to gaol.

However, I am not here tonight to speak on behalf of marihuana users. The legislation which has been brought forward by this Government is not acceptable, because it fails to make a number of distinctions which need to be made. The Bill is quite hypocritical in its approaches to some of the issues and the point I make about alcohol and nicotine being excluded while heroin, opium, and marihuana are included, is that a judgment has been made by the Government on the basis of what was the prevailing attitude of the community 50 or 60 years ago, rather than on the basis of the drugs themselves.

My concern is the way in which the marihuana smokers in the community—a very significant proportion of the metropolitan community at the present time smoke marihuana and the member for Vasse has a number of them in his electorate, as has been pointed out already—by the nature of the unlawful drug trafficking in marihuana, are exposed to those people who traffic in heroin. In fact, the reason that the smoking of marihuana is more dangerous than the drinking of whisky is not that marihuana is more harmful than whisky—indeed, in its concentrations it is a lot less harmful, because if one drank neat whisky one would get into a great deal more trouble more rapidly than if one smoked a joint—but that marihuana users are brought into contact with people who traffic in heroin. I am sure there are members opposite who, unlike me, have tried marihuana and certainly some members opposite could not say their children have not been involved in that practice at least on an experimental basis.

I emphasise that the difference between the use of whisky and the use of marihuana is not that one is more damaging than the other; it is that the use of marihuana is likely to bring one into contact with people who traffic in heroin, because

of the nature of the law. That is a very unfortunate state of affairs. By making illegal something that is desirable to a section of the community, one encourages people to traffic illegally in it. The classic case with regard to this matter is, of course, prohibition in the United States during the 1920s. At that time it was decided the balance should tip the other way and alcohol should be brought into the category of those drugs, such as heroin and marihuana, which are socially unacceptable.

At that time we saw an increase in gangsterism that was unprecedented in the history of the USA and which, to an extent, was socially sanctioned, because the criminals were supplying something for which there was a wide community demand.

If anyone is aware of the various cases going on throughout the world in an endeavour to discover who has murdered this or that drug courier, because trafficking in drugs is so profitable, he can see the illegal use of soft drugs is one of the factors leading to gangsterism and murder on an advanced scale.

Mr Blaikie: What about talking about hard drugs?

Mr Davies: He is drawing your argument.

Mr PEARCE: I am prepared to talk about hard and soft drugs.

Mr Blaikie: Apparently you see no correlation between soft and hard drugs.

Mr PEARCE: The member has not been listening. I do see a correlation between soft and hard drugs, because of the existing state of the law. The correlation is this: The traffickers in soft drugs by and large tend to be the same people who are the traffickers in hard drugs, because if one sets up a drug courier operation, one deals in all the drugs available. The failure of the Government in this legislation to discriminate between soft and hard drugs is one of its biggest errors. It is an attempt to make criminals of people who are really no more criminal in themselves than are those who smoke cigarettes and drink alcohol, when one has regard for the way in which they live the rest of their lives. These people are being placed in a criminal category.

Mr Hassell: That is what the Criminal Code does.

Mr PEARCE: I accept that is the case.

Mr Hassell: Why are you drawing a distinction?

Mr PEARCE: Is the Minister referring to a distinction between soft and hard drugs?

Mr Hassell: No, between this legislation and the Criminal Code. The Criminal Code legislates for criminality also.

Mr PEARCE: Of course it does. That was exactly the argument I was putting forward. The Minister is saying we are taking sections of the Criminal Code and sticking them into this legislation. I say that, if we are to review all aspects of community attitudes to drugs, let us look at the whole spectrum. I do not say that because the sections are in the Act they indicate community attitudes to drugs. If I remember correctly, the prohibitions against the use of cannabis were inserted in the Criminal Code in 1956 or 1958. Previously it was not a crime to smoke cannabis. It is a crime of recent origin. Perhaps the Minister can confirm what I say in that regard.

Mr Hassell: No, I cannot, because the provisions to which you refer are not in the Criminal Code and never have been.

Mr PEARCE: Where are they then?

Mr Hassell: They are in the Police Act. How about getting it right?

Mr PEARCE: The Minister said they were in the Criminal Code.

Mr Hassell: I did not say that.

Mr PEARCE: If the provisions are in the Police Act, they were inserted in the 1950s. Does the Minister confirm that?

Mr Hassell: Are you telling us?

Mr PEARCE: I am asking whether it is true that these provisions were inserted in the Police Act in the 1950s.

Mr Hassell: They went in at some stage and became law.

Mr PEARCE: The prohibition against the use of cannabis or marihuana does not stem from the dim dark ages. It was inserted during the drug scares of the 1950s.

Mr Hassell: There was no need for it before then.

Mr PEARCE: Why was there no need?

Mr Hassell: Because the drug was not used, or at least it was not available.

Mr PEARCE: It has been around for centuries.

Mr Hassell: It was not available in this State.

Mr PEARCE: It was available in this State and has been for many, many years. It used to be called Indian hemp in the days before the 1950s. The Minister may be unaware of that, but it was a very widely used drug in the 1920s and 1930s.

Mr Parker: Cocaine was used in Coca-Cola. That is where it got its name.

Mr PEARCE: That is quite right. Community attitudes to drug use shift and change all the time in the same way that party politics shift and change. Perhaps one of the reasons the Liberal Party is against all these drugs, other than alcohol and cigarettes, is that party funds come from alcohol and cigarette-producing companies.

Mr Hassell: And do your party funds come from the profits of illegal drug trafficking?

Mr PEARCE: No, they do not.

Mr Hassell: Are you sure about that?

Mr Davies: Absolutely.

Mr PEARCE: If a company producing marihuana was set up, members of the Liberal Party would be the first people to buy shares in it. They have certainly shown a fair capacity in recent times for leaping in where a buck is to be made.

The first point I make is the failure to distinguish between soft and hard drug usage is a severe weakness in the Bill. The second point concerns the toughening of the penalties for drug usage in both categories. I say this to the member for Vasse: There is no evidence whatsoever to suggest that making harsher the already harsh penalties for drug usage or trafficking will inhibit the trade in any way. To instance that I have only to point to the fact that drug trafficking by Australians through Thailand is something which will earn penalties far harsher than those in the Bill before the House and will in fact result in far longer terms of imprisonment, if not death, than are implicit in the Bill and in circumstances which are much less favourable than those in Western Australian prisons, and yet people are still involved in this practice.

Mr Parker: It is one of the world capitals for drug-running.

Mr PEARCE: It is one of the world capitals of the drug-running operations and that is why it has such tough laws. However, the Australians who risk the penalties currently in force in Australia, for the most part also risk the penalties currently in force in Thailand in regard to trafficking in soft and hard drugs and yet they continue to do this and the reason for that is the trade is so profitable, because there is a demand to be fulfilled.

Mr Hassell: That is how you want to keep it.

Mr PEARCE: It is not.

Mr Hassell: Of course it is, because you are opposing provisions which will remove the profitability. You are opposing them!

Mr PEARCE: Which provisions are they?

Mr Hassell: The provisions in the Bill.

Mr PEARCE: Which ones take away the profitability of the drug trade?

Mr Hassell: The powers to forfeit the profits.

Mr PEARCE: If one catches them.

Mr Hassell: You don't want the police to have the powers to catch them, because if there are any powers to catch them it is an infringement of civil liberties. You are trying to protect your friends in the drug trade and you know it!

Several members interjected.

Mr PEARCE: I have no friends in the drug trade. I do not use any of these drugs. I have made that point clear to the Minister and he ought to know that is the case. He is less able to say that with regard to some members on his own side and he should be very careful about casting that kind of wild aspersion.

Mr Blaikie: I should like to point out that in this place you have to be careful to watch out for self-confessed puritans.

Mr Jamieson: You ought to know.

Mr PEARCE: The member for Vasse has me totally at a loss. I do not even understand that specific interjection. However, frequently in this place the member for Vasse has professed to be a puritan.

Mr Blaikie: You are the one who is doing that right now.

Mr Parker: More marihuana is grown in the electorate of the member for Vasse than anywhere else in the State.

Mr Blaikie: Which gives me great concern.

Mr PEARCE: No marihuana is grown in my electorate. Why do marihuana growers go to the electorate of the member for Vasse and not to mine?

Mr Hassell: How do you know that?

Mr PEARCE: I know what goes on in my electorate and the member for Vasse knows what goes on in his.

Mr Hassell: Do you know that no marihuana is grown in your electorate?

Mr PEARCE: I am quite certain none is grown there. If the Minister suggests to the contrary, let him prove that is not the case.

Mr Hassell: You are saying no marihuana is grown in your electorate.

Mr PEARCE: That is correct. However, marihuana is grown in the electorate of the member for Vasse.

Mr Hassell: No-one argues about that.

Mr PEARCE: So the friends of the drug dealers obviously reside in the electorate of the member for Vasse and not in my electorate.

In pointing to the penalties, the Minister is revealing the weakness of his own Government's legislation and that is this: The assumption is that harsh penalties deter and, if they do not, one is able to catch the people moving around with drugs, and that will deter others. That is the underlying theme of the Bill before us.

I am pointing out such a situation has not worked in Thailand and there is no suggestion it will work here. Despite the incredibly heavy penalties for drug dealing in Thailand, it continues to run at a rate apparently higher than that in any other country in the world.

We on this side of the House are concerned about drug abuse. We do not approve of the use of heroin. We think people who get others addicted to heroin are not markedly distinguishable from murderers.

Mr Hassell: Why aren't you supporting the Bill then?

Mr PEARCE: Because it is a lousy Bill. It does nothing to deter or prevent the use of drugs in this way. Our attitude is really the attitude the member for Vasse said he had, but which in his vote, he will show he does not have; that is to say that the way out of drug usage problems is, firstly, to remove the social causes for drug use and, secondly, to operate educational programmes. It has been people like the Minister and probably the member for Vasse who have caused these educational programmes to falter.

Mr Blaikie: Rubbish!

Mr PEARCE: It is not rubbish. I will tell the member why that is so, because people who become involved in drug usage—apart from alcohol and nicotine, because everybody is involved in their use at least on an experimental basis on one occasion or another, but very often in schools and in the young working sections of the community; marihuana usage is quite prolific among young office workers in the metropolitan area and it is not just the hippie drop-out cult that uses marihuana; very often marihuana is used by young people in the professional class—start to use marihuana when they attend parties or social gatherings where marihuana users may be present.

They have been told by people like the Minister for Police and the member for Vasse that marihuana is a desperately dangerous addictive drug that will do tremendous damage. There is

not much to distinguish between marihuana and heroin. They see people smoking marihuana and they see in general terms that those people smoking marihuana do not seem to be as badly off at the end of an evening as those people who have been getting stuck into spirits. They seem to think from personal observation that there is nothing particularly despicable about marihuana use. Some people have ended up by trying it. It is a drug which is chemically related to alcohol. The differences between the two are not particularly great. In fact, as I understand it—I am not speaking from personal experience with marihuana but from experimental observations shown in a number of studies—marihuana use seems to have a more sedative effect than the use of alcohol and does not result in the same sort of aggression that is often found in pubs with drunks. That example was borne out by the experience of two Swan Districts football players who were put out of action for the finals due to a drunken brawl in a hotel recently. Marihuana smoking appears to not result in that sort of aggressiveness.

Mr Blaikie: What did you say happened to those Swan Districts players?

Mr PEARCE: I am not going to be sidetracked by answering questions about Swan Districts players.

Mr Blaikie: Do not cast aspersions unless you know they have some basis.

Mr PEARCE: It is well known to everybody in the community including the member for Vasse that alcoholism leads to aggressive behaviour on the part of a large number of people. That appears not to be the effect that marihuana smoking has. Marihuana smoking has a slightly more insidious effect than alcohol in that the chemical constituents of it are fat soluble.

Mr Blaikie interjected.

Mr PEARCE: I am not even listening to the member for Vasse now. The constituent chemicals of marihuana or cannabis are fat soluble and remain in the system longer than alcohol which is more water soluble. That part of it aside, there is not much difference between alcohol and marihuana. People have been told by the member for Vasse and the Minister for Police and others that marihuana is a gravely dangerous drug which will do all sorts of despicable things. In fact, the Minister and the member for Vasse ought to have a look at some of the advertising—with regard to marihuana—used on American television by the American Government during the 1950s when marihuana prohibitions were introduced into our own legislation. They were remarkably horrifying



and totally inaccurate presentations. People see other people using marihuana and see that it does not have the dreadful effects that the Minister for Police and the member for Vasse say it has. Then they try it themselves.

Mr Blaikie interjected.

Mr PEARCE: Then they find from their own use that these dreadful effects do not follow and then they say, "Who listens to the Minister for Police or the member for Vasse when they say what a dreadful drug heroin is?" They move on to use them. With regard to the comments on heroin, the Minister for Police and the member for Vasse are right. It is a ghastly drug, which is tremendously addictive and fatal within a short time for heavy users.

It is a failure of our education system. People learn from education and are affected not simply by being told—everybody has a mind of his own—but they can see by observation whether things they are told are correct. When people like the Minister for Police and the member for Vasse are proven to be inaccurate they will react. It is hardly surprising that people conclude they are probably inaccurate with regard to heroin use. That is one of the failures of education and one which we ought to spend time on and for which Government members stand condemned because of their attitude with regard to this. It is a hypocritical attitude because many of them probably are smoking and drinking at the times they are saying marihuana use should be made illegal.

Mr Hassell: You realise you have just made a whole series of inaccurate statements?

Mr PEARCE: I do not realise that. The Minister will have a reply. Just be quiet at the present time.

Mr Hassell: Neither the member for Vasse nor I have stated what you have said we have stated in relation to marihuana.

Mr Blaikie: Hear, hear! That is quite right.

Mr Hassell: In your inadequate research, you could have got that right by reading *Hansard*.

Mr PEARCE: In the Minister's reply he has the opportunity to tell the House exactly what is his attitude to marihuana if it is different from that spelt out in his own Bill.

In essence, going through the provisions of the Bill, it does not distinguish between marihuana use and heroin use. The Minister explains that away. Why is the Minister not categorising as I am?

Mr Hassell: It is a different issue.

Mr PEARCE: It is not a different issue. I am categorising marihuana and its effects with alcohol. They are pretty disastrous effects.

Mr Hassell: I know. You support the legalisation of marihuana. You are categorising it with alcohol which is a legal drug.

Mr PEARCE: I do not support the legalisation of marihuana.

Mr Hassell: What do you support? Why don't you tell the House properly? You have been twisting around with your colleagues for three weeks on this issue. You are so divided, you cannot make a decision. You have not got the honesty to tell the House the truth.

Mr Davies: Come on!

Mr Hassell: You know very well what went on in your Caucus about this issue and how divided your party is on it because you and your colleagues support marihuana legalisation. Why don't you have the honesty to say it?

Mr T. H. Jones: When did we say that?

Mr PEARCE: The party policy in this matter is very clear.

Mr Hassell: But your policy is not.

Mr PEARCE: I will explain that in a second.

Mr Hassell: Another version.

Mr Davies: Can we have this fellow committed? He is going crazy.

Mr PEARCE: It is to lessen the penalties for casual users of marihuana but maintain prohibitions against traffickers and harden the penalties against traffickers of drugs.

Mr Blaikie: How would you interpret that policy then?

Mr PEARCE: I would interpret it as binding us to vote against this Bill, for a start, because of the extent to which it encourages and indeed enforces penalties against casual users of marihuana. The member for Vasse in his very sketchy research failed to note, as he ought to have done, that I was one of the major speakers at the ALP conference that affirmed that policy. He quoted some sections of the media reports on my position at that time. I went straight from the ALP conference meeting which reaffirmed that decision—I think I even seconded the motion, from memory; if I did not, I was the third speaker on it—

Mr Blaikie: You changed your decision.

Mr PEARCE: I did not change my decision at all.

Mr Hassell: You do not say you support the legalisation of marihuana?

Mr PEARCE: That is not what the policy is.

Mr Hassell: What do you support?

Several members interjected.

Mr Davies: He supports the policy of the party he represents, you idiot!

Mr PEARCE: I support the policy of the party on this. I made that perfectly clear. In that sense, there is no distinction between the two comments of mine in the way the Member for Vasse attempted to draw conclusions. I went straight on—

Mr Blaikie: It was not how I attempted it there. It was yourself.

Mr PEARCE: I went straight from the ALP conference onto the first "Nationwide" program in this State. I explained to the people of Western Australia who watched the show exactly the ALP's decision and what it involved. I was then asked what my personal position was. My personal position is not distinguished at all from the party position on that. It is quite simply that it is wrong for people who are users of nicotine and alcohol—both of them have a component of dangerousness equivalent to that of marihuana—to conspire to send people to gaol who are users of marihuana, which is no more dangerous and no more—

Mr Hassell: In other words, it is wrong to enforce the law of the land? That is what you are saying.

Mr Parker: You can't talk, with your policy on gambling and brothels. What a contradictory statement for you to make!

Mr PEARCE: My colleague, the member for Fremantle, quite rightly pointed out that the Minister with his concept in recent times of the law of the land in regard to prostitution and gambling which not only is not being enforced by the police, but—

Mr Hassell: That is not correct.

Mr PEARCE: —also breaches of that law are being supervised by the police and the police are going around—

Mr Parker: That is exactly what you said. You said you tolerate breaches of the law under certain conditions.

Mr PEARCE: Not only do the police tolerate breaches of the law, but the police go around and ensure that they are being breached in a certain manner.

Several members interjected.

Mr Hassell: Get back to your support for marihuana legalisation.

Several members interjected.

The ACTING SPEAKER (Mr Crane): Order! The member for Fremantle! I believe the member for Gosnells is the person on his feet! He can address the House later, yet the member for Fremantle continually interjects. I ask him please to desist.

Mr PEARCE: I thought it was the Minister for Police and Traffic who was making the speech, the way he was going on.

The ACTING SPEAKER: Order!

Mr PEARCE: The point the Minister for Police and Traffic wanted to say to me was to ask whether I support breaches of the law of the land. The answer is, "No". He supports breaches of the law of the land in the way his Police Department is supervising gambling and prostitution in this State.

Mr Hassell: You said it was a conspiracy to put people in jeopardy because they break the law relating to marihuana—

Mr PEARCE: Right. My policy is that the law should be changed. I do not support breaches of the law. If we think the law is bad, we move to amend it.

Mr Hassell: So you think the law should be changed? Are we now getting to the truth, that you support the legalisation of marihuana? That is what you support. Why don't you tell the truth?

Mr Davies: What about shutting this idiot up?

Mr PEARCE: This is what party policy is, that people ought not to be sent to gaol—

Mr Hassell: Let us dance through a few more words. Where is your policy? Come on, tell us the truth!

Mr PEARCE: It is getting difficult to interject across the Minister's speech. I will appreciate a fraction of protection in a moment. Before I ask for that, there is no difference between my policies—if I have an individual policy in this matter—and the Opposition's policy with regard to that. We are opposed to gaoling people for marihuana use. I have said that a dozen times tonight. I do not think anything could be simpler. Nevertheless, I pointed out that the Opposition is very concerned about drug use in the community.

Mr Hassell: What are you talking about? I am waiting. I am prompting you.

Mr Blaikie: You are opposing this Bill?

Mr PEARCE: That is right.

Mr Blaikie: What sheer hypocrisy!

Mr PEARCE: It is not sheer hypocrisy. It is hypocrisy for the Minister to send people to gaol for 30 or 40 years or whatever for being involved in the use of marihuana when he is quite happy to

see drunks roaming the street and smoking themselves to death. What we say is that if we deal with drug usage we deal with it from the point of view of the user. The solution there is not sending people to gaol, but is in fact to go into programmes which will remove the social reasons for drug usage and to institute programmes to educate people properly about the effects of drug use.

