

put my name to a piece of paper some time ago. On rereading the paper the other day I found these words—

The parliamentary system of Government has been in operation in many guises in all corners of the globe for well over 1 000 years, through fire, flood, and famine, war and peace. Over the centuries the system of Parliament has endured, and it has endured in the main because of the tremendous respect that has been accorded by both proponents and opponents.

My fond advice to members—if I can give any at all—is simply to exhort them to continue the practice of parliamentary procedures in this country.

I feel sure there are forces at work which would like to destroy Parliaments, but I exhort members to do whatever they can to maintain the parliamentary system, because my fervent belief is that this is the best system of government.

During the period I have been President of this House I have not had occasion to name anybody. In a different sense I would like to name one or two people.

The Leader of the House (the Hon. N. McNeill) has given members a very comprehensive list of the people who he thinks should be thanked. I heartily agree with his vote of thanks to all the people who constitute the system of Parliament in Western Australia, and particularly at this end of the Parliament. To the Leader of the House and the Ministers I extend my thanks for their co-operation.

I also thank the Leader of the Opposition for his co-operation in the task which I have had to undertake. Of course I proffer my special thanks to the Hon. J. Heitman, the Chairman of Committees and Deputy President. It is true that we have had a long association, and it is also true that we have not always seen eye to eye on every subject, but surely that is something which one can expect to happen. I am certain that when I leave this place I will leave Jack Heitman as a good friend, and I will see to it that I maintain his friendship in the years to come. I thank him for his help in my task as President.

The Deputy Chairmen of Committees—the Hon. Clive Griffiths, the Hon. R. J. L. Williams, and the Hon. Lyla Elliott—I also ask to accept my thanks. I extend my thanks to Mr Roberts and his staff. At this point I think I should pause, because of the long list of people covered by the Leader of the House. I want to make it abundantly clear that all those mentioned by the Leader of the House are well in my mind. They all help to make this place tick. I refer to the controller and his staff, the stewards, and the attendants. Anything which we ask those people to do is done very willingly. I suppose I am at risk in saying this, but

it comes to my mind: if the feeling between the staff of this establishment and members of Parliament were to flow out into the community, then the community would be better placed and better understood.

I wish all members the compliments of the season. In particular I hope that the retiring members I have mentioned—the Hon. J. Heitman, the Hon. R. C. Abbey, and the Hon. T. O. Perry—will have a long and happy retirement. I greatly appreciate the friendship they have shown me and the confidence they have reposed in me over the period of years I have known them. They are memories which will live with me for the rest of my life.

Question put and passed.

*House adjourned at 4.38 a.m.
(Wednesday)*

Legislative Assembly

Tuesday, the 30th November, 1976

The SPEAKER (Mr Hutchinson) took the Chair at 2.15 p.m., and read prayers.

BILLS (6): ASSENT

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

1. Reserves Bill.
2. Legislative Review and Advisory Committee Bill.
3. Supreme Court Act Amendment Bill (No. 2).
4. Acts Amendment (Expert Evidence) Bill.
5. Adoption of Children Act Amendment Bill.
6. Legal Practitioners Act Amendment Bill.

HERITAGE COUNCIL BILL

Message: Appropriations

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

DENTAL TECHNICIANS AND MECHANICS

Recognition and Training: Petition

MR YOUNG (Scarborough) [2.17 p.m.]: Mr Speaker, I have a petition as follows—

To the Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We, the undersigned residents in the State of Western Australia do herewith pray that Her Majesty's Government of Western Australia will support:

- (i) The amendment of the Dentists Act, 1939-1972, to provide recognition of Dental Technicians and Dental Mechanics as a vital and integral part of the dental profession; and
- (ii) The amendment of the Dentists Act, 1939-1972, to include provision for Dental Technicians who qualify by examination to treat members of the public direct in the fitting, manufacture and repair of removable dental prosthesis, thereby providing members of the public with a free choice of consultation in the matter of fitting, manufacture and repair of removable dental prosthesis; and
- (iii) The establishment of a recognised course of clinical training to be undertaken in addition to the existing Dental Technician's apprenticeship to enable existing and future Dental Technicians to qualify under the terms of paragraph (ii) above.

Your petitioners therefore humbly pray that your honourable House will give this matter earnest consideration and your petitioners as in duty bound will ever pray.

The petition contains 454 signatures, and I certify it conforms with the rules of the House.

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

The petition was tabled (see paper No. 612).

