

is agreeable, and provided the child does not buy the liquor. If I took it upon myself to supply to all and sundry of these youngsters, then neither they, the owner of the premises, nor I would commit an offence.

Mr. Brand: What about the 18 to 19 years age group?

Mr. GRAHAM: They are not allowed to be supplied with or to drink liquor on licensed premises.

Mr. Brand: You were making your point by referring to the 15 and 16-year-olds. As the law stands, it covers the 18 to 20 years group.

Mr. GRAHAM: That is so. I was merely giving emphasis to my point by referring to the very young ones.

Mr. Brand: The problem lies with the older group.

Mr. GRAHAM: If Parliament in its wisdom decided that 21 years was the lawful age at which persons might enter licensed premises of all types to purchase and consume liquor—I do not suggest 21 years is the correct age—we should give consideration to applying the same rule to the other places to which the public has access. We cannot put a blind eye to what is now going on. I hope that my several criticisms of the Government will not be construed in this light: that I desire to be mischief-bent, or to score politically.

I am appealing to the Government; and, if it makes the Minister for Industrial Development happy, let me say I agree with him that all Governments—including the one of which I was a member and the one of which he is a member—have missed the bus, and have been somewhat slow in facing up to this problem. Now it has suddenly hit us, like automation which is increasing daily. Whatever the position, it is being accentuated with every day that passes; and the youth of this country are worthy of some consideration. I think we could sacrifice a little of the economic development and a little of the social services and other benefits in the interests of our State; which, I say, are basically the interests of our young people.

Sitting suspended from 6.15 to 7.30 p.m.

MR. DURACK (Perth) [7.32 p.m.]: It is with a great sense of privilege that I address you, Mr. Speaker, and the other members of this House for the first time. First of all, I would like to extend to you, Sir, my congratulations on your re-election to the high office of Speaker; and I would like to thank other members for the courtesies and good wishes which they have extended to me as a new member of this House. I have, since I was a first-year law student, had a great interest in the history and theory of Parliaments and it is now, for me, a great privilege to be able to participate in the practice of Parliament.

I think it is quite a reflection on the modern role of a member of Parliament and perhaps the changes in the practice of Parliament that I should have been a member of Parliament for nearly six months before I actually have had the opportunity of addressing this Assembly. In my short experience I find I have been called upon to deal with a great variety of matters which are new and should be given more consideration in the general theory and tradition of Parliament. I find that it is the practice of members when speaking on this debate we are now addressing to His Excellency the Governor to speak at some length about various problems affecting their electorates. I am sure that members have a great deal of knowledge of my particular electorate as it is under their constant view and consideration, and I doubt whether there is much I can contribute to their knowledge of the electorate of Perth. However, I think I should, in this my maiden speech, say a few words about certain problems as I see them which particularly face the city of Perth.

I think it is obvious that there are great plans for the development of the city which are already made and which are being put into practice and which will be extended and reformulated; and all of which will, in the next decade, make very great changes, which I am sure will be largely for the better, in our city and its general complexion and spirit. The changes that are occurring and the plans that are now being made are particularly evident with regard to the planning of road and rail transport; and, of course, there are the big private developments of buildings and so forth which are taking place and which will take place even more prominently.

There is one matter on which I could express a general view; that is, in regard to the way in which the planning of our city—and indeed our town planning generally—is carried out. In regard to the planning of the city, firstly I would like to say that I sincerely hope our planners will always have regard, and particularly high regard, to the preservation and extension of the natural beauties of our city. For that reason I was very pleased to note the great plans the Government has for the beautification of the approaches to the Narrows Bridge. I feel this area as planned will give the citizens of Perth an opportunity of getting closer, as it were, to their river and of enjoying it by having the opportunity of walking around it, sitting alongside it, and generally contemplating the beauties of nature that are available to us in that area.