Mr Hassell: We have programmes of education—

Mr PEARCE: We are prepared to see those sorts of programmes across the board. We expect to see that sort of programme with regard to heroin and would be happy to see that sort of programme with regard to marihuana.

My colleagues, the member for Melville and the member for Mt. Hawthorn, have talked themselves hoarse in this place arguing that similar sorts of programmes should be entered into with regard to the use of nicotine. Other colleagues of mine have talked in this place about the dangers of alcohol use. We have a very consistent point of view on this side of the House. That is how heavy social problems like drug usage should be corrected by social means and not by penal means. We make the point, further, that the policy precludes the approach used in this legislation simply because it does not work. Remember that one only has to look at the Thai example. No-one can tell me—

Mr Hassell: Are you concerned about the penalties for the use of marihuana in this Bill?

Mr PEARCE: The point I am making, if the Minister has not understood it, is that—

Mr Hassell: Are they too high?

Mr Davies: He is not under cross-examination by you. Shut up!

Mr Hassell: He talked about penalties.

Mr PEARCE: I have answered your questions a dozen times.

Mr Hassell: It may not occur if you answer me.

Mr PEARCE: The Minister says that the Government is concerned about drug abuse in the community and wants to do something about it. There is common ground in this House on that point.

Mr Blaikie: You are the spokesman on educational matters. It makes me shudder.

Mr Bryce: He is a great improvement on the Government's Minister for Education, I will tell you that.

A Government member: Heaven help the education system of Western Australia if you get loose.

Mr PEARCE: That is an area in which we have already—

Mr Bryce: What are you and your colleagues providing, grog shops? If you refer to leadership—what a hide you have got to talk about our shadow Minister! Look at the nong sitting next to you!

The ACTING SPEAKER (Mr Crane): Order! One more interjection from the member and I will take serious steps. The member for Ascot is interjecting not from his own seat. I suggest if he wants to interject in a nice, quiet manner, that he at least sits in his own seat to do so.

Mr PEARCE: I only intended to make a short speech tonight, but I have been subject to interjections totalling some 10 to 12 minutes from the Minister for Police. I would ask that if in fact the Acting Speaker is serious in wishing to restrain the House to listening to me and not the continual barrage of interjections, a word or two in the direction of the Minister would not go astray. The point that is being made—I will make it one more time; it must be the fourth time I have made it—is that the Opposition is as worried about drug misuse as is the Government, and probably more so.

The difference between us is the way in which we go about limiting the bad effects of drugs. We believe that the Government should become involved in social and education programmes, and that this would be a better approach than is sending people to gaol. This is the reason that I am the education spokesman for this side; I have a belief in the education process. I believe that if we go about the business of educating people we can affect their behaviour. If the people knew of the damage caused by heroin, they would not become involved in its use. If we could remove the social pressures on people, they would not get involved with alcohol, nicotine, marihuana, or any other drug.

I am interested in the education process to stamp out this form of social ill. Before the next election, I am prepared to produce my police record and hold it up before the parents and children of this State. If the Minister for Education were to do that—

Mr Young: Can you hold it up?

Mr PEARCE: The Minister for Health is dead wrong. I can hold it up—it would be a blank sheet.

Mr Bertram: The Minister for Education was charged with common assault.

Mr PEARCE: The Minister for Education may be able to tell us how he managed to get out of being charged with aggravated assault.

Mr Blaikie: It would be far better if you stopped talking about police charges.

Mr PEARCE: The member for Vasse was the one who brought this up. My attitude is in favour of an education process, and it is against the type of policy in which Government back-benchers, and indeed their front-bench colleagues, indulge. The member for Vasse said I am not fit to be a potential Minister for Education, and at the same time he sits behind a man who has been convicted of a drunken assault on two policemen and of the destruction of Government property.

At least the Minister for Education has made an attempt to improve on his drug-induced behaviour. The member for Vasse would do well to close his mouth about that sort of thing and say that a man can be rehabilitated.

Mr Young: Don't get too carried away.

The ACTING SPEAKER (Mr Crane): We are straying from the Bill.

Mr Young: If you get too far away, people on this side might start asking for reports on everyone on your side.

The ACTING SPEAKER: Order!

Mr Bryce: You can start something, but you cannot cope with the response.

The ACTING SPEAKER: I have already told the member for Ascot not to interject from a seat which is not the seat allocated to him. I will not tell him that again. I remind the House that we are straying from the Bill.

Mr PEARCE: I am sorry, I did not intend to bring "little raysie-waysie" into the debate.

Mr Young: Just be very careful when you start calling for a comparison of reports. If we were to call for police reports on everyone on your side of the House, you would be very embarrassed indeed.

Mr PEARCE: That is a very interesting thing for the Minister to say, I certainly hope that the *Hansard* reporter caught that little suggestion from the Minister.

Mr Young: I hope so. That is why I made it.

Mr PEARCE: The matters to which I referred are matters of public record. These are not the sorts of comments I would make normally, but I made them because the matter was raised by a Government back-bencher.

This approach to the stamping out of drug use in the community is an incorrect one. It is the standard knee-jerk reaction of the Government—the Government believes that if it increases the penalties, the problem will go away. If the penalty for an offence is increased to 20 years instead of 10 years, it will not affect the number of people involved. I have referred already to the experience in other countries such as Thailand where the penalties for drug offences are very harsh. An increase in the penalties does not solve the problem and this is for the simple psychological reason that people do not believe they will be caught.

A person who is likely to traffic in drugs will not think to himself, "I will take the risk of being sent to gaol for 10 years. I do not mind that, but if I might be put away for 20 years, I will not become involved". The Minister ought to be aware that a great many studies have been undertaken into a whole range of criminal activities. The results of these studies have shown that increased penalties do not act as a deterrent because most criminals do not intend to be caught.

Mr Hassell: What sort of penalties are you talking about?

Mr PEARCE: All sorts of penalties.

Mr Hassell: Are you referring to the penalties for the use of marihuana?

Mr PEARCE: The Government's idea is that people will not commit murder because of the penalties.

Mr Davies: The chicken farmers on that side of the House!

Mr PEARCE: Yes, they spend their lives strangling chickens, and think that they should do it to people who cluck out of turn. We cannot stamp out any sort of antisocial behaviour by simply sending to gaol the people who get caught. Once upon a time the forebears of the Minister were sent to this country for stealing loaves of bread.

Mr Parker: His forebears were probably the guards on the ships.

Mr PEARCE: Such harsh penalties did not stamp out bread stealing. In fact, the only thing which led to a decline in the number of thefts was the social security system which made it unnecessary for people to steal bread.

Mr Hassell: You have four minutes left; why don't you tell the House honestly and straightforwardly which penalties in this Bill you oppose.

Mr PEARCE: I am making my peroration, and I do not have the time to cope with all the interjections.

The ACTING SPEAKER (Mr Crane): I can appreciate the member's concern, but he does interject on other people.

Mr Bryce: That is balance from the Chair!

The ACTING SPEAKER: We have had a great deal of misbehaviour tonight. I am in charge of the House at the moment, and I remind the member that he interjects incessantly on other people and, therefore, for that reason, I have allowed a reasonable number of interjections tonight. However, in the little time left to the member now, I believe he ought to be allowed to complete his address.

Opposition members: Hear, hear!

Mr PEARCE: Thank you, Mr Acting Speaker. I was quite prepared to cope with the interjections of the member for Fremantle, because at least his interjections were intelligent!

We take issue with the Government on the proposition it is putting before us that heavier penalties will act as a deterrent. We would prefer a serious attempt to be made to remove the social reasons which lead to drug usage in this community, and I use the term "drug usage" in a wider sense than that envisaged in the Bill. I believe I have indicated fairly comprehensively to the House tonight our view that the problem of drug usage should be considered in a wider spectrum.

If we are to have legislation in regard to drugs, we would prefer a much more accurate diagnosis of the effects of certain kinds of drugs, and a better grouping of the drugs based on the sort of damage they are likely to do in the community and, indeed, of their addictive nature.

The Minister for Police and Traffic seems to believe we are failing in our duty to this State in not accepting this Bill. If this Bill is rejected, we hope that the Government will think seriously about what really needs to be done. Already some people in the community are having second thoughts about the problem. A public seminar on the misuse of drugs was held on Friday, 4 September 1981, and a number of very concerned people—and I might say very well-qualified people—in the field, attended. Arising out of the seminar these people sought a deputation to the Premier, and a letter was sent to him.

Mr Hassell: I don't suppose he has received it, and yet you have it.

Mr PEARCE: It is dated 8 September. I think he would have received it.

Mr Hassell: But you have it.

Mr PEARCE: It was handed to the Premier today, following several telephone calls to the Premier's office. A deputation of people sought to see the Premier to discuss this Bill with him, and, as I understand it, through his officers, the Premier refused to see the deputation and referred it to the Minister for Police and Traffic.

Sir Charles Court: That is different from refusing to see them. My office—and not me—referred them to the Minister for Police and Traffic, and that course is the right and proper one, because he happens to be handling the Bill.

Mr PEARCE: The Premier refused to see them. I seek leave to have this letter incorporated in *Hansard*, because it makes the point about the concern many people have about the Government's lack of interest in this subject.

The ACTING SPEAKER (Mr Crane): Order! The member's time has expired.

Mr PEARCE: Before it expired, Sir, I sought to have the letter incorporated in *Hansard*.

The ACTING SPEAKER: Very well, you may hand it to the attendant, and it will be incorporated.

MR McPHARLIN (Mt. Marshall) [8.25 p.m.]: In rising to debate this Bill, I would like to refer to the comments made by the Minister for Police and Traffic when he introduced the previous Bill on 28 November 1980. He said—

This is an important Bill; the first of its kind in Australia. We are faced with a problem of frightening dimensions.

I do not think any member of this House would deny that the drug problem has reached frightening dimensions.

Mr Hassell: The member for Gosnells denies that it has reached frightening dimensions.

Mr McPHARLIN: When we read of the drug problem that is developing in our State, and the fact that drugs are filtering through to school children—

Mr Bertram: Are you speaking of tobacco?

Mr McPHARLIN: —we realise that certainly the problem is reaching frightening dimensions.

Mr Grill: If you have something new to say, say it. If not, sit down.

Mr McPHARLIN: The Minister for Police and Traffic went on to say—

Drugs of addiction have their effect not only on those who become addicted, but also in the organisation and promotion of criminal activity directed to satisfy the base greed of

evil people. They are, therefore, a double danger to the community.

The Bill proposes to increase the penalties for the peddling and selling of various drugs. I believe that the Bill is a step in the right direction.

Mr Parker: It does not go far enough though, does it? You would rather have them hanged.

Mr McPHARLIN: It is certainly a criminal act to peddle drugs to school children. Those of us who have children and grandchildren are very concerned about what could happen in the future. If children become involved in this illicit trade, very soon they could be mixing with criminal elements.

One previous speaker said that the Government was going about this the wrong way. What is the right way? I believe this is a move in the right direction, but I do not disagree with the idea of education as well.

Mr Parker: When are you going to rejoin the Government?

Mr McPHARLIN: We should be educating those people who need educating. By the use of stronger penalties and education, the whole community could benefit. From time to time various people have advocated the decriminalisation of marihuana use, and I am not now referring to any member of this House.

Mr Parker: The Young Liberals, for instance.

Mr McPHARLIN: Such a course is just not acceptable. No drug of addiction should be legalised.

Mr Bertram: Does that include nicotine?

Mr Evans: And alcohol?

Mr McPHARLIN: I will come to those in a minute.

Mr Bertram: Each year 1 300 die because of tobacco.

Mr McPHARLIN: Some people have said that we must catch Mr Big, but how do we catch Mr Big? If we can catch the drug peddlers and put pressure on them, they will squeal on their suppliers. That will lead to the capture of the Mr Bigs. How else can we do it? Of course the Bill is a move in the right direction.

Mr T. H. Jones: Do you support the Bill?

Mr McPHARLIN: Of course I do. I am one who advocates that no penalty is too severe. In some countries, the death penalty is advocated and applied.

Mr T. H. Jones: Stone them and hang them; that is your philosophy.

Mr McPHARLIN: What do members opposite see as the effect of prolonged addiction to drugs? It is nothing less than slow death.

Mr Blaikie: Agony and misery.

Mr McPHARLIN: It is nothing less than murder. Do members opposite suggest these drug peddlers should not be heavily penalised? Every member in this House should express his feelings on this subject.

Mr Blaikie: The member for Gosnells—the Dr Spock of the drug ring—believes we should have a chat with these naughty chappies.

Mr McPHARLIN: It is a problem of major proportions.

Mr I. F. Taylor: Are you advocating the death penalty?

Mr McPHARLIN: In some cases, I am.

Mr I. F. Taylor: Which cases?

Mr Hodge: Only the death penalty! You are going soft on this issue.

Mr Parker: Should the quartering be done before or after the hanging?

Mr McPHARLIN: It is difficult to hear clearly the interjections from the jabbering idiot from Fremantle.

I have never supported the advertising of cigarettes; in fact, I would ban every avenue of cigarette advertising. I do not support the promotion of alcohol, and I never will, knowing the trouble it causes in our community. While we have the problems of nicotine and alcohol, surely we should not encourage other problems. We should curb them wherever we can and I believe this Bill in its present form is a step in that direction. I refer members to schedule III of the Bill, which sets out the amount of prohibited drugs determining the court of trial. I have never heard of some of the drugs listed there; there are 142 of them.

Mr Pearce: They are probably grown in your electorate.

Mr T. H. Jones: How many of those have you cultivated?

Mr McPHARLIN: Schedule V sets out the amounts of prohibited drugs giving rise to presumption of intention to sell or supply; there are 144 drugs on that list. The Bill affords a comprehensive coverage of all possible drugs of abuse, and the need for curbs has been researched thoroughly.

This legislation is a step in the right direction, and I cannot understand why so much opposition has come from members opposite. It has my

support. I say again that there is no penalty which is too severe for these drug peddlers.

**MR DAVIES** (Victoria Park—Leader of the Opposition) [8.35 p.m.]: I intend to make only a short contribution because some excellent speeches already have been made by members on this side. I remind the House that this Bill draws together some of the provisions which exist in a number of Acts, and puts them into one piece of legislation. I understand this has been done in other States. However, the Minister for Police and Traffic informs us the Bill is not a result of the Williams Royal Commission report, or a result of anything else which has been reported on or recommended by committees or any other form of inquiry. It seems to have been something the Minister has grasped out of the air and put together, which probably accounts for the fact that, in many ways, this Bill is a hotchpotch.

We have no indication of who wrote the Bill; certainly the Minister does not admit to it. It seems that those who wrote the Bill were concerned only with making it easier for the police to carry out their duties. One would think that in the horrendous field of drug addiction there would be no argument as to the legislative curbs enacted by the Government; indeed, we generally are unanimous in our support of controls. However, we do not wish to see them taken to extremes; in some instances in this Bill they are quite contrary to what we believe is elementary British justice. That is exactly what appears likely to come out of this type of legislation.

The Bill was introduced in November 1980 as an original Bill; it was introduced again on 4 August this year. The Minister seems to be a little upset that it is only now that the community generally is taking exception to some of the provisions of the legislation. The Minister has not been in this House for very long; however, he should know that, generally, it is not until a matter hits the newspapers as a result of parliamentary debate that people become aware of some of the provisions included in various pieces of legislation.

The Minister said he introduced the Bill in its original form in November 1980 so that it could receive the consideration of interested sections of the community. However, he made no mention in his second reading speech of any representations which had been made by interested sections of the community, whether they were important, or whether they had any bearing on the second Bill to be brought in. I thought the Minister would have done just that, and taken those groups into his confidence. However, the whole thing seems to have been something of a mystery.

The Minister and his department have had eight months to consider any representations on the legislation, and rewrite the Bill, and one would think that, given the amount of time available to the Minister, he would have known what he was doing and would have introduced an acceptable piece of legislation. Instead, we now see on the notice paper something like three or four pages of amendments to the Bill, none of which I can see will substantially alter the legislation as a result of any representations the Minister may have received.

**Mr Hassell:** Those amendments are yours, you dope. They were put there by your spokesman. There is only one amendment from me, which appears in two sections.

**Mr DAVIES:** The Minister should look at page 9 of the notice paper, where he will see that the Minister for Police and Traffic will move amendments to clause 13, clause 14, and clause 18.

**Mr Hassell:** They are the same amendment.

**Mr DAVIES:** I will go no further: the Minister for Police and Traffic says he has only one amendment; obviously, he does not know what he is doing. He should refresh his memory by checking the notice paper.

The Minister was reported in, I think, this morning's newspaper as stating he might make further amendments to the Bill. No evidence of these new amendments is forthcoming, despite the fact that a large and responsible section of the community has objected to the Bill.

Indeed, I received a telephone call from a lawyer at about half-past ten the other night; he told me he was driving home and became very upset at some outrageous remarks the Minister for Police and Traffic was reported to have made; he hoped there would be some alterations to the legislation.

**Mr Hassell:** Was he a Labor lawyer?

**Mr DAVIES:** No, he confessed rather shamefacedly to being a Liberal voter.

**Mr Hassell:** They all do, don't they?

**Mr Young:** That is like the woman who is supposed to have telephoned me and then telephoned a member of the Opposition. However, they would not give me her name.

**Mr DAVIES:** The Minister for Health always seems to want to find out who that person was.

**Mr Young:** I have asked only twice; do not get excited.

**Mr DAVIES:** She asked me not to mention her name, and I respected that confidence. If that is

not the Minister's way of doing things, and if he does not respect confidences, let him say so. Obviously, he adopts quite different standards from those of the rest of us.

Mr Young: You said you were going to get her to ring me back.

Mr DAVIES: I said no such thing; in fact, I did not even keep her name and address. I told her that it would be best if she approached the Minister for Health. She was so disgusted with the attitude of the Minister for Health that she telephoned another member of Parliament to complain.

Mr Young: I do not believe she exists.

Mr DAVIES: Despite the fact the Bill has taken some eight months to be rewritten, and has been in the House since only 4 August, we see on the notice paper about three pages of amendments many of which were put there by the Minister for Police and Traffic—although he seems to have forgotten about them.

Mr Hassell: You said I put them all there.

Mr DAVIES: In addition, we have read reports of the Minister's foreshadowing possible further amendments, but we have seen nothing to date despite the fact there are responsible professional people in the community who are trying to get their point of view over to the Government. In fact, a seminar was held last Friday, 4 September; the organisation concerned wanted to speak to the Premier, but the Premier said he was not interested in talking to them.

That is in line with the Government's general attitude of, "Do not worry us about things if they are not concerned with money coming into the State"; in fact, this matter may be concerned with money coming here.

The fact remains that after eight months, we are confronted with a poorly drafted Bill which needs amendments.

Mr Hassell: Have you read it?

Mr DAVIES: I have been sitting here for the last 2½ hours reading it.

Mr Hassell: For the first time—this important Bill?

Mr DAVIES: The Minister for Police and Traffic seems to get a great deal of enjoyment out of that; let me confess I do not read every Bill which comes into this House. We have competent shadow Ministers who are able to handle the various pieces of legislation allotted to them. It is the Government which has Ministers prepared to bring sloppy pieces of legislation to this House which need amending before they get through the second reading stage.

We have seen this time and time before. Members should read the old notice papers and see the number of amendments moved to the various Bills. In the case of the Workers' Compensation Bill, over 100 amendments were made to the legislation, many of which related only to sloppy drafting, despite the fact the Government had some three years to prepare the Bill. The same thing is happening here. The Bill is not through its second reading yet the Government has discovered it must amend it. However, it is not to amend it in the direction of providing justice for the community. As I pointed out, the Bill contains some concepts which are completely foreign to the general acceptance of British justice as we have always known it.