DENTAL TECHNICIANS AND MECHANICS

Recognition and Training: Petition

MR STEPHENS (Stirling) [2.19 p.m.]: I have a petition as follows—

To the Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We, the undersigned residents in the State of Western Australia do herewith pray that Her Majesty's Government of Western Australia will support:

- (i) The amendment of the Dentists Act, 1939-1972, to provide recognition of Dental Technicians and Dental Mechanics as a vital and integral part of the dental profession; and
- (ii) The amendment of the Dentists Act, 1939-1972, to include provision for Dental Technicians who qualify by examination to treat members of the public direct in the fitting, manufacture and repair of removable dental prosthesis, thereby providing members of the

public with a free choice of consultation in the matter of fitting, manufacture and repair of removable dental prosthesis; and

- (iii) The establishment of a recognised course of clinical training to be undertaken in addition to the existing Dental Technician's apprenticeship to enable existing and future Dental Technicians to qualify under the terms of paragraph (ii) above.

Your petitioners therefore humbly pray that your honourable House will give this matter earnest consideration and your petitioners as in duty bound will ever pray.

The petition contains 89 signatures and I certify it conforms with the rules of the House.

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

The petition was tabled (see paper No. 613).

DENTAL TECHNICIANS AND MECHANICS

Recognition and Training: Petition

MR DAVIES (Victoria Park) [2.20 p.m.]: I have a petition as follows—

To the Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We, the undersigned residents in the State of Western Australia do herewith pray that Her Majesty's Government of Western Australia will support:

- (i) The amendment of the Dentists Act, 1939-1972, to provide recognition of Dental Technicians, and Dental Mechanics as a vital and integral part of the dental profession; and
- (ii) The amendment of the Dentists Act, 1939-1972, to include provision for Dental Technicians who qualify by examination to treat members of the public direct in the fitting, manufacture and repair of removable dental prosthesis, thereby providing members of the public with a free choice of consultation in the matter of fitting, manufacture and repair of removable dental prosthesis; and
- (iii) The establishment of a recognised course of clinical training to be undertaken in addition to the existing Dental Technician's apprenticeship to enable existing and future Dental Technicians to qualify under the terms of paragraph (ii) above.

Your petitioners therefore humbly pray that your honourable House will give this matter earnest consideration and your petitioners as in duty bound will ever pray.

The petition contains 750 signatures and I certify it conforms with the rules of the House.

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

The petition was tabled (see paper No. 614).

LAND AT ARMADALE

Dedication as Open Space: Petition

MR TAYLOR (Cockburn) [2.22 p.m.]: I have a petition to present to the House. It is as follows—

To the Honourable the Speaker and Members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We, the undersigned citizens in the State of Western Australia petition the Government of Western Australia to take action to protect our environment by having all that part of land between Albany Highway and Carra-dine Road, Armadale (that area shaded on the map on the reverse side, hereto) declared public open space.

Such action by the Government of Western Australia will—

protect this portion of the Darling Scarp from the ravages of development;

maintain and provide recreational facilities to the people of Western Australia;

protect the environment we now enjoy and in which we live.

Further, we note that the Town Planning Board has recommended to the Government of Western Australia that this land be preserved as public open space.

Your petitioners therefore humbly pray that your Honourable House will give this matter earnest and favourable consideration and your petitioners as in duty bound will ever pray.

The petition is signed by 28 petitioners, and I certify that it conforms with the requirements of the House.

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

The petition was tabled (see paper No. 615).

QUESTIONS ON NOTICE

Postponement

THE SPEAKER (Mr Hutchinson): It is proposed that questions be taken at a later stage of the sitting.

HERITAGE COUNCIL BILL

Second Reading

MR GRAYDEN (South Perth—Minister for Labour and Industry) [2.26 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to provide for the establishment of a body to be known as the heritage council of Western Australia.

To assist members in their consideration of this measure, I intend to present a little of the background which led up to the introduction of the Bill. However, before continuing, I should point out that because of the extremely complex nature of the measure, and its far-reaching implications, the Government does not intend proceeding beyond the second reading stage during this session.

In view of the anticipated widespread public interest in the measure, the Bill will be left on the Table of the House to ensure adequate time for proper public debate by all those interested parties who have previously made representations for the establishment of a heritage council.

Prior to the 1974 election in this State, the present Premier undertook to move for the establishment of a body within the broad conservational framework of the State to gather and preserve items of significance to Western Australia's cultural heritage.

This legislation follows largely the recommendations of a special committee established in August, 1974, to advise the Government on the need for a heritage commission.