I feel that in the past there has been a certain lack of opportunity in the immediate city area for such enjoyment; and I would hope that in future, the planning of our city will not be entirely dominated by the demands of the motorcar. I feel

that I should also say something about the way planning is carried on and the great need that all such planning should be done in the open in conjunction with the people of the area where such plans are to take effect.

This, I feel, refers generally to the provisions of our town planning legislation; and I am not here speaking solely in regard to planning for the city of Perth, although that is perhaps the most obvious to us. I am of the opinion that there is a lack of procedures available under our town planning legislation for the ordinary citizens and members of the public to express their own ideas and, perhaps, their criticisms of the experts.

Indeed, in a small community such as ours it is not possible to have such a variety of expert opinions on these matters; and I feel we should always bear in mind that although we engage experts—and I am pleased to note several new appointments of overseas experts have been made recently in the town planning sphere, who I am sure will have much to contribute—experts themselves differ in their opinions. Therefore opportunities should be made available whereby plans and criticisms of plans can be aired at a public inquiry in order that any problems might be resolved.

I was very impressed recently on reading in *The Listener* a report of a talk given by an English town planner on the methods which should be adopted by town planners when they are considering the planning of a particular area or town. He indicated that a good town planner will conduct a door-to-door canvass—with which we as politicians are familiar—in the area which is to be planned. Before the plan is formulated the town planner or his staff goes around to try to find out from the people of the area what they themselves feel about the way in which their town or city should be changed.

In addition to the door-to-door canvass, there is in England and in the United States an opportunity for citizens to express their views at a public inquiry, which is very commonly ordered if any conflict arises. At such an inquiry the principal people affected by the proposed plan can appear themselves and be legally represented and call evidence from experts and others as to the way in which they feel the plan as laid down should be modified. Finally the person holding the inquiry reports his findings to the Minister who is, as under our legislation, ultimately responsible for the decision.

It seems to me that these procedures give citizens an opportunity of being able to contribute their own ideas, and it also gives experts the opportunity of contributing their ideas before the formulation of the final plan which is adopted.

Lastly in regard to this matter I would like simply to express some criticism which from experience I feel could be levelled at our experts and bureaucrats in the field of town planning. There has sometimes been a tendency for experts—and it is natural enough—to decide matters solely on the basis of efficiency and material progress and in accordance with their own particular expertise. They resolve some problems with a certain coolness and indifference to the actual effect on individual human beings. So much for the question of town planning.

The other matter on which I would like to address a few words in this debate concerns the administration of the law. This—the law having been my profession for most of my working life—is a subject on which I could contribute a few thoughts to this House.

First I would like to say and record what a great improvement there has been in recent years in the administration of justice generally in this State, and also the extent to which the present Government has given attention to the problems of law reform. I was looking at the Statutes of Western Australia over the past few years and I was really quite astounded to see how much of our present modern legislation has been introduced and passed by this Parliament in recent years.

However, many more problems remain in this field which must be faced, and I have every confidence they will be faced in the life of this present Government. But it is not so much on the particular question of law reform or private law legislation about which I wish to speak tonight. It is more in regard to the administration of the law in the courts and the part the legal profession plays.

We must realise that today a greater number of citizens are involved in court proceedings than ever before, largely due to the increased use of motor vehicles involving those concerned in appearances in the traffic court. One of the most important statements made in regard to the administration of the law is that not only should justice be done, but justice should be manifestly seen to be done. That was said by the Lord Chief Justice of England some 40 years ago, but it is as true today as it was then, and it is one of the important adages which should always be borne clearly in mind.

The administration of justice in our courts in this State is working, I am happy to say, very smoothly indeed. The number of Supreme Court judges has been increased and the buildings of the Supreme Court have been extended, and extended in a most impressive fashion. There are now virtually no delays in the hearing of cases in that court. Similarly, the magistrates' courts have been improved and extended in the City of Perth. This perhaps does not apply to some country courts

as much as some members would like. The magistracy itself has been increased in number and, I feel certain, in quality.