For example, the Bill contains objectionable provisions relating to the onus of proof. I was informed by the Liberal lawyer who telephoned me the other evening that a person who steals a ball-point pen from a chain store has greater rights than a person found on premises where drugs are used. What kind of a Bill is that? What kind of a situation are we reaching when the Government proudly sponsors this kind of legislation?

Does it mean the Police Force has suddenly become inept and is unable to control the traffic of drugs and so must have this kind of law? I do not think that is so. I say again that I have a great admiration for the Police Force. I am quite certain it does not want this legislation. It certainly will not want it when it sees how readily the Government is prepared to accept it.

In view of the many representations we have had we hope the Minister will tell us that he intends to put amendments on the notice paper to ease the situation. We hope also that before debate is over the Premier will tell us he is prepared to receive the deputation of Perth citizens, citizens who have a right to see him at his convenience. We hope his convenience will be very soon indeed.

The Government has attempted to divert attention from some of the matters raised and it has done this by introducing irrelevant side issues. I object strongly to the snide suggestion by the Minister for Police and Traffic, who does snide things so well, that we have contact with drug pushers and drug peddlers. If he can prove that the Labor Party has the slightest association with such people I will resign my seat immediately. That was a despicable and detestable accusation from this little person who acts like a school pimp. I take the strongest possible objection to his suggestion and believe he should apologise if he



wishes to do the decent thing. He would apologise if he had one atom or spark of decency in him.

The Government has also tried to divert attention from the penalties provided in this Bill. It says we are going soft on these drug pushers and that we are in favour of people breaking the law. We are not in favour of people breaking the law. Must I again repeat the fact that this Government says it is proud of being able to contain prostitution and gambling?

I saw in a weekend newspaper that one of the local madams was protesting about being told by the Police Force where she should shift her brothel to. One madam came to me in Victoria Park because I wanted her brothel shifted—shifted from opposite the police station. She told me what a great establishment she was running and invited me down. She said, "Bring the wife and have a cup of tea". The police must have thought I was getting too friendly with her, because a week later she was told to move. She is now in another suburb under a different name and running one of the very big establishments. She came to me protesting that she did not want to move. She named the man who told her she had to shift and the number of girls she could have in her new premises.

That is the kind of situation this Government tolerates and believes is something of which to be proud. Our weekend papers have been telling us just how widespread gambling is in this city. Let us see whether the Government is prepared to license gambling dens. Let us see whether it is prepared to get money from them instead of selling off public assets as it is so prone to do at present.

Mr Parker: One wonders who is getting the money.

Mr DAVIES: When no-one in the Government will interfere with prostitution or gambling it does make us wonder whether money is changing hands. It makes us wonder whether all the things Detective Daniels said were not in fact true. I believe they were. Everything he said is now being justified. There was a man who was condemned for being strong enough to take a stand.

Mr Hassell: And you talk about snide remarks; you are attacking the Royal Commissioner.

Mr DAVIES: I will attack the Royal Commissioner because I think he was incompetent. I am not making snide remarks; I am making a plain statement. It was the worst Royal Commission we have had, and the facts presented by Detective Daniels are now being proved correct. Spike Daniels has been shown to be right.

But what happened to him? The then Commissioner of Police changed the rules regarding retirement. Detective Daniels and three others were retired, and this cost Mr Daniels some \$2 000. After the commissioner got rid of them the rules were changed back.

Mr Clarko: Was he a member of the Labor Party?

Mr DAVIES: Yes he was, and he is a man I am very proud to call my friend. He has more courage and decency in the tips of the hair on his head than the member for Karrinyup has in his whole body. He is a man who had the courage to stand up and say what he thought was right. But what did the Government do? The Government initiated a crook Royal Commission. However, it will all come out in time.

The ACTING SPEAKER (Mr Crane): Order! There are far too many loud interjections, making it very difficult for the member on his feet to be heard. At times he has had to shout. I would appreciate it if members toned down their interjections considerably.

Mr DAVIES: The Government is prepared to completely ignore gambling and prostitution in this State. It says they are contained and it is happy about the present situation. But in a situation like this where respectable people are involved—apparently respectable people do smoke cannabis—the Government is prepared to take action.

Mr Clarko: No respectable person smokes cannabis.

Mr DAVIES: Obviously our standards are different.

Mr Clarko: They are lawbreakers *per se*.

Mr DAVIES: I shall read the following letter dated 13 August—

Dear Sir,

We are concerned residents of your electorate living in Victoria Park. The issue of concern is the new bill which has been drafted on drug laws. Apparently, innocent victims will be branded "criminals", merely for being in a house in which there is cannabis. The same will also apply for residents of a house in which the apparatus used for smoking cannabis is found. It appears that many innocent people will now be "branded" and have to suffer the consequent social implications, for example, loss of a responsible job and discrimination when applying for a new position.

Most of us have responsible jobs and could be in fear of losing them, due to the ill

conceived views on cannabis, which are apparently causing these new harsher laws to be drafted. People are allowed to go to the hotels to socialize and become killer drivers and yet others are not allowed to remain in their own house and smoke cannabis without persecution. Cannabis has also been misclassified by many into the same class as the killers, such as heroin. The apparent crime of cannabis is victimless. More pressure should be put on the distributors and users of the harsher drugs.

Many people besides ourselves share this view. We would like to see some action on the reduction in these appallingly harsh laws which will brand innocent people criminals and prejudice any chance of a normal life in our society. This victimization must end. The concern is widespread. Senator Don Chipp's views appear sensible. An intelligent informed approach to the "problem" is needed. We hope that the Labour party is sympathetic to our cause and shares this concern for infringement of personal rights.

We do not agree that they should be allowed to break the law, but we believe that if the Government is prepared to close its eyes to gambling and prostitution, why not to this matter, without people having to fear that their whole lives could be ruined?

Mr Hassell: Do you think the law should be changed in accordance with what that letter asks?

Mr DAVIES: I do not believe the smoking of cannabis is harmless; but rights of individuals are involved. Some people elect to do many things which might go against the law or which might harm them; however, they have the right to do those things. What we are concerned about is that this Bill means that people could be in situations where they might be perfectly innocent, but will be breaking the law.

The main thrust of the Bill is contained in 19 items listed by the Minister in his speech. Item (d) reads as follows—

In a number of circumstances the Bill will create offences that will occur when—

- (d) a person is found in any place which is then being used for the purpose of the smoking of a prohibited drug or prohibited plant;

That statement appears on page 2363 of *Hansard* of 4 August.

Of course, that means if a person is in a dance hall where someone is smoking a drug, he could be found guilty under this provision. The Minister

has said there what he means. Perhaps he is sorry now he has said it; however, it is there in *Hansard* for all to see. It is of no use the Minister trying to play with words by saying there are cases already before the Supreme Court which will abrogate what is in the Bill. The Minister cannot get over what is in the Bill and he has said the Bill means exactly what he said it means. If members look at the legislation, they will see the situation is quite plain. Clause 5 reads, in part, as follows—

A person who—

- (e) is found in any place which is then being used for the purpose of smoking a prohibited drug or prohibited plant,

Except when he is authorised by or under this Act or by or under the Poisons Act 1964 to do so, commits a simple offence.

The Minister cannot say, "There is a 1976 decision of the Supreme Court which will abrogate that". In a different set of circumstances, a different judge may say, "I do not care what happened in that case; I have to apply the law as I find it now". It is perfectly clear when one looks at clause 5 and the Minister's statement, which I read from page 2363 of *Hansard*, exactly what the Minister intended. It is no good the Minister's playing with words.

I should like to relate to members the details of an incident of which I had personal experience. I attended a ball held at a distant country hall and some very highly-placed Government people attended it also. Someone said, "That curry smells very sweet". I said, "It smells more like cannabis to me". A lady then implied I did not know what I was talking about. I then asked an inspector of police, "Is that cannabis I can smell?" He said, "Yes; those people over there are smoking it. They never give us any trouble, but if they did, we would nab them". This is another area of containment I suppose, but under this piece of legislation, because I was aware people were smoking cannabis in the hall, I would have been subject to arrest. That situation actually occurred.

It is no good for the Minister to say I was there innocently, because I had spoken already to the inspector of police and had been advised those people were smoking cannabis. Therefore, it can be seen clause 5 and the Minister's statement in regard to what the legislation actually means, are absolutely ridiculous.

Mr Blaikie: I hope that function was not in my electorate.

Mr DAVIES: No, it was not.

Mr Hassell: If someone is placed in a situation different from that which you described and sets out deliberately to attend a drug party, but does not participate in the taking of drugs, he would come under these provisions.

Mr DAVIES: How does the Minister know it is a "drug party"?

Mr Hassell: A druggies' do.

Mr DAVIES: Cannot the Minister understand this is an all-encompassing situation? Surely the police know which people are druggies and which are not. I can recall an occasion on which about a dozen drug users came into my office, sat on the mat, and told me how hopeless the WA Alcohol and Drug Authority was and what a useless body it had turned out to be. They went on to say that they could not obtain the help they wanted.

That occurred several years ago, but I do not believe the position has altered dramatically since then. Apparently there has been no success in limiting the use of drugs.

I shall turn to the question of penalties. Approximately four or five years ago the penalties were increased severely. In his reply, would the Minister tell us on how many occasions the full force of the existing penalties has been applied? It is obvious he has not done that research, because it never occurred to him to do so.

Mr Hassell: You said, "In his reply". If you want me to answer now, I will, and the answer is, "Very seldom".

Mr DAVIES: The Minister has not given us a detailed account, but simply said, "Very seldom".

Mr Hassell: Especially in relation to cannabis users.

Mr DAVIES: Apparently the courts are satisfied there is sufficient scope within which to operate, but the Minister suggests now that if he can go to the public and say, "We have doubled the penalties, we have trebled them, we have quadrupled them—aren't we a wonderful Government?" it will automatically follow—I interpolate here to say it probably will follow—that people will say, "All those terrible people who are using drugs are being punished very harshly". However, in point of fact the penalties have very seldom, if ever, been applied.

It is begging the question to say we need harsh penalties.

Mr Hassell: Which harsh penalties?

Mr DAVIES: As I understand the position, the Government extended the penalties for drug pushers. I must confess I have compared the penalties with the previous ones. One would imagine someone would look at the police report

to see whether harsh penalties have had a great effect upon convictions and that would probably necessitate looking at the cases which have come before the courts.

Over the last five years the number of persons charged—in many cases multiple charges were laid against them—dropped from 828 to 749 and then increased gradually over the next three years from 847, to 1 110, to 1 623.

The fact that harsh penalties exist already does not appear to have had any effect on the number of people who commit drug offences, unless, of course, a much greater number of people committed the offences previously, but the police did not catch up with them. As I understand it, the Police Force desperately needs more policemen so that the law can be enforced.

On an examination of those figures, it appears there is no indication whatsoever that the harshness of the penalties has any effect on the number of times the crime is committed. Indeed, as so many people have said, we do not always succeed in arresting the people who ought to be arrested.

Tonight we have heard some strange speeches from members opposite. Not one member opposite has tried to justify the action taken by the Government. In effect, members opposite have said the Government is doing a splendid job and they support it. Even the National Party seems to have found some joy in that. I do not know whether the member for Mt. Marshall was speaking on behalf of himself or the National Party; but that party seems to be going the way of the Democrats if in fact his speech was the official view.

The member for Vasse looked ahead and tried to forecast the future policy of the Labor Party. It seemed to upset him no end. He indicated we did not favour the legislation of marihuana at the present time, but he seemed to imply that our policy would change. He has no right to make such implications any more than we have the right to say one day the present Government will take notice of its own party. I cannot imagine why people belong to the Liberal Party. They attend conferences, they set attitudes, they talk to their parliamentary representatives, and the parliamentary representatives ignore them completely. That is a shame.

Our concern in this regard relates to the onus of proof; some of the penalties; the attitude taken by the Government; the poorly drafted Bill; and the statements made by the Minister, particularly in regard to one's position when one is found on

premises where drugs are being used. We do not believe the Government is being fair or just.

This is the view not only of the Labor Party, but also of many sections of the community of Perth and, indeed, of Western Australia. Concern has been expressed by the civil liberties people, but as far as this Minister is concerned the words "civil liberties" are dirty. The legal profession has expressed concern about this legislation also and as late as last Friday concern was expressed at a public seminar. Many people have indicated their disquiet in regard to this legislation. However, the Government is riding roughshod over all these people. The Government indicated it was prepared to go ahead with this sloppily-drafted Bill and it will probably bring it back next year for further redrafting.

In dealing with this matter the Government has not given us one ray of hope that the use of drugs in our community will in any way decrease. That is exactly what the member for Gosnells was seeking. By education, understanding, co-operation, or trying to put people back on the right track we may be able to decrease drug abuse in our community. We should be aiming for a position whereby the use of drugs in our community will drop considerably, if not be eliminated completely. At the same time we should consider the abuse of legal drugs. I feel they cause greater problems than do some of the soft drugs. However, the Government is not prepared to consider soft illegal drugs and legal drugs in the same light.

#### *Incorporation of Material in "Hansard": Speaker's Ruling*

The SPEAKER: I understand that while I was out of the Chair during the speech of the member for Gosnells he sought leave to incorporate a particular document in *Hansard*. Since returning to the Chair I have had the opportunity to look at the document which is a copy of a letter addressed to the Premier.

The Standing Orders of the Legislative Assembly make provision for the incorporation in *Hansard* of tables, maps, and other like material that cannot be read into the record. No provision is made for a letter to be incorporated in *Hansard*. In the circumstances I rule that the letter which the member for Gosnells sought to incorporate in *Hansard* may not be incorporated.

#### *Debate Resumed*

MR JAMIESON (Welshpool) [9.07 p.m.]: I object strongly to the Government's introducing legislation which encompasses increased penalties

to try to cure social and economic ills in the community. It is all very well for us to be excited and concerned by the fact that drug trafficking and drug abuse are on the increase. However, we heard exaggerated statements from the member for Vasse and others.

Mr Blaikie: I wasn't exaggerating.

Mr JAMIESON: The member for Vasse certainly did exaggerate.

Mr Blaikie: Was the Commissioner of Police exaggerating?

Mr JAMIESON: The member should not concern himself with comments made by the commissioner. I refer to the member's exaggeration. We must determine why drug abuse is on the increase in our community. The Minister did not in any way seem to apply himself to that question, nor did any member on the Government side. They merely support increased penalties to cause damage to people involved in unfortunate affairs surrounding drug abuse. By interjection the Minister said, "Show me where there is an increase in penalties for people using marihuana, etc." At page 2365 of *Hansard* the Minister stated—

In the original Bill, it was proposed that a person who manufactures or prepares cannabis or opium be liable to a summary offence maximum penalty of \$3 000 and/or three years' imprisonment. The Bill now provides for such a person to be liable for the same maximum penalty as that applying to those who are dealers, which is a substantially greater penalty.

If a person prepares marihuana for his own use he will be liable to an increased penalty.

Mr Hassell: By the words you read out, it can be seen we are concerned with people who manufacture such drugs, and that is what the Bill is all about.

Mr JAMIESON: If a person prepares such a drug and uses it himself only, he cannot be said to be a dealer.

Mr Clarko: We are opposed to that, too.

Mr JAMIESON: I am brought to the remarks made by the member for Mt. Marshall. He suggested that the death penalty should be imposed for certain offences. About 150 years ago the death penalty consisted of hanging, drawing, and quartering. The people hanged, drawn, and quartered were not concerned about being drawn and quartered, but the people who continued to indulge in illegal practices were very much concerned by the penalty. Its imposition had an effect upon them.

Mr Parker: I think the member for Mt. Marshall would enjoy it.

Mr JAMIESON: The point I make is this: We achieve nothing after reaching a certain severity of penalty. If a person convicted of a certain offence has no money to pay his fine, we must accept that the imposition of a \$30 000 fine is no different from the imposition of a \$300 fine. The convicted person is just unable to pay any fine and, therefore, is incarcerated—dealt with by the law.

It is high time the Government gave attention to what has gone wrong with the system. Why has the drug situation degenerated to the stage where we must be involved in legislation such as this? It was not long ago that the only people we heard about being convicted of drug-taking offences were old Chinese gardeners whom the police occasionally would raid and arrest for smoking an opium pipe. Of course, a social problem was involved, although those Chinese did not do much damage to anybody else in the community. They were able to go into their own dreamtime in their own way. They had few other pleasures; they were old people a long way from home who sought something to salve their position.

Mr Parker: It was amongst the upper class in Victorian times. What about Sir Arthur Conan Doyle?

Mr JAMIESON: Such circumstances are historic facts. However, the incidence of taking drugs for the sake of taking them seems to have increased since the last world war. Prior to that we had quite a number of people addicted to the accepted drugs such as alcohol and nicotine, but drug abuse went little further than that. There was no inducement for people to go further. Perhaps one of the reasons for increased drug abuse is that drugs from other parts of the world are more easily transported to our shores.

Probably what we should do is increase preventive measures relating to the importation of drugs produced in other countries instead of increasing measures against the growing of cannabis in this country. That situation would depend on an individual's point of view in regard to how much damage cannabis causes. I have no doubt it aggravates emphysema and causes all sorts of bronchial complaints. Certainly it does not do anyone who indulges in its use any good, but I will not go into that matter any further except to say that its use is not as severe in comparison with the use of hard drugs.

I have never heard of hard drugs being produced in Australia, although I have seen some poppy plants grown in Tasmania and I might accept that some of the back fields of the property

of the member for Vasse which he has not bothered to look at for a while have marihuana plants growing on them; however, I do not think I would find poppies growing there. Without the ingredient of poppy growing, of course, we have not got the prime requirements for the hard line drugs which are the most objectionable and are the ones which we really want to stamp out.

Mr Blaikie: What about the manufacture of LSD?

Mr JAMIESON: I am not going to go into that; it is so easily manufactured. One can go to a particular plant on the way to St. George's Terrace and suck a small amount of LSD from it. I am not going to get involved in that because once we start identifying these things we encourage people to partake of them. This is very dangerous, and it is better if one does not start to delve into those things.

In so far as the State Government is concerned, it should be stepping up its campaign with the Commonwealth Government to make sure that the incidence of the drug traffic from the Golden Triangle—most of it seems to come from there—is minimal. This seems to be our biggest problem.

We have a big coastline. We have many disused airstrips and hence there are many ways that these drugs are brought in. It is not so much the cannabis that might be growing here; it has some effect but it does not have that deleterious effect that the hard line drugs cause. These are the ones that must be stamped out and avoided at all costs, and people must be dissuaded from becoming involved with them. Whether or not we agree that marihuana should be made lawful in Australia as it is in most American States now—while it is not legal to sell it, it is not unlawful to have it for one's own use—it seems Americans get by fairly well. I do not think this induces the pushing of the harder type of drug.

I am inclined to think while a drug such as marihuana is banned it is likely to fall into the hands of peddlers who peddle other types of drugs. If it were more freely available like tobacco—one cannot go to the tobacconist and buy marihuana, unless one knows the right shop to buy it from; certainly one would not be able to buy it at any of our tobacconists—perhaps no harm would be done. The hard line drugs, I am suggesting, are the most objectionable and are the ones that should be avoided at all costs.

Earlier this evening the member for Gosnells mentioned the public seminar on the Misuse of Drugs Bill which was held on Friday, 4 September. The address given was care of

Subiaco Centre, 315 Bagot Road, Subiaco. A letter of today's date was addressed to the Premier, and I think it should be read into *Hansard* so that we will know the thinking on this matter and will avoid the situation that occurred when the member for Gosnells virtually ran out of time.

Mr Pearce: I tried to have it incorporated, but subsequently it was ruled out.

Mr JAMIESON: It was ruled out, but the member would have run out of time in any case and would not have been able to get it in.