That committee comprised the then Director of the Western Australian Museum (Dr W. D. L. Ride); the Chairman of the Council of the National Trust (Brigadier J. B. Roberts); and Mr R. H. Doig as chairman. Mr Doig, as members will recall, was involved to a large degree with the preparation of the State's first environmental legislation.

The Government intimated to the committee that it should devote attention to and report upon—

- (1) Existing legislation which provides authority for the operation of the various bodies considered appropriate to the interests of the heritage commission, and the necessity or desirability of changes thereto, in order to impose minimal restriction upon the functioning of existing authorities.
- (2) The legislative authority and responsibilities of the proposed commission.
- (3) The constitution, or representation of the commission, which may best enable its proper functioning.

- (4) Funding and personnel requirements over the first three fiscal years' operation of the heritage commission and in more generality, until the year 2000.
- (5) Those matters which are sufficiently urgent and important that the Government should take necessary emergency remedial action, not only with the objective of preserving our heritage, but also making it available for public inspection and appreciation.
- (6) Such other matters as may be considered relevant to the role and responsibilities of the heritage commission.

The report of the special committee, which was tabled in this House on the 19th March, 1975, is a most comprehensive document on the need for a statutory heritage body and outlines the functions proposed for such a body.

In summary, the committee considered that the physical matters of cultural heritage which should be embraced by a statutory heritage body would include historic sites, buildings of historic significance, cultural property, the records of human endeavour in printed works, writings, audio and visual records, and other aspects of the man-made environment.

However, while the committee defined the content of responsibility in this way, it stated that it did not believe that the work and responsibility of the proposed new statutory body lay only in procuring the proper preservation of examples of the material heritage for transmission to future generations. The committee recommended that the purpose of the heritage council should also be to help people of this State to live richer and fuller lives, and thus it should accept a responsibility to encourage study and participation, and to disseminate information so that people may know, understand, and value the heritage which is theirs. This is a view strongly supported by the Government.

In general terms, the argument for a heritage council was briefly stated by the special committee as follows—

- (1) There are gaps between the responsibilities of existing authorities at present and these need to be identified and filled. Some gaps are financial, others functional, and others are statutory. Moreover, in the area of heritage, new gaps are bound to arise from time to time, and continued assessment is required.
- (2) A heritage council is needed to provide a general point of reference on heritage matters where citizens, requiring Government action on particular projects, or even seeking to persuade statutory authorities to modify or extend their policies, can go for advice and help.
- (3) There may be need, from time to time, to draw the attention of existing authorities to the presence of wasteful duplication of effort, or the need for greater co-operation and co-ordination.
- (4) There is need for a body with interests across the whole of the cultural heritage to take the initiative in stimulating interest in it as a whole. Such a body could perform a useful role in generating publicity for heritage matters. It could encourage a more sympathetic and better informed attitude by the public towards the work of historical preservation.
- (5) There is need for a body to stimulate, to co-ordinate where possible, and to assist, the efforts of voluntary bodies and individuals. Many people with valuable contributions to make appear to be unaware of the functions of the existing authorities and, consequently, their contribution is liable to be lost.
- (6) There is need for a body from which the Government can seek advice on proposals for the preservation of the State's heritage where these matters embrace the responsibility of more than one of the statutory authorities, or concern the action of voluntary groups.
- (7) Regional activity in heritage matters, and its development, needs a body with wide overall responsibility to encourage it and to promote the essential interest, co-operation, and involvement of local authorities.
- (8) There is need for a body to operate in liaison with the Australian Heritage Commission.

The special committee paid considerable attention during its investigations to the need to preserve historic buildings.

It is known to members that the National Trust of Australia (WA) is concerned for the conservation and preservation of buildings, places, and things which are of national or local importance by reason of educational, historic, architectural, traditional, legendary, artistic, literary, antiquarian, archaeological, or other special interest attaching to them, and of places of natural beauty.

The trust considers that it has a particular responsibility to educate the public to enhance their enjoyment of the history and culture of the State as represented in buildings and places.

The trust has become the official body which recommends whether buildings of historic merit should be preserved, but it has no powers to enforce or assist the preservation. This places private owners under considerable financial stress without, at the same time, making provision for community participation in the cost.

The serious problems involved in such a situation have been recognised throughout Australia. Victoria has enacted the Historic Buildings Act, 1974, and the Government Buildings Advisory Council Act, 1972. New South Wales has proposals for legislation, and the Australian Council of National Trusts has also prepared a draft Bill. All of these measures were studied by the committee and the Victorian legislation was discussed with the Chairman of the Victorian Historic Buildings Preservation Council and the Victorian Public Works Department's representative on the Government Buildings Advisory Council.

