last year, insufficient time has elapsed in which the department could really assess the true merits of whether or not a review should be made of the annual rentals for both claims and leases. The claims are, of course, of major importance because once the company takes out a lease, obviously it is a viable proposition and the company is in a position to go ahead normally with production. However, in the case of claims a different situation exists because we are endeavouring to foster companies in regard to exploration. If we believe a diminution will occur in exploration in the mining industry, we will obviously consider the possibility of reducing the rentals.

At this stage it would not be fair or reasonable if this motion were agreed to because we have not been able to assess the true situation. Until such time as we have been able to assess the situation we must wait for the information to come in from the companies concerned.

Therefore I would request the House to reject the motion which was moved by the member for South Perth in all sincerity and with the mining interests at heart. He always speaks on mining matters and I am quite sure he has endeavoured to submit the views of some of the companies with which he has been in contact. But, from my point of view, I must wait for all the information to come to hand and then we will fairly review the situation and, if possible, decrease the rents if this is justified.

I would like the House to reject the motion, but at the same time I indicate we are very favourably disposed to having a look at all the mining rentals for claims and leases generally as soon as we get the information from all the companies concerned.

Debate adjourned, on motion by Mr. I. W. Manning.

House adjourned at 10.20 p.m.

Legislative Council

Thursday, the 27th April, 1972

The DEPUTY PRESIDENT (The Hon. N. E. Baxter) took the Chair at 2.30 p.m., and read prayers.

QUESTIONS (2): WITHOUT NOTICE

1. CONTRACEPTIVES ACT AMENDMENT BILL

Views of Police Department

The Hon. G. C. MacKINNON, to the Minister for Police:

Pursuant to his statement made in the closing stages of his speech on the Contraceptives Act Amendment Bill on Thursday, the 20th April, will he advise the House of the views of the Police Department on this measure?

The Hon. J. DOLAN replied:

I thank the honourable member for giving me some prior notice of this question. The answer is—

The Police Department does not consider the amending Bill necessary to achieve its desired purpose. With regard to various clinics staffed by a doctor or nurse, the Police Department considers they would not be a public place within the meaning of the Contraceptives Act.

2. CONTRACEPTIVES ACT AMENDMENT BILL

Minister's Voting Intention

The Hon. A. F. GRIFFITH, to the Minister for Police:

From the information he has just given us in relation to the views of the Police Department—which I take it are those of the Commissioner of Police—does he intend to vote for or against the Bill introduced by Mr. Claughton?

The Hon. J. DOLAN replied:

It would be a most unusual procedure for anyone to indicate in advance his voting intention on a Bill, particularly when he is a Minister.

The Hon. A. Griffith: You said you were going to support it.

The Hon. J. DOLAN: I said no such thing.

The Hon. A. F. Griffith: I beg your pardon!

The Hon. J. DOLAN: I think it would be wrong of me to make such a statement.

CORRIDOR PLAN

Inquiry by Select Committee: Personal Explanation by The Hon. F. R. White

THE HON. F. R. WHITE (West) [2.39 p.m.]: Under Standing Order 74, I seek leave of the House to make a personal explanation.

Leave granted.

The Hon. F. R. WHITE: I rise on a matter of privilege as a result of certain information that has been made available to the public. Members will well recall that this Chamber appointed a Select Committee to inquire into the Corridor Plan on the 16th September, 1971.

Then, on the 9th February it was changed into an Honorary Royal Commission. Between the 16th September, 1971, and the 9th February, 1972, the actions of the Select Committee were governed by our Standing Orders; and I wish to draw attention to Standing Order 354 which reads—

The evidence taken by any Select Committee of the Council, and documents presented to such Committee

which have not been reported to the Council, shall not be disclosed or published, except by leave of the Council, by any Member of such Committee, or by any other person.

My personal explanation is that at no time has the committee nor have I as Chairman of that committee released any evidence to the public. In order to shield the committee or its members from undue criticism in future, I wish to draw attention to the fact that a recent publication entitled, *An Analytical Study of the Proposed Corridor Plan for Perth and Possible Alternative Approach to a Regional Plan for the Metropolitan Area,"* contains references to evidence which was received by the Select Committee. On one page which is headed, "Corridor Planning Analysis," at the bottom of the second column it reads—

(3) Knox, J., Submission to Parliamentary Select Committee, Perth, 1971.

Above that is a quotation from that source.

On the same page at the bottom of the fourth column is the following:—

(1) Carr, D., Submission to Parliamentary Select Committee, 1971.

Above that also is a quotation from that evidence.

On the page headed, "Perth Corridor Plan and the Economics of Services", in the second column footnote is the following:—

(1) Director General of Transport, Submission to the Select Committee on the Corridor Plan.

Above that again is a quotation. In the fourth column on the same page the following footnote appears:—

(4) Wanneroo Shire Submission to Parliamentary Select Committee, 1971.

Again, above that is an extract from the evidence.

On the page headed, "Perth Central Area," the following footnote appears at the bottom of the third column:—

(3) M.R.P.A. submission by Chief Planner to Parliamentary Select Committee.

Above that is a further extract from the evidence. Finally, towards the end of the first column on the page headed, "Appendices," is the following:—

Knox, J. E. Director General of Transport, Perth: *Urban Transport and the Corridor Plan, a presentation to the Parliamentary Select Committee.* Perth, November, 1971.

I wish to draw the attention of the House to the fact that at no time has any member of the committee made this information available to any other person.

QUESTIONS ON NOTICE

Postponement

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [2.44 p.m.]: I ask the permission of the House to deal with questions on notice after the afternoon tea suspension.

The PRESIDENT: Permission granted.

PLANT DISEASES (REGISTRATION FEES) ACT REPEAL BILL

Receipt and First Reading

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

CLOSING DAYS OF SESSION: FIRST PERIOD

Standing Orders Suspension

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [2.45 p.m.]: I move—

That during the remainder of this first period of the current session so much of the Standing Orders be suspended as is necessary to enable Bills to be passed through all stages in any one sitting, and all messages from the Legislative Assembly to be taken into consideration forthwith.

I wish to give an assurance to the House that this motion will not be unduly used. Indeed, only for the purpose of expediting legislation will I use it. I realise that we have reached a stage where it may not be possible to stick to our projected closing date, as I do not intend to ask this House to sit for long hours in an effort to facilitate the quick passage of legislation. Indeed, I am prepared to adjourn through the necessary period and ask the House to come back to consider legislation in its own wisdom and time. However, I do ask that the motion be passed in order that we might deal quickly with the second and third readings.

THE HON. A. F. GRIFFITH (North Metropolitan—Leader of the Opposition) [2.48 p.m.]: It is not my intention to oppose this motion, but I feel I would like to make some comments—in fact, I believe I should make some comments—in respect of this particular motion at this time of the session. It will be recollected that we met on the 15th July, 1971. We adjourned on the 7th October, 1971 because a by-election was held. We resumed on the 16th November, 1971 and adjourned again on the 10th December, 1971. We came back here on the 14th March, 1972 for the third session in almost 12 months, and we are still going.

The Address-in-Reply took from the 14th March until the 29th March during which time 20 members in this House addressed themselves to that motion. I suppose we have ourselves to blame to some extent for the fact that the Address-in-Reply debate took eight sitting days. On the first day one member spoke; on the second day one member spoke; on the third day three

members spoke; and then five, four, one, three, and two, until the total was 20; and, on the 29th March, 1972, we got under way with the legislation.

I questioned the Leader of the House not so long ago and he kindly indicated it was the Government's intention to complete this first portion of the session on the 11th May; but it is quite obvious that while no fault lies with this House, it will be impossible to complete the session by the 11th May. If members look at today's notice paper in another place they will see that today five second reading speeches were made in that Chamber; and I understand 15 Bills are still to come. The suspension of Standing Orders took place in that House last week. This is not a "fair go" at all.

We are probably to blame in the conduct of our own business because we delayed over the Address-in-Reply, but it has never been any different in the years that I have been a member of this House. Some members always seem to say they will be ready tomorrow. This has always happened even when the present Ministers occupied seats on this side of the House.

The Hon. W. F. Willesee: You are the only man I have ever known who is ready at any time to make a speech on the Address-in-Reply.

The Hon. A. F. GRIFFITH: As Leader of the Opposition, I have to be ready, as the Minister had when he occupied this seat. As Leader of the Opposition one has the choice of rising to speak or remaining seated and allowing someone else to do it. I have always been prepared to do my share of the work. At least on two occasions in the last 12 months I have had the privilege of speaking to the Address-in-Reply, but this has not been a difficult task because I have been able to talk of the shortcomings of the Government.

The Hon. W. F. Willesee: With 18 years' practice.

The Hon. A. F. GRIFFITH: No, with 12 years of listening and 10 years of doing the reverse.

The Hon. W. F. Willesee: Never mind. I appreciate your age.

The Hon. A. F. GRIFFITH: If the Minister looks as young as I do when he is my age he will not be complaining.

I am quite serious about this matter but I sympathise with the Ministers on the front bench. Up to date we have dealt in this Chamber with five Bills that have come to us from another place. We have not yet dealt with two or three that were introduced in this House. However, when we pass third readings today for orders of the day Nos. 2, 3, and 4 we will have passed seven or eight Bills in this part of the session. This is simply not good enough.

The Minister said the indications are that we will not finish on the 11th May. In a way it was pleasing to hear that but, to my way of thinking, we might just as well be sitting all the time. We seem to sit, to go away for a few weeks, and to return only to go away again. What will be the position? There is to be a presiding officers' conference in this Chamber during the week commencing the 15th May. This conference will put us out of school for a week. We will not be able to continue business in this Chamber unless the presiding officers meet somewhere else during that week. I suppose we will be expected to go away again and the State's business will not be attended to.

The Hon. W. F. Willesee: Do you think the second session of Parliament is a failure?

The Hon. A. F. GRIFFITH: In my humble opinion I am sure it is a failure. It has not proved a success, particularly over the last 12 months. I know there were extenuating circumstances brought about by the by-election which was held, but really it has not been a success. It would be far better for the Government of the day to open Parliament—although certainly not in the heat of March—and to deal with the Address-in-Reply in the first session. The Government could place legislation on the notice paper and then adjourn until the next session. This would give members two or three months in the intervening period which the Government once calculated it would give members to enable them to consider legislation. We could return for the second session and then deal with that legislation.

I can say now what will happen. The Government will want to get through certain Bills which are on the notice paper of the Legislative Assembly. When the Minister gave notice of his motion yesterday I asked him whether he would indicate to me what legislation the Government wanted to get through. The Minister may not be in a position to tell me if he does not know. Notice has been given in another place of much more legislation and, even as late as today, many second reading speeches have been made. I cannot see how we could possibly finish on the 11th May.

When I spoke on the Address-in-Reply debate I said that two sessions of Parliament are not a success and I am even more convinced of this now. The only suggestion I make is that the Government should tell the Opposition what Bills it urgently needs to be passed. We could then turn our attention to those Bills and endeavour to facilitate their passage as best we possibly can.

Government members in another place must wake themselves up and have this legislation prepared by the draftsman so that it may be introduced into the Assembly much earlier than it has been up to now. I was quite surprised to hear the Minister for Police give notice of another Bill today. Is that measure urgent?

The Hon. J. Dolan: It has to come into effect at the beginning of the next financial year; namely, the 1st July.

The Hon. A. F. GRIFFITH: What an extraordinary statement to make when a Bill is introduced at the end of April. The Minister has told us that a Bill of that importance must be passed so it may be effective by the beginning of the financial year, but we have only next Tuesday, Wednesday, and Thursday, as well as four days of the following week to debate all the legislation. The measure should have been produced much earlier. As it is, the Minister will not be able to give the second reading speech until next Tuesday.