The letter is addressed to Sir Charles Court, Premier, Government House, Perth. He has improved his residential style, I see! It reads as follows—

Dear Sir Charles,

As you are aware, a Public Seminar was held on Friday, 4th September 1981 concerning the Misuse of Drugs Bill now before Parliament.

The Seminar was addressed and attended by a wide range of persons, from the medical, legal, and social service field working within the area of drug abuse as well as a number of parents whose children had died as the result of drug dependence.

The Seminar resolved that—

"This meeting expresses its deep concern at the nature of the Misuse of Drugs Bill; and that the meeting appoints a delegation to discuss the Bill with Sir Charles Court with a view to its withdrawal; and that the Government be requested to re-draft the Bill in consultation with a Committee of appropriate agencies and committees."

Phone calls were made on Friday afternoon, Monday morning and afternoon, and also Tuesday morning to your Secretary Mr. Brian Johnson by an authorised person of the delegation requesting an appointment with you to discuss the Seminar's concerns about the proposed Bill.

We are unable to accept your reply referring us to see Mr. Hassell. We accept that Mr. Hassell is the Minister with the expertise in this area. But as the Premier of this State, you see other people on a range of issues which specifically relate to other Ministers and Departments. Surely you have a role in these discussions, which is of greater significance and consequence than that of individual Ministers?

Issues such as this which affect the Public at large are not just the responsibility of individual departments, but the overall responsibility of the Premier.

Our mandate from the Public Seminar was to seek a meeting with you. Who you wish to have present at the meeting other than the delegation is your decision.

As a delegation, we would be more than happy for you to have Mr. Hassell present at such a meeting.

On behalf of the Public Seminar we again request a meeting with you to speak to the resolutions of the Seminar. We will also be continuing to work for public awareness of the Bill, and the problems of drug abuse which many of us see and deal with on a day to day basis.

Yours Sincerely,  
G. A. Davies.

*On behalf of the Public Seminar Delegation.*

A telephone number is given for the Rev. G. A. Davies and another phone number is given for the contact. That indicates the feelings of a group of people. They wrote also to most members of Parliament last week giving notice of the seminar. My understanding is that it was well attended and some very good views were expressed there.

This having taken place, it seems to me that it is incumbent upon the Premier to put himself out a little to consider whether the case of these people has merit—and I know some of them to be very interested in the affairs of human beings. Government members are not the only ones interested in human beings, because others have a more humanitarian approach to such matters as drug abuse and drug reform, etc. Therefore it would not have been out of place for the Premier, together with his Minister, if necessary, to receive this deputation at early notice and consider its views.

Much has been said in the course of the debate already about all the contentious things that might result from this legislation. Where approved persons other than police can be involved in sorting out problems and can have responsibility and authority, a lot of trouble is always caused in public arenas, especially where there is some sort of secret police force working on certain attitudes. I am not talking about the police as such, but somebody having equal power. One always finds mix-ups in the community and unfortunate happenings that should not occur in law enforcement.

If it is the Government's desire to make sure that this Act is enforced to its utmost, the police

should be used always and we should not merely cultivate pimps or other people that the police may have in mind to bring onto the scene and who will create a worse situation than that which exists at the present time.

This legislation leaves a lot to be desired. It is obvious that the humanitarian type of thought which is needed in the compilation of such legislation did not exist. Therefore, it appears to me that it is not good legislation. It is legislation which hopes to devise, by heavy handedness, a way to overcome the social ills of our community. When dealing with this legislation, the Government's brainpower should have been directed in another area.

I suggest the Minister should give this legislation more thought before it becomes law. He should hold back on it to ascertain whether some other point of view could have been adopted when the legislation was designed and before it was put to Cabinet.

It is not good legislation and I should like to see it examined further with some form of an inquiry as to why these unfortunates take up drugs. There should be a compilation of information provided by the victims and the people associated with them. We should have some satisfactory legislation for the treatment of social diseases so that it may be effectively put in the Statute book. The legislation in its present form does not appeal to me.

**MR CRANE (Moore) [9.27 p.m.]:** Mr Speaker—

Mr Pearce: Here come the interjections.

Mr Brian Burke: There is one thing—I do not think this Bill is a suitable vehicle for any more singing.

Mr CRANE: I would like to say in my opening remarks that I would like to sing the praises of this legislation, but I do not intend to break into music to do so.

I add my support to that already indicated for the legislation. Over many years concern has been expressed by the general public about the deterioration of standards in society and this is linked, in many instances, with the abuses of, and the over-indulgence in, drugs.

Perhaps it is considered trendy to support a permissive society, but it does not mean we must be permissive in encouraging, through our lack of interest, people who wish to abuse themselves. It is bad enough they wish to abuse themselves, but there are people who wish to abuse others.

The partaking of drugs is a stupid pastime. I suppose those who wish to indulge themselves

might ask: Why do we legislate to protect people from themselves? However, the matter goes further than that because many people wish to make money out of the selling of drugs.

Several members interjected.

Mr CRANE: The legislation before us is one way in which we can attempt to curtail many such activities.

Several members interjected.

The SPEAKER: Order!

Mr CRANE: This legislation ought to be supported. I have no hesitation in supporting it, but I believe that in many instances it does not go far enough. I believe penalties should be increased considerably and the Government in its wisdom may at some stage look again at what we have before us here and consider it even further.

Mr Brian Burke: Do you see some shortcomings?

Mr CRANE: If that should happen then I will lend my support to it. This problem is of increasing concern to society. We should not be allowing people to trade in human flesh and that is what we are seeking to prevent.

Several members interjected.

Mr Pearce: That was slavery.

Mr CRANE: People should not be able to do that and make large profits for themselves. Sadly, we have seen tonight evidence that members on the other side of the House are prepared to condone such practices.

Mr Brian Burke: Come on, be honest!

Mr CRANE: I do not believe the condoning of such actions—

Mr Parker: You are being unfair.

Mr CRANE: —should be done on behalf of anyone whether he be a member of Parliament or anyone else. It does not give us the privilege to say that we support what is being done. We have seen evidence of this rather disgusting support. For those reasons, we of the Government must accept our responsibilities and stand up and be counted when such issues are being debated—especially an issue such as the abuse and use of drugs.

Several members interjected.

The SPEAKER: Order!

Mr CRANE: Interjections do not worry me, Mr Speaker. I will handle them at the appropriate time. I am frightened of no man and very few women, and the member for Gosnells is not one of them. The member for Fremantle is not one of them either. Having nothing better to do, they look to the protection of the Chair.

Several members interjected.

The SPEAKER: Order!

Mr CRANE: They do this when they find things are getting a little beyond that which they can handle.

Several members interjected.

The SPEAKER: Order! The member for Gosnells and the House will come to order!

Mr Parker: It is a pity the member for Moore does not know how to be a fair Chairman when he is taking your place, Mr Speaker.

The SPEAKER: Order!

Mr Brian Burke: Do you mean to say you agree with everything in this Bill?

Mr CRANE: I do not necessarily agree with everything in every Bill. The absolutely perfect legislation may never be presented.

Mr Brian Burke: I happen to agree with that. Which part of the legislation do you agree with?

Mr CRANE: I look for the meaning behind the Bill and what it intends to do. We have to support this legislation and the spirit in which it has been put forward.

Mr Brian Burke: We are not voting on spirit.

Mr CRANE: We must consider also the debilitating problems associated with the use and abuse of drugs. I have no hesitation in standing in this place and being counted as one person who is concerned and, in being concerned, is not afraid to support such legislative measures which unfortunately have become necessary.

No matter how much we talk on this subject tonight I do not think we can convince those persons who do not have the mentality to absorb the problem and realise that this legislation is necessary. Therefore, I will not take any more time of the House. It is no use our trying to convince members of the Opposition of the facts. We have not had any sense from them tonight.

Mr Brian Burke: You are not being very fair and you are usually quite fair.

Mr CRANE: Yes, that is true; I am usually quite fair. Tonight, I am being more than kind.

Mr Brian Burke: You accused us of supporting drug peddlers.

Mr CRANE: I did not say anything about members opposite being drug peddlers. I strongly support this legislation.

Mr Brian Burke: The spirit of the Bill.

Mr Pearce: Which spirit is that?

MR HASSELL (Cottesloe—Minister for Police and Traffic) [9.34 p.m.]: The Misuse of Drugs Bill has four objectives and I think they need to

be restated, and simply stated. The first objective is to consolidate and clarify the law. In a substantial part, the Misuse of Drugs Bill represents a drawing together of the existing provisions of the Police Act and the Poisons Act. At the same time, obviously, changes have been made.

The interesting thing about the debate is that a great deal of the criticism has been directed at provisions which have been in the law for a long time.

Mr Pearce: Since the 1950s.

Mr Parker: Many of the provisions you have chosen to change have been changed in a way which undermine basic civil liberties in this State.

Mr HASSELL: I repeat: Many of the criticisms have been directed at provisions which have been in the law for some time.

Mr Brian Burke: For how long?

Mr HASSELL: Some go back 10 years or more and some for a lesser period.

Mr Pearce: To the birth of civilisation.

Mr HASSELL: Many of those provisions could have been changed by the Labor Party at the time it was in office when it made other amendments to the Police Act and to the Poisons Act; however, no such changes were made.

Mr T. H. Jones: Which Labor Government are you talking about?

Mr HASSELL: The Tonkin Government.

Mr T. H. Jones: It has taken your Government six years to get to this stage.

Mr HASSELL: The member for Collie misunderstands my point: Those provisions were not seen to be evil then by the Tonkin Labor Government—by the very members who are sitting here tonight.

Mr Brian Burke: Which members?

Mr HASSELL: To name a few—the member for Collie, the member for Welshpool, and the Leader of the Opposition. Those members did not see anything in the provisions which compelled them in their terms of Government to make amendments to the legislation.

Mr Brian Burke: Does that mean we have a commitment for evermore not to change legislation we did not change previously?

Mr HASSELL: I do not suggest that.

The second objective of the Bill, quite unashamedly, is to strengthen the hand of the police in dealing with the upper levels of the drug chain. The dealer chain, as identified in a number of studies, inquiries, and committees, usually is



divided into five steps; namely, the grower, the manufacturer, the wholesaler, the dealer, and the user. The provisions of the Bill virtually make no change to the law relating to the lower two rungs of that ladder; namely, the dealer and the user.

Mr Parker: That simply is not true.

Mr HASSELL: In terms of penalties, of which much has been heard, in fact there are to be some reductions in that area.

Much was said about the position of the person described by the chief spokesman for the Opposition, the member for Collie, as the "simple user" and the "simple user-dealer". This is the self-same person who, on occasions, pushes drugs in schools.

Mr T. H. Jones: When did I refer to him?

Mr HASSELL: The member for Collie referred to that person in his speech. In relation to that person, there is virtually no change to a whole list of offences and, in two cases the penalties in fact have been reduced. That is a point to be borne in mind when we come to the later arguments in relation to cannabis, to which I will refer, which have been put over and over again by speaker after speaker.

The third objective of the Bill is to render drug dealing unprofitable by giving the police the capacity and the State the power to trace the profits derived from illegal drug dealing and to forfeit those profits to the Crown to ensure that those people dealing in the upper levels of the dealer chain—the profiteers of the illegal drug market—not only will be caught and punished for their offences, but also will lose the benefit of the commission of those offences.

It is undoubtedly true that under the present law there are many dealers and others in the grower-manufacturer-wholesaler class who continue to profit from their illegal and evil trade and who, even when caught, spend their time in gaol and come out to enjoy the fruits of their evil doings. Dealing with such people is an important objective of the Bill which is directly related to some of the powers contained in the Bill and directly related to its provisions regarding property, none of which has been dealt with by Opposition speakers, and none of which has been touched on with any degree of fairness. It is important to the Bill that those provisions exist in meeting the objective of rendering the drug-dealing business unprofitable.

The fourth objective of the Bill is to assist in the prevention of the growth of the drug menace by helping to cut off the supply of drugs. The Opposition has attempted to characterise the Bill as being an inept strategy in dealing with the drug

problem. I never suggested in my second reading speech or in any comment made since that this Bill represents the total strategy or the total of the measures which ought to be taken. I have suggested, and I say again without apology, that the Bill is tough in some of its provisions. It is deliberately so.

It is that way because we are dealing with a very serious problem of growing proportions. In fact, the growth of those proportions was acknowledged by the member for Collie when he quoted the statistics relating to the illicit drug trade. It bears repetition that the figures since 1976-77 show a steady growth.

Mr T. H. Jones: From where are you quoting?

Mr HASSELL: The figures are as follows—

Year	Total arrests	Total charges
1976-77	828	959
1977-78	794	1 194
1978-79	874	1 140
1979-80	1 110	1 369
1980-81	1 623	2 035

Mr T. H. Jones: They are the figures I quoted.

Mr HASSELL: To the best of my recollection, those figures are exactly the same as those the member for Collie quoted. In response to the member for Collie, I advise him I am quoting from notes prepared for me in connection with this Bill. I am quite prepared to table the notes at the conclusion of my speech; they are titled "The illicit drug position: The police viewpoint".

Mr T. H. Jones: They are the same figures as in the commissioner's report.

Mr HASSELL: If anyone doubts the growth of the drug problem, I refer to *The Australian Police Journal*, published quarterly for the Police Forces in Australia and New Zealand. In that journal for the month of July is an article by Inspector O. V. Lloyd of Victoria in which he refers to "police problem areas", at the top of the list being the drug scene.

Mr Brian Burke: No-one doubts the problem or its seriousness. They simply doubt the foolish way in which you set about the task.

Mr HASSELL: The article in the journal is as follows—

We believe from various indications, that authorities are only scratching the surface in their battle with the drug problem. The use of drugs by the community generally has grown with the years and the "drug scene", has grown too. Certainly a major drug problem has emerged and has become quite evident in so many of the major crimes.

Lengthy Judicial enquiries have confirmed our suspicions, as have major drug hauls and discovery of illegal plantations during recent years, so we must accept these facts and consider the future.

Around the world, countries are taking a hard line on drugs, and drug pedlars are facing life time gaol sentences and even death penalties on detection and conviction. In our own State, our laws have shown some increases in penalties, but whatever the fate of drug offenders, the huge profits available will always attract the criminally inclined, and we must acknowledge that drug abuse and the drug handlers are there. We must continue vigilance in this field.

Mr T. H. Jones: Breaking and entering, which you cannot contain. You have not the police to do that.

Mr HASSELL: The attitude of the ALP has been evidenced by speaker after speaker on the Opposition benches. They have criticised this legislation because it fails to distinguish between cannabis and other drugs.

Mr Parker: That is one of a large number of criticisms.

Mr HASSELL: Member after member has made that point.

Mr T. H. Jones: I did not mention it.

Mr HASSELL: The essence of the debate by the Opposition has been directed to criticism of the Bill because of the penalties, and because of the law relating to cannabis.

Mr Parker: And mainly because of the lack of civil liberties provisions contained in the Bill.

Mr HASSELL: The weight of the Opposition's case has been directed to its criticism of cannabis laws, enforcement, and penalties.

Mr T. H. Jones: You are misstating us.

Mr HASSELL: I am not misstating the Opposition.

Mr T. H. Jones: You are not dealing honestly. I did not say that.

Mr HASSELL: There were a lot of speakers apart from the member for Collie.

Mr T. H. Jones: You mentioned me.

Mr HASSELL: I did not mention the member for Collie. I said the weight of the Opposition's case, for which there were many speakers, has been a debate about cannabis. That has been so throughout the whole of the public debate and the debate here.

Mr Parker: It has really been a debate about civil liberties.

Mr HASSELL: The meeting last Friday was about cannabis. That is what the Society for Cannabis Law Reform was talking about; that is what the paper issued by that organisation was dealing with. That is what Professor Harding was talking about. All the debate has been about cannabis. Over and over again we have heard about the poor, simple user of cannabis.

Mr T. H. Jones: You cannot prove that.

Mr HASSELL: Let us make it clear. The public speakers who have really featured in relation to this Bill have been Ms Chris James, Mr Temby from the Law Society, and Professor Harding, who has written a *Daily News* article. Each one of those people is or has been on an ALP committee. Professor Harding said, "It is regrettable that the opportunity was not taken in this Bill to distinguish marihuana use from other drug use to the point of decriminalising it". That is the sort of thing the Opposition is saying. That is what the Labor Party is about.

Opposition members interjected.

Mr HASSELL: Professor Harding is a member of the party; he is on one of the party's committees. Temby is on one of the party's committees, Ms James is on one of the committees.

Mr T. H. Jones interjected.

Mr HASSELL: The member for Collie has discussed the Bill with the marihuana law reform society.

Mr T. H. Jones: How do you know that?

Mr HASSELL: Did he receive good advice from the society?

Mr Parker: The Minister is not at all interested.

The SPEAKER: Order! I ask the House to come to order.

Mr T. H. Jones: You do not know to whom I spoke. You are only guessing.

Mr Pearce: Professor Harding's viewpoint does not distinguish him from the Young Liberals. Any Young Liberal can take that line.

Mr HASSELL: That is not the point.

Mr T. H. Jones interjected.

The SPEAKER: Order!

Mr Pearce interjected.

The SPEAKER: Order! The House has had the opportunity of hearing a fair contribution from the Opposition benches. It is appropriate that the Minister should be given a reasonable opportunity to answer the case put by the Opposition. I ask the House to retain some order.

Mr T. H. Jones: As long as he states the truth. That is all we ask.

The SPEAKER: It is appropriate at this time to indicate that, if the interjections continue, I will have to take appropriate action.

#### *Point of Order*

Mr PEARCE: Mr Speaker, on a point of order, are you aware that one of your deputies, the member for Moore, ruled earlier in the evening that a speaker such as myself, who is a persistent interjector, cannot expect protection from the Chair? To be consistent, and since the Minister for Police and Traffic was a persistent interjector on my speech, on some occasions for minutes at a time, will you clarify the position?

The SPEAKER: As far as I am concerned, the rules applying are those that have applied since I have been the Speaker of this House. Everybody will be given a fair go. It is not a fair go for any member who has the call to be subjected to continual interjections. I do not allow that in the case of a member of the Opposition, and I will certainly not allow it in the case of a member of the Government.

#### *Debate Resumed*

Mr HASSELL: The substance of the public debate and the Parliamentary debate about this Bill has been one thing—cannabis.

Mr Parker: That is simply not true. It has been about civil liberties. It has been about basic protection, and basic British justice.

Mr HASSELL: The debate has not been about the provisions of the Bill relating to traders, dealers, and manufacturers. It has not been about the provisions of the Bill relating to the seizure and forfeiture of drug-related property. The debate has been about the concern of people here and outside this place that they might be caught using pot. Let us be honest about it. The Opposition's public speeches and the Opposition's speeches here have concentrated on that subject.

Professor Harding, a member of a Labor Party committee, says that we should reach the point of decriminalising marihuana. Ms Chris James, who does not believe in gaols—

Mr Parker: She is not on any Labor Party committees. I can promise you that.

Mr HASSELL: She has been.

Mr Parker: She has never been on any Labor Party committees.

Mr HASSELL: All these people and all this discussion—the discussion at the meeting last Friday—have been concerned about marihuana.

The members for Fremantle and Gosnells, the Leader of the Opposition, and other Opposition speakers have criticised the Bill and said it fails to distinguish between hard drugs and soft drugs.

Mr Parker: That was one of the criticisms.

Mr HASSELL: That is the one with which I am dealing. At the same time the Opposition has been most critical because the Government and I allegedly have failed to take notice of the reports of Royal Commissions and various experts. That is what the member for Collie said.

Mr T. H. Jones: You said that yourself.