While certain powers to protect historic buildings are available to local authorities under the Town Planning and Development Act, and while the classifications procedures of the National Trust draw attention to the need for protection being afforded to some buildings, they are considered to be inadequate.

The committee felt that for these reasons legislation separate from the National Trust Act should be enacted and that the assessment on behalf of the community should be with a responsible body.

For reasons which are explained in the report, the special committee recommended to the Government that a separate body be established for this purpose to be known as the historic buildings council.

Upon receipt of the special committee's report, the Government moved to appoint an interim body known as the Interim Heritage Council to advise on the drafting of the necessary legislation.

The Interim Heritage Council included representatives of various departments and instrumentalities likely to be affected by the establishment of a heritage council, together with representatives of the National Trust, Royal Western Australian Historical Society, and several private individuals under the chairmanship of the Hon. Gordon Freeth.

This council examined the report of the special committee together with a number of submissions received from interested persons. At an early stage of their deliberations, it became clear that the council was not in favour of the recommendation to establish a separate body responsible for the preservation of historic buildings.

A subsequent recommendation that the proposed powers of the historic buildings council be included within the powers of the heritage council was accepted by the Government and has been embodied in this Bill now before the House.

With that background I now wish to explain the proposals presented before the House.

The Bill establishes a heritage council consisting of a chairman and 16 other members, of whom seven are *ex officio* members representing departments and instrumentalities of the Government, and bodies having interests in heritage matters, and the remainder are to be selected by the Minister from persons possessing special knowledge in cultural matters, or particularly involved in such matters.

Although the council is given the power to employ staff, the framework of the Bill makes it clear that they will depend largely upon the assistance which can be given to them by staff of existing departments and instrumentalities, and all public authorities—a term which is widely defined—are required to render such assistance.

The Bill authorises the heritage council to deal with all aspects of heritage matters and to co-ordinate and encourage the efforts of other bodies, but the bulk of the Bill deals with the particular problem of the preservation of historic buildings and places. The intent of the Bill is to provide machinery whereby, in so far as is possible, the legal rights and obligations of persons and the laws of the State, may be changed by negotiation in order to achieve the object of preservation by means other than the payment of compensation. Provision is made for the payment of compensation in certain cases, but the intent, rather, is that the community in general should permit a person, who is the owner of a building to be preserved, to exercise in relation to other land which he may own, special privileges that would not otherwise be available to him in return for his entering into a scheme to preserve the building of historic interest.

The first stage in this process is that buildings will be listed by the heritage council, probably, but not necessarily, on the basis of recommendations made by the National Trust. The act of listing will achieve two ends. It will require all transactions and proposed works affecting the building to be notified to the council, and it will also provide for an offence if anything is done which will affect the building detrimentally without the authority of the council.

The idea of the supply of information to the council is to enable the council, in good time, to take steps to lead to the more permanent preservation of the building.

The Bill provides for interim preservation orders of two kinds to be made. The first kind forbids alterations or damage, and the second kind requires restorative works. An interim preservation order is of limited duration and is intended to give time for the negotiation of a preservation scheme.

The interim preservation order takes effect for three months, but may be extended by the Minister for a further period of three months, and again, by periods, each of three months, where there is no dispute as to that extension or where a dispute as to the extension is determined in favour of the Minister following arbitration.

During the course of the negotiations for a preservation scheme, local authorities, Government instrumentalities, adjoining landowners, occupiers, and persons likely to be affected, will be required to consider proposals as to the best manner in which the building can be preserved, and the Bill contains a provision for arbitration where the negotiations fail, but the scheme itself does not take effect until it is embodied in an order made by the Minister.

If a preservation scheme is to affect the rights and liabilities of any person who is not prepared to agree to it, or if it is to make any change in the law relating to the building to be preserved, or any other property affected, it will not come into force until it has been ratified by both Houses of Parliament, and is, therefore, in effect, a private Bill to deal with the particular problem.

Mr Jamieson: That means there will be no finance available to any one owner of such a type of building until it has been before Parliament.

Mr GRAYDEN: The Bill contains provisions—

Mr Jamieson: I appreciate the salute from the Minister, but I did not get an answer.

Mr GRAYDEN: I refer the Leader of the Opposition to my remarks just preceding his interjection. They are self-explanatory.

Mr Jamieson: It seems very cumbersome.