I repeat that this is simply not fair. I hope I am not labouring this point too much. Our intention is to try to offer some co-operation to the Government and, by the same token, not find ourselves in the situation of passing Bills one after the other with little or no time to consider them. In view of the quantity of legislation on the notice paper in the Legislative Assembly I can do nothing but feel we will not finish by the 11th May if we give the legislation the consideration it deserves.

However, I shall support the motion. I am sure the Leader of the House will keep his word and will not take undue advantage of the situation. When messages are received from the Legislative Assembly I would favour the practice of asking the Council to read the Bill a first time, give the second reading speech immediately if Ministers are in a position to do so, but then allow us a little time to breathe.

The Minister will shortly move motion No. 2 on the notice paper. With your permission, Mr. Deputy President, I should like to pass some brief comments now to obviate the need of speaking again. The motion in question will facilitate the introduction of business after 11.00 p.m. I am sure the Minister will only make use of this from the point of view of the notice paper for the following day.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [2.58 p.m.]: To some extent I understand the remarks made by the Leader of the Opposition. The Legislative Council cannot dictate what happens in another place. I give an assurance, however, that this House will dictate, in terms of time, the legislation which is to be discussed. If by the 11th May we have not considered Bills at reasonable leisure we will come back and the Assembly, too, will have to come back if we ordain that it should.

In the history of the Legislative Council I cannot recall any Leader having before given such an undertaking. If only five Bills have been passed in this House up to now it is because of my consideration of members who have taken adjournments of these Bills.

The Hon. A. F. Griffith: It is that we have not had legislation down from the other House.

The Hon. W. F. WILLESEE: That is fair enough; but I am simply replying to the things the honourable member said.

The Hon. A. F. Griffith: That is what I said.

The Hon. W. F. WILLESEE: The honourable member said there were five Bills.

The Hon. A. F. Griffith: I said it was not your fault.

The Hon. W. F. WILLESEE: When the Leader of the Opposition said it was not my fault I was so far down in the realms of possibility that I was beginning to wonder just where I was.

The Hon. A. F. Griffith: You are imagining that.

The Hon. W. F. WILLESEE: We want to proceed with our legislation. I might mention that yesterday a member took 3½ hours to castigate the Government. I could have done the job in half an hour had I been on the Opposition benches, and I feel sure the Leader of the Opposition could have done it more capably in 20 minutes.

The Hon. Clive Griffiths: Do not say too much about that.

The Hon. W. F. WILLESEE: Here we have little sir echo! The issue is that I can assure members I will not force legislation upon any of them if the member concerned is not prepared to go on with it. I will not force the House to go through with legislation in this session if there is a particularly big notice paper, unless members are prepared to deal with such legislation. I am prepared to call the Legislative Council back and, if necessary, the Legislative Assembly must also come back if we feel we need more time to deal with the notices that come before us.

I agree with everything the Leader of the Opposition has said in regard to the number of Bills being introduced at this late stage. I would point out that I have only three Bills and I am really struggling to get them dealt with. I cannot speak for other members but I assure the House I will do my best in the future.

Point of Order

The Hon. CLIVE GRIFFITHS: I rise on a point of order, Sir, because of a statement made by the Leader of the House which implied that my moving the motion I did yesterday had something to do with the Government's failure to proceed with its legislative programme in this particular session. I take strong exception that my moving a legitimate motion in this House should be criticised and the implication made that it is responsible for the Government's failure to produce its legislation on time.

Question put and passed.

NEW BUSINESS: TIME LIMIT

Suspension of Standing Order No. 116

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [3.04 p.m.]: I move—

That Standing Order No. 116, limit of time for commencing new business, be suspended during the remainder of this first period of the current session.

Question put and passed.

SEX SHOPS

Banning Legislation: Motion

THE HON. L. A. LOGAN (Upper West) [3.05 p.m.]: I move—

That in view of the Hon. Premier's emphatic statement as reported in *The West Australian* of the 3rd March, 1972, when he said "No" to sex shops, and subsequent statements that the sex shop would not get to first base and that legislation would be introduced to ban them, this House deplores the statement of the Hon. Premier in *The West Australian* of Tuesday, the 25th April, 1972, that the proposed law to ban sex shops had been shelved, and as it is now eight weeks since the Hon. Premier's first statement, this House requests the Hon. Premier to legislate immediately in accordance with his original statement.

I can assure the Leader of the House that I will not take 3½ hours to move my motion. Indeed, I think members will find that the motion is self-explanatory. Members will notice that I have not hesitated to use the word "emphatic" in the first part of my motion and I do not apologise for having done so.

I bring this motion to Parliament because I think it is time the people of Western Australia, and particularly members of Parliament, were given some reason for the Premier having changed his mind in this matter, particularly when we consider his previous remarks.

Whether what has transpired in the meantime is the result of pressure from some outside body or whether it is due to opposition from within his own party, I do not know. I think, however, that we should be told what the position is. I will read the statement originally made on the 3rd March in *The West Australian* under the heading, "Tonkin: No to sex shop." That is a very definite statement. The article goes on to say—

> "They won't get to first base," was the comment of the Premier, Mr. Tonkin, when he learnt yesterday that a Sydney company planned to spend $50,000 establishing a sex shop in Perth within three months.
>
> The company, Kings Cross Whisper Pty. Ltd., owns one sex shop in Sydney and opened a new shop in Adelaide this week.
>
> "As far as I'm concerned these people are barking up the wrong tree," Mr. Tonkin said.

If those words are not emphatic I do not know what is. They show that the Premier had every intention of stopping the opening of this sex shop. On the 13th March there was a great headline which read, "Tonkin: Law may be altered to close sex shop" under which the article continues—

> The Premier, Mr. Tonkin, said yesterday that, if it was necessary, he would seek to amend existing laws to close Perth's first sex shop.
>
> Mr. Tonkin reaffirmed his opposition to the shop—due to open tomorrow.
>
> He would not accept an invitation by the managing director of the parent company in Sydney, Mr. Terry Blake, to inspect the shop.
>
> "I do not want this shop to operate," he said.
>
> "I will ask the Commissioner for Police to have a look and report to me.
>
> "If the existing laws are not sufficient to prevent it from operating, I will ask the Minister for Police to recommend amendments to close it up."

Again, these are pretty emphatic statements. In *The West Australian* of the 14th March under the heading "Tonkin has sex shop dossier" we find the following:—

> The Premier, Mr. Tonkin, has received the information he sought from the Police Department on a sex shop that is scheduled to open in Perth this week.
>
> He said last night that he had not had time to study the information, and could not say if it would aid him in his determination to stop the shop operating.
>
> He said that he would take every step in his power to stop the shop operating.
>
> "A sex shop deals in pornography," he said. "Pornography is perversion and therefore it teaches perversion.
>
> "There is enough of that about without starting to teach it."
>
> He said that such shops at first sold only approved material, but later sold unauthorised items.

This again is a most forthright statement. Having said that and at the same time having seen the expression of opinion by the Leader of the Opposition (Sir David Brand) which only confirmed Mr. Tonkin's attitude, we find the following in the *Daily News* of the 15th March:—

> Sir David, MPs Speak Out Against Sex Shop in Perth
>
> The Opposition Leader, Sir David Brand, has changed his views about the operation in Perth of a sex shop.

> He said today he had not realised the dangers of a sex shop until he had read in yesterday's Daily News of some of the sex instruments made readily available to the public.
>
> "Revelations in the article must have shocked and startled many people including myself," Sir David said.

Accordingly not only did the Premier (Mr. Tonkin) have his own thoughts on this matter but he also had those of the Leader of the Opposition to back him up. However in the *Daily News* of the 14th March under the heading "Sex store opens—to disgust and giggles" what Mr. Ian Thompson, M.L.A., said is reported as follows:—

> He told Mr Blake that if the Premier, Mr Tonkin, did not carry out his promise to close down the store then he would introduce a private member's Bill to do so.

So at that stage the Premier had plenty of opportunities to take some action. Despite all that was said at the time, the shop proprietors have ignored what was said because in *The West Australian* some time in March the following was stated:—

> A Sydney company plans to open a sex shop in Perth next week despite remarks by the W.A. Premier, Mr. Tonkin, that "they would not get to first base."

Of course, that is deliberate defiance of the Premier of this State, and it is all the more reason why the Premier should have gone ahead and taken the action he promised the people of Western Australia he would take, but which he failed to take. In a recent article in *The West Australian* the Premier said that the State Government had decided to shelve its legislation to close Perth's sex shop until Commonwealth and State Ministers discuss the operations and advertising of sex shops.

I want to know what has it to do with the Commonwealth whether or not we in Perth have a sex shop? Probably it has something to do with the Commonwealth as far as imports are concerned. However, the Commonwealth must look after the Northern Territory and the Australian Capital Territory; and we must look after our own State. In my opinion that was not a reason. It is purely an excuse which was found eight weeks after the original statement was made.

What has transpired in the meantime which has caused the Premier to change his mind? I think we ought to be told this because many people in the community want to find out. Had Mr. Tonkin gone ahead and introduced legislation every member of Parliament would have had the opportunity to discuss the pros and cons of the matter. I am not here to do that this afternoon, and I do not intend to.

Not very long ago the A.B.C. carried out a survey of members of both Houses of Parliament in an endeavour to find out the attitude of members to the sex shop. I understand that some members expressed their opinions. I did not because I was under the impression that a Bill would be brought before Parliament. As far as I am concerned this is the place to discuss the pros and cons and to make a decision —not on the A.B.C. or anywhere else. However, I have been denied the right of discussing this matter in Parliament.

Despite all those emphatic statements by the Premier the present situation is that the Government will wait until Mr. Chipp, the Federal Minister, calls a conference. I understand from today's news that a date for the conference has been arranged. But in the meantime the shop is operating and this part of the current session of Parliament will be completed before the conference is held. So the sex shop will go on its merry way because it will be at the earliest next September before anything can be done by way of legislation. The people in our community who have objected to the sex shop have no redress whatsoever.

That is the reason I have introduced this motion, because I believe this House should deplore the fact that legislation has been shelved. We should ask the Government and the Premier to introduce legislation immediately in order that Parliament may make a decision one way or the other. We should let the community of Western Australia know what Parliament thinks of the decision of the Premier.

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

MINING ACT

Disallowance of Regulations: Motion

Debate resumed, from the 12th April, on the following motion by The Hon. W. R. Withers:—

> That regulations made under the Mining Act, published in the *Government Gazette* on the 3rd December, 1971, and laid on the Table of the House on the 9th December, 1971, be, and are hereby disallowed.

THE HON. R. H. C. STUBBS (South-East—Minister for Local Government) [3.15 p.m.]: In reply to the motion of The Hon. W. R. Withers, I would submit it is evident that he has placed much construction on the present rate at which mining tenements are being relinquished and has construed this to mean that the fees are the reason mining tenements are relinquished so readily. For the information of the House I will give the figures dealing with the relinquishment of mining tenements since 1968.

During 1968, some 385 mining tenements were either withdrawn or surrendered; in 1969, the figure was 858; in 1970, 4,093; and in 1971 it was 17,979. It is significant that the 1971 figure relates to a year when there were no real effects from increased rentals. For the most part the increases applied from January, 1972. For the first quarter of 1972, some 8,419 withdrawls and surrenders were lodged. This, in effect, indicates an acceleration of the relinquishment of tenements, but the causes for which they were relinquished should be thoroughly examined. During 1971, 1,724 tenements were forfeited for nonpayment of rent from a total of 28,625 claims in force. The lists being prepared during 1972 are expected to show an increased trend.

