available. However, as I have said, with the high price of land many speculators, whom we deplore, could have their fingers burnt with the land boom.

I would like to quote an experience I had in Melbourne. Whilst I was there I obtained a good deal of literature about the problem, because everywhere I went I saw new subdivisions opening up; and if one parked one's car for a few moments one found pamphlets put under the windscreen wiper. I was out at Phillip Island on one occasion, and I shall quote my experience because it gives an indication of the situation that applies in Victoria. Similar to Sydney, Melbourne has a population of over 2,000,000 people—approximately 2,200,000, I believe. Phillip Island is 50 miles out of Melbourne.

The SPEAKER: The honourable member has five more minutes.

Mr. GRAYDEN: I would put Phillip Island ahead of the Gold Coast as a tourist resort. It has everything. It is a most beautiful island, connected to the mainland by a bridge, where one can see penguins, mutton birds, seals, koala bears, and other types of wild life. There is safe sheltered swimming to be had with magnificent views, and excellent fishing. The advertising pamphlet reads—

> Land For Sale—Ventnor Beach Estate
> Safe Sheltered Swimming
> Magnificent Views
> Golden Sand
> Proposed Launching Ramp
> Excellent Fishing
> Unique Position
> Terrific Value
> Easy Terms over 4 years
> Deposit only $10.00
> Repayment $16.00 monthly.

This land, of course, is in a different category from land in the metropolitan area. So we find that for a total of $778 payable over four years on a $10 deposit it is possible to purchase a block in that area; and I would say that if one scoured the whole of Western Australia one would have difficulty in finding a block which had so much to offer. This position obtains within 50 miles of Melbourne. If we compared this land with that at Mandurah, we would find we would need a population of 2,500,000 in order to justify some of the prices people are having to pay at the moment.

By this I do not mean to indicate that land prices here are higher than they are in the Eastern States. As far as I am concerned, however, they are higher for land in holiday areas. But this does not apply in the city. I merely quote this extract to illustrate that if speculators are going to continue with these high prices, and if the Government does not take action to overcome the problem, a great number of people will be in trouble.

Finally, I would like to mention that the other day I received a card from an estate agent on the back of which was written, "One good investment is worth a lifetime of toil." I would hate to see the situation develop in Western Australia where this State became a land speculator's paradise and where people could make big investments at the drop of a hat. I would not like this to prevail in a State where there are men and women who are prepared to become qualified tradesmen, or to acquire other skills, and who wish to make a contribution by way of a fair day's work for a fair day's pay. I would not like speculators to go on making fortunes when there are in the country so many people prepared to make a contribution to the society in which they live.

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

Ayes—20

Mr. Bateman	Mr. Jones
Mr. Bertram	Mr. Lapham
Mr. Bickerton.	Mr. May
Mr. Burke	Mr. McIver
Mr. H. D. Evans	Mr. Moir
Mr. T. D. Evans	Mr. Sewell
Mr. Fletcher	Mr. Taylor
Mr. Hall	Mr. Toms
Mr. Harman	Mr. Tonkin
Mr. Jamieson	Mr. Davies

(Teller)

Noes—23

Mr. Bovell.	Mr. McPharlin
Mr. Brand	Mr. Mensaros
Mr. Cash	Mr. Mitchell
Mr. Craig	Mr. O'Connor
Mr. Dunn	Mr. O'Neil
Mr. Gayfer	Mr. Ridge
Mr. Grayden	Mr. Runciman
Dr. Henn	Mr. Rushton
Mr. Hutchinson	Mr. Stewart
Mr. Kitney	Mr. Young
Mr. Lewis	Mr. I. W. Manning
Mr. W. A. Manning	

(Teller)

Pairs

Ayes	Noes
Mr. Norton	Mr. Nalder
Mr. Brady	Mr. Williams
Mr. Graham	Mr. Court

Amendment thus negatived.

Debate (on motion) Resumed

MR. MENSAROS (Floreat) [8.9 p.m.]: In rising to support the motion for the adoption of the Address-in-Reply so ably moved by the member for Kimberley, may I first add my own congratulations, Mr. Speaker, to those already received by you on your election to your high office.