Mr HASSELL: Let us refer to the most authoritative drug report produced in Australia, the Australian Royal Commission of Inquiry into Drugs. I refer to book A, page A63, which refers to the effects of marihuana—

High doses of THC may cause paranoia and hallucinations. Panic attacks may be precipitated. The clinical appearance may be that of a psychotic syndrome.

This is dealing with the Opposition's precious marihuana.

Mr Parker: That is a completely snide remark to make. We are talking about the way in which these people should be dealt with.

Mr Pearce: Alcohol may produce paranoia.

Mr HASSELL: I agree with what the member has said about alcohol. I agree that it is a dangerous drug. We do not want to repeat our errors with pot. That is the difference between the Opposition and us: The Opposition wants to repeat those errors. The Opposition wants to repeat a social evil, because it wants pot to be loose in the community. Let us make it quite clear: The Opposition wants pot to be legal.

Mr Parker: That is not true. The Minister is not telling the truth to the House.

Mr HASSELL: I shall quote again from the report and give a description of the effects of marihuana use—

An increase in heart rate occurs. There are few important effects on the cardiovascular system in a normal subject but marihuana may cause chest pain and reduce exercise tolerance in people with compromised cardiac function. Initial administration may result in improved respiratory function due to dilation of the bronchi but chronic smoking of marihuana impairs lung function. The conjunctivae become reddened. Pressure within the eye may be decreased.

If cannabis is taken together with other drugs, e.g., alcohol, the effect is additive.

It then refers specifically to cannabis and driving ability.

Let us refer now to book D, because I want to meet, full front, the argument that this Bill is deficient because it fails to distinguish between marihuana and other drugs. I quote as follows—

There is one final observation which the Commission feels it should make. Much of the debate in relation to drug abuse, especially the abuse of cannabis, is conducted in a vocabulary which purports to divide drugs into 'hard' drugs and 'soft' drugs. The Commission is of the opinion that this is a misleading classification. It understands that the term 'hard' drugs is supposed to encompass more dangerous drugs than those encompassed in the term 'soft' drugs. The danger of a drug will depend on the potency of the substance being used, the regularity with which it is used, and the physical and mental health of the person using it. The danger also depends on whether the drug is used alone or in combination with other drugs. The Commission has seen and heard sufficient evidence to be satisfied that the great Australian problem is of poly-drug or multi-drug abuse. In view of abuse of this kind it is mischievous for people to argue as though the population is divided into segments, each of which uses only one class of drug.

The Commission could summarise its important conclusions on cannabis as follows:

that cannabis is a drug with a capacity to cause harm;

that cannabis will always remain an intoxicating drug;

that time may show that the harmful effect on the user and on the community are greater or less than present research has established; and

that, within a 10 year period, the proposed National and State Drug Information Centres will have advanced our knowledge on all aspects of the problem of drug abuse including cannabis use.

Further on—

A decision to relax the prohibitions at the moment will, in the Commission's view, be an unwise reaction to emotive and possibly misguided pressure.

Its recommendations are specific. I quote as follows—

No relaxation of the present Australian prohibition on cannabis be made for ten years from the commencement of the operation of the Drug Information Centres recommended in Part XIV.

At the expiration of the ten years the Legal prohibition against cannabis be reviewed by the Commonwealth and State Governments acting in concert.

No unilateral removal is proposed.

Mr Parker: All those points could have been made about alcohol.

Mr HASSELL: The member is undoubtedly right. The fact of the matter is that whether or not any of us like it, our community has developed historically with the acceptance of alcohol as a drug available to be used lawfully; it has not grown up with the acceptance of marihuana and other drugs in the same way. When there was a prohibition on the consumption of alcohol in the United States, the attempt was a dismal failure.

Mr Parker: The sort of legislation you are introducing is resulting in the same disregard for the police and authority which followed the prohibition of alcohol in the United States.

Mr HASSELL: We have never established a situation in which prohibition of cannabis or other drug use was necessary as such as it has always been prohibited. It should remain so, as it hopefully will.

I repeat that we agree with the member for Gosnells when he points to the dangers of alcohol. There are very significant dangers in terms of the impact on our community. Only recently we have heard of the number of beds in hospitals being occupied by people as a result of alcohol-related diseases. That does not solve our problem in relation to other drugs. This legislation does not of itself purport to solve the problem either.

There has been a great deal of confused discussion about this Bill in other areas. In terms of the English practices and experiences, it is my understanding—

Mr T. H. Jones: That Act has been operating since 1971.

Mr HASSELL: Has it? And has England got less of a problem than we have? It licences drug addicts.

Mr Brian Burke: That are some definite advantages. I am not saying there are no drawbacks.

Mr HASSELL: I do not think we would want to adopt that system in this State. I am not saying there would be no advantages; I am saying it is not a system we would want to adopt here, yet it

is a key element in the legislation which the Opposition advocates we should be following.

Mr Parker: I said that the British legislation is much more comprehensive and deals not only with the codification of the criminal use of drugs but also with such things as education and rehabilitation, and it includes the licensing of drug addicts. That does not mean I am saying we should implement immediately the English Act. If you look at that Act and statements made by various Tory Government Ministers—people of your political persuasion—when they introduced the Bill in 1971, parts of which I read to the House, you will see how far removed from being a decent piece of legislation is your Bill.

Mr HASSELL: I wonder if I could resume my speech. The member for Fremantle continues with his attack on the legislation.

In Marxist theory all problems will be solved on that grand and glorious day when the basic conflict alleged to exist in the capitalist system is abolished and the socialist collective takes over, because at that point it is believed by Marx in his theory that all social problems will be solved. I do not suggest in relation to this legislation that the Opposition has a Marxist approach to it. I hasten to say that, because obviously the member for Balcatta was about to leave the Chamber and he thought he would have to stay to defend his position; but that is not the position I take.

Mr Brian Burke: I might just have stayed to embarrass you.

Mr HASSELL: However, I draw the parallel in that the Opposition speakers have again and again said this Bill is the wrong approach to the drug problem and the drug problem will be solved by dealing with the social causes of it.

Mr Parker: We have not said it will be solved. We have said it is a much more positive approach.

Mr HASSELL: There is no argument from me about the fact that the drug problem is a broad one. It requires many measures, but certainly one measure it requires without question is the provision which gives the law enforcement authorities the opportunity to deal effectively with the supply of drugs—

Mr Parker: And in doing that you abolish every vestige of British justice.

Mr HASSELL: —the manufacture and wholesaling of drugs, the dealing in drugs, and the profits from drugs. Unless we are prepared to face up to the unpleasant aspects of arming the law enforcement authorities to enable them to do that, we will not be facing up to the drug problem, whatever other measures we might take.

Mr Parker: You can say exactly the same thing about murder, rape, and robbery with violence and yet civil liberty provisions remain in respect of people who commit crimes of that nature. However, they do not remain in this Bill.

Mr HASSELL: I should like to make one other point about the issue of civil liberties and the support or otherwise which exists for it in the Bill, because a great deal of hot air has been displayed in this regard. We have seen also a great deal of misunderstanding and much inaccurate information. No Opposition member has identified which civil liberties will allegedly be in grave danger or even in danger.

Mr Parker: We have identified them at great length and if you want me to encapsulate them in a few words I will.

Mr HASSELL: This Bill was introduced deliberately by me into the House in November last year. At that time I made it clear the Bill would lie on the Table of the House until at least the first part of the next session, during which time I sought public comment.

Public comment was received from responsible bodies from various sources and substantial changes were made to the Bill as a result. Contrary to what the member for Yilgarn-Dundas said tonight, the Bill has the substantial support of the Law Society. There was only one issue on which the Law Society remained unsatisfied when the Bill was presented in its final form, as it appears now, and that was the issue of the court in which the cases should be heard.

Unfortunately the member for Yilgarn-Dundas used a misreport of what the Law Society actually said in its Press release and, as a result, he has misrepresented the position of that society. Even when the Opposition's Mr Temby appeared on Nationwide, he did not condemn the Bill in the way the Opposition has.

Mr Bryce: Mr Temby, QC.

Mr Jamieson: He is not our Mr Temby.

Mr HASSELL: Well, he is on Opposition committees.

Mr Bryce: Is that why you delayed his appointment as a QC?

Mr HASSELL: I did not know it was delayed.

The group which met last Friday issued an invitation to a meeting at 12 noon. That invitation arrived in my office at 11.50 a.m. on that day. Nevertheless, I sent a letter down to them straightaway in regard to two points. One of those points was a response to an implication in the letter that the Bill was being rushed through the Parliament. Clearly that was dishonest and

wrong. The Bill was introduced last November and it was allowed to remain on the Table of the House until this session.

Mr T. H. Jones: But it was amended.

Mr HASSELL: After introducing it this session, three or four weeks elapsed before dealing with it. That just puts in perspective one of the wild and inaccurate statements made about the Bill by those people who are joining the ALP in its political campaign against this legislation.

Mr Parker: Have you finished discussing the civil liberties aspects of the Bill?

Mr HASSELL: I return to the point that this Bill does not contain any basic change to the criminal law relating to prosecution for drug offences.

Mr Parker: What about the fact that all the objective tests of police behaviour have been taken out of the provisions and replaced with subjective tests of police behaviour?

Mr HASSELL: When we get to the Committee stage the member will have to explain that point so that we can all understand it. I have not heard his argument on that and I do not know what it is all about. Let me make it clear the alleged drug offender will still have to be arrested in the same way as previously. Under the Justices Act he will have to be charged in the same way.

Mr T. H. Jones: And dealt with by non-skilled policemen, by undercover agents, and other people.

Mr HASSELL: In some cases he will now have a right to a trial by jury which formerly he did not have in the large cannabis cases.

Mr Parker: He will not have the right to remain silent. That has been taken away from him.

Mr HASSELL: Contrary to what the member for Fremantle has just said, he will still have the right to remain silent in relation to his own innocence or guilt.

Mr Parker: That is not provided for in the legislation.

Mr HASSELL: The member for Fremantle is just making another one of his totally inaccurate statements.

Mr Parker: Show me where it is provided for in the legislation.

Mr HASSELL: The right of an offender to remain silent in relation to innocence or guilt is not challenged in the Bill.

Mr Parker: Yes, it is.

Mr HASSELL: If the member looks at the provisions he is talking about, he will see they refer to inquiries in relation to property and in

both the clauses to which the member refers—I believe they are clauses 15 and 25—not only do the provisions relate to the tracing of property, which is essential to the strategy of the Bill, but also they are limited by subclauses which say that the offence of remaining silent occurs only where the person being questioned remains silent without lawful or reasonable excuse.

Mr Parker: That point was quite incorrect, because, for example, clause 15 says, "A police officer exercising the powers conferred by section 13..."—which, as you pointed out correctly, relates to property—"or by a search warrant...", therefore, it can be seen it does not only refer to offences in relation to property.

Mr HASSELL: I did not refer to offences in relation to property. I referred to provisions relating to the tracing and identification of owners of property used for drug-related offences.

Mr Parker: An officer may exercise a search warrant.

Mr HASSELL: The question is: Why would he exercise a search warrant?

Mr Parker: He may exercise a search warrant to look for illegal drugs, and that is not tracing property.

Mr HASSELL: If the position can be taken that far, which is a concept I do not agree with, protection would still be offered by the following subclause which in each case enables a person to remain silent if he has a lawful or reasonable excuse.

Mr Parker: It only refers to a lawful excuse.

Mr HASSELL: In one case a lawful excuse is referred to, and in another a reasonable excuse.

I do not accept the Opposition's argument related to civil liberties.

Mr T. H. Jones: You haven't mentioned it.

Mr HASSELL: I have mentioned the matter.

Mr T. H. Jones: You got away from it.

Mr HASSELL: The burden of proof will not change; the Crown must prove its case except in relation to large quantities of drugs which for many years have been accepted as shifting the burden of proof. A person in possession of a large quantity of drugs which clearly cannot be for his personal use must accept the burden of proof. Under this legislation the burden of proof will change from the Crown to the accused as the existing provisions already provide. The defendant must show he did not have such a large quantity with intent to sell or supply.

Criticism has been made of the provision relating to the requirement that directors and

associates of a company convicted of an offence must show they were not involved in the offence.

Mr Parker: On that basis the directors of the AMP Society would appear in court every week.

Mr HASSELL: The situation must be considered realistically. The small-time dealer about whom the Opposition is concerned does not operate through a company.

Mr T. H. Jones: We want to know how you will get the big men. You haven't mentioned them.

Mr HASSELL: I will now go on with the point made by the member for Collie. It is the big men who use corporations to peddle drugs. It is Mr Big who uses a corporation we are aiming to catch by this legislation.

Mr T. H. Jones: Will this Bill do that?

Mr HASSELL: We are not aiming this provision at the small time user.

Mr T. H. Jones: Will this Bill get a Mr Big?

Mr HASSELL: We are after the big men who hide behind a corporate shield. Such people will be required to prove they are not associated with drug dealing.

Mr Parker: There is some substance in that point, but we are talking about a person who simply owns property on which a drug deal takes place. The owner could be the AMP Society or some other corporation.

Mr HASSELL: If we consider the provisions relating to drug dealing or drug use, we realise that almost all sections use the word "knowingly", and in the absence of knowledge no offence is committed by the lessor or owner of a property on which an offence occurs.

Mr Parker: In the absence of knowledge the onus is upon the owner.

Mr HASSELL: In those cases the onus would not shift at all. The proposed new section 5(1)(b) has been the subject of much discussion, and no doubt we will hear more about it during the Committee stage. I have pointed specifically to the Supreme Court case in which the existing provision was dealt with, and that is the case of *Peacock v. Drummond* heard in the Supreme Court of Western Australia on 13 and 29 August 1973. Reference to that case shows that the provision does not have the effect as stated by the Opposition.

This Bill has not been dealt with properly by the Opposition, and I must say it has not been dealt with properly by the media either in presenting a balanced picture—

Mr T. H. Jones: Do you know who you are criticising?

Mr HASSELL: In my criticism of the media I refer to the *Daily News* which ran a campaign in relation to this legislation. I believe that newspaper should have exercised a greater degree of responsibility in dealing with such important legislation, as should the Opposition.

Question put and a division taken with the following result—

#### Ayes 27

Mr Blaikie	Mr Mensaros
Mr Clarko	Mr Nanovich
Sir Charles Court	Mr Old
Mr Cowan	Mr Rushton
Mr Coyne	Mr Sibson
Mr Crane	Mr Spriggs
Mr Grayden	Mr Stephens
Mr Grewar	Mr Trethowan
Mr Hassell	Mr Tubby
Mr Herzfeld	Mr Watt
Mr P. V. Jones	Mr Williams
Mr Laurance	Mr Young
Mr MacKinnon	Mr Shalders
Mr McPharlin	

(Teller)

#### Noes 19

Mr Bertram	Mr Jamieson
Mr Bridge	Mr T. H. Jones
Mr Bryce	Mr Parker
Mr Brian Burke	Mr Pearce
Mr Terry Burke	Mr A. D. Taylor
Mr Carr	Mr I. F. Taylor
Mr Davies	Mr Tonkin
Mr Grill	Mr Wilson
Mr Harman	Mr Bateman
Mr Hodge	

(Teller)

#### Pairs

Ayes	Noes
Mrs Craig	Mr Skidmore
Dr Dadour	Mr Barnett
Mr O'Connor	Mr Evans
Mr Sodeman	Mr McIver

Question thus passed.

Bill read a second time.

#### Reference to Select Committee

MR T. H. JONES (Collie) [10.24 p.m.]: I move—

That the Bill be referred to a Select Committee.

During my second reading speech I indicated my intention to move this motion on behalf of the Opposition. The reasons for this motion were demonstrated clearly. My submission, supported strongly by all members on this side of the House, is that the Government has fundered with this legislation; it is a piece of window-dressing.

The very dismal performance of the Minister tonight supports my view. In replying for 45 minutes he was unable to answer the strong case put forward by the Opposition. He did not bother to mention the statistics relating to the number of people imprisoned for drug-related offences. He

did not take the opportunity to refer as we did to the report of the Commissioner of Police, which the Opposition supports. I echoed his views during my second reading speech. He doubts whether any scope for optimism exists in this legislation. Quite conveniently the Minister did not refer to the views of the Commissioner of Police which were expressed so strongly.

Clearly we must consider the reasons for the Minister's not touching upon the subject matter of that report. In fact, he did not mention any of the reports referred to by the Opposition, and he did not rebut the concern expressed. It must be appreciated that the commissioner was well aware of the contents of the legislation before he compiled his annual report.

Even so, knowing that, he said the Bill we are now debating gives parliamentary support for optimism in relation to the drug problem in the future. Of course, the remarks he made, which I will be referring to, were not even touched on by the Minister for Police and Traffic in his reply. It was a classic example of a fine piece of window dressing on behalf of the Government.

Mr Hassell: What part of the commissioner's report were you referring to?

Mr T. H. JONES: There were so many pages, 18 minutes is not long enough to permit me to refer to all of them.

Mr Parker: Why don't you read last week's *Hansard*?

Mr T. H. JONES: If the Minister reads *Hansard* he will know the report to which I am referring. In his capacity as Minister for Police and Traffic, surely during his 45-minute reply to the case put forward by the Opposition he would have found some time to refer to the concern which had been expressed about this Bill not only by the Opposition, but also by so many people right throughout Western Australia. All he did was to try to belittle people who have expressed their views in the Press. They are either Labor supporters or doing a job for the Labor Party, according to him. On that account alone, we consider that time must be taken to consider the concern expressed in this report, which I referred to at some length during my earlier speech, by the head of the Police Force in Western Australia.

What does the Minister for Police and Traffic have to say about the Dixon report, the report of the inquiry into the rate of imprisonment? The Minister did not mention it. We must remember that this was a committee introduced by his own Government. Of course, I go a step further—

Mr Hassell: Is that a report about drugs?

Mr T. H. JONES: Drugs were mentioned at length in the report.

Mr Hassell: Yes, but is it a report about drugs?

Mr T. H. JONES: Drugs were discussed in it.

Mr Hassell: What about the Royal Commission report that you did not refer to? That was totally about drugs.

Mr Parker: He did refer to it. It was referred to on a number of occasions.

Mr Hassell: Just a passing reference.

Mr T. H. JONES: This Bill does not contain all the recommendations of the Royal Commission's report. The Minister said that in his second reading speech. I did not say it, the Minister said it.

Mr Hassell: I do not deny that. I also used the correct report that was dealing with the subject.

Mr T. H. JONES: I touched partly on the report of the Royal Commission. This report was commissioned by this Government. Mr Oliver Francis Dixon and the other members dealt with the drug problem at great length. They were not only concerned with the rate of imprisonment, but also they were worried about the drug problem. They said another approach should be adopted. This was not the approach envisaged. We should be looking at rehabilitation. There should be more clinics. What did the Minister say about this report? Nothing! He did not say one thing. He did not even mention the report. As far as he is concerned, it could be thrown in the gutter; the recommendations made by this commission apparently are a waste of time.

Mr Davies: He is denying the commissioners' report.

Mr T. H. JONES: That is right. Is it any wonder that the Opposition is asking for a Select Committee? What did the Minister have to say about the report of the Police Union of Western Australia which also dealt extensively with the problem? He did not even mention it. It is clear to the Opposition that he did not mention it because of the unfortunate situation between the Minister and the Police Union. I mentioned that the morale of the Police Force of Western Australia has never been at a lower ebb and the Minister did not challenge that. Apparently he accepted it.

This document I put forward did not rate a mention, nor did the report. It is an important document. It was not the Opposition warning the Government; it was the Police Union of Western Australia. The Police Union said that unless the Government does something, drug-related crime obviously will increase. What did the report say? Police strength last year is the same as this year



while the population growth in Western Australia has been in excess of 26 000. This is the problem area. This is the area that the Minister has apparently forgotten to mention. It did not even rate a mention in his speech which lasted for 45 minutes.