With regard to the number of applications for mineral claims, dredging claims, and mineral leases lodged, these have followed a similar trend in that the peak number of applications received was 43,693 in 1970—the height of the nickel boom applications—and in 1971 the number of similar applications received had dropped by 28,760 to 14,933, this figure being little affected by the increased rentals.

At the 31st December, 1971, there were 27,795 mineral claims in force, totalling 7,593,074 acres. The corresponding figure for 1970 was 20,272, totalling 5,344,357 acres. Therefore, on the 31st December, 1971, there were 7,523 more claims in force than in 1970.

During the nickel boom, large tracts of land were blanket pegged by companies, prospectors, and speculators. Much of this land was barren of minerals and was pegged for a number of reasons which included sound geological procedures, sound prospecting, proximity to known fields, rumours of nickel strikes, likely looking country, and pure chance.

Obviously barren land and land of little promise must ultimately be relinquished. Also, land which has been subjected to intensive technical exploration and proved to be without promise must be abandoned.

The changed economic climate brought about, firstly, by a decline in the stock market and, secondly, by the present economic downturn resulting in difficulty in marketing overseas, has brought about a situation where it is no longer economically practicable for a prospector or small company to retain ground hoping to interest others in its purchase or exploration.

If they have not the funds to work the ground themselves, and others are not interested, then the sensible thing to do is to either surrender or withdraw with a view to obtaining a refund of available fees from the Mines Department.

Virtually everyone became a prospector while there was a possibility of a return from his prospect. Much of the land being surrendered or withdrawn at present is virtually ground taken up for speculative purposes.

Indications have been received from some companies which have lodged large numbers of withdrawals that apart from rentals, other factors have influenced these withdrawals such as—

The ground is not prospective.

The ground has been tested and is no longer required.

Competition for land is not so intense, therefore there is no necessity to hold land virtually to keep speculators off.

The changed economic climate has brought about a change in exploration policy.

Due to the present oversupply of the world market for nickel, some substantial companies have been forced to suspend operations on proved projects because they are unable now to negotiate the sale of their product. In market circumstances such as these, the prospector and company alike must review their operations and uneconomic ground must be expected to be returned.

The Minister for Mines has received a deputation representing over 30 small companies and this deputation has undertaken to supply written submissions for consideration in relation to increased rentals.

The Chamber of Mines is also studying the impact of the rent increases and submissions are expected to be supplied.

The welfare of the mining industry is a paramount consideration, but I am unable to subscribe to the honourable member's views that the increase is inflationary, will hit the industry hard, and large numbers of small groups will relinquish claims for this one reason alone.

At present, it appears that more ground will be released for legitimate exploration, and that it is too early to effectively gauge the impact caused by the rental increases.

It would be preferable to wait until the submissions from the industry are received and these submissions reviewed in the light of the information received.

I have received from the Minister for Mines an assurance that the whole question of rentals will be reviewed on receipt of the information which will be forthcoming from numerous companies and from the Chamber of Mines.

I consider that at this stage the motion is premature, and I request members to reject it pending receipt of the information I have mentioned.

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

TRAFFIC ACT AMENDMENT BILL

Third Reading

THE HON. J. DOLAN (South-East Metropolitan—Minister for Police) [3.24 p.m.]: I move—

That the Bill be now read a third time.

THE HON. I. G. MEDCALF (Metropolitan) [3.25 p.m.]: I wish to advert briefly to the amendments which were inserted into the Bill during its passage through the House. The original amendments which I supported were to ensure that the duties of crosswalk attendants, who were then called inspectors, were prescribed by regulation, and hence could be disallowed by the action of either House of Parliament.

I also drew attention to the fact that subsection (8) of the relevant section of the Act prohibited inspectors or any other persons, other than members of the Police Force, from regulating and controlling traffic within the metropolitan area; hence the persons whom the Minister desired to appoint would be debarred from acting in the metropolitan area.

The Minister agreed to refer this matter to the department, and in due course upon the return of the measure to this House he agreed to the amendments and proposals that regulations should be prescribed governing the duties of crosswalk attendants. He also said that crosswalk attendants would not be engaged in regulating and controlling traffic, and hence they could act in the metropolitan area.

Mr. Logan also pointed out quite correctly that the inspectors whom the Minister desired to appoint were thereby automatically made traffic inspectors within the meaning of the Act. Although apparently the Minister did not intend this, he denied that this was so.

The Minister graciously agreed to a further referral of this matter, and it was referred again to the department. As a result of that further referral two other amendments appeared on the notice paper, designed to overcome the two difficulties which had been pointed out in this Chamber. The first difficulty was that the commissioner had no power to review the decisions of the persons whom he was appointing as crosswalk attendants, and the second difficulty was that crosswalk attendants were debarred under the subsection I have mentioned from operating in the metropolitan area. Those amendments, which the Minister put forward and which cured those two difficulties, were adopted by members.

What I want to point out briefly is this: had the Bill presented to the House been agreed to without any amendment, in the first place crosswalk attendants would have been unable to operate in the metropolitan area; in the second place crosswalk attendants would have had all the powers of traffic inspectors; and in the third place the commissioner would have no power to review the decisions of crosswalk attendants.

These difficulties only became apparent during the debate on the Bill in this House. I do not pretend to have any greater knowledge of this than any other member, but some members became aware of the difficulties. They had not been noted previously by either the Minister or his department.

I am sure members will agree with me when I say that illustrates the benefit of a full and ample discussion of matters and Bills in this House. I am sure the Minister is grateful for the contribution which members have made on this occasion, because by their action they have not only effected a substantial improvement to the Bill but have also cured a defect in the Act in its application to the metropolitan area.

It is not really my function to make these comments in praise of the House. I do so in the hope that the Minister will agree with them and will express his appreciation of the review function of this House, particularly in respect of the Bill before us.

THE HON. J. DOLAN (South-East Metropolitan—Minister for Police) [3.29 p.m.]: I thank Mr. Medcalf for the comments he has made. I am not one of those bull-headed, stupid people who, when told that there is something wrong in a Bill, is not prepared to listen to suggestions. However, I would like the House to know it is not a one-sided approach.

I have recollections of other members doing this, and particularly Mr. MacKinnon when he introduced a Bill dealing with a pretty topical product—eggs. He introduced a Bill to amend the Marketing of Eggs Act. On that occasion I remember placing eight to 10 amendments on the notice paper. By the time the Bill passed through the Committee stage, every one of my amendments was agreed to not only by Mr. MacKinnon but also by the Minister he represented in this House. After the Bill had passed through the Committee stage he said that it did not look anything like the one he presented originally. Very often Ministers with long experience make mistakes.

The Hon. A. F. Griffith: That is quite right.

The Hon. J. DOLAN: I am sure they do, and I am quite prepared to admit that is the case. I am not a Minister of long experience and I make mistakes. I prefer to be guided by information obtained through discussions with the Commissioner of Police, or those in charge of the Traffic

Department, and when legislation is eventually introduced I am prepared to accept it in the form presented. When wiser counsels detect flaws, after close and critical examination, I take the proposed legislation back and the flaws are eventually remedied.

I think a great deal of credit is due to those people who make constructive criticism, and I, also, accept a little bit of the credit for being prepared to reconsider proposals put forward.

The Hon. A. F. Griffith: The wiser counsel, this time, was the Legislative Council.

The Hon. J. DOLAN: That is so. I will not start a debate on that point otherwise we are likely to be here for some time. I commend the third reading of the Bill.

Question put and passed.

Bill read a third time and transmitted to the Assembly.

BILLS (2): THIRD READING

1. Education Act Amendment Bill.

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

2. Parks and Reserves Act Amendment Bill.

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

TOWN PLANNING AND DEVELOPMENT ACT AMENDMENT BILL

Second Reading

THE HON. J. DOLAN (South-East Metropolitan—Minister for Police) [3.33 p.m.]: I move—

> That the Bill be now read a second time.

The purpose of this Bill is to effect four amendments to the Town Planning and Development Act relating to town planning schemes and subdivisional procedures.

Under existing legislation, an approved town planning scheme remains effective as long as the responsible authority or local council wishes. If a council does not wish to take further action, or if it finds it inconvenient to do so, the scheme may remain unaltered.

A change or variation in a scheme therefore rests on the initiative of the council, and it is believed that many amendments were in the past frequently made to schemes without the local council necessarily considering the full impact of the amendments on the district. Furthermore, in times of rapid progress and development it is desirable that schemes should be examined at intervals to meet changed circumstances and, if necessary, reviewed and publicly advertised to allow ratepayers and developers to voice their opinions about the needs of the district, and their objections to the continued implementation of a part of a scheme which may no longer be appropriate and should be deleted or replaced.

Clause 2 of the Bill, accordingly, adds a new section No. 7AA, to provide that an approved town planning scheme containing land-use or zoning provisions shall be examined in each fifth year by the council which shall report to the Minister who may require that the scheme be reviewed within six months or such longer period as he agrees, or the Minister after consulting the local council may advise that a review is necessary and the council shall give affect to his decision within the time limit previously referred to. This clause also makes provision for the review to be carried out under the same procedure followed when a scheme is first prepared.

Clause 3 (a) is to amend section 20 and concerns the situation that can arise when lots are amalgamated. People seeking to subdivide lots are required to obtain the approval of the Town Planning Board, but the amalgamation of lots does not require such approval. This facility to amalgamate lots without reference to the appropriate authorities for consent has created problems in the past. For example, a proposal to amalgamate two lots either side of a district boundary between two local authorities may result in subsequent administrative difficulties for the councils concerned. Similarly, where a servicing authority has a service laid adjoining a boundary, the amalgamation of lots may eliminate the boundary and deprive the servicing authority of the opportunity to request an easement or of rerouting the service. This amendment proposes that contemplated amalgamations of lots shall be subject to the approval of the Town Planning Board.

Clause 3 (b) contains the third amendment and this relates to public open space contributions by subdividers. The Act provides that where the local authority and the Town Planning Board approve, a subdivider may pay a cash equivalent representing the value of his open space contribution—usually 10 per cent.—in lieu of contributing the land. The initiative for making this alternative arrangement rests with the subdivider.

There are many occasions when a cash contribution would enable a local authority to acquire a large area of open space in a particular neighbourhood instead of having a poorly located reserve. A further consideration is that subdividers of small areas—usually less than two-and-a-half acres—are not called upon by the board to make a *pro rata* contribution to open space reserves although the occupants of the new lots will themselves create a demand for recreational facilities. This amendment to section 20 will enable the board to require a payment in lieu of a land contribution.

Clause 4, the final amendment—to section 28A—removes an anomaly that has become apparent in cases where a subdivider pays a proportion of road costs. A person who subdivides land that abuts a road constructed by an adjoining—and earlier—subdivider is required to pay half the cost of the land and constructed road to the local authority which in turn pays the money into a trust fund. It is then open to the subdivider who originally constructed the road, or the owner of any lot in the original subdivision, to demand his proportion of the amount paid into the trust fund.

However, such payment is only made on the written demand of that owner. As the Act does not require the local authority to notify the owner that such money is being held in the fund, many owners may not be aware of their entitlement. Clause 4 of the Bill therefore amends the section to make it mandatory on the local council to pay the person entitled to the payment as soon as practicable.

I commend the Bill to the House.

Debate adjourned, on motion by The Hon. L. A. Logan.

CONSTRUCTION SAFETY BILL

Second Reading

THE HON. R. H. C. STUBBS (South-East—Minister for Local Government) [3.40 p.m.]: I move—

That the Bill be now read a second time.

This Bill repeals and replaces the Inspection of Scaffolding Act of 1924 and its amendments with revised laws under the title of Construction Safety Act, 1972, and is necessitated by the advances in architecture and consequent construction techniques of the present day as compared with the standards of 50 years ago.