Mr GRAYDEN: The Bill contains provisions imposing penalties for damage to buildings or for deliberate neglect, including continuing penalties, and the maximum penalty on conviction on indictment is imprisonment for 12 months or a fine not exceeding \$10 000, or both.

There is a provision in the Bill requiring that certain buildings may not be demolished without the authorisation of the heritage council. There is also a provision that where a building is neglected and, in the opinion of the heritage council is likely to be permanently damaged, it may be acquired compulsorily at a price which takes into account that the building has been neglected, but does not take into account the potential site value of the building.

In respect of all stages and all proposals for acquisition or the implementation of the scheme, provision has been made for

appeals, and in most cases, for tribunals or public inquiries where that is appropriate.

The Bill will enable the heritage council also to assist in the preservation of buildings by others, by advice, by grants, and by negotiating with local authorities and taxing authorities for exemptions.

There are clear guidelines in the Bill as to what matters the heritage council ought to take into consideration, and also a direction that, in so far as it is practicable, a person ought not to be penalised because he is the owner of a property which, in the interests of the community in general, he is not allowed to use or develop in the manner that he might otherwise have been able to do.

The financial provisions ensure that the Treasury keeps a close eye on the funding. There is a requirement for budgeting and for a programme to be approved. The council is given power to borrow with the consent of the Treasurer, and the Treasurer is authorised to give guarantees.

There is a clear indication in the Bill that in all matters the council is subject to the control of the Minister, but there is also a provision which enables the council to make known to the public its disagreement with any specific direction given by the Minister.

This Bill is a further example of the strong efforts that have been made already over the years towards the preservation and retention of the State's fine heritage. I refer here to the work of the Western Australian Museum, Art Gallery, State Library and Archives, under their respective Statutes, which have long been regarded as some of the best in the country. In particular, members would be aware of our reputation in the field of protection of historic wrecks.

In closing, I would point out to members that the Bill contains provisions wider than any other legislation, either in existence, or proposed, in Australia.

The introduction of the legislation is the final step towards the implementation of an important election undertaking by this Government.

Mr Davies: Cut it out!

Mr T. H. Jones: You didn't introduce it.

Mr GRAYDEN: As a Liberal-National Country Party Government led with the first effective legislation for the protection of the environment in the form of the Physical Environment Protection Act, I believe it is fitting that we should also introduce this further measure which will effectively complement the previous legislation in its amended form.

Mr Jamieson: If it ever becomes law.

Mr GRAYDEN: I commend the Bill to the House.

Debate adjourned, on motion by Mr Bryce.

APPROPRIATION BILL (GENERAL LOAN FUND)

In Committee

The Chairman of Committees (Mr Thompson) in the Chair; Mr O'Neill (Minister for Works) in charge of the Bill.

The CHAIRMAN: We will deal firstly with the Estimates of Expenditure, then with the schedules to the Bill, the clauses of the Bill, and finally the title.

Votes: Agriculture, \$300 000; Fisheries and Wildlife, \$68 000; Forests, \$2 463 000—put and passed.

Vote: Industrial Development, \$385 000—

Mr TAYLOR: I wonder whether the Minister for Industrial Development has some information available in regard to land acquisition for the expansion of the BHP or AIS development at Kwinana. Members are probably aware that under an agreement Act of this Parliament major expansions must take place on the land to be acquired in the Kwinana area by 1978. That time is fast approaching.

It has been suggested to me that the Government may have made alternative arrangements with the companies so that their obligations are transferred from the land in the Kwinana area to another site possibly further north-west.

Although the answer may come in a question without notice later today, I wonder whether the Minister can provide me with any information at all at the moment.

Mr MENSAROS: As this is something which normally does not come up in the Budget papers I am not at the present time in a position to give the information. However, as the member is interested I will send the information to him.

Vote put and passed.

Vote: Mines, \$100 000—put and passed.

Vote: Public Works—Engineering and Associated Works, \$20 904 000—

Mr T. D. EVANS: I regret that the Minister representing the Minister for Health is not in the Chamber at the moment. However, I raise a matter that comes within the classification of "Public Works". On page 12 of the Estimates under the item "Public Works—Buildings and Associated Works including Furniture and Equipment" it can be seen that in 1975-76 an amount of \$398 109 was spent on the Kalgoorlie Regional Hospital.

Many moves have been made and a great deal of representation has been made to the Government this year by many organisations and people, including the member for Kalgoorlie, and certain undertakings were given that the matter had been referred to the Hospitals Development Committee. I received an answer that

work was to begin on a staged development to provide for 100 acute-bed accommodation at Kalgoorlie Regional Hospital, subject to some negotiation with the St. John of God Hospital to pick up the leeway for any vacant beds that hospital may have.