However, there is one problem I would like to bring to attention and it involves the ordinary citizen and his dealings with courts. It is the need to preserve fully the status of the legal profession. Contrary to the views which are held by many people, the legal profession as a whole is by no means a wealthy one. For the number of hours lawyers put into their work, the remuneration is by no means great by comparison with professions generally, and, indeed, to the lawyers' salaries paid by both State and Federal Governments.

I submit to you, Mr. Speaker, that it is vitally important that the status of the legal profession should be properly preserved and that there should always be the fullest opportunity for the ordinary citizen to have legal representation in all matters in which he is involved. That does not only involve him in litigation between fellow citizens, but also involves the ordinary citizen—I feel even to an increasing extent these days—in his dealings with Government departments and Government agencies. There is a constant increase in the activities of Governments and in the laws and regulations which are being made and there is, more and more, a demand by the ordinary citizen for expert legal advice and assistance.

The ordinary citizen is limited in that respect in obtaining advice from two sources. Firstly, there is a great deal of legislation in this State—for some reason or other, unfortunately—which restricts the right of legal representation of the ordinary citizen before various tribunals. That, I feel strongly, is quite contrary to principle, and quite contrary to the rights of the ordinary citizen, who has to have expert guidance when he is rubbing shoulders with any agency that is administering any aspect of law or regulation.

The other limiting factor—and I suppose it is even a much greater one—is that of cost. Some years ago we had inaugurated in this State a legal aid scheme. It was a very good start indeed. However, the actual assistance given and the actual carrying out of that scheme—apart from the administration by a secretary and a small staff—is done almost entirely free of cost by individual members of the legal profession, and that is a burden which is increasing year by year. It is one which I feel the profession cannot continue to carry indefinitely in its present form.

I have here the latest report of the Legal Aid Committee, which shows that in the year ended the 30th June last, there were 1,081 applications to the Law Society—or the secretary of the Law Society, who administer the scheme. Of those 1,081 cases, 315 were ultimately referred to practitioners, and the work on those 315

cases was carried out by practitioners, in almost all cases, without any remuneration. I think that it would be of interest to members of this House to know that the appeal by Darryl Beamish to the High Court and the Privy Council was carried out by members of the Law Society under this scheme.

There is also reference in the report to the effect that one legal practitioner carried out no fewer than nine assignments in the course of one year, and two Queen's Counsel had each accepted three cases in that year. The burden of this scheme is not one which can be spread evenly over all members of the legal profession practising in the State because the nature of the work on which legal aid is required falls on a very small section of practitioners. This is because in the spheres of criminal law and matrimonial law and claims for damages there is only, in fact, a small proportion of the legal profession specialising. By far the greater majority of applications are in those spheres.

And so, Mr. Speaker, I suggest to the House and to the Government that earnest consideration should be given to extending the legal aid scheme by further subsidising it in order to keep up with this increasing burden that is being placed on the legal profession, and to satisfy what is an increasing demand by the citizens of the community for expert legal aid and guidance.

I know it is all very well to make these suggestions or point to a particular problem. I am sure the Government is fully aware of the problem; and, as in so many of these cases, it is largely—in fact, almost entirely—one of cost. However, in that regard I would like to make a suggestion which I think would be of considerable help in the discharge of that financial burden. All solicitors in practice maintain a trust account; and under their responsibility—legally, morally, and ethically—that account must be kept separate and quite sacrosanct. However, as in the case of a banker, because of the money that is deposited with him, there is always a substantial credit in a solicitor's trust account.

I feel that legislation could well be considered which would require solicitors to deposit a certain proportion of their trust account with a statutory body set up to administer such a scheme. The money would then be available for investment on short call. This is a scheme and method which has been adopted, I understand, in Victoria, in order to finance a fidelity fund by the legal profession. So it is not something revolutionary; it is not an idea which is particularly new. But it would be a way in which moneys which are lying idle and which are really only benefiting the bankers with whom these accounts are kept, could be used to advantage. The moneys could be used for

short-term investment and would provide a small amount of finance which could provide a proper legal aid scheme for the citizens of this State.