Members will appreciate that with the advent of new building techniques, subcontract work, and the like, it has of recent years become difficult to align the provisions of the early Act with the requirements of current building methods.

Arising from concern which had been expressed at appropriate industry levels on the need to up-date the legislation, and subsequent to a meeting with representatives of the Building Workers' Industrial Union, a widely representative committee was brought together to examine the Act and submit its recommendations. Those recommendations were considered and improved by the Minister for Labour's Industrial Safety Committee under the chairmanship of the previous Minister for Labour. The Bill now before members represents in statutory form those recommendations, taken in conjunction with the specialist advice of officers of the scaffolding branch of the Department of Labour.

I am advised that the Bill would have been presented to Parliament last session had that course been feasible.

The committee was represented on the employer side by the Master Builders' Association, civil engineering contractors, the Master Painters' Association, and the Chamber of Manufactures. The union representation was from the Building Workers' Industrial Union and the builders' labourers and engineering unions. An observer from the industrial division of the Industrial Foundation for Accident Prevention also attended meetings.

Several meetings were held over a period of 18 months, with the committee deciding eventually on the impracticability of amending the existing Scaffolding Act and the advantages of drafting entirely new legislation.

It should also be mentioned that the committee studied the construction safety legislation of other States and of some overseas countries. With an increase in interstate contracting, the desirability of uniformity in Australian legislation also was kept in mind. Many salient aspects of the existing Inspection of Scaffolding Act have, however, been retained or modified to the extent required to meet modern conditions.

Members may recall the transfer of control of the Inspection of Machinery Branch from the Mines Department to the Department of Labour in 1969, which co-ordinated the administration of machinery inspection with inspection in the construction industry. As a consequence, the single co-ordinated authority is enabled more adequately to control the safety of workmen on cranes, hoists, and lifting gear on construction sites, whether located in city, mining, or rural areas.

Turning to the salient features of the Bill, the term "main contractor" is defined to clarify the situation on construction sites where multiple subcontractors are using construction equipment and employing labour outside the control of the principal or main contractor. The new definition will provide for greater control of safety measures on construction sites.

A "sub-contractor" is defined in a manner which enables his obligations and responsibilities to be expressed in the Act.

The definition of "work-men" in clause 6 extends to persons working for reward, whether as employees, employers, main contractors, or subcontractors—but excludes owners—so that all the protective measures of the Act can be applied widely to the persons on site.

The Bill provides that the expression "work to which this Act applies" includes—

- construction work—broadly defined in clause 15;
- excavation work over five feet in depth;
- compressed air work;
- erection or demolition of any hoisting appliance; or
- scaffolding on which workmen are required to work.

Although the drafting of the Bill envisages a strengthening of safety and welfare provisions, there is no intention to overlap or duplicate those provisions which are already fixed by other authorities or in awards.

For example, clause 7 of the Bill will not apply to the construction or carrying out of work about a mine, coalmine, petroleum well, or petroleum pipeline, for which relevant legislation exists under Mines Department control, unless the Minister for Labour and the Minister for Mines, by agreement in writing, jointly declare that the Bill or part of it should apply to the whole or part of the construction work thereon.

When such agreement is reached, surface construction work on a mine done by outside contractors as deemed necessary can have applied to it the relevant provisions of the Construction Safety Bill.

Sitting suspended from 3.46 to 4.04 p.m.

The Hon. R. H. C. STUBBS: Here I emphasise "surface work" not underground work. As a consequence of such agreement the Mines Regulation Act, or others, will not apply to the same work. Notification will be given to a contractor before work commences as to which Act applies to the work in which he is engaged.

Clause 16 of the Bill is similar to the present provision in the Act and provides that prescribed construction work likely to be dangerous to workmen employed thereon should be notified by the main contractor to the Chief Inspector of Scaffolding at least 24 hours before commencement and a fee paid, thus continuing the facility for inspectors to inspect the work from commencement of the job.

The committee unanimously recommended the formulation of a construction safety advisory board with representation from the employer and employee organisations, as well as from the Department of Labour; the idea here being to exercise a watching brief over the measures to secure the safety and welfare of employees in the industry as well as those of the general public.

Objectively, the board would meet at frequent intervals and make recommendations for amending legislation to meet the existing circumstances along particular lines as set out in clause 20.

The Bill places definite obligations on an owner, main contractor, subcontractor and on workmen. Past experience has demonstrated difficulties in fixing responsibility for safety on site. Trends in the building industry in recent years have accentuated these problems. A paramount need to hold the main contractor responsible for overall safety on site and for subcontractors in turn to shoulder the share of responsibility for safety on work done by them has been included in clause 23 of the Bill.

Whereas in past years a contractor carried out the majority of the work using his own employees and readily accepted responsibility for safety, the trend to subcontracting has often led to an assemblage of perhaps up to 30 contractors working on a major contract. This has relieved a main contractor of many of his obligations under the current Inspection of Scaffolding Act.

It is not difficult to imagine the difficulty of the task of an inspector at present, especially in the case of multi-storied buildings and large projects, in pin-pointing responsibility when confusion, argument, and disregard of instructions occur in safety matters amongst those operating on the job.

Provision is made in clause 24 for protective equipment for workmen. An obligation is imposed on workmen to wear and use such equipment as is provided and to conform to safety requirements on site and not to act in such a way as to endanger their own safety or that of another person.

Clause 26 provides that where any other Act, regulation, by-law, or award requires the provision of amenities on site by a main contractor, the chief inspector shall report any contravention to the appropriate officer statutorily concerned, enabling relevant action to be taken by that authority.

The amenities referred to are contained in clause 26, and include—

(a) drinking water;
(b) washing facilities;
(c) accommodation for meals, clothing, and tools;
(d) sanitary conveniences;
(e) first aid equipment;
(f) appliances for prevention and extinction of fires; and
(g) ventilation.

Should sufficient requirements in respect of those amenities not exist, or be not contemplated under the control of other authorities, they can be made under the regulations to the Construction Safety Act if deemed necessary on the passing of this legislation.

In clause 27 the safe use of explosive powered tools, and gear and power driven equipment is provided for as well as the classes of licenses and certificates which will be issued to workers to enable them to carry out certain types of work performed in this industry.

Inspectors will continue to be empowered to issue directions to contractors in order to prevent accidents and ensure compliance with safety procedures or to order workmen to cease work where danger to life or limb exists until safe conditions apply. In accordance with clause 30 those powers will now be subject to delegation by the chief inspector.

The appointment of inspectors of other branches of the department under clause 9 (5) (b) as construction safety inspectors has been included to assist in detecting unsafe or unsatisfactory practices when on a job in connection with other matters which are their main concern. These inspectors will have limited powers. Powers will not be delegated to them to give directions or orders in construction work which is outside their own specialised field. Other general powers and duties which exist under the Inspection of Scaffolding Act are retained in clause 11 of the Bill.

A right of appeal exists under the Inspection of Scaffolding Act to a magistrate against a direction or order of an inspector. The committee was of the opinion that the right of appeal should continue to exist. However, the committee considered in many cases that it would be preferable to have a person with technical or practical knowledge to understand the implications involved and to hear the appeal.

Provision is made in the Bill for a single arbitrator to be appointed if required by the parties concerned. A single arbitrator if acceptable to both parties could hear appeals expeditiously and avoid delays in construction work when a job is proceeding or where the circumstances or location make it more convenient and desirable for a technically qualified man on the spot to deal with a situation. Alternatively the Bill provides for a board of reference of three members to be appointed.

Clause 17 (1) contains a discretionary right of the Minister to constitute or appoint boards of reference or single arbitrators, whereas clause 18 (3) makes it mandatory for the Minister to refer an appeal to a board of reference or to an arbitrator. The expenses in hearing an appeal will be a charge against the Department of Labour, which is the administering department.

Any further appeal shall lie on a question of law only from any decision by a board of reference or arbitrator and such further appeal would be heard by a magistrate in the Local Court under clause 34.

I might add that contractors will be given an opportunity, under clause 34, to seek prior approval of the chief inspector in order that works, methods, gear, and equipment, etc., may be sanctioned before the job commences. This will allow less interruption once the job is under way.

The Hon. G. C. MacKinnon: Would you repeat the clause that applies to?

The Hon. R. H. C. STUBBS: It is clause 34. Substantial increases have been provided for special penalties and general penalties under clause 44 (2) and for breaches of the regulations under clause 46 (2) (b).

The necessary regulations preparatory to proclamation are at present being drawn up. Outside bodies represented on the committee will be given the opportunity to scrutinise the draft and to make suggestions with a view to the most satisfactory working basis being achieved.

In commending the Bill to the House I feel sure that members will find in it guidelines for safe working practices for the welfare of construction workers and the general public. It offers a more advanced and improved approach in administrative safety in the construction industry.

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

PUBLIC WORKS ACT AMENDMENT BILL

Second Reading

THE HON. J. DOLAN (South-East Metropolitan—Minister for Police) [4.15 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to amend the Public Works Act with the objects of—

(i) making statutory provision in respect of some procedures concerning the acquisition of land which have been adopted and reaffirmed by successive Governments, but which are not provided for in the legislation as it now stands;

(ii) making provision to meet changing circumstances resulting particularly from the expanding functions of the Government through its various departments as authorised by other legislation which, in turn, has an impact on the operation of the Public Works Act;

(iii) clarifying and amplifying such definitions as are necessary to accord with current terminology and practice, and to ensure adequate legal coverage of the functions which come within the scope of the Act; and

(iv) deleting certain provisions which experience has shown to be superfluous.

Since 1954, in consequence of amendments made to the Act, and also by Executive direction, the incidence of this legislation on the public has been considerably alleviated, but experience has proved that the application of some of the concessions made requires rationalisation in particular cases. The Bill provides for amendments to meet this situation and these will be explained to members during the passage of the Bill.

A study of the Bill will also reveal that some changes have been made in the definitions of works deemed to be public works within the meaning of the Act. In

the main, such changes have been rendered necessary by the expanding role of Government, with consequential changes in descriptive terminology in respect of Government authorities, institutions, and the like.

Due to recent developments in the mining industry it has been found necessary for the provisions of the Act to be clarified concerning the matter of compensation payable in respect of mining rights in land required for public works. Amendments proposed in the Bill will clarify the scope for compensation payable in such cases.

The provisions of the Act which authorise the payment of interest and advances on account of compensation apply only following the formalities of resumption. It is considered that such provisions should also be applicable to informal negotiations for the acquisition of land, and the Bill proposes accordingly.

Members will be aware that the rate of interest payable on compensation under the provisions of the Act in this State is substantially higher than in other States, and that it is more than double that paid in some States. This I consider to be fair and reasonable but, if we are to retain this standard, ways and means of keeping expenditure on this account to a minimum must be instituted. To this end the Bill proposes an extension of the forms of acquisition under which advance payments may be made, thus reducing expenditure as interest abates on any payments so made. In addition, the Bill proposes to limit the period for which interest is payable after agreement to settle has been established when it is apparent that delaying tactics are being employed.

The incidence of two sections of the Act which relate to temporary and permanent occupancy of land in the construction of public works appears to have been clouded by recent amendments, and it is proposed to rectify this situation without changing the intention or meaning of the sections.

In the drafting of the Bill opportunity has also been taken to make minor improvements in the phrasing of some recent amendments with the object of rationalising certain procedures in the interest of efficiency.

Although some of the amendments proposed in the Bill, such as the specification of additional purposes for which land can be compulsorily acquired, will widen the authorities of the Act, the now well established policy of acquisition by negotiation —which at present extends to 98 per cent. of all acquisition—as far as is possible will still apply, and does not mean that they would be exercised indiscriminately.