However, the estimate this year is nil. Therefore, in the light of the undertaking given by the Minister for Health I feel entitled to ask for an explanation.

Mr RIDGE: I am sorry I am not in a position to answer the honourable member's query in an acceptable fashion. However, if the Minister for Health has given him a specific undertaking to do some work, then I am sure that undertaking will be honoured.

Mr. T. D. EVANS: I did not say it was a specific undertaking; he said staged development would start this year.

Mr RIDGE: I regret I cannot answer the member's query. However, I will be happy to relate it to the Minister and to ask him to convey his comments direct to the member for Kalgoorlie.

The CHAIRMAN: For the information of members, I point out that we are discussing the "Public Works—Engineering and Associated Works" vote.

Mr J. T. TONKIN: I want to raise a matter under the vote "Public Works—Engineering and Associated Works". On the 7th May, 1975, I introduced into this Chamber a petition signed by 27 974 people, who said—

We, the undersigned residents in the State of Western Australia believe the Tronado machine should remain available to any doctor wishing to use this method of treatment for cancer, despite the adverse judgment of the National Health & Medical Research Council.

I notice the Government proposes to spend some \$20 million with regard to new hospitals; yet if a patient happens to be in a Government hospital he cannot be treated on the Tronado machine. I have sat here patiently, month after month, waiting for the Government to take some action to make this machine available to those who want to be treated on it.

Within the last two months I spoke to a doctor who refused to refer a patient who was in a Government hospital for treatment on the Tronado, despite the fact that the doctor in the Government hospital had told the patient's mother there was nothing more that could be done for the patient—she had a tumour on the brain—and that she should take the patient out of the hospital; presumably to take her home to die. That doctor would not refer that patient for treatment on the Tronado. Because the patient was in a Government hospital she could not be treated on the machine.

If one is in Sir Charles Gairdner Hospital suffering from a cancer and one wants to be treated on the Tronado machine, one is not permitted to obtain that treatment. However, if one leaves that Government hospital and goes to a private hospital, one can obtain the treatment.

Within the last month I was invited to visit a private hospital in Cambridge Street, diagonally opposite St. John of God Hospital. At that hospital there were some 15 patients who were all being treated on the Tronado; they had been forced out of Government hospitals and into private hospitals because that was the only way they could get treatment.

I was taken into a room where I saw a patient sitting on her bed fully dressed. I wrongly assumed she had just been admitted, but she told me that, on the contrary, she was about to go home. I asked her whether she had cancer, and she said she had had cancer of the ovary but had been treated on the Tronado and was now ready to go home. She was as happy as it is possible for a person to be.

I think it is scandalous that we spend all this money on Government hospitals yet a patient in a Government hospital cannot be treated on the Tronado cancer machine. In the Press this morning I read that a very substantial grant had been made for further research in connection with cancer of the prostate gland.

I have before me a letter from a man who lives in Lefroy Road, Beaconsfield. He had cancer of the prostate gland and was referred by his doctors to Dr Holt for treatment. That man is now fit and well; yet we are going to spend money on research looking for something else because we are not prepared to admit there could be some advantage gained from treatment on the Tronado.

Ever since May, 1974, people have benefited from this machine. The figures of survival from cancer in Western Australia have shown a marked improvement compared with figures for other States of Australia. As a matter of fact, when we look at the curve showing the improvement in the treatment of cancer we find three significant changes have occurred in this State in the last few years. Those three significant changes can be attributed to special moves which have been adopted; and the last of them, which is by far the most significant, coincides with the time the Tronado machine was introduced into Western Australia.

Now, Sir, if you will permit me to, I would like to read this letter in support of what I have said about this desire to provide money for research into the treatment of cancer of the prostate gland when we have before us a machine which has already demonstrated its capacity in this respect. The gentlemen concerned wrote this letter on the 9th June, 1975, and I

rang him on the 5th August, 1976, and found he is still well. This is what he said—

The Hon. John Tonkin.

Dear Sir,

A few months ago you unknowingly introduced me to the Tronado when you appeared in a television interview quoting its wonderful benefit to hundreds of patients.

My doctors A. E. Daley & R. T. Mikosza quickly co-operated & arranged an interview for me with Dr J. Holt, who after preliminary tests accepted me as a patient. The stilboestrol pills which have seen me through for over seven years have now run their course & I faced a pretty bleak future.