Mr Harman: The Minister for Police and Traffic looks very embarrassed.

Mr T. H. JONES: Of course he is embarrassed. The Commissioner of Police knows the situation. He knows what these three reports—which I studied at length, as did other members of the Opposition—contain, but he did not want to mention them. He did not want to be involved in a commission that does not go along with his point of view.

The Commissioner of Police said this Bill will do little to improve the overall drug situation, and that viewpoint is supported by the Opposition. Where is the Minister heading? Does he say that the report in yesterday's *Daily News* is incorrect? After he saw it he spoke to the Civil Liberties Council of WA. He was reported on page 5, under the heading "Government will push ahead on drugs Bill" as saying—

Mr Hassell told a council delegation that it would be another two weeks before the Misuse of Drugs Bill passed all stages in both Houses of Parliament.

This allowed time for consideration of any further submissions, he told the delegation.

The council president, Mr Brian Tennant, said the Minister indicated that some amendments may be made.

The Minister does not know where he is going. He told this delegation that it would take two more weeks to put the Bill through and during that time he may make further amendments. Surely he should know where he is going. He got up tonight and told us that the Bill, which was introduced during the last session of Parliament, may be further amended by the Government. What does this demonstrate? It demonstrates that the Bill should be totally reconsidered. It supports the viewpoint of the Opposition, and even the Minister is not denying that—he is sitting there sucking his thumb, knowing that what I am saying is correct. He knows he has no defence.

He said yesterday after the delegation, "Look, I think you people represent the view of the nation. There is merit in what you say. I will have another look at it". That raises the question of where we are going with this Bill. This admission by the Minister clearly demonstrates that the Opposition is taking a correct and positive line by

seeking to refer this Bill to a Select Committee for further consideration.

Concern has been expressed about this Bill in many different circles in Western Australia—and not just by Labor people. The Minister and the members of the Government cannot deny this. Many people have written to the Premier, such as Mrs Taylor whose son died from drugs. I do not know the political beliefs of that lady. I would not have a clue—I do not know her. She expressed very strong concern in a three-page document which asked the Premier to withdraw the Bill so that it can be given further consideration. The Minister cannot say that Mrs Taylor is a Labor supporter. This is the theme right throughout Western Australia. Many letters have been written to my leader about the Bill, and in tonight's edition of the *Daily News* a letter appears about drug addicts. It was written by a drug counsellor in Perth.

I assume we will see more letters in tomorrow's paper because concern is being expressed still about the provisions contained in this legislation. It is correct to say that the Opposition did not deal with a number of clauses of the Bill during the second reading stage, but they will be dealt with at the proper time—during the Committee stage.

The Minister was not able to answer the case against this legislation put forward by the members of the Opposition. The Minister referred to the attitude of the members with respect to drugs and the use of drugs and he tried to divert attention from the main issue. The main issue is: Due to the new federalism concept, the Government is unable to supply the Police Force and the drug squad with sufficient people to control the situation. That is not only my view—it is the view of the Secretary of the Police Union. If anyone should know the situation then it would be members of the Police Union. That opinion was expressed also in the report of the Police Union. The Minister is not "gripping" with the problem.

Mr Hassell interjected.

Mr T. H. JONES: Someone might "gripple" with the Minister. What is his problem?

Mr Grayden interjected.

Mr T. H. JONES: It is a pity someone did not "gripple" with the Minister for Education.

Mr Grayden: There is not one on your side capable of doing it.

Mr T. H. JONES: Issuing another challenge?

Mr Grayden: I would not think of doing that.

Mr Brian Burke: The member for Collie does not deserve that. He has never shown that tendency.

Mr Grayden: The biggest coward in the House. Several members interjected.

*Point of Order*

Mr PEARCE: Mr Acting Speaker (Mr Watt) the word "coward" was withdrawn previously after the Deputy Premier used it in reference to me. It was clearly acknowledged by the House that the word "coward" is unacceptable. As there has been a ruling on that before, I seek a withdrawal by the Minister for Education.

The ACTING SPEAKER (Mr Watt): The precedent of the House is that the expression used by the Minister for Education is not acceptable and I ask him to withdraw it.

Mr Grayden: What expression are we referring to?

The ACTING SPEAKER: I am sure the Minister for Education knows the words to which I am referring. The words are "the biggest coward in the House", or words to that effect. I rule that they are not parliamentary.

Mr GRAYDEN: I would not have thought that they were unparliamentary, but if they are, I withdraw them.

Mr Grill: Throw him out.

The ACTING SPEAKER: Order! There will be others thrown out if interjections persist while I am on my feet. The Minister must make an unequivocal withdrawal.

Mr GRAYDEN: I have withdrawn.

Mr Grill: You have not.

*Debate (on motion) Resumed*

Mr T. H. JONES: I am surprised the Minister for Education has adopted that attitude towards me. I think I have co-operated, but apparently he is not feeling himself tonight.

Mr Brian Burke: The Minister is an old man.

Mr T. H. JONES: I think I have made the position of the Opposition quite clear. Therefore it is unnecessary for me to restate the views of the Commissioner for Police and of the Secretary of the Police Union. The Minister knows the situation but he put up a very poor showing tonight. He was not able to answer the charges made by the Opposition, which were supported by the three inquiries into this issue, and for that reason I commend the motion to the House.

MR PARKER (Fremantle) [10.41 p.m.]: I wish to second and support the motion of the member

for Collie that the matter be referred to a Select Committee.

At the outset, let me say that it is not my intention to "gripple" with the member for South Perth or otherwise deal with him if I can possibly avoid it. The main point of this motion is that there is in existence probably more documentation, more research, and more reports and inquiries of one sort or another on this question than on any other question one could consider. There is, for example, a report of a committee of inquiry from the Legislative Council of this Parliament. There is a report of a presidential commission established by President Nixon; there is the Williams report to which both the Minister for Police and Traffic and I have referred; there is the Sackville inquiry of South Australia and the Wootten inquiry of Great Britain.

I am sure there are many other inquiries to which I have not referred. All of these inquiries deal with the question of drug use and abuse, and to some extent deal with appropriate legislation which ought to be considered in order to regulate this area properly.

One reason for all these inquiries has been that Governments have been unable to come to grips with the problem. The only way to get around the problem has been a commission of inquiry. This legislation does not take into account that huge body of evidence and recommendations about this particular issue which exist throughout the world including this country.

It is patently obvious from the Bill, from the Minister's second reading speech—in which he acknowledges that it does not go along with the Williams committee of inquiry—and from the Minister's poverty-stricken reply to the debate which took place, that there was no real consideration by the Government of any of those issues when this legislation was being prepared. When one reads the legislation one learns two most important aspects about it. The first one is that the Government has attempted window dressing in an area where it thinks it will gain public support by pretending to be taking on the big boys of the drug trade. It has been said time and time again, in this House and in the Press, and even in the more conservative organs such as the *Sunday Independent*, that we all want to deal with those sorts of people. The question is not whether we want to deal with them but whether or not this Bill will in fact deal with them. Opposition members say it will not.

The member for Collie has demonstrated quite successfully that this Bill and the Government's

approach will not improve the matter. That is the first point that becomes very clear in respect of this Bill.

The second point which becomes very clear is the extent to which the law will be changed to deal with the user of drugs. The Minister referred to the cannabis user—the small-scale user of drugs—and said that the changes are designed to assist in the capture of more people who are breaking the law. It will not assist in the diminution of the number of people in this State who are actually engaged in using or trafficking in drugs. The Minister has conceded that he does not believe this Bill will in any way result in the diminution of the number of drug users. This Bill will result in a greater number of convictions of people caught by the police.

As I said in my second reading speech, it is acceptable that the police would want to have their task made easier. The Opposition is interested to note that the police have not had their task made easier in areas such as capturing more people involved in the large-scale illicit drug trade. One matter the Minister talked about but did not deal with is the Mr Bigs of the drug trade.

Now, those are the issues which we believe exist, plus the fact that the Government has in the case of this Bill refused to consider the basic elements of British justice, some of which have been with us since the Magna Carta, and some of which have evolved over a large number of years. In every case where the opportunity has presented itself in the codification of these laws the Government has deleted such civil liberties provisions as exist in the present laws and has replaced them with provisions which will make it more difficult for anyone to challenge the actions of the State apparatus in those matters.

Those are some of the issues with which we are dealing, plus the fact that the Bill does not distinguish between different levels of usage. The Minister made great play of some of the recommendations of the Williams Royal Commission in spite of the fact that he has rejected them in the introduction of this Bill.

Even accepting for the moment the point the Minister made, that there should not be any distinction made between those people who use soft drugs—let us say marihuana or other drugs for personal use—as opposed to the sorts of drugs everyone would acknowledge are part of the world-wide drug traffic such as heroin and opium, that issue has been discussed in a large number of reports to which I have referred but has not been considered by the Government in drawing up this Bill. Indeed, if one is to believe what was written

in the *Weekend News*, Superintendent Eyres is the principal author of this Bill.

It seems to me that obviously the role of the Police Force in this case is to put forward to the Government the type of legislation it wants and it feels it needs to cope with the drug problem, or for that matter, any other problem. I do not denigrate them for doing that because it is obviously their role. The role of the Government is to consider submissions put before it by the police and by anyone else; and then to make a political decision based on what it considers to be to the overall benefit of the community.

In doing that one would hope the Government would have a lot more views than just those of the police officers—people who are anxious to secure more convictions. That has patently not been done in regard to this Bill; civil liberties have not been considered. Evidence available from a number of reports throughout the world has not been considered; nor have the basic tenets of the British system of justice been considered. These have been thrown out of the window.

As the Minister said, it is difficult for us to go through the vast volumes of reports pertaining to this matter. It is obvious the Minister has paid scant attention to the report of the Commissioner for Police and Mr Dixon in regard to the imprisonment rate in this State. It is obvious also the Minister, if he has paid any attention to them at all, has rejected the reports. It is true to say a vast majority of members in this House have not read all or even most of these reports, and this includes myself. We are all busy people who have many things to do, and this applies to the Minister also, who has a large number of portfolios.

What the Opposition is suggesting by this motion is that if this Bill were referred to a Select Committee of this House, a committee composed of members of both sides of the House, the committee would inevitably have a majority of Government members, as all similar committees do. So, we are not seeking that a revolutionary imprimatur be put on some legislation to come back to this place; we are suggesting the Bill go to a Select Committee which can make a speciality of studying the reports involved. We are not suggesting that the Select Committee be another Williams or Sackville inquiry; what we are suggesting is that four or five members be appointed to the committee to make a speciality of studying the reports available and the legislation which exists in Britain and other parts of the Commonwealth and the world and to come back to this House with a considered piece of legislation which does what all of us would want it

to do; that is, deal with the major problem of drug trafficking at its large scale level, and the profits made from it. All of us say we want to deal with those sorts of things.

The Opposition has made it clear that it is very anxious for this matter to be dealt with and for offenders to be dealt with adequately rather than have this shabby piece of window dressing which the Minister has brought before the House. I would suggest that legislation of this kind will not result in a single extra conviction of a substantial drug trafficker in this State and will not result in a single sequestering of any substantial amount of fine.

This piece of legislation in the way it has been drafted, and in the manner it has come before the House, is inadequate, even in the Minister's own terms. Even if one accepts the Minister's own view that anything one can toss to the winds is sufficient to overcome this problem in the desire of society to undermine the drug trade in this country—and I do not accept it because, as I pointed out by way of interjection, one can say the same thing about murder, rape, and robbery with violence, but no-one is suggesting that civil liberties should be thrown out of the window in those cases and they are no less serious crimes than the ones we are talking about here—there is no point in passing the Bill as it stands because it does not do even those things the Minister wants it to do.

What we are saying is: Let this Select Committee consider all the reports of committees of inquiry and come back with a reasonable Bill, which can have the unanimous support of this House as, for example, in 1971 the Misuse of Drugs Bill was passed by the British House of Commons. I am not suggesting we should implement that Act as it stands, but it had the unanimous support of the House of Commons because it came from a Select Committee of that House.

The Opposition is not suggesting that there is an urgent need for new legislation to be passed today or next week. As the Minister pointed out, most of the criminal offences are already covered in existing legislation, so the Minister does not need to have the Bill pushed through Parliament to deal with the problems. He already has the power to deal with the majority of them.

Therefore the delay involved in passing this legislation is, in my view, more than necessary if this Parliament is to have any role whatsoever to play in the composition of the legislation.

This is an opportunity for the Government to show it regards Parliament as something more

than a rubber stamp. I do not believe the Government will take that stand because I think it regards the Legislative Assembly as nothing more than a rubber stamp. If the Opposition were in Government and this sort of Bill was opposed by the Liberal Opposition it is certain that at best it would be referred to a Select Committee by the other House, if not rejected out of hand. Because of the gerrymander the present Opposition is not able to do that.

We are suggesting to this House, which is charged with the responsibility of passing decent legislation which will be to the benefit of all Western Australians, that it takes the opportunity the member for Collie has presented to it instead of passing this legislation which is not needed, which is not going to change things in terms of a diminution of the drug trade, and which will not result in the capture of any single trafficker or the sequestering of a single substantial amount of money.

This Bill should be referred to a Select Committee and in the meantime existing provisions of legislation can prevail as they have done for many years.

It is an opportunity for the Government to show its bona fides in this matter; but since I believe it does not have any, I would be surprised if the Government did support this motion.

I commend the motion to the House.

**MR HASSELL** (Cottesloe—Minister for Police and Traffic) [10.55 p.m.]: I do not accept the motion for the establishment of a Select Committee. It simply joins a long queue of proposals emanating from the Opposition for every subject matter to be referred here, there, or anywhere, as long as we do not face up to the issue and deal with it.

**Mr Grill**: You poor, limited fool. You do not understand what damage you are doing.

**Mr HASSELL**: I feel that perhaps I offended the Opposition spokesman, the member for Collie, by not dealing adequately with his argument, and I wish to make a number of points now. The report of the Commissioner of Police was referred to extensively by the member for Collie. I wish to quote only two sentences of that report which surprisingly were not mentioned by the member for Collie. They appear at the bottom of page one and are as follows—

I regret to say the drug scene gives little scope for optimism. However, aided by new legislation presently before Parliament, every effort will be maintained to reverse this trend.

That was not quoted in any of the speeches of the Opposition.

The member for Collie made some very long statements in relation to police manpower, to the report prepared by the Police Union on the subject of manpower, and to the report made to the Government on the same subject. I assure the honourable member the Government has taken very careful note of those reports.

Mr T. H. Jones: You did not mention it at all.

Mr HASSELL: The reason I did not deal with the matter was that it appeared to be quite irrelevant to the legislation before the House. I acknowledge without question that it would be most desirable were we able to increase substantially the size of our Police Force, as I acknowledge also there is a number of other areas where Government services would be improved by an increase in their size.

However, we do not have as many options as we would like in that respect. We have a decision to make as to what taxes and charges will be imposed to cover the things we are doing already. However, the matter remains in the budgetary context; I do not believe it has anything to do with the Bill before the House.

The Bill is an empowering and enabling piece of legislation relating to the job the police have to do.

Mr T. H. Jones: They all deal with the drug problem.

Mr HASSELL: The issue of police manpower is a separate issue.

The member for Collie made great play about a report in the newspaper of what somebody said I had said at a meeting yesterday. Whilst the report is not completely accurate, let me make the point that he has been very critical because I suggested that, even at this stage, the possibility of amendments could be considered. Of course, the member for Collie would have been even more critical had I said that under no circumstances would the Government consider amendments and that, at this stage, we could not see anything wrong with the Bill.

If it is demonstrated there is anything substantially wrong with the Bill, of course I will consider changes at this stage, or any other stage. That has nothing to do with the need or otherwise for a Select Committee. There is no need for a Select Committee, and the motion is not supported.

MR COWAN (Merredin) [11.00 p.m.]: It has been the practice of our party to support motions for the referral of matters such as this to Select

Committees. In this instance, we have a situation where people are concerned about a major problem. The Minister for Police and Traffic, by his own admission, is not totally convinced that this Bill will be the answer or will provide a solution to the alleged high level of drug trafficking in Western Australia. If we can believe what we read, the drug trade has reached such proportions that something must be done, and done urgently.

My party believes that perhaps the best course of action is for this legislation to be passed and proclaimed. Then, if dissatisfaction is expressed in certain quarters, the Opposition can move for something to be done about it.

Mr T. H. Jones: You will be back in the coalition soon.

Mr Grill: I know you too well to believe that. You do not believe what you are saying. You believe the legislation is not adequate, and you would like to see a Royal Commission established.

Mr COWAN: I do not believe for one moment this legislation will provide the total answer; in fact, I am certain it will not. However, this Bill is likely to provide some deterrent to those people who make a living out of trafficking and dealing in drugs.

Mr Grill: Of course it does, but that is not the way to do it.

Mr COWAN: If that is the case, the honourable member's party can move a substantive motion either towards the end of this session or at the beginning of the next session to remedy the situation.

Mr Grill: This is the appropriate time, and you should support the motion now.

Mr COWAN: I believe it is appropriate now to implement this legislation.

Mr Grill: You do not believe what you are saying.

Mr COWAN: I do; I believe it is important that this legislation be passed through both Chambers and proclaimed. If it is not seen to be an effective deterrent, we can amend it.

Mr Grill: It has not worked in the past; why should it work now?

Mr COWAN: I believe the powers it will give to the police are far greater than those which apply today; that is where the member for Yilgarn-Dundas and I differ. He believes such powers should not be given to police officers because it represents an infringement of persons' civil liberties. That may very well be.

Mr Grill: That is only the surface of our objections.

Mr COWAN: I think I said it was one of the objections of the Opposition; members opposite have other objections, and I heard them.

I see the Government making a genuine attempt to do something about putting on the Statute books an effective deterrent that perhaps will assist the courts in their handling of the drug problem. I could be wrong; perhaps members opposite will come back in six or eight months' time and tell me I was wrong.

Mr T. H. Jones: Then you will apologise.

Mr COWAN: If the member for Collie is proved right and wants an apology, I will give him one.

Mr Grill: If the drug rate continues to increase at its present level, will you admit you were wrong?

Mr COWAN: I will certainly admit I was wrong if in six or eight months' time I find the drug rate has continued to climb, and I will support any moves for an inquiry and will support the recommendations of that inquiry to amend the legislation we are debating tonight.

We do not support the motion moved by the member for Collie.

Question put and a division taken with the following result—

#### Ayes 19

Mr Bertram	Mr Jamieson
Mr Bridge	Mr T. H. Jones
Mr Bryce	Mr Parker
Mr Brian Burke	Mr Pearce
Mr Terry Burke	Mr A. D. Taylor
Mr Carr	Mr I. F. Taylor
Mr Davies	Mr Tonkin
Mr Grill	Mr Wilson
Mr Harman	Mr Bateman
Mr Hodge	

(Teller)

#### Noes 27

Mr Blaikie	Mr Mensaros
Mr Clarko	Mr Nanovich
Sir Charles Court	Mr Old
Mr Cowan	Mr Rushton
Mr Coyne	Mr Sibson
Mr Crane	Mr Spriggs
Mr Grayden	Mr Stephens
Mr Grewar	Mr Trethowan
Mr Hassell	Mr Tubby
Mr Herzfeld	Mr Watt
Mr P. V. Jones	Mr Williams
Mr Laurance	Mr Young
Mr MacKinnon	Mr Shalders
Mr McPharlin	

(Teller)

#### Pairs

Ayes	Noes
Mr Skidmore	Mrs Craig
Mr Barnett	Dr Dadour
Mr Evans	Mr O'Connor
Mr McIver	Mr Sodeman

Question thus negatived.

Motion defeated.