As I had the distinction—if I may express myself thus—of serving my political apprenticeship under you, I am convinced through personal experience that you will lend to this high office the learned knowledge, dignity, and impartiality it demands.

My long-standing connection with you entitles me, perhaps, to express personal feelings and say that very few events could have given me more satisfaction than the fact that I am able to start my duties in this Chamber under your Speakership.

I would like to extend my appreciation and thanks to all Ministers and members of the House, who received me with the greatest courtesy, thus making it so much easier for me to efficiently commence my parliamentary duties here. The same thanks are due to the staff of Parliament House whose tactful assistance minimise the inevitable embarrassment of any new member which arises from his comparative ignorance of the rules and proceedings of Parliament.

The electorate of Floreat is a new one created by the recent redistribution of boundaries. Being its first member I have no direct predecessor; yet the southern parts of my electorate include the previous electoral district of Claremont. Accordingly, I think I owe as much to these parts of my electorate as to mention the unobstrusive but steady and loyal service of the former member for Claremont (Mr. Crommelin). To him I would like to extend my very best wishes for a long and happy retirement; and I feel sure that all members here will associate themselves with me in this respect.

I am very proud indeed, and feel a great sense of privilege to be here, and especially to represent the electorate of Floreat. I thank its electors for the confidence they expressed at the poll. At the same time I am conscious of the fact that our parliamentary system of Government, legislation, and representation, is based on political parties. It is proper, therefore, to express my conviction that the mandate I received from my electorate is not only a personal one; it is also one for the Liberal Party, whose policies I promised to uphold.

The veracity of this remark is more evident because the constituents of my electorate had the challenge and choice from all four political parties. It logically follows from this that while I shall try to assess and assert the wishes of my electors, the correct attitude for me to adopt is to support the majority opinion of the political party to which I belong. This, I feel, cannot be interpreted as a sign of weakness; on the contrary, it must be recognised as a political expression of strength.

Being in an entirely novel and singular position in this House, I hope I may be permitted to use this opportunity to express a personal note. Because I am the first and only member who did not inherit English as his mother tongue, and because I had to learn it as an adult, I cannot speak, and will not be able to speak, in exactly the same manner as do other members. Those members who are on the receiving end will, I know, be put to the inconvenience of hearing speeches from me with a different accent from that to which they are accustomed. Because of this I ask those members to listen to me with perhaps a little more tolerance and forbearance but only as far as my accent is concerned. I do not ask to be judged more leniently so far as my arguments or logic are concerned. On the contrary, I invite members to be more severe in their criticism in this respect.

My electorate is a fairly large one as far as metropolitan electorates go. It is by no means a complex unit with common interests, but comprises divergent suburbs with people of quite different age grouping, different social and community interests, and different occupational and financial status.

The people of the northern suburbs of Floreat and City Beach have very little, if any, interests in common with those of the people of Graylands or Jolimont. The large number of retired couples in Wembley and Swanbourne contrast sharply with the youngsters who have scarcely reached voting age in the flats of Daglish.

Consequently, the problems of my electorate touch on practically all Government departments, a fact which has already been reflected in my duties to my constituents during these short months since my election.

This is the reason that—contrary perhaps to general tradition and custom—I do not wish to single out any one problem of my electorate in this my maiden speech. I can deal with particular matters later when the appropriate occasions arise.

The two subjects which I would, however, like to mention tonight, and in respect of which I would like to leave, perhaps, some thoughts with members, were frequently discussed with politically interested constituents in my electorate and they are also somewhat related to my past education, training, and experience in law.

Firstly, I would like to deal with the administration of justice, especially as far as administrative—as opposed to common law—justice is concerned. The Government's decision—as it was announced in His Excellency's Speech—to introduce district courts is a great step forward and will adequately cater for increasing and geographically more widespread civil and criminal law cases, and it will cater for the necessary and desirable speed with which common law justice shall be done; but there is another huge province where individual citizens may seek justice, and this is the province of administration. Recently there have been a number of discussions and a number of voices from various sources about the rights of the individual and the community's infringement upon these rights.