That, Mr. Speaker, completes the two matters on which I wished to address you and members of this House during this debate. I think both matters do tie together, in my own mind at all events, indicating that we as members of Parliament should always, in our deliberations here and in our legislation and our administration of the laws, have, first and foremost, regard for the individual members of our community for whom we legislate and on whom our deliberations will fall.

MR. ROWBERRY (Warren) [8 p.m.]: At the outset, Mr. Speaker, I wish to offer you my own personal congratulations on once more being elected to the high office of Speaker. I do not know whether I should mix these congratulations with a degree of sympathy for I cannot imagine that a man of your disposition would not rather be indulging in more active spheres instead of having to swallow and listen to all the multitudinous words which are poured out in this Chamber.

Mr. J. Hegney: He has no alternative.

Mr. ROWBERRY: However, Mr. Speaker, I do sincerely congratulate you on your reappointment and also on the way in which you have carried out your duties so far. I believe you will carry out your duties in the future, as you have done in the past, to the best of your ability, irrespective of pressures from right or left. That is expressed as much in hope as in congratulations.

I should also like to offer my congratulations to the Government which, through fortuitous circumstances over which it has no control, has once more been elected to govern this State of Western Australia. I congratulate the individual members who have been returned and particularly the new members who have contributed to the debate on the Address-in-Reply. There was one point I did notice, and this is something about which I am very sensitive: all to whom I have listened have taken some pains to see that their words were heard by everyone in the Chamber. I congratulate them on their voices and I would also like to congratulate some of them on their eyesight. However, I sincerely think that the contributions made by the new members on the Government side have been most impressive and have merited all the plaudits that they received.

I was particularly interested in a remark passed by one of the new members when he said that a member who sincerely believed in something should have the courage of his convictions and should stand up and express them. I would remind that honourable member that he is

beset on one side by the devil of the Press and on the other side by the deep sea of public opinion; then, if he escapes those two great dangers, there is yet another that might beset him—he might get offside with the leaders of his party.

It is one thing to have courage; it is another thing to have the ability to express what one thinks; and it is still another thing to be able to put up with the consequences; because, believe me, the Labor Party is not the only party in politics that is beset with troubles on the selection of candidates. It could be that members who express themselves too freely on things that they think should be expressed could be beset with the great danger of the selection ballot at the end of their term.

Mr. Lewis: You are very conscious of that at the moment.

Mr. ROWBERRY: I am extremely conscious of it; but it was said more in sympathy for other people than by way of self pity.

When a member has represented his electorate for three years he goes before the electors at the end of that time and he finds that all the hard work he has done in the intervening three years does nothing whatever to dissipate his anxiety that he has done enough to make the populace accept him the next time. That is something which every member has to put up with. Uneasy lies the head that wears a crown, but more uneasy lies the head that represents a district which is called a swinging electorate.

Mr. Bickerton: It is better than a swinging member.

Mr. ROWBERRY: We hope he does not swing too high! These facetious remarks aside, I rose to take this opportunity of putting forward a plea, along with other members, on behalf of the people whom I represent. It has been said that the reason why Parliament has to sit such long hours at the end of a session is that members spend far too much time on the Address-in-Reply. I hope that the Government in this session will not be tardy in bringing forward its legislation and will not try to pack into the last three or four weeks of the parliamentary session important legislation which, with the pressure of time, and the tiredness and fatigue of members, is not given the serious consideration it warrants for the benefit of the citizens of this State. I hope the Government—the Premier and his ministers—are listening to this.

I want to say something on agriculture. I listened with interest to the Premier opening a conference of the apple and pear growers of Australia a few days ago, and I gathered the impression that he was slinging off—to use a slangism—at a certain section of our community which deals with ships and with waterside labour. He seemed to give the impression that the