#### In Committee

The Chairman of Committees (Mr Clarko) in the Chair; Mr Hassell (Minister for Police and Traffic) in charge of the Bill.

Clauses 1 to 4 put and passed.

#### Progress

Progress reported and leave given to sit again, on motion by Mr Shalders.

#### BILLS (3): RETURNED

1. Trading Stamp Bill.
2. Housing Agreement (Commonwealth and State) Bill.
3. Marketing of Onions Repeal Bill.

Bills returned from the Council without amendment.

House adjourned at 11.10 p.m.

# QUESTIONS ON NOTICE

## FUEL AND ENERGY: SEC

### Capital Works and Expenditure

1711. Mr I. F. TAYLOR, to the Minister for Fuel and Energy:

- (1) How much did the State Energy Commission expend on capital works for each of the years 1976-77 to 1980-81 inclusive?
- (2) How much did the State Energy Commission expend on interest in each of the years 1976-77 to 1980-81 inclusive?
- (3) What was the total amount of loan interest accrued for the State Energy Commission to 30 June in each of the years 1976-77 to 1980-81 inclusive?
- (4) What proportion of total State Energy Commission expenditure did interest and loan flotation expenses comprise in each of the years 1976-77 to 1980-81 inclusive?
- (5) What proportion of total State Energy Commission expenditure did total financial charges comprise in each of the years 1976-77 to 1980-81 inclusive?

Mr P. V. JONES replied:

I am advised that—

- (1) The commission's expenditure on capital works for each of the financial years was—

	\$
1976-77	67.910 million
1977-78	87.855 million
1978-79	117.676 million
1979-80	135.045 million
*1980-81	154.5 million

- (2) and (3) Prior to 1979-80 all interest expenses of the commission were charged to operations, but since 1979-80 the interest associated with new works has been capitalised. The commission's accounting system operates on an accrual basis, and the total interest expense each year includes actual payments and the liability for accrued interest. The interest expense for each of the financial years was—

	\$
1976-77	20.012 million
1977-78	25.305 million
1978-79	32.415 million
1979-80	42.972 million
*1980-81	57.0 million

- (4) The proportion of interest and loan flotation expenses compared with total commission expenditure for each of the financial years was—

	%
1976-77	13.4
1977-78	13.8
1978-79	15.1
1979-80	17.4
*1980-81	18.9

- (5) The proportion of financial charges compared with total commission expenditure for each of the financial years was—

	%
1976-77	26.3
1977-78	25.8
1978-79	27.2
1979-80	33.9
*1980-81	34.3

\*Interim figures only.

## HEALTH: MENTAL HEALTH SERVICES

### Pyrton Training Centre

1722. Mr DAVIES, to the Minister for Health:

- (1) What proportion of an invalid pension is taken by the Government for maintenance of a patient at Pyrton?
- (2) Is such rate standard at all similar institutions?
- (3) Does it differ for short stay and long stay patients?
- (4) If not, why not?

Mr YOUNG replied:

- (1) The standard rate is approximately 87½ per cent of the invalid pension. The rate is based on a daily rate of 87½ per cent corrected to the nearest 10c.

- (2) There are no other similar institutions to Pyrtton Training Centre. However, at other units that come under the auspices of the division for the intellectually handicapped full maintenance—board and lodging—rates vary from 66 2/3 per cent to 87½ per cent based on the clients needs; i.e., clients who are involved in independence training or who are required to catch buses and socialise within the community pay a lower rate to enable them to participate in these matters. Clients at Pyrtton Training Centre do not have similar needs.
- (3) All clients at Pyrtton Training Centre are charged the same rate; however, where it can be demonstrated that the rate would cause hardship to the client, a lower rate may be levied.
- (4) Answered by (3).

## WATER RESOURCES

### *Consumers*

1723. Mr BRIAN BURKE, to the Minister for Water Resources:

Referring to part (3) of question 1655 of 1981 relating to consumption of water by certain customers, what amount was paid for water consumed by each consumer referred to in the question?

Mr MENSAROS replied:

For the year ended 30 June 1981, the charge for water consumed beyond allowance was 24c per kilolitre. The reply to part (3) of question 1655 of 1981 enables the calculation of water consumed beyond allowance by each of the consumers referred to for that year.

## RAILWAYS

### *Booking Offices*

1724. Mr McIVER, to the Minister for Transport:

- (1) Would he advise what income was received by Westrail's booking office when situated in Central Arcade in the financial years of 1977-78, 1978-79?
- (2) What income has been received by the interstate booking office at the Westrail centre from 1 January 1980 to 30 July 1981?

Mr RUSHTON replied:

- (1) 1977-78 \$1.423 million.  
1978-79 \$1.475 million.
- (2) 1 January 1980 to 30 July 1981 \$3.678 million

## TRANSPORT

### *Ticket Validating Machines*

1725. Mr McIVER, to the Minister for Transport:

- (1) What was the total cost for buses and trains for ticket validating machines?
- (2) From what source were the funds obtained and what contribution was made by the Federal Government?
- (3) What are the terms of repayment?

Mr RUSHTON replied:

- (1) \$1.6 million.
- (2) State Government—one third.  
Federal Government—two thirds.
- (3) Normal loan money repayment for the State's proportion. The Commonwealth contribution is a non-repayable grant.

## HOUSING: RENTAL

### *Rents: Increases*

1726. Mr BRIAN BURKE, to the Honorary Minister Assisting the Minister for Housing:

- (1) Is he aware of predictions that home rentals are likely to rise sharply in the near future?
- (2) What action does the Government propose to relieve hardship resulting from any increases that occur?

Mr LAURANCE replied:

- (1) I am aware that there have been some predictions that rents may increase in the near future.
- (2) Any eligible persons who encounter hardship due to rent increases in private accommodation may apply to the commission for assistance with accommodation.

## HOUSING

### *Mortgage Repayments*

1727. Mr BRIAN BURKE, to the Honorary Minister Assisting the Minister for Housing:

What proportion of a home owner's gross income should be allocated to mortgage repayment?



Mr LAURANCE replied:

No particular proportion of a home owner's gross income should be allocated to mortgage repayments. However, it is common practice among lending institutions to limit repayments to the 25 per cent to 30 per cent range of gross income.

### HOUSING: INTEREST RATES

#### *Mortgage Assessment and Relief Committee*

1728. Mr BRIAN BURKE, to the Honorary Minister Assisting the Minister for Housing:

- (1) How many cases have so far been considered by the mortgage assessment and relief committee?
- (2) What specific forms of relief are being or will be provided?
- (3) Will he please table a copy of the criteria being used by the committee to determine hardship?

Mr LAURANCE replied:

- (1) and (2) Home buyers seeking relief as a consequence of increases in interest rates need to apply in the first instance to their lending authorities which will if possible give assistance by rearranging the borrower's repayments.

Where restructuring cannot be undertaken the lending authorities will refer each case to the mortgage assessment and relief committee, and so far no cases have been referred.

In cases of genuine hardship the committee will arrange for a reduction in the interest charged by the mixing of concessional interest funds with lending authorities own higher interest money.

- (3) A copy of the basic guidelines issued to lending institutions is hereby tabled.

*The document was tabled (see paper No. 409).*

### STATE FINANCE: STAMP ACT

#### *Amount Collected*

1729. Mr I. F. TAYLOR, to the Treasurer:

What was the total value of stamp duty collected for each of the items and sub-items of duties payable on instruments under the second schedule to the Stamp Act between 1976-77 and 1980-81?

Sir CHARLES COURT replied:

Stamp duty collections are not separately segregated for each item and subitem set out in the second schedule to the Stamp Act. The only prepared statistical analysis is—

(a) for 1980-81—

Items	Collections \$
Bonds.....	221 698
Cheques, Orders, Procurements, Promissory Notes and Bills of Exchange.....	7 204 137
Conveyances and Transfers on Sale.....	44 222 614
Conveyances and Transfers by way of Gift.....	581 988
Conveyances and Transfers of Other Kinds.....	87 389
Deeds.....	179 209
Credit Facilities Instruments and Returns.	16 292 708
Insurance Policies.....	13 006 385
Leases.....	853 776
Mortgages, Debentures and Covenants.....	6 321 833
Motor Vehicle Licences and Transfers.....	7 068 836
Transfers of Marketable Securities.....	3 956 152
Miscellaneous.....	146
Fines.....	19 229

(b) for 1976-77, 1977-78, 1978-79, and 1979-1980 the statistics recorded are published in Appendix B of the State Taxation Department's annual reports which have been tabled in Parliament each year.

### SHOPPING CENTRE

#### *Development: Balcatta*

1730. Mr BRIAN BURKE, to the Minister for Urban Development and Town Planning:

- (1) Further to her answer to question 1670 of 1981—

- (a) will she advise whether she believed the Village Square shopping centre would prove viable;
- (b) if "Yes", can she explain why it has not proved to be so?

- (2) What are the names of those people who, in addition to the local authority, made representations to her seeking that the rezoning be approved?

Mrs CRAIG replied:

- (1) (a) and (b) The small size of the extensions to this existing shopping centre did not require me or the Town Planning Board to take into account its viability.
- (2) I do not make personal submissions public on applications for rezoning; however, it may be that the Stirling City Council will advise the member of the submissions received by them and their determination of same. In an advertising period of three months duration only three submissions were received by council.

#### PRISONS: DEPARTMENT OF CORRECTIONS

*Mr Kim Roberts*

1731. Mr BRIAN BURKE, to the Chief Secretary:

- (1) Further to question 1707 of 1981, was any amount of money paid to any company or business or trading concern of which Mr Kim Roberts or his wife was a principal or in which either had an interest?
- (2) If "Yes"—
- (a) what was the money paid for; and
- (b) to whom was it paid?
- (3) During what period did Mr Kim Roberts work with the Department of Corrections?

Mr HASSELL replied:

- (1) to (3) Mr Roberts commenced an exchange period with the Department of Corrections on 26 May 1980 and returned to the University of Western Australia on 1 July 1981. Certain matters relating to his activities during this period are the subject of a police investigation and therefore I am not able to comment on these or like questions until the outcome of those investigations is known.

#### FUEL AND ENERGY: ELECTRICITY

*Power Station: Bunbury*

1732. Mr I. F. TAYLOR, to the Minister for Fuel and Energy:

With reference to his answer to question 1713 of 1981 relating to the proposed Bunbury power station development, what is the estimated cost of the interest component in June 1981 dollars?

Mr P. V. JONES replied:

The estimated cost of \$450 million, based on 2 X 275Mw units, includes an allowance of \$90 million for interest during construction.

#### FUEL AND ENERGY: ELECTRICITY

*Power Station: Muja*

1733. Mr I. F. TAYLOR, to the Minister for Fuel and Energy:

In June 1981 dollar terms, what is the State Energy Commission's estimate of infrastructure borrowings required for the Muja D project?

Mr P. V. JONES replied:

I am advised that the State Energy Commission's June 1981 estimate of infrastructure borrowings required for the Muja D project is \$279.7 million.

#### EDUCATION: HIGH SCHOOLS

*Languages: Policy*

1734. Mr DAVIES, to the Minister for Education:

- (1) Has he seen the Education Department paper No. 33 of August 1981, entitled "Policy from the Director-General's Office—Education for a Multicultural Society"?
- (2) Is he aware that the paper expressed the view that a priority for multicultural education programmes is to make language programmes available to all students?
- (3) In view of the director general's concern about the need for language programmes why are language classes in schools being cut or closed down as part of the general cutbacks?

Mr GRAYDEN replied:

- (1) and (2) Yes.
- (3) Language classes are not being cut back or closed down as part of the general cutbacks.

## HEALTH: DISABLED PERSONS

### *Assistance Scheme*

1735. Mr HODGE, to the Minister for Health:

Further to question 1585 of 1981, will he provide me with details of the eligibility requirements for people wishing to obtain assistance under the programme of aids for disabled people scheme?

Mr YOUNG replied:

Persons who will be eligible under the programme of aids for disabled persons —PAD—scheme are those who are not inpatients or registered outpatients of a public hospital. Inpatients and registered outpatients of public hospitals will continue to obtain aids and appliances free of charge as part of their public hospital treatment.

Persons who are patients in a private hospital or nursing home are not eligible under the PAD scheme unless the aid is being supplied to enable the patient to be discharged from that hospital or nursing home.

The Commonwealth Minister for Health has advised that there will be a limit of \$200 000 for the PAD scheme in Western Australia for the financial year 1981-82.

## HEALTH: TOBACCO

### *Anti-smoking Study: Busselton*

1736. Mr HODGE, to the Minister for Education:

- (1) Can he provide Parliament with details of the anti-smoking study that was conducted amongst Busselton school children during 1979 and 1980?
- (2) Is it a fact that the abovementioned programme was very successful in achieving a substantial and sustained reduction in smoking amongst Busselton school children aged between 12 and 14 years?

- (3) Can he inform Parliament if any other school-based programme either in Western Australia or elsewhere has shown similar documented success as the one mentioned above?
- (4) (a) Has he taken steps to have the Busselton programme implemented in other schools;  
(b) if not, why not?
- (5) What use has the Education Department made of the information and experience gained by the work done in the Busselton programme?
- (6) (a) Does the Government have plans to train teachers in the methods used at Busselton;  
(b) if not, why not?
- (7) Has his health education committee studied the results of the Busselton programme?
- (8) Did the results achieved at Busselton reflect special conditions in that area or special ability or expertise of teachers or other staff involved in the programme?
- (9) Is he aware of any reason that the Busselton result could not be duplicated elsewhere?
- (10) Is it a fact that if the results achieved in reducing smoking amongst schoolchildren in Busselton were repeated in schools throughout the State, not only would health costs be lowered, but much pain, suffering and premature death caused by tobacco related diseases could be eliminated?

Mr GRAYDEN replied:

- (1) The details of the report are available upon request from the Health Education Unit, 514 Hay Street, Perth.
- (2) Success has been gained after an intensive and extensive programme.
- (3) No.
- (4) (a) and (b) The Government is particularly anxious to extend the programme. However as yet the study has not been fully evaluated.
- (5) See (4) above.
- (6) (a) and (b) See (4) above.
- (7) Not fully.
- (8) This will be a matter for the health education advisory committee to examine.
- (9) No. This will be done as soon as the Busselton study has been fully evaluated and proven to warrant State-wide application.

- (10) It is not possible to answer this in the affirmative at this juncture. There are other factors to consider; however, it is hoped that this will be the case as the study was carried out with this objective. I am hopeful that in respect of education on this matter not only will children throughout the State benefit, but Western Australia will be able to set an example to the other States of Australia.

## WATER RESOURCES: IRRIGATION

### *Ord River: Sugar Cane*

1737. Mr DAVIES, to the Minister for Agriculture:

- (1) Who was responsible for writing a recent report on sugar cane potential in the Ord River?
- (2) Who printed the report?
- (3) What were the costs of writing and printing?

Mr OLD replied:

- (1) The report was compiled by officers of State departments associated with the Ord.
- (2) Printed under Government Print contract.
- (3) The writing costs cannot be established as it was written by various departmental officers during the course of their duties.  
The printing costs were \$4 007 for 1 000 copies.

## FUEL AND ENERGY: GAS

### *North-West Shelf: Royalties*

1738. Mr HARMAN, to the Minister for Resources Development:

Adverting to question 1611 of 1981 relevant to North-West Shelf royalties, does the figure of 12½ per cent of the well-head value of petroleum refer to the total amount to be paid to the State Government or does this include the portion to be paid to the Australian Government?

Mr P. V. JONES replied:

The figure of 12½ per cent of the well-head value of petroleum includes the portion to be paid to the Federal Government.

## JERVOISE BAY: GOVERNMENT DEPARTMENTS AND INSTRUMENTALITIES

### *Funds*

1739. Mr HARMAN, to the Treasurer:

In the financial years—

- (a) 1979-80;
- (b) 1980-81;
- (c) 1981-82;

what funds have been, or will be, expended on the Jervoise Bay project by Government departments and instrumentalities in addition to the \$5 million loan fund money?

Sir CHARLES COURT replied:

- (a) to (c) The \$5 million loan funds already raised cover the costs incurred in 1979-80 and 1980-81. Additional loans will be arranged to cover the costs incurred in 1981-82.

## EDUCATION: HIGH SCHOOL

### *Melville*

1740. Mr PEARCE, to the Minister for Education:

Further to his reply of 16 June 1981 to the Melville Senior High School Parents and Citizens' Association, has a decision yet been made with regard to the problems the school is having with the outside drinking taps?

Mr GRAYDEN replied:

The job request application received at the regional office was for cold water drinking fountains, not outside drinking taps as had been costed. The principal will have to resubmit an amended application for funding.

## EDUCATION

### *School Swimming Programme: Cutbacks*

1741. Mr PEARCE, to the Minister for Education:

- (1) Is it a fact that it is proposed to cut in-term school swimming programmes from \$790 000 to \$190 000 in the current financial year?
- (2) If not, what level of cuts is proposed?

Mr GRAYDEN replied:

- (1) No.
- (2) The State Budget has not yet been formulated and details of specific items are therefore not available at this juncture.

#### TRANSPORT: BUSES

*MTT: Gosnells*

1742. Mr PEARCE, to the Minister for Transport:

Is it the intention of the Metropolitan Passenger Transport Trust to provide a bus service along Corfield Street, Gosnells?

Mr RUSHTON replied:

Yes, but at this stage it is not possible to say when it will be introduced.

#### LIQUOR ACT

*Section 122: Amendment*

1743. Mr BRIDGE, to the Chief Secretary:

I refer to his answer to question 376 of 1981 concerning amendments to section 122 of the Liquor Act. The reply stated that discussions have been held with parties who have expressed an interest in and concern about such matters. I ask—

- (1) Will he list those parties and the views they expressed to him?
- (2) In which towns were investigations held to ascertain that there were mutual arrangements?
- (3) In the event that he receives complaints from non-whites who claim they have been discriminated against by a publican's refusal to allow them into a particular section of a hotel, what action does he intend to take if they are residents in the town, acknowledging that a mutual agreement clearly cannot exist in this instance?

Mr HASSELL replied:

- (1) No. The views and opinions obtained were sought and given on a confidential basis.
- (2) It was never stated that investigations were held in certain towns.

- (3) As has already been stated more than once, this matter is at present being given consideration by the Government in relation to the provisions of the Liquor Act. However, any particular complaint against a publican referred to me will be investigated.

#### LIQUOR: HOTELS

*Racial Discrimination*

1744. Mr BRIDGE, to the Chief Secretary:

- (1) Has he taken steps to ensure that it is not contrary to the Federal laws on racial discrimination or human rights to allow a practice which restricts some bars in some hotels in Western Australia to be used exclusively by black or white patrons?
- (2) If "Yes", what action was taken and with what result?
- (3) If "No", will he do so and inform this House of the results?

Mr HASSELL replied:

- (1) to (3) The possible application of Federal law, if constitutionally valid and not within an area of the constitutional responsibility of the State, is a matter for the Commonwealth Government. The liquor law is a matter for the State Government and as the member knows from previous answers to questions given by me, some aspects of that law are under consideration by the State Government.

#### COMMUNITY WELFARE

*Youth Services Programmes*

1745. Mr WILSON, to the Minister for Community Welfare:

- (1) Can he confirm that in a Press statement of March 22 1981, he stated—

We have been negotiating with the Commonwealth and we believe an agreement has been reached whereby the Commonwealth will give the State the same total amount of money as originally proposed but now over a lesser period of time. The sum of money is approximately \$230 000 over the next eighteen months?

- (2) If "Yes", why has the sum changed?
- (3) How much money in the youth services programme is currently available for the field?
- (4) When will the public announcement be made as to which projects will be funded?
- (5) Will young people in Western Australia be compensated through community projects for the reduction of services brought about because of the delay in funding?
- (6) Does the State Government have long-term plans and commitment to young people in Western Australia without accommodation and support?
- (7) If "Yes", what form do these plans take and what is the measure of any such long-term commitment?