This would be a decision for the Government of the time according to the circumstances prevailing, and even then the owner and occupier would still have the rights of objection as provided for in the Act. However, in this regard I think that members will agree that it would indeed be untoward if a major Government project was held up or abandoned simply because of lack of authority under the Public Works Act.

I commend the Bill to the House.

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

CONSTITUTION ACTS AMENDMENT BILL

Second Reading

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

That the Bill be now read a second time.

The Legislative Assembly amended its Standing Orders during the last session of the previous Parliament by adding provisions for the establishment of a Public Accounts Committee and the conditions under which the committee is to function.

The present Parliament, at the commencement of the first session, appointed the committee into office. It presented its initial report to the House in September of last year. The committee's second report has been laid upon the Table of the House since the commencement of this current session of Parliament.

Parliament does not exercise detailed supervision of the administrative services of the Government and committees of this nature are essential parts of modern Parliament.

The creation of this particular committee has afforded members the opportunity through the functions of the committee to gain a closer insight into the Government's administrative services, which is desirable because of the increasing complication of the business of governing a rapidly developing State.

As the committee gains in experience, members will be afforded greater opportunities of becoming more cognisant of the administration of the Executive.

In carrying out their duties the members of this committee must inevitably incur expenditure in connection with such duties for which they become justifiably entitled to reimbursement.

Under the existing provisions of the Constitution Acts Amendment Act of 1899-1969 a member receiving reimbursement for expenditure of this nature may be liable to vacate his seat as a member of Parliament, or to disqualification under that Act.

The object of this Bill, accordingly, is to permit a member of the Public Accounts Committee to receive expenses from the Crown in connection with his duties as such member without being liable to vacate his seat as a member of Parliament, or to disqualification under the Act.

This can be achieved by the simple amendments as proposed in this Bill and by similar amendments to the regulations authorised under the provisions of section 41A of the Act to be laid on the Table of the House for the information of members.

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

LOCAL GOVERNMENT ACT AMENDMENT BILL

Order Discharged

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [4.24 p.m.]: I move—

That Order of the Day No. 6 be discharged from the notice paper.

Question put and passed.

Order discharged.

CHILD WELFARE ACT AMENDMENT BILL

Order Discharged

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [4.25 p.m.]: I move—

That Order of the Day No. 10 be discharged from the notice paper.

Question put and passed.

Order discharged.

CONTRACEPTIVES ACT AMENDMENT BILL

Second Reading

Debate resumed from the 20th April.

THE HON. G. C. MacKINNON (Lower West) [4.26 p.m.]: This is an interesting Bill. As far as I can understand, the reasons for its introduction by Mr. Claughton have little or nothing to do with contraceptives. It really has to do with the successful operation of family planning clinics.

I must admit the thought crossed my mind that confusion might be part of Mr. Claughton's tactics, because I found his explanation to be confusing and I boggled a little in going through his speech and looking for the seeds of an explanation within it.

However, as I am responsible in some way in that some years ago I pointed out the dangers of family planning clinics operating under the present Act, I feel I really do have some understanding of the problem.

The Bill before us contains some very unusual aspects. Before dealing with it I think it is as well for us to recall why the Contraceptives Act was originally brought down. The debate on the original measure can be found in the 1939 *Hansard*. The Bill was introduced by the then Minister for Health, and the debate makes quite interesting reading.

The measure was introduced, because at that time there had been a sudden increase in the activities of people who were attempting to market contraceptives, and who had been indulging in some rather reprehensible practices such as putting them into letter boxes, throwing them onto front lawns, and the like. The measure was passed to stop such practices.

The main point is that the Bill then passed was regarded as a part of the legislation to be enforced by the Police Department, for the simple reason that the Parliament of the day did not wish to set up a separate set of inspectors to police this particular piece of legislation. It was done for no other reason.

In the main the Bill was really a Health Department measure, and most of the discussions in the debate were on that basis. Rather than set up a separate group of inspectors the Government of the day regarded it as a Police Department Bill; so we now look to the Police Department to find out its attitude. In this connection I must admit the speech of the Minister for Police was extremely disappointing. In another respect his speech was quite rewarding, because out of the 12 minutes which was taken up by his speech eight minutes were spent in trying to satisfy members about the internal organisation of the Australian Labor Party, and the remaining four minutes were spent to explain the Bill. The Minister, to my mind, did explain the Bill much more succinctly than did Mr. Claughton in the 60 minutes which he took to introduce the second reading.

The fascinating part about the speech of the Minister for Police was that he was at pains to tell us he was not expressing his point of view. He could not tell us what the Australian Labor Party's point of view was. Cabinet did not have a point of view, and at that stage the Commissioner of Police had not been asked his point of view.

I was predominantly interested in the view of the Commissioner of Police. I wanted to know whether, in fact, he thought the Bill in the form presented by Mr. Claughton was necessary for the legal functioning of family planning clinics which, I repeat, is the real purpose of the measure if my understanding of it is correct. I must admit it has been extremely difficult for any member to really understand the measure.

Today I asked the Minister for Police a question without notice and he was kind enough to inform me that the police believe the Bill, in the form presented by Mr. Claughton, is not necessary for the legal functioning of family planning clinics. I agree with this. It is fair to point out that I also believe an amendment to the Contraceptives Act is necessary and I will explain my reasons to the House.

The police have probably been more concerned with the fact that Mr. Claughton's proposed amendment allows pharmacies to display contraceptives and, in the main, allows anyone to advertise them. I am not arguing whether or not this is a desirable factor. I am talking about the need to allow family planning clinics to operate.

The Minister for Police gave us a fairly detailed explanation of the internal workings of the Australian Labor Party with regard to private members' Bills. I assume from what he said that sufficient members at the party meeting must have been prepared to support Mr. Claughton's Bill, to allow it to be presented. I assume that if the majority had been opposed, Mr. Claughton would not have received permission. However, I understand Labor Party members are to be allowed a conscience vote.

The Hon. J. Dolan: May I interrupt for a moment? I seek the leave of the House to make a statement.

Point of Order

The Hon. G. C. MacKINNON: I believe, Mr. Deputy President, that this is an inappropriate time for the Minister to make a personal explanation.

The DEPUTY PRESIDENT: I agree. Mr. MacKinnon will proceed.

Debate Resumed

The Hon. G. C. MacKINNON: We can surmise that Mr. Claughton obtained the approval of more than half the members of the A.L.P.

The Hon. R. Thompson: I think the approval was 100 per cent.

The Hon. G. C. MacKINNON: We can assume that there is some support for his ideas.

The Hon. A. F. Griffith: That means everyone will vote for it I suppose.

The Hon. G. C. MacKINNON: We might imagine that from the interjection made by Mr. Ron Thompson, but we have already been advised by the Minister for Police that there is a free vote on the measure.

The Hon. J. Dolan: That is what I wanted to correct.

The Hon. G. C. MacKINNON: The Minister made that quite clear. I would not want to misrepresent him in any way. From the point of view of political philosophy—if I may digress for a moment—this would make a wonderful subject for debate in an open forum, because it represents a very marked departure by the Australian Labor Party. We must wonder where it will lead once the party starts to allow conscience votes on measures. We all remember the fuss of a few years ago when an abortion Bill was debated; it was clearly stated that no conscience votes would be allowed.

I repeat that I wonder where it will lead, and this is a matter I would dearly love to debate at great length. Considering the divisions that exist within the Australian Labor Party, I would like to consider all the ramifications of this very marked change in policy. There are also other implications. One was perhaps illustrated today by Mr. Logan when he mentioned the change of mind on the question of the activities of sex shops. We cannot help but wonder what is the connection.

We see Mr. Claughton's Bill in the form presented—and I will explain in a moment why I disagree with this—and we also see honest, reliable, Labor members saying they will not have a sex shop at any price. Yet, we see the effect of the influence of the new Left—the attitude of the Senator Wheeldons perhaps—which apparently is sufficient to stop any moves against sex shops and to allow this Bill to proceed.

The Hon. R. F. Claughton: I wondered where you would place me in that spectrum.

The Hon. G. C. MacKINNON: These are very interesting ideological questions which touch upon the very heart of the philosophy of the Labor Party. This applies particularly to the question of a free vote on a subject like the Bill before us. This bears serious thought indeed for anyone engaged in the art of politics in future discussions in this House or in any Parliament in Australia.

It is more than passing strange that any Minister who is in charge of a department which administers an Act is not able to express the opinion of that department and his own view of that opinion. The Minister neglected to inform the House of this viewpoint.

If we intend to have family planning clinics I believe an amendment to the Act is necessary. I think we should look hard at the existing situation. To the best of my knowledge there are three family planning clinics operating. There is, or used to be, one operating at the St. John of God Hospital, although I do not know how successfully or frequently. The clinic taught the rhythm method which is espoused by followers of that faith. One very successful clinic has been operating at the King Edward Memorial Hospital for a considerable time. If we are to be guided by what Mr. Claughton tells us another clinic—struggling a little but making some progress—is being run under the auspices of, I suppose, the parenthood association.

The Hon. R. F. Claughton: It is the Family Planning Association.

The Hon. G. C. MacKINNON: It appears there are three. Incidentally, my personal view is that family planning clinics have a real place in the community. I believe the general practitioner is perhaps the

first point of contact and most people go to general practitioners to ask questions when they are in doubt. Some people for a variety of reasons—perhaps because they are socially deprived or because of other circumstances—cannot go to a general practitioner and prefer, for their own reasons, to go to a family planning clinic. These clinics serve a useful purpose.

It must be borne in mind that family planning clinics do not exist merely to dispose of contraceptives and the like, but to advise people on the kind of family they should aim at, if we like, and also advise women and men who are infertile or, indeed, the contrary. It does not necessarily follow that family planning clinics exist to restrict families to one or two children; they exist to give advice on all the general aspects of family planning in a wider sense. In Western Australia we make use of them less than in any other State in Australia and, in Australia as a whole, probably less than most developed countries in the world. I suggest that one of the reasons for clinics not operating to any great extent in Western Australia is to be found on page 3 of the parent Act at section 4 (1) (a). The paragraph reads as follows:—

> (a) inserts or causes to be inserted in any newspaper, magazine, periodical, handbill, circular, programme or other document printed or prepared in this State any statement which is intended or apparently intended by such person or any other person to promote the sale or disposal of any contraceptive as such;

To summarise, without unnecessary verbiage, this means—

> Any person who inserts a statement which apparently could promote the sale or disposal of any contraceptive is committing an offence.

It therefore allows that a family planning clinic would commit an offence if it inserted in a paper an advertisement to the effect that a clinic would be held on, say, Tuesday night. A family planning clinic cannot even advertise a meeting, because it could be taken to mean that the clinic was apparently intending to promote the sale of contraceptives. Consequently if we want family planning clinics to operate, there is a necessity to amend the legislation.

It is understandable the Minister for Police should have given us the information he did, because the police look at the Bill from the point of view of controlling contraceptives. It is properly a health Bill and I believe I am looking at it from the point of view of the proper operation of family planning clinics. I agree with the Minister for Police that the Bill, as presented by Mr. Claughton, is not desirable. Mr. Claughton proposes completely to eliminate section 4 of the parent Act after first making sure that a pharmacy is not a public place. This would mean that a pharmacy could in fact display—granted, in a relatively secluded part of its shop—contraceptives. Why I say "relatively secluded" is that a public place would probably be defined as a footpath. If a display were visible from a footpath a pharmacist would probably be contravening the law. If a pharmacist took out some article to show to a person, I do not believe he would be technically displaying it. I am sure the law does not concern itself with that sort of trivia. There is a Latin tag which says just this, but I cannot pronounce it.