Now, whilst I do not side with those political philosophers who think that all individual rights are absolute, are never subject to change, and have to be considered in a rigid dogmatic fashion; and

whilst I do recognise that inevitable and accelerating changes in the structure of our society do continue, and will continue, to change the concept of individual rights, at the same time I do maintain that there will always be individual rights which have to be recognised and which, on occasions, will inevitably be violated or will clash with the increasing administrative branches of our State.

The problem is how to deal with these violations and clashes in the most effective, expedient, and comprehensive way, obviating the need for specific legislation for every newly created administrative power; in other words, how to have administrative justice done to the greatest possible satisfaction of individual citizens and the administration.

At present, in some instances, administrative justice can be sought against decisions of various departments in ordinary common law courts where the right of appeal is granted—mostly by special legislation and almost invariably in matters of law only. In other instances the decision can be either appealed against, or it is taken in the first instance by an independent tribunal composed of laymen, experts, and lawyers, or a combination of some or all of them. In many instances though, there is no right of appeal at all against administrative action. The lack of this has been expressed in many suggestions in the community and even in this House.

I personally do not think that any of these suggestions would offer a comprehensive solution to the problem, nor do I think they are satisfactory in themselves.

I heard the Premier say recently that we do not want administration by an increasing number of tribunals, and I agree. On the other hand—and I beg to emphasise here, not out of party-political inspiration, but purely out of practical consideration—I cannot see a solution achieved by the institution of an ombudsman, because an ombudsman's function, limited as it is to inquiry, does not offer immediate relief to the justice-seeking citizen, and it can develop into an instituted, legalised form of blackmail against administrative officers.

I submit, Mr. Speaker, that the solution would lie in the establishment of an administrative court.

This may appear to be a revolutionary thought, but it is not really, if we are aware that a number of countries had this type of court established 100 years ago as part of their judiciary to safeguard individual rights and secure administrative justice. Since their establishment, they have all continued to work satisfactorily.

Let me show three different examples, those of Austria, France, and the United Kingdom. Austria, having a huge empire to administer, created an administrative court as far back as 1867. This lead was followed by several countries before the turn of the century. France, where the Civil Service has traditionally been a peculiar class, if not a caste, of society, went a step further—almost to the extreme. That country has administrative courts which not only deal with administrative matters but also have within their jurisdiction all common law cases where the litigants or defendants are public servants. This extended part of the system, to my mind, is by now obsolete and impractical.

In the United Kingdom the ordinary courts of common law prevailed generally, but the necessity for administrative justice has been partly recognised, because gradually an increasing number of administrative decisions, and/or appeals against them, have been placed under tribunals. The fault of this system, however, was implicitly recognised, although not remedied, when the Tribunals and Inquiries Act of 1958 had to be enacted, setting up a Council of Tribunals to review, co-ordinate, and tidy up the divergent and often conflicting work of the existing tribunals.

Having very briefly shown some of the existing systems of providing administrative justice, I would like now to touch on the reasons, standing and structure, and jurisdiction of an ideal administrative court, to try to justify my proposal for considering the possibility of establishing such a court in our State.

The evolution of administrative justice grew parallel with the evolution of the society from an autocratic to a democratic one. First the responsibility of administrative organs to their higher authorities, then the achievement of parliamentary controls and responsibility were important steps. Yet they in themselves do not give complete guarantees for the following reasons:—

> Firstly, the supervision of higher administrative authority leaves the decision virtually in the same hands and in final analysis under the auspices of the same responsible Minister. This violates the principle that no man shall be judge in his own case.
>
> Secondly, although the disciplinary or criminal responsibility of the administrative body or individual may result in its reprimand, and may even act as a preventative measure for future trespasses of legality, it does not reverse the decision and, therefore, does not help the individual who seeks administrative justice.
>
> Finally, the parliamentary responsibility and controls are practically in the hands of the changing majority which produces the chief administrator himself.