After six weeks treatment, which is quite easy & almost pleasant, I now feel wonderfully well, all pains & most inconveniences have been overcome.

During treatment I met many other, male & female, patients & everyone had wonderful reports of relief from pain & sickness and their attitudes swung from depression of no future to a confident and happy one.

I was born 74 years ago in Fremantle & I am a thoroughly West Australian Australian & I know the Tronado to be one of our greatest achievements. Usually in the past we have been forced to travel away for almost everything but now we hold the advantage right here—it's unbelievable! World wide interest has already been directed to our State & if allowed to continue as the treatment most sincerely should be, it should bring many visitors.

I feel confident that this treatment which is doing so much good to so many must surely have everyone's support & be allowed to continue with its healing.

We all owe you so much for your support, success is the only humane answer to such a worthy cause.

My complaint is that we are going to spend these millions of dollars in expanding Government hospitals in various parts of the State and we are allowing to continue a policy whereby a cancer patient in a Government hospital cannot be treated on the Tronado cancer machine. How long are we going to put up with this situation? How long are the people of Western Australia going to stand by and see this amount of money expended, knowing at the same time that if one of them becomes afflicted with cancer and goes into a Government hospital he cannot be treated on a Tronado cancer machine? It is time we faced up to this situation and did something about it.

I am not asking the Government to direct doctors to do anything. What we should remember is that this Government

appointed a special committee to go into the question of the use of the Tronado machine and the committee came down with a finding that there was no evidence of any possible harm from the treatment. That being so, why should we deny a person who becomes a patient in a Government hospital the right to try this machine to see whether it will benefit him?

I could produce today 100 people—and I could give the names here now—who have been treated on the Tronado machine; some of them were given three months to live two years ago and are alive today, fit and well, going to race meetings and trotting meetings and playing bowls. Yet there are people who stand by and say that no possible benefit could be achieved from this.

I have already made representations to the Perth City Council, successfully so far, to permit the building of another private hospital the purpose of which is to provide accommodation for people with cancer. In addition, I have already made representations to enable machinery to be imported from Germany to build another Tronado machine which will be used privately. All this time we have the Government machine for which the Government paid nearly \$270 000 standing idle at the Sir Charles Gairdner Hospital because the board of that hospital will not allow it to be used for patients in the hospital.

If I read this story I would think it was a fairy tale. But it is absolute fact. If members wanted it I could produce these people at the Bar of the House—people who had cancer of the breast, were advised to have their breasts off, refused to do so, went on the Tronado, and still have their breasts; people who had cancer of the prostate gland and cancer of the lung. There was Dr Staska who came from South Australia, himself a GP, a relative of his a GP, his own wife a nursing sister and a relative of hers a nursing sister. They all testified that he had a melanoma in the neck and he came over to Western Australia for treatment on the Tronado months and months ago. I have a letter written by him indicating his own experience. Because he did not write down the dates upon which he first thought he had this condition, the dates when he had an operation, and some other dates which the special committee considered were necessary, the committee came to the conclusion that he could not have had cancer in the first place. The man himself is a doctor, a relative of his is a doctor and his wife is a nursing sister. They all testified that he had this cancer in the throat. But the special committee was not satisfied that he had cancer at all.

I protest against the expenditure of large sums such as this in Government hospitals throughout Western Australia whilst the situation remains that patients in these hospitals cannot get treatment on the Tronado machine for cancer. Surely to goodness it is time the Government did

something, had a talk to these people, and followed up the recommendations of the special committee which, having decided that no harm could result, recommended to the Government that experimentation should be carried out; that is, that the machine could be put back into use. We should not expect to get the advantages of research from a privately-owned machine but when there is a machine purchased for the Government which is standing idle, why can it not be put into operation if it cannot do any harm so that we can get the advantage of possible good?

THE CHAIRMAN: The member has two minutes remaining.

Mr J. T. TONKIN: Only last Saturday I had not been on the racecourse for half an hour before a very prominent person from Pinjarra came up to me and told me about the experience of a friend of his who had been on the Tronado cancer machine. I did not go around the racecourse looking for people who were going to talk to me about the Tronado, but this gentleman, who would be well known to half the members of this Chamber, made a point of coming up to me and telling me about the experience of his friend. Surely to goodness the Government should do something—and do it fairly quickly—because my patience is just about exhausted.

Mr CRANE: It was not my intention to speak in this debate, but at this juncture I should like to add my support to the words of the member for Melville because I believe the Committee knows exactly where we have both stood on this issue. It is very sad indeed that we have not allowed such an important matter as this to transcend party politics.