Mr HASSELL replied:

- (1) The sum indicated in Press Statement issued on 22 March 81 was \$220 000.
- (2) The Commonwealth Government did not accept the arguments advanced by the State and, therefore, the amount was reduced by the Commonwealth Minister. We have not accepted the reduction as final.
- (3) As indicated in my recent response to a previous question on this topic, the total funding breakdown is as follows—  

Funding advanced by	
Commonwealth to date	\$69 321.00
Further funding—submissions yet to be approved	\$44 806.00
Total funding	\$114 127.00
- (4) Four Programmes have already been funded and a public announcement was made in February 1981.  
 A decision about the remaining funds will be made at an early date, when I have conferred with Senator Chaney.
- (5) As the member will be aware from previous statements, this Government is committed to providing services to youth in Western Australia. I again draw to the member's attention funds that have been set aside by the State Government for services to needy youth. They are as follows—

1980-81	1979-80	1978-79
\$75 230	\$62 258	\$57 840.

- (6) The above answer also applies. This Government is of course committed to aiding those in distressed or necessitous circumstances and within its capacity will do all it can. However, as the member will be well aware, the Commonwealth has considerably reduced funding to the States while still expecting them to maintain similar levels of services. This, of course, places this State in a difficult situation and has reduced its capacity to provide services in many areas.
- (7) Existing programmes will continue, subject to the usual budgetary procedures. Policies are subject to review from time to time, and this area of services will be considered as to its coverage and adequacy, along with others.

## EDUCATION

### *School Swimming Programme: Cutbacks and Teachers*

1746. Mr WILSON, to the Minister for Education:

- (1) Did he give an assurance at the annual general meeting of the WA Branch of the Royal Life Saving Society of Australia early in July that swimming programmes conducted by the department would not be cut?
- (2) Can he confirm that such programmes are to be cut by up to 75 per cent?
- (3) Can he also confirm that in future only Education Department staff will be employed to conduct in-term swimming classes and that other swimming teachers who hold the Australian teaching certificate and have been involved in teaching such classes for several years will no longer be employed?
- (4) What will be the effect of proposed cuts on vacation swimming classes?

Mr GRAYDEN replied:

- (1) The assurance I gave related to swimming lessons for non-swimmers, not swimming programmes generally. The assurance still stands.
- (2) and (3) No.
- (4) Nil.

# QUESTIONS WITHOUT NOTICE

## HOSPITAL

### *Sunset*

439. Mr DAVIES, to the Minister for Health:

- (1) Has he held, is he currently holding, or does he expect to hold in the near future any form of discussions with any individual or company regarding the sale of the Sunset Hospital site?
- (2) If so, what is or was the nature of the discussions, with whom are they being held, and when will they be finalised?

Mr YOUNG replied:

- (1) and (2) I am glad to have the opportunity to put the rather suspicious minds of members of the Opposition at rest on this particular matter. As I have said unequivocally on a number of occasions, the plain fact of the matter is that there has been no discussion with anyone; there has been nothing entered into in respect of that particular site other than the consideration of a report with regard to the rationalisation of services for mentally handicapped people resident at the Swanbourne Hospital and replacing those very poor facilities, and the possible replacement of the substandard facilities at Sunset.

The Leader of the Opposition should know that no-one can possibly enter into any negotiations in respect of an "A"-class reserve. It is quite ridiculous.

## HOSPITALS

### *Hollywood and Sunset*

440. Mr HODGE, to the Minister for Health:

- (1) Has the State Government asked the Commonwealth to allow it to take over Hollywood Hospital for use as an aged persons' home and, if so, with what result?
- (2) Is it not a fact that if such a deal goes ahead, Sunset Hospital will be closed down and the site disposed of?

Mr YOUNG replied:

- (1) and (2) The suspicion continues, and I am glad to have the opportunity to answer the question of the member for Melville because I understand he has made comments to the media that he has irrefutable documentary evidence, or something to that effect, that the Sunset Hospital is to be closed for the purpose of transferring it to the Repatriation Hospital.

Mr Hodge: That is not true.

Mr YOUNG: He has two leaks and he has put them together on a piece of paper to save space.

No firm commitments have been made in respect of the future of the Sunset Hospital and the Repatriation General Hospital. I held a telephone conversation with Senator Messner, the Federal Minister for Veterans' Affairs. It was to the effect that in these times, when the hospital system is beset with financial difficulties it was thought that the State would be in a position to make an offer to the Commonwealth whereby repatriation medicine could be conducted at the Sir Charles Gairdner Hospital site and under that arrangement the veterans would be dealt with in the same way as they are now. In other words, they would be recognised as being a separate medical system in a separate definable place.

Senator Messner was interested in the matter, but nothing other than that has happened.

I should like to say a few more words lest there be any misapprehension about the matter and lest the member for Melville and the Leader of the Opposition be able to convince people in the community that there is some sort of conspiracy in this matter.

The consideration of those properties is part of the assessment of Swanbourne Hospital and Sunset Hospital facilities, and whether we will be able to obtain the money to replace those substandard facilities. It is not the case, as some people have suggested, that the Government considers the site "too good" for the people who are resident there. Consideration is being given to the matter — and I repeat "consideration" — and no commitment has been made at this stage because the

Government is convinced that the facilities at the site are not good enough for the people who are resident there.

If members of the Opposition do not believe me, I have three reports dated June 1981 which are preliminary reports. I stress the fact that they are preliminary reports. I am not normally in the habit of tabling preliminary reports because to do so more or less puts one in the situation where one's thinking processes have been tabled in the House. However, so that the stupid statements being made by the member for Melville can be quashed, I will table the preliminary reports, in respect of the proposals for the replacement of Swanbourne Hospital and Sunset Hospital, dated June 1981—it does not mention the Repatriation Hospital.

I want to make it clear to the members of the House that I intend to remove the last page of the reports to be tabled and I will give a copy of the reports to the Press. The reason I am removing the back page of each report is that they contain the estimates of the value of the properties and I feel it would be foolish for this information to be made available to the public because it may pre-empt any consideration of what those values might be and cause more speculation about their worth.

Several members interjected.

The SPEAKER: Order!

Mr YOUNG: This document is a design for the improvement of the living conditions of people at Sunset and Swanbourne Hospitals. I would like members of the Opposition to state whether they like the conditions of Swanbourne and Sunset Hospitals and whether they would like them to remain as they are.

Several members interjected.

The SPEAKER: Order!

*The preliminary reports were tabled (see paper No. 410).*

#### HOSPITAL: SIR CHARLES GAIRDNER

##### *Veterans' Unit*

441. Mr CARR, to the Minister for Health:

- (1) What discussions has he or officers of his department had with the

administration of Sir Charles Gairdner Hospital over the possible use of parts of the old hospital as a veterans' unit?

- (2) What is the attitude of the hospital administration to the proposal?

Mr YOUNG replied:

- (1) and (2) I have had no consultation with the administration of Sir Charles Gairdner Hospital in respect of that move, although there may have been preliminary discussions at officer level. I wish to point out that it would be quite absurd for me to enter into any discussion with the administration of an autonomous public teaching hospital until I had already established that the Commonwealth Government was interested in some move whereby the prospect of the change was a feasible one.

#### GOVERNMENT HOUSE

##### *Paintings*

442. Mr DAVIES, to the Premier:

- (1) Who paid for the portraits of the late King George VI and the Duke of Edinburgh in RAF uniforms which hang in Government House and were commissioned about five years ago?
- (2) Who commissioned them?
- (3) When was a decision made to replace them with portraits showing the two gentlemen in naval uniforms?
- (4) Who made the decision, and when did the donors come forward offering to pay for them?
- (5) Who are the donors?
- (6) What will their donations cost them and will they cover the entire costs, including freight?



Sir CHARLES COURT replied:

- (1) to (6) The Leader of the Opposition has asked a question which calls for specific dates and I cannot give them off the cuff. The portraits of the late King George VI and the Duke of Edinburgh, in RAF uniforms, were commissioned in the time when Sir Wallace Kyle was the Governor. I do not know the precise dates but I will gladly find them out because there is no secrecy about the matter and there is nothing extraordinary about it either. There was a good reason for the commissioning of the portraits; indeed, it was to complete the logical sets necessary in the Government House drawing room.

The cost was borne by the Government. The Leader of the Opposition asked when the decision was made to have the portraits replaced showing the two gentlemen in the Royal Navy uniform, which was the actual service of the two members of the Royal family concerned. Again, I cannot be precise about the date, but it was when the new Governor was appointed. It was considered appropriate to have a portrait of the two members of the Royal family in the service in which they had served, as distinct from the service in which they held rank by virtue of their office.

At that time I realised there was a budgetary situation and we sought donors for the paintings. I do not know the precise dates when the donors were obtained; I do not know whether that is relevant.

Mr Brian Burke: Do you mean you asked people whether they would pay?

Sir CHARLES COURT: It was suggested to people who had an interest in being associated with this sort of thing. I remind members opposite who have been Ministers that at least one of the other portraits in Government House drawing room was in fact a donation so there is nothing new or novel about having portraits of this kind donated.

Mr Harman: You will receive two out of 10 for this answer.

Sir CHARLES COURT: What is wrong with it? It is just not to the member's liking; he shows a great deal of disrespect. He should be showing respect for the Royal family.

People were approached and if there had not been donors then there would not have been portraits. Thank goodness there are some people, contrary to the belief of the Opposition, who are sufficiently interested in the Royal family and the traditions of this nation and country, to be prepared to give donations of this kind.

#### MEAT: BEEF

##### *Adulteration*

443. Mr STEPHENS, to the Minister for Health:

- (1) In view of the temporary loss of the United States market for export boneless beef, can the Minister give an assurance that cartons of boneless beef processed and packaged in the Eastern States, and originally destined for the USA, will not be sold or dumped in Western Australia?
- (2) If such an assurance cannot be given, what procedures are being adopted to protect the Western Australian public against the possibility that this meat may be adulterated?

Mr YOUNG replied:

- (1) and (2) I have had some notice of the member's question, and the reply is as follows—

Yes, I can give an assurance that such meat will not be dumped in Western Australia. Naturally, if the meat is satisfactory and meets health standards, there is no reason it should not be sold.

Mr Davies: Has not been, or will not be?

Mr YOUNG: Has not been and will not be.

#### MEAT: BEEF

##### *Adulteration*

444. Mr EVANS, to the Minister for Agriculture:

- (1) Was he consulted about the proposed Royal Commission into the adulteration of beef exported to the United States of America from Australia?

- (2) What are the terms of reference expected to be, and will meat inspections in Western Australia be brought within the scope of the commission?
- (3) If he is unaware of the situation regarding the proposed commission, will he remedy this deficiency and pass the information on to the House?

Mr OLD replied:

- (1) to (3) Yes, I was consulted about the Royal Commission. I am sure that the Deputy Leader of the Opposition was aware of a meeting about this matter, held in Melbourne last Friday. I must admit I was not completely in favour of the setting up of a Royal Commission as I felt it could drag on for too long. However, it appears from discussions with Mr Nixon this morning that a Royal Commission is necessary to clean the matter up. He has moved today for the establishment of such a commission, and copies of the terms of reference are being sent to me by plane tonight. The terms of reference cover 20 pages, and until I receive the statement, I could not give any idea of the exact terms of reference. Certainly I will let the member know the terms of reference as soon as I receive the statement.

#### MINING: IRON ORE

##### *Koolyanobbing*

445. Mr GRILL, to the Premier:

In view of the reported comment of the downturn in activity at BHP's Kwinana steelworks, what is to happen to the jobs of employees at the Dampier Mining Co. Ltd.'s Koolyanobbing iron ore mine which supplies ore to the Kwinana steelworks?

Sir CHARLES COURT replied:

I think that my colleague, the Minister for Resources Development, answered this particular question when he replied to a broader question about the Kwinana blast furnace with reference to Koolyanobbing iron ore. My understanding is that an investigation into the whole matter, including the alternatives for the Koolyanobbing iron ore, are still proceeding.

#### HOSPITAL

##### *Sunset*

446. Mr HODGE, to the Minister for Health:

I refer to a letter sent to Sunset Hospital staff last Friday by the Commissioner of Hospital and Allied Services (Dr W. D. Roberts) which states that "if relocation of Sunset patients does take place there will still be the same number of patients to be cared for and the same number of staff should be required". I refer also to a letter to the editor published in this morning's issue of *The West Australian* in which the Minister says, with respect to Sunset, that "new buildings in a new location would help considerably to reduce staff and maintenance costs". I ask—

- (1) Would he explain to the House how it would be possible to reduce staff costs without reducing the number of people on the staff?
- (2) With respect to their future, should the Sunset staff take notice of what Dr Roberts says in his letter to them or the Minister's comments in a letter to a newspaper?
- (3) Will he give an assurance that in the event of Sunset being closed, none of the hospital's present staff will lose their jobs?

Mr YOUNG replied:

- (1) to (3) The letter was written by the Commissioner of Hospital and Allied Services to the staff at Sunset Hospital to assuage some of the uncertainties caused mainly by statements of the member for Melville and some other people. One of the main reasons for the letter was to assure every staff member at the Sunset Hospital that, on present indications, their services will still be required. Probably the same number of people will need to be looked after, and I stand by the statement of the commissioner in regard to that matter.

As the member gave me no notice of the question, he may have to repeat to me some of the words of the letter that appeared in *The West Australian* this morning.

Mr Davies: They are your words; you should remember them.

Mr YOUNG: I think the member used the words "reduction of staff costs".

Mr Hodge: That is in your letter.

Mr Harman: Who wrote the letter?

Mr YOUNG: I wrote the letter, and I quoted correctly the fact that it referred to a "reduction of staff costs".

Mr Hodge: You weren't very sure.

Mr YOUNG: Members on the other side of the House would be aware that last year quite a number of staff costs were cut. Some positions in the hospital services were eliminated. Notwithstanding the caterwauling that we hear from members on the other side of the House, the number of positions can be reduced without people actually losing their jobs. Also, we can effect efficiencies in staff costing.

Mr Brian Burke: That's different, but you can't take their jobs away without their losing their jobs.

Mr YOUNG: The letter was written to the nursing staff and other staff at Sunset Hospital specifically to try to assure them that the accusations made by Opposition members were unfounded. As I say, we can effect efficiencies by way of staff reallocation, and when the member receives the report, he will see how efficiencies can come about without people losing their jobs.

Mr Hodge: I asked for the report four months ago.

#### *Point of Order*

Mr JAMIESON: I rise on a point of order, Sir. When a Minister tables what is alleged to be a report, is he not obliged to table the full report and not a dismembered report, as was the case a few weeks ago? I draw your attention, Mr Speaker, to this report which is entitled, "A preliminary report on the proposals for replacement of the Swanbourne and Sunset Hospitals". Obviously it is not complete, and therefore should not be tabled.

The SPEAKER: When the Minister for Health was tabling those papers, he made it quite clear that the report was incomplete as one page had been removed.

Mr Jamieson: Is he in order in doing that?

The SPEAKER: I believe he is, and I have accepted that the papers can be, and have been, correctly tabled.

#### PRISONS: DEPARTMENT OF CORRECTIONS

*Mr Kim Roberts*

447. Mr BRIAN BURKE, to the Chief Secretary:

I refer the Chief Secretary to question 1731 on today's notice paper which was the last in a series of questions I have asked surrounding the employment by his department of Mr Kim Roberts. I now ask the Chief Secretary the following question—

- (1) Why does he find it necessary to refuse to reveal to the House details of the terms and conditions of Mr Kim Roberts' employment, together with information in answer to other elementary questions that do not imply any criminal behaviour on the part of Mr Roberts, but simply on the basis that the police are investigating this man's employment by this Minister's department?
- (2) Can the Minister tell the House the specific allegations which the police are investigating?
- (3) Can he tell the House when the investigation began, when he expects it to be completed, and when he will be in a position to do what other Ministers in this House invariably do, and that is to answer questions?

Mr Davies: Not another scandal, is it?

Mr HASSELL replied:

- (1) to (3) The question has been answered properly and to the extent that is appropriate under the circumstances.

Mr Brian Burke: Rubbish!

Mr HASSELL: I have told the member for Balcatta that the man about whom he has asked a series of questions was on exchange between the University of WA and the Department of Corrections. This arrangement was made some time ago with the approval of the Public Service Board. Certain matters arose and the exchange arrangement was terminated—

Mr Brian Burke: Before time.

Mr HASSELL: —and certain allegations against the officer are under investigation by the police. I am not

prepared to go into those allegations because I do not think it would be fair or proper to do so.

Mr Brian Burke: It is the public's money you are talking about, you know!

Mr HASSELL: I do not know what standard the member for Balcatta would apply if he were in my position.

Mr Brian Burke: It would not be your standard.

The SPEAKER: Order! Several members of the Opposition are seeking the opportunity to ask a question and I suggest to the member for Balcatta that he will be incurring the wrath of his colleagues if he continues to provoke the Minister.

Mr HASSELL: I am glad to have the reassurance of the member for Balcatta that he will consistently apply his standards, because he will be shown up in respect of this.

I do not know why a series of questions is being asked in relation to this matter.

Mr Brian Burke: You could not run a raffle, let alone a department. Everything you touch turns to mud.

Mr HASSELL: If the member's concern is about public money he should be concerned to ensure that the investigation is carried out fully and properly by the police without any prior or preliminary public disclosure of the matter.

#### RAILWAYS: WESTRAIL

##### Road Services

448. Mr McIVER, to the Minister for Transport:

- (1) Would the Minister advise whether private enterprise will be taking over Westrail road services?
- (2) If the answer is "Yes", what is the firm and when will it take over the road services?
- (3) What are the financial implications re the takeover?
- (4) Will any Westrail employees be affected by the change-over, and if so, how many?

(5) Will freight charges be altered following the takeover?

(6) Will ARU members be allowed to remain with the ARU or will they have to transfer to the TWU?

Mr RUSHTON replied:

(1) to (6) There are no current plans for this.

However, as indicated in the answer to question 1408, Westrail is examining a number of alternatives concerning the handling of general goods traffic, some of which are transported on Westrail road trucks. One of the alternatives is to enter into a joint venture with a freight forwarder and if this were to eventuate Westrail's road truck service would be affected.

I would like to add that it is obvious the question has stemmed from a report in a Sunday newspaper. The Secretary for Railways has written to the Editor of the *Sunday Independent* today, expressing Westrail's concern. The opening paragraph of this letter is as follows—

Westrail is disturbed at the inaccuracies and irresponsible journalism displayed in your front page lead story "Westrail Sell Out".

If I may I will table a copy of the letter. I feel the reporting was reprehensible.

A representative from the *Sunday Independent* rang me before the weekend and although I told him the factual and frank position, this story was written and appeared in the paper. I do regret the situation and as I have mentioned the Secretary for Railways has written to the newspaper concerned.

*The letter was tabled (see paper No. 411).*

#### EDUCATION: SCHOOL SWIMMING PROGRAMME

##### Cutbacks

449. Mr PEARCE, to the Minister for Education:

Since the Minister has told me by way of answer to question 1471 it is not a fact that certain cuts have been made in

the swimming programme allocation because the State Budget has not yet been formulated and details of the specific items are not available at this juncture, can he explain why arrangements are in hand to cancel all swimming classes during the month of November and to increase the fee for vacation swimming classes to \$6 if, in fact, the Budget has not been finalised and specific details of the Budget are not available?

Mr GRAYDEN replied:

I repeat that the answer I gave to the member's question on notice is correct and the statements he is making at the present time are, as usual, absolute rubbish.

Mr Pearce: You will live to regret that comment.

The SPEAKER: Order!