Consequently, I do not believe we need clause 2 in Mr. Claughton's amending Bill. It would mean that pharmacists will operate as they do now. They will be able to sell the articles which they wish to sell or those which their consciences allow them to sell, but they could not display them publicly.

At this stage I do not believe it is desirable to repeal section 4 of the principal Act because this would eliminate the ban on advertising these goods. I do not believe this is necessary for a variety of reasons. I repeat that I believe family planning clinics should be allowed to operate. Therefore, I have placed on the notice paper an amendment to clause 3 which I propose to move. Clause 3 reads—

> Section 4 of the principal Act is repealed.

Clause 4 in the parent Act contains eight subsections. I propose an amendment to subsection (7).

Subsection (7) of section 4 of the Contraceptives Act is marginally noted, "This section not to apply to certain publications." A summary of subsection (7) is that nothing—and this means all the penalties regarding advertising and so forth—shall apply to *bona fide* medical or pharmaceutical magazines, the sale or distribution of *bona fide* journals, the gratuitous sending of circulars, etc., by a duly authorised medical practitioner, or a pharmacist carrying out the orders of a duly qualified medical practitioner.

My proposal is that the House should consider adding these words—

> (e) any statement issued by a Family Planning Clinic approved by the Minister for Health.

I am told the effect of this would be that a person wishing to establish a family planning clinic would approach the Minister for Health for his approval or otherwise. My suggestion to transfer this authority from the Minister for Police to the Minister for Health is made because family planning clinics naturally require the services of either qualified sisters or

qualified medical practitioners, and this would bring the matter under the jurisdiction of the Minister for Health.

Section 4(1) of the Contraceptives Act provides that it is illegal to insert any statement in a paper which purports or apparently purports to have anything to do with contraceptives. My amendment would mean that the family planning clinic could insert a statement if the clinic had the authorisation of the Minister for Health. The clinic could make a statement to the Press and the Press could publish it as an advertisement or a statement. Such publication would not be infringing the law.

The Hon. L. A. Logan: You can see advertisements in every paper and magazine today.

The Hon. G. C. MacKINNON: They are illegal.

The Hon. L. A. Logan: They are there.

The Hon. G. C. MacKINNON: I do not think any family planning clinic can or does advertise in this State.

The Hon. L. A. Logan: There are advertisements inserted by private individuals.

The Hon. G. C. MacKINNON: I do not quite understand the remarks made by Mr. Logan. We are talking about family planning clinics. No private individual would advertise the King Edward Memorial Hospital family clinic; nor would an individual advertise the Family Planning Association.

My understanding is that Mr. Claughton's Bill is to enable the family planning clinics to advise people of their meetings. However, I feel the Bill went a mile too far and its implications are undesirable.

At this stage I wish to say one thing about the vote on this Bill, and my remarks are unnecessary, of course, for those who are as well informed on political matters as the members of this House. The members of the Liberal Party—I do not mean to impinge, but I think I can also speak for the Country Party—are enabled to vote according to their consciences, irrespective of the view of their party. This is part and parcel of the Liberal Party constitution. There is nothing unusual in this, although different rules apply for the Australian Labor Party. Of course our members will vote according to their consciences irrespective of the party view.

My personal view of this Bill presented by Mr. Claughton is that it is not only unnecessary but also undesirable at this stage. I believe Mr. Claughton has convinced the House that the activities of the family planning clinics are desirable within the community. However, I hope he will espouse my proposed amendments which would give the family planning clinics freedom to advertise and issue statements without fear of breaking the law. It could easily be said that they will not be taken to task for putting in advertisements now.

I do not believe that advertising of a subject which excites and inflames emotions as much as this one should necessarily be accepted. However, I believe that men of the calibre of those generally associated with clinics would not break the law even if they knew they would not be prosecuted. Therefore, an amendment such as the one I propose is probably desirable, and this is as far as I would be prepared to go. I support the second reading.

THE HON. R. F. CLAUGHTON (North Metropolitan) [4.51 p.m.]: I am a little disappointed that no other member has risen to speak on this measure. I would have liked to have the opinion of a member of the Country Party. I also hope to convince members that the amendment proposed by Mr. MacKinnon is not desirable, and I would like to quote an opinion on the effect of such an amendment as he proposes.

The Hon. G. C. MacKinnon: Quote whom?

The Hon. R. F. CLAUGHTON: Quote an opinion. I would also point out that it would not be the clinic which was advertising but the association. In time we hope to have clinics established at a number of centres throughout the metropolitan region. In fact I received today a telephone call from a person endeavouring to establish a clinic in what might be called the south-east corridor. Such a clinic would serve that particular section of the metropolitan region.

The first point is that the term "family planning clinic" in the proposed amendment would not be appropriate because it would not be the clinic which was advertising. The people working in the clinic would not be authorised to advertise. These persons would be trained to offer advice and to keep records of the clinic. The association itself would be controlling the advertising.

The Hon. A. F. Griffith: Could you help me on this point: Assuming what you say is correct, the passage of this Bill in the manner in which it has been drawn up would allow a pharmaceutical chemist to exhibit contraceptive articles in his shop window?

The Hon. R. F. CLAUGHTON: Exactly.

The Hon. A. F. Griffith: Or in his shop?

The Hon. R. F. CLAUGHTON: Within his shop. I can only rely on legal opinion.

The Hon. A. F. Griffith: Yes, bearing in mind what is a public place and what is not a public place.

The Hon. R. F. CLAUGHTON: The opinion is, if the article is visible from a public place he would be in danger of contravening the law.

The Hon. A. F. Griffith: It would be all right with you if the chemist had the articles displayed on his counter. Is that the intention of your Bill?

The Hon. R. F. CLAUGHTON: What the chemist displayed within the framework of this legislation would be up to him.

The Hon. A. F. Grffith: That is what is called duck shoving.

The Hon. R. F. CLAUGHTON: I do not think I am in a position to say what a chemist would do or would not do.

The Hon A. F. Griffith: I want to know from you what you think the effect of the Bill will be.

The Hon. R. F. CLAUGHTON: The effect of the Bill will be that the chemist can do what I suggest.

The Hon. A. F. Griffith: That does not please me.

The Hon. R. F. CLAUGHTON: If members can produce an instance of such a thing happening perhaps we could take note of it.

The Hon. G. C. MacKinnon: I think I can if you give me time to go through the 1939 debates, when there was an instance mentioned.

The Hon. R. F. CLAUGHTON: At that time the House was dealing with a very different situation.

The Hon. G. C. MacKinnon: The law precludes them now.

The Hon. R. F. CLAUGHTON: At that time people were hawking contraceptives.

The Hon. G. C. MacKinnon: There was one pharmacist who had contraceptives on display so they will do it.

The Hon. A. F. Griffith: Have you asked the council of the Pharmaceutical Service Guild what it thinks?

The Hon. R. F. CLAUGHTON: I have not asked the council.

The Hon. G. C. MacKinnon: I did.

The Hon. R. F. CLAUGHTON: I had a long talk with Mr. Wilson who is the president of the Pharmaceutical Service Guild. I explained this legislation to him and he assured me that chemists would not do this sort of thing. The chemists have their own ethical code to guide them and what they would do would be to put up a sign, "Family Planning," and display publications such as I showed to the House.

The Hon. A. F. Griffith: I would be happy with that assurance.

The Hon. R. F. CLAUGHTON: I wish to quote from *The Australian* dated the 7th April, which refers to an interview with a representative of the South Australian Pharmacy Guild. In South Australia there is no legislation to prevent the advertising or the sale of contraceptives. The interview arose when there was some suggestion that contraceptives may be advertised, and this gentleman said—

> Contrary to the recent flurry of anticipatory excitement, chemists will not be offering 10 cents off their contraceptive lines from next week, or any other week. The myth that chemists are about to take seriously the merchandising of contraceptives is just that.

The Hon. G. C. MacKinnon: You confuse me. Answer a simple question: Is the purpose of your Bill to facilitate the working of the family planning clinics or to allow pharmacists to display contraceptives? I get the impression it is the latter.

The Hon. R. F. CLAUGHTON: I thought I made this quite clear in my second reading speech.

The Hon. G. C. MacKinnon: I could not follow that.

The Hon. R. F. CLAUGHTON: The purpose of this Bill is to facilitate the implementation of the aims and objectives of the Family Planning Association. This goes beyond advertising where a clinic will be held—the association hopes to play a role in educating the public.

The Hon. G. C. MacKinnon: Can we take one step at a time?

The Hon. R. F. CLAUGHTON: The honourable member asked me a question and I am doing my best to answer it. I have already stated that the personnel of the clinics advise patients. It is not for the personnel of the clinic to worry about advertising—that is the role of the association.

The Hon. G. C. MacKinnon: You can overcome this by nominating three members to a trust and incorporating the trust.

The Hon. R. F. CLAUGHTON: The association is already incorporated.

The Hon. G. C. MacKinnon: You can overcome that.

The Hon. R. F. CLAUGHTON: We cannot overcome this if we accept the honourable member's amendment. We are not dealing with the clinic but with the association. The objects of the association are wider than simply to advertise when and where clinics will be held. The association also has an educative purpose.

I would like to finish quoting what was said by the South Australian Pharmacy Guild President, because I think this should reassure members of what the chemists are likely to do in this State and of what, I believe, will occur here. I quote as follows:—

> "In fact the position is exactly as it was before except that some manufacturers of contraceptives may begin to advertise their goods," says Mr. K. A. McNeil. "But that has nothing to do with pharmacists."

> Mr. McNeil, State spokesman for the Pharmacy Guild of Australia, was referring to a recent executive meeting of his body and of the Pharmaceutical Society to discuss the advertising of contraceptives.
>
> "We have been allowed to advertise contraceptives for years and we feel the climate is getting more permissive," he says. "But this is still considered unethical. Apart from that, pharmacists obviously have Catholic customers and many feel that if they advertise contraceptives they risk losing perhaps a third of their business."
>
> South Australia is the only State where contraceptives may be advertised but ethics and public attitudes have been sufficiently effective to stop it happening.
>
> "About the only change from the present inconspicuous shelves by pharmacists will be, perhaps, a section marked family planning." says Mr. McNeil. "That is what I am going to do. The only increase in advertising likely to happen is that manufacturers may add a rider to their products suggesting purchasers see their doctor or chemist."

Pharmaceutical manufacturers are the same in this State, and whatever is adopted in South Australia will be adopted here. It is also interesting to note that in *The Australian* of Monday the 17th there was an article headed "Putting the pill on show" which includes an Indian advertisement, obviously a rather large one, under the caption "Use loop for family planning." That would have been produced by the Family Planning Organisation in India, or by the Indian Government which is actually promoting family planning. Australia is one of the few countries in the western world that has not adopted a national programme. If I may go back to where I started—

The Hon. W. F. Willesee: I did not know you had a choice.

The Hon. R. F. CLAUGHTON: I would like to make mention of Mr. MacKinnon's intention to add words to the Bill, and to quote the information given to me on this point by the Parliamentary Draftsman. In this connection I can assure members that this is the first thing I thought of doing; as did Mr. MacKinnon which resulted in the suggestion he has made. However, I did not proceed with the matter because of the objections raised by the Parliamentary Draftsman.

The Hon. G. C. MacKinnon: You need not think that I did not talk to him about this. He also told me about his objections but added that they were easily overcome.

The Hon. R. F. CLAUGHTON: Perhaps the honourable member is only thinking of a sign saying, "Family Planning Clinic open at Stock Road, Melville" at such-and-such a time.

The Hon. G. C. MacKinnon: I am thinking about a statement issued in the paper.