I believe we have procrastinated for a long time on this issue. The general public are very concerned at the conduct of Parliament itself. In fact one of the many comments we hear today is that parliamentarians appear to be so crooked that they could not lie straight in bed. Here we have an opportunity to do something worth while for the people of Western Australia and yet we have refrained from doing so.

There is no need to reiterate what has previously been said by the member for Melville—we are all well aware of it—but I ask members of this Chamber: Whilst there is still time let us take the action which is necessary. I should like to record my sincere support on this issue of the Tronado machine at this time.

Mr RIDGE: The member for Melville objects to the expenditure of approximately \$20 million for capital improvements of hospital work throughout Western Australia, as I understand the situation. The Government and I have no apologies whatsoever for having determined to undertake this work which is being

undertaken in the interests of Western Australians. So far as the Tronado machine is concerned, I believe the Government has made its position perfectly clear, not just once but on many occasions. In other words, the Government is not responsible for saying the machine should not be used. It is pointed out that it was the medical profession which reached this decision and the Government is not prepared to direct the medical profession. The hospital boards have made up their minds on the advice of the NHMRC.

Mr J. T. Tonkin: No-one is asking you to direct the doctors to do anything, but merely to talk to them.

Mr RIDGE: The Government is being asked to direct the medical profession and the Government will not do this, but will leave that decision to the doctors. If they decide the machine can and should be used, the Government will have no qualms whatever about it, and the machine will be used.

I am not quite sure what the reference of the member for Moore was to members being crooked; but I can assure him that the Government has no ulterior motive whatever in keeping the machine out of the reach of Western Australians. The Government does not desire to do that. As long as the medical profession recommends it, that is the course of action which will be taken. Until the medical profession decides otherwise the Government does not intend to direct it.

Mr J. T. Tonkin: Just not interested.

Mr JAMIESON: During the introduction of the Estimates reference was made to matters dealing with jetties and berths. I would like some further clarification on the \$50 000 proposed to be spent on the Kalbarri jetty, and I would also like the Minister to indicate exactly what is proposed. As it is a very difficult area, if a berth were established it would be minimal.

The situation at Rottnest Island is raised periodically. An amount of \$130 000 is proposed to be spent this year for extensions to the Rottnest Island jetty. Of course, the money could be for another jetty. I am not sure, but no doubt the Minister will indicate this to us.

The Wyndham jetty has had a considerable amount of money spent on it over a number of years and it still seems to be getting a fair whack of finance with another \$180 000 being spent on it this year. I thought it had been just about completely retopped and that most of the facilities necessary have now been provided. Until we get some further development in the area or find some way to make it generally better than we have in the past it seems to be quite a hefty amount to be spending. However, the Minister may be able to explain more clearly exactly why this amount is being spent.

The only other item on which I would like some comment concerns Millstream and the improvement to the headworks for the water supply for the Karratha locality for which \$1 143 000 is listed. I would like to know whether determinations have been made as to where the dam will be established in the near vicinity of Millstream, and whether this amount is to be used in connection with that. Perhaps the Government is still making inquiries as to the best future improvements to be made to the water supply. It is my understanding that just about the maximum is being drawn from the present supply and a dam or some other scheme will be required fairly soon.

I would like the Minister to comment on these matters.

Mr O'NEIL: Firstly, in regard to the Rottnest Island jetty, some little time ago Ministers visited Rottnest to examine a proposal by the board to enlarge the residential development on the island, and approval was given for that to proceed. Members will be aware that in the process of carrying out the works a more adequate water supply was found, but there were problems also with the jetty. The armouring on one side was found to be starting to erode and it was necessary to reinforce or build up the armouring on that side. It was necessary also to make provision for an extension of the jetty in order to cater for what we believe will be larger vessels travelling to the island. It is part of the normal programme to update the facilities at Rottnest. I trust that satisfies the Leader of the Opposition.

I am afraid I am a little in the dark about Kalbarri and will have to make inquiries to find out more precisely the necessity for that amount of money.

With respect to Wyndham, there is still some prospect of cash crops being grown at Kununurra—grain, sorghum and the like—and there is a requirement that the underpinning of the jetty be reinforced in order to carry a loading facility itself, and the associated works are those to which reference is made. I must say that the Public Works Department is still proceeding with the examination of other port prospects in that area which will certainly appear to be necessary if the growing of sugar becomes an economically viable proposition. In those circumstances it seems quite clear that the jetty at Wyndham would not be adequate for the large ships which would be required, and examination has been made of other port sites within the area. It seems