These reasons for reviewing the legality of administrative actions lead to the recognition of the necessity for an independent body, bound only to the existing

law. Such an independent body could only be in the third branch of the executive power; that is, in the judiciary. That brings one to the conclusion that an administrative court should be part of the judiciary, with the same standing and the same guarantees of independence, rights, and privileges as those of ordinary courts of common law.

It is not proposed, though, that because of its judicial standing, an administrative court should comprise only lawyers. The tremendously divergent development of social, economic, and technical activities in our modern society necessitates more and more expert knowledge in our administration. Only a generation or two ago we did not have highly trained agricultural and fishery advisers; we did not have qualified town planners and scientific market researchers; nor did we have the ever-present psychologists, efficiency experts, or public relations officers. Having them now, the administrative laws and law enforcement become more complicated and require greater specialist knowledge and expertise. In this context, then, structurally the administrative court should consist of a blend of lawyers and experts in these specialised fields.

It is easier, though, to show the reasons for, and the standing and structure of, an administrative court than it is to determine its jurisdiction. Existing determinations of such courts adopt either the specific list or the general principle. The former is a detailed list of every subject matter over which the court has jurisdiction, the latter a general statement; for example, "that all violations of individual rights by administrative action shall create a right of complaint to the administrative court," with perhaps a few specific exemptions. The remaining problem of jurisdiction is whether it should cover only matters of law or matters in fact as well.

I think that an administrative court—comprising lawyers and experts and having the judicial standing of ordinary law courts—should be a court of judicial review deciding only in matters of law, with the power of either upholding or returning for reconsideration the decision of the administrative authorities. Its jurisdiction should be determined generally over all violations of administrative justice. This method obviates amending legislation with the rise of new administrative issues.

The dilatory problem, whether the execution of the administrative decisions under complaint at the court shall or shall not be suspended during the court's deliberation, has also to be decided.

These propositions conclude my thoughts on trying to offer a solution for the need of administrative justice for upholding the rights of the individual.

My second subject is in connection with the execution of our parliamentary duties. I think it is an accepted fact—even if not explicitly enacted in our Constitution—that the duties of members of Parliament can be divided generally into two main provinces. The first is taking part in legislation, and the second is representing the individual and communal interests of the constituents.

I have numerous thoughts on, and have made extensive studies of, the first subject, but being a new member—scarcely having taken part in legislation as yet—I do not want to be confronted with the justifiable criticism of inexperience. I do, therefore, postpone the expression of my thoughts and studies in this regard to a later stage when the varnish of being a new member will have worn off. I shall deal only with the second province, that of representing our constituents, in which I can claim at least a few months' experience.

We all know that members of Parliament have certain rights, privileges, and immunities. They were developed undoubtedly with the aim of enabling members to execute their duties in the most efficient and expedient way—and with the least interference and hindrance. Yet, if we study the existing rights, privileges, and immunities, we realise that, firstly, they were designed more to aid and secure the legislative work—what I have called the first province of our duties—and, secondly, they were, at the time of our State's Constitution Act, taken over from the existing rules of England and have scarcely been added to since.

In my first subject I mentioned the rapid development of administrative tasks. This rapidity of development equally applies to legislation and representation. Yet since the Constitution Act, no general legislation has been enacted which would meet these changing conditions to facilitate the representative duties of the members of this Parliament. What we have—quite candidly—is a collection of ancient rules, which are very nice for pageantry or for an occasional study by students of constitutional law, but of very little use to cater for our present-day problems. I do not say this in a sense of disrespect for tradition. Those who know me well, accuse me of being rather too traditionally-minded; but having respect for tradition does not mean that we should lose sight of practical problems.

Any student of comparative constitutional law will have to admit that in almost every other Parliament the rights, privileges, and, especially, immunities of members, are substantially more extensive. They are more up to date, better facilitate the execution, and more liberally ease the burdens of the increasingly complex parliamentary duties.

Sensing the impatience of some members because of my perhaps too academic and legal arguments in dealing with my first subject, I want to be quite practical and down to earth with this second one.