The Hon. R. F. CLAUGHTON: When referring to section 4 the Legal Officer gave the following opinion:—

> It is apparent that the section is focussed upon a particular kind of statement, i.e., one which is intended or apparently intended to promote the sale or disposal of any contraceptive as such. It would be possible to exempt from the operation of the section statements made either by particular persons or in a particular manner.

Later he comes back to this and says—

> Assuming that some such amendment to the Act were made the consequences should be examined carefully.
>
> Some anomalies do become apparent. For example subsection (1) deals with newspapers etc. printed or prepared in this State, subsection (3) deals with the liability of the seller or distributor of a newspaper etc. not printed in this State. A situation might arise where an Eastern States organisation published a statement in a paper printed over there which was identical to a statement published by authority of a proclaimed Clinic in this State. The local statement could be circulated without difficulty but any person selling or distributing the Eastern States papers here would commit an offence under subsection (3).
>
> Similarly a local editor might receive copies of two statements one from a proclaimed Clinic and one from a like organisation perhaps of international status, the local statement he could publish safely but to publish the other would be to render himself and his newspaper liable to prosecution.

This means that if an international organisation wished to insert an advertisement promoting family planning it would be unable to do so, because of the amendment suggested. On the other hand a local organisation could take such a step. To continue—

> A person might also be convicted of an offence for publishing the very same statement that a proclaimed Clinic has previously published.

So we have the ridiculous situation where the association could put an advertisement in locally, but if some private individual were to do so internationally he would be liable to conviction. I do not say that this is a good or a bad thing; I am only concerned with the family planning association. I thought I should make this

statement so that members might have a chance to consider these aspects in an endeavour to convince me that any amendments that they might wish to move are necessary for the purposes of the Bill.

The other point I would like to make is that there are other types of advertising which are permitted and which are perhaps even more objectionable to certain people than is the advertising of contraceptives. Yet this aspect which is so vital in the lives of all families in this State is restricted in this manner.

I cannot see the sense of it. I could understand the position if some objectionable practices were likely to arise as a result of such advertising; if, for instance, a chemist were displaying such goods in an objectionable manner. This aspect, however, is covered by section 204 of the Criminal Code and the people concerned can be taken to court and charged with displaying obscene objects. This protection is provided both in the Criminal Code and in the Indecent Publications Act.

The other important aspect I would like to mention is the attitude of the pharmacists themselves. I do not think any member can present to this Chamber a recent case of a pharmacist doing what we are talking about. It is no good going back to 1939—that is in the dark ages—because we are talking about 1972, in which year there is an entirely different attitude to the planning of families and the use of contraceptives. The attitude now is entirely different from that which existed in 1939. There is little relevance in mentioning the fact that pharmacists in 1939 were offending in this manner. As I have said, the necessary safeguards are provided.

I am sure no member can bring to this House a verifiable instance of chemists displaying their goods in an objectionable manner either in this State or in South Australia, where such a law does not exist.

I believe that family planning is an accepted institution in the major overseas countries. Both the United Kingdom and the United States have legislation under which assistance is provided where it has been found that a general practitioner is not providing a sufficient service and accordingly it is necessary to have this back-up service, which complements the work done by the general practitioner. This legislation will not do away with the general practitioner at all. This type of legislation is seeking to remove the barrier which exists at the moment—and which is one among many—which the people of Australia would like to overcome.

The article to which I previously referred from *The Australian* lists the things that have been done across Australia in an attempt to change not only this aspect but other aspects of the legislation. I hope members will accept my Bill.

The Hon. A. F. Griffith: What about the question that the Minister for Police answered in respect to the attitude of the police and the statement which came from the police that the Bill was not necessary.

The Hon. R. F. CLAUGHTON: That is in the eyes of the Police Department. The Police Department is not concerned with the promotion of family planning; it is only concerned with the policing of the law as it stands.

The Hon. A. F. Griffith: Even I know that.

The Hon. R. F. CLAUGHTON: As I have said no undesirable practices have been uncovered in a State where this law does not exist at the moment.

The Hon. A. F. Griffith: In other words you do not take any notice of what the police think about the matter.

The Hon. R. F. CLAUGHTON: I have not been informed of this matter except from what was said in Mr. Dolan's statement. Apart from this I do not know what the attitude of the Police Department is.

The Hon. V. J. Ferry: Nor does anybody else.

The Hon. R. F. CLAUGHTON: That is probably right. This aspect, however, is not the primary concern of the legislation before the House. We should not adjust our society to suit the Police Force. If we did that we would never be able to step into a motorcar without some comment being made. In any case the matter is not at all relevant to the Bill.

Question put and passed.

Bill read a second time.

QUESTIONS (5): ON NOTICE

1. FRUIT FLY

Declared Areas

The Hon. G. W. BERRY, to the Leader of the House:

(1) In each of the years 1967 to 1971 inclusive, has the incidence of Mediterranean Fruit Fly increased in Western Australia?

(2) Have any previously "free" areas been "declared fruit fly" areas during this period?

(3) If so, where are they?

The Hon. W. F. WILLESEE replied:

(1) The overall incidence of fruit fly in the years 1967-71 has not increased. There is variation in incidence of fruit fly from season to season as a result of climatic conditions particularly in the metropolitan area. These seasonal variations are indicated by the low level of incidence in 1969-70 followed by a high level in 1970-71 and then a return to a moderate level in 1971-72.

(2) No.

(3) Answered by (2).

2. WATER SUPPLIES

Bores

The Hon. L. A. LOGAN, to the Leader of the House:

(1) What is the depth of the five shallowest bores from which the Metropolitan Water Board is pumping water to be used for domestic purposes?

(2) Where is the location of these bores?

The Hon. W. F. WILLESEE replied:

(1) Between 106 ft. and 136 ft.:—

Bore No. 25—106 ft.
No. 26—136 ft.
No. 27—128 ft.
No. 34—121 ft.
No. 35—125 ft.

(2) Gnangara, as detailed on the plan which, with permission, I hereby Table.

The plan (Paper No. 111) was tabled.

3. EDUCATION

Collie High School Canteen

The Hon. S. T. J. THOMPSON (for the Hon. T. O. Perry), to the Leader of the House:

(1) How many contractors tendered for the building of the canteen at the Collie High School?

(2) What are the names and addresses of the contractors who tendered?

(3) What was the contract price in each case?

The Hon. W. F. WILLESEE replied:

(1) 11 including two late tenders.

(2) and (3) Name of tenderer, address and amount of tender, are as follows:—

A. Ietto, Shire Crescent, Brunswick—$17,282.

J. & N. Corradetti, Hutton Street, Collie—$17,710.

W. Palmer & Co., Collie—$18,300.

Gulvin & Ruggeri, 51 Swanston Street, Collie—$21,756.

T. D. Scott Pty., Bunbury—$24,506.

Alexanders Construction, 145 Central Avenue, Inglewood—$27,520.

Geo. A. Esslemont & Son, P.O. Box 82, Applecross—$29,864.

D. Murphy, Constructions, 57 Pearl Parade, Scarborough—$41,750.

B. Marie & Co., 19 The Strand, Meltham—$44,700.

Two late tenders—received 2.50 p.m., tenders closed 2.30 p.m.

A. Holst & Co., Collie—$22,300.

J. Devereaux Allanson, Bunbury —$22,200.

4. POLICE

Provision of Meals for Prisoners

The Hon. S. T. J. THOMPSON, to the Minister for Police:

(1) Is the officer in charge at country police stations responsible for providing meals for prisoners?

(2) If so—

(a) what is the amount allowed for each meal; and

(b) how long is it since this figure was reviewed?

The Hon. J. DOLAN replied:

(1) In most instances.

(2) (a) Except where the ration system operates, 80 cents per meal at stations in the north-west, and 70 cents per meal at other stations. Where the number of meals provided exceeds an average of 24 per day, calculated monthly, then the rate shall be 60 cents per meal in the north-west and 50 cents at other stations.

(b) Recently reviewed and the rates shown in paragraph (a) apply as from the 1st April, 1972.

5. TRANSPORT

Cartage of Superphosphate

The Hon. S. T. J. THOMPSON (for the Hon. T. O. Perry), to the Minister for Transport:

(1) Was any contractor charged for illegal carting of bulk superphosphate in 1971?

(2) If so—

(a) who was the contractor;

(b) on what grounds was he charged;

(c) did he have a stamped lease agreement for the lease of his truck; and

(d) was he convicted?

The Hon. J. DOLAN replied:

(1) Yes.

(2) (a) V. E. Sholz & Sons of Koojan.

(b) Operating vehicles without licences under the Transport Commission Act.

(c) An agreement purported to have been entered into with farmers was produced.

(d) Yes.

BEEKEEPERS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 20th April.

THE HON. V. J. FERRY (South-West) [5.21 p.m.]: This is a relatively small Bill designed to achieve a relatively small purpose by seeking to amend section 8 of the Beekeepers Act of 1963. The purpose is to extend the period covered by the registration fee from 12 months to every five years. I believe the measure is worthy and reasonable, and I support it.

THE HON. R. H. C. STUBBS (South-East—Minister for Local Government) [5.22 p.m.]: Mr. Ferry has certainly researched this measure and found it is something that is necessary. I therefore thank him for his support of the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by The Hon. R. H. C. Stubbs (Minister for Local Government), and passed.

BEE INDUSTRY COMPENSATION ACT AMENDMENT BILL

Second Reading

Debate resumed from the 20th April.

THE HON. V. J. FERRY (South-West) [5.25 p.m.]: This Bill seeks to amend the Bee Industry Compensation Act, 1953-1963 which is important to the bee industry. I do not propose to take up much of the time of the House, but I wish to make some comments on the compensation fund in so far as it affects those engaged in the industry.

Actually there are three categories of commercial honey producers in Western Australia at present. In the first category could be placed a comparatively small number of specialist apiarists engaged solely in the production of honey. They operate on a fairly large scale and transport their hives from district to district in accordance with their judgment of the prevailing conditions of the season.

In the second category are some substantial producers who are engaged in agricultural activities and who use their farms as a central site from which to transport their hives to other areas.

The third category would comprise many farmers and orchardists who may keep a few hives and produce honey only as a sideline. So we have this categorisation of beekeepers in this State.

The value of the honey produced by all these commercial producers varies considerably from season to season. At times the value can exceed $500,000, and yet, for the year ending the 30th June, 1971, the value of honey produced was only $266,000.

When the Minister introduced the measure to the House he gave very little information on the background of the compensation fund. I find it a little disturbing that we have so many Bills introduced to this House in recent times without sufficient information being made available on the matter dealt with in the Bill concerned.

The Beekeepers' Compensation Fund plays a most important role in the industry. For that reason far more information should have been given to the House by the Minister in his second reading speech. I have discovered that it was as far back as 1899 that a Contagious Diseases (Bees) Act was put through this Parliament and it was these circumstances that brought about the birth of legislation dealing with compensation. Legislation was introduced in response to a request from bee producers at that particular time and this resulted from a motion moved at a beekeepers' conference. That was before the turn of the century.

Therefore this legislation is nothing new and it illustrates the importance of the compensation fund to the bee industry. I understand that the money held in the fund at the moment is something of the order of $1,105. That is not a large amount and, in fact, it is well below the maximum figure of $6,000 authorised under the Act at present.

One of the purposes of the Bill is to increase the limit to $30,000, and this will be available for a five-year period. Members will realise now that this measure is somewhat complementary to the last Bill passed by this House a few moments ago.

Under the Act every beekeeper contributes to the compensation fund a license fee at a rate to be prescribed by the committee, but not to exceed an amount of 5c for each colony of bees owned by the beekeeper at that date. The Bill sets out to increase contributions from 5c to 25c for a five-year period. I wonder what the situation will be in the event of the compensation fund not having sufficient funds to meet the need if circumstances of that nature do arise. I believe that in practice the funds will be available and may be expected to meet any challenge.

I hope this is the case, but if the fund is insufficient, provision is made for the Treasurer to make advances to the committee charged with the responsibility of administering the fund to meet any financial call from time to time. This advance from the Treasury is for just that purpose. It is only an advance and must be repaid from the fund as and when further contributions increase the amount.

The committee administering the fund comprises three persons. One is an officer of the Department of Agriculture and

the other two represent, I believe, commercial beekeepers. The committee meets as and when necessary. I believe it does not have any set meeting periods, but from my inquiries I gather the system appears to work fairly satisfactorily.

The Department of Agriculture is charged with the responsibility of looking after the welfare of the bee industry as this relates to disease control particularly, and I rather admire the way in which it is apparently able to do this over such a big area as Western Australia.

To assist it in this work it has a field inspection staff comprising one senior inspector, one inspector, and one field technician.

In respect of the compensation itself, the beekeepers must apply in writing under the Act which this Bill proposes to amend, before they can qualify for such compensation. The compensation is not paid at the discretion of the committee without an application from the beekeepers. They must apply and explain their need of the compensation.

My inquiries reveal that the amount paid from the compensation fund varies from year to year, naturally enough, but more usually it is between $800 and $1,000 a year. Of course, no-one knows from time to time just what call will be made upon the fund because diseases have an unhappy habit of being prevalent at certain periods.

We are rather fortunate in Western Australia that our bees do not have a large number of serious diseases. Perhaps the worst one would be the foul brood disease. The name is derived from the foul smell which comes from the contaminated bees and hives. It is to be found in some areas of the south-west; that is, in the Walpole, Nornalup, and Denmark areas, and a little further east, to Ravensthorpe particularly. I understand an area is also to be found in the vicinity of Narrogin.

The Hon. S. T. J. Thompson: It is right through the great southern area.

The Hon. V. J. FERRY: That information indicates that I am correct. The disease is reasonably widespread. I understand that the better apiarists are able to obviate the disadvantages of this disease, particularly when the honey flows are in the south-west because they take their hives to the area after the honey flow has commenced and remove them before the flow concludes. By arranging their husbandry in this way they are able to protect their bees because while they are in the area they are extremely busy, and then they are taken away before the honey flow diminishes to such an extent that the bees are encouraged by nature to scavenge in other areas for sources of supply. They do in fact frequent holes in the ground and in some areas around Ravensthorpe they go down mine shafts and other holes such as old ants' nests. Perhaps Mr. Stubbs would know something about this.

That is the situation. As I have said, the better apiarists do, in fact, look after their hives in this manner and therefore their bees are not subjected to the contamination of this disease.

The main variety of bees used in the commercial world is the Mediterranean variety or the Italian breed, but I will not go into that. Other breeds have been used from time to time, but the Mediterranean or Italian variety is the main one.

I come back to the point I made earlier. I believe that when the Minister introduced the Bill he should have given a greater depth of information to the House because this is an important measure. It is not just a simple Bill like the previous one, because it affects the welfare of the bee industry in this State. If we do not offer some protection to the industry by eradicating and preventing disease we will not have the industry which does serve a useful purpose on the agricultural scene in Western Australia, quite apart from bringing in dollars to those engaged in it.

So, I recommend that this Bill be agreed to and I have pleasure in supporting the second reading.

THE HON. R. H. C. STUBBS (South-East—Minister for Local Government) [5.38 p.m.]: I wish to thank Mr. Ferry for supporting the Bill. He had me a little worried at one stage, but he came good. The Bill provides compensation for bees affected by diseases and hives which must be destroyed because of diseases. The matter was referred to the beekeepers' section of the Farmers' Union which gave it its blessing. It was quite happy with the Bill, with the contribution, and with the fact that the fund would be built up to $30,000.

As Mr. Ferry said, I have had a little experience with bees and they do go to unusual places. I have seen them in mine shafts and they have been the bane of people on holiday around the coast. During the off-season the bees get into chimneys and when the holidaymakers light their fires, they are smoked out. The bees also get into walls. They certainly find some peculiar places in which to set up house.

The Hon. A. F. Griffith: They get into some people's bonnets at times, too.

The Hon. R. H. C. STUBBS: I will not elaborate on that point and say who has bees in their bonnets, because I am too polite. I again thank Mr. Ferry for his support of the Bill which I commend to the House.

The Hon. W. F. Willesee: Most co-operative member. Thank you. I suggest you take many more Bills in future.

The Hon. V. J. Ferry: Where to?

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by The Hon. R. H. C. Stubbs (Minister for Local Government), and passed.

ZOOLOGICAL GARDENS BILL

Second Reading

Debate resumed from the 20th April.

THE HON. A. F. GRIFFITH (North Metropolitan—Leader of the Opposition) [5.43 p.m.]: I suggested to the Leader of the House in conversation that I might address myself to this Bill even at this late hour in the afternoon because it would not take me very long to do so.

The Hon. W. F. Willesee: Could you make that a practice in future?

The Hon. A. F. GRIFFITH: Not necessarily—

The Hon. W. F. Willesee: I tried.

The Hon. A. F. GFIFFITH: —because all the Bills the Leader of the House introduces are not as easy and uncomplicated as this one. I propose to offer my support for the second reading of this Bill and, in the process of some brief remarks, to make a suggestion to the Government which between now and next week the Government might study. That was my purpose in suggesting I might speak to this Bill this afternoon.

The original legislation was assented to on the 28th October, 1898. As far as I can see three amendments have been made to it since that date, and on each of those occasions section 5 was amended. That section contains the power of the trustees to mortgage; and, no doubt due to the change in money values, while the original amount was £5,000 in 1916 it was increased to £6,000. In 1919 the amount was further increased to £7,000, and in 1955 it was increased again, this time to £15,000.

As far as I can see, that is all that has ever happened to the legislation providing for the conduct of what all Western Australians know as "the zoo" at South Perth, or the Zoological Gardens of Perth.

I am sure the Zoological Gardens have given a great deal of pleasure and entertainment to hundreds of thousands of people since they were first established many years ago. From time to time there have been rumblings that the zoo should be moved to another place, but it is not my intention to comment about that.

When I look at the principal Act and the proposed amendments, I can quite understand the reason for this Bill. The Crown Law Department has advised that, to say the least, there might be some legal doubts about the original Act. The Bill now before us proposes to clear them up.

Apart from the power to mortgage, I could not find in the principal Act any other provision for the trustees or the board to raise money. I can only assume that the funds necessary to run the Zoological Gardens will come from Consolidated Revenue and be included in the vote of the Minister for Lands.

I have only one point of disagreement, and it is the subject of the suggestion I would like to make to the Government. Examination of the principal Act will show that it provided for the appointment of six members to the board. Section 3 of the principal Act states—

> The said gardens shall be under the control and management of a committee of six members, to be called the "Acclimatisation Committee" . . .

Clause 6 of the Bill states—

> 6. (1) The Board shall consist of such number of members as the Governor thinks fit to appoint of whom one shall at the time of his appointment as member, be designated by the Governor to be the President of the Board and another shall be so appointed Vice President of the Board.

I think it would be advisable to place a limit on the number of people who would constitute the board. I suggest to the Government that the board should consist of seven persons appointed by the Governor, one of whom shall be the president, etc.

A number of precedents exist for this sort of thing. I do not know whether the board has run into any voting difficulties with an even number of six members, but if one follows the Bill through a board comprising seven members should not run into voting difficulties. The voting functions of the board are set out in clause 7, which provides that the majority of the members for the time being will form a quorum and questions arising at a meeting shall be determined by a majority of the valid votes of the members present. The clause also says that subject to the Act the board may regulate its procedure as it thinks fit.

It could be said that if there were an even number of members present the voting could be even, but in any case we have no indication of the number of people who will be on the board. If the Bill states that there will be seven members it will be clear in the minds of the public that the Zoological Gardens will have a committee of management of seven people appointed by the Governor, one of whom shall be the president, and the board can then get on with its job.

In 1967, we amended the Fauna Conservation Act and constituted a board of 11 members. It was stated who they would be and that they would be appointed by the Minister. The important point is that the required number is stated. It is not necessary to do so but I think it will have a sobering effect—if I can put it that way—in relation to expenditure. Instead of having no idea how many people will be appointed to the board, we will know there will be seven, and the legislation sets out that their remuneration, expenses, travelling allowances, etc., shall be as the Governor from time to time determines. It will be much clearer what will happen in the conduct of the board.

That is the only comment I have to make. I suggest that between now and next week the Minister in charge of the Bill avail himself of the opportunity to consult with his colleague, the Minister for Lands. I have not put an amendment to this effect on the notice paper and I do not think I need to do so because it is a very simple amendment. One would need only to move the deletion of the words "such number of members as the Governor thinks fit to appoint" and insert in lieu the words "seven members appointed by the Governor". I now give notice that if the Minister does not move the amendment, I will. I hope he will find the suggestion acceptable and I support the Bill.

THE HON. R. H. C. STUBBS (South-East—Minister for Local Government) [5.52 p.m.]: I thank the Leader of the Opposition for his support of the Bill and his research. He certainly researches Bills and makes useful comments on them. Sometimes we do not like those comments, but on this occasion if he will allow the Bill to pass the second reading stage I will consult my colleague in another place and perhaps place an amendment on the notice paper. I think the suggestion is reasonable but, as it is not my Bill, I will consult with the Minister for Lands.

The Hon. A. F. Griffith: Do not commit yourself. I have seen what happened to you before.

Question put and passed.

Bill read a second time.

House adjourned at 5.54 p.m.

Legislative Assembly

Thursday, the 27th April, 1972

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

BILLS (6): INTRODUCTION AND FIRST READING

1. Iron Ore (Mount Bruce) Agreement Bill.
2. Iron Ore (Wittenoom) Agreement Bill.
3. Iron Ore (Hamersley Range) Agreement Act Amendment Bill.
4. Iron Ore (Rhodes Ridge) Agreement Bill.

   Bills introduced, on motions by Mr. Graham (Minister for Development and Decentralisation), and read a first time.

5. District Court of Western Australia Act Amendment Bill.

   Bill introduced, on motion by Mr. T. D. Evans (Attorney-General), and read a first time.

6. Traffic Act Amendment Bill (No. 2).

   Bill introduced, on motion by Mr. Bickerton (Minister for Housing), and read a first time.

PUBLIC SERVICE ACT AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by Mr. J. T. Tonkin (Premier), and read a first time.

Second Reading

MR. J. T. TONKIN (Melville—Premier) [11.13 a.m.]: I move—

> That the Bill be now read a second time.

This is a very simple Bill which will not take long to explain. Section 52 subsection (3) of the Public Service Act, as it exists at present, provides—

> With the written consent of the Permanent Head the annual leave for recreation of an officer may, when the convenience of the Department is served thereby, be allowed to accumulate for not exceeding three years' entitlement.

Clearly it is not possible for an officer to accumulate leave beyond that period and therefore a conscientious officer whose assistance is needed at a vital time works on when he ought to be taking his leave. As a result he forfeits his leave. In consequence of this provision a number of officers have forfeited leave over the years. This has not been to suit their own convenience but to suit the convenience of departments and, particularly, Ministers. They were unable to take their leave within the prescribed period because their services were required. I do not know what others think, but I definitely believe this is an injustice and a conscientious officer should not be penalised because he works when he is required and he chooses to do that rather than go off on leave. It is no fault of their own that officers devote themselves unselfishly to their work, so why should they suffer what is indeed a severe penalty?