Take a typical day of a private member of Parliament. He gets up in the morning after a late sitting, and, consulting his diary, arranges the day's programme. There are two constituents to see him, at 9 a.m. and 9.30 a.m. respectively by previous appointment. He dictates a few letters, because at 10.30 he has to go to the headmaster of a primary school to discuss the erection by the Public Works Department of a fence which the P.C.A. has long advocated. He also has to see a sick constituent some time during the morning, offering comfort and reassurance. He cannot be late for a lunch engagement, though, where another constituent of his, this time a businessman, wishes to discuss some problem. Sometime between lunch and the commencement of the sitting of the House he must go to two Government departments to make representations on behalf of the constituents who visited him in the morning. At 3.30 p.m. some prizes have to be presented, yet he must be back in the House at 4.30 when prayers will be read. The visit to the local shopkeeper who has indicated he has some problem, and the courtesy call on the lady who wants to show him the hand-woven carpets she has done in 25 colours for charity —all engagements of unspecified date—will have to be postponed.

Now, if the member is lucky, he goes through all this and slips into the Chamber —skipping his tea—before the Sergeant-at-Arms announces the Speaker.

But what happens if he is subpoenaed to appear at the Fremantle Police Court as a witness in a traffic case; or if a police patrolman apprehends him for doing 39½ miles per hour on a road bordered by bush, trying to be on time for one of his engagements; or if he has to cruise twice for 20 minutes looking for a parking spot in the vicinity of the State Housing Commission and the Lands Department; or if an income tax investigator wants to see him to discuss his deductions regarding repairs and petrol costs in his last year's return?

Do members not think that we, as members of Parliament, could do with up-to-date privileges and immunities, so that, unless Parliament itself waives our immunity, we shall not be apprehended for alleged minor offences; we shall not be subpoenaed to go to court; and we shall have the privilege of reserved parking at Government departments—and members could probably name quite a few more—all to enable us to execute our duties of representation more efficiently and expeditiously.

Now it might already appear to members that I have justified the remarks of the Leader of the Opposition: that we new members have come here to try to turn this place upside down. Yet even if I seem to have justified those remarks, I respectfully but very definitely disagree with his subsequent statement which he also directed towards new members. He warned us that although this place is the highest court in the land, we should never depend upon getting justice and law here.

This statement, I think, has nothing to do with party politics. It is a matter of whether or not we believe in parliamentary democracy. Being the only member who has had the misfortune to live under Governments which did not believe in democracy, I can vividly recall that those Governments abolished Parliament for the very same reason that one cannot obtain justice and law there.

Before I resume my seat, I wish to express my confidence in the good intentions and ability of members on both sides of the House and reaffirm my conviction that justice and law do prevail in this Chamber. For myself, I will try to work unceasingly to uphold this justice and law.

MR. H. D. EVANS (Warren) [8.38 p.m.]: I am conscious that I am exercising a very great privilege as I come before this Chamber to speak for the first time, and I would like to preface my remarks with several offers of congratulations and several expressions of personal appreciation.

At the outset I would like to add my congratulations to those you, Mr. Speaker, have already received on your election. I would also like to congratulate all those new members who, like myself, are at the commencement of their first parliamentary session.

My most striking impression stems from the friendliness and helpful attitude which I have found everywhere. My colleagues on both sides of the House have displayed a tolerance and willingness to help which was as unexpected as it was appreciated. Similarly, within the House, every member of the staff has displayed a spirit of warmth and co-operation, and I would like again to record my appreciation of these considerations.

The electorate I have the honour to represent is Warren. This distinction was held by Mr. Rowberry for the 10 years prior to March of this year. Mr. Rowberry now enjoys a well-earned retirement and, I would like to add, he takes with him the regard of the people he served for that decade.

Warren is a large electorate and embraces the three shire council areas of Manjimup, Denmark, and Nannup, and the area is something in excess of 4,000 square miles. Climatically, Warren is favoured. The highest average rainfalls of the State are recorded in this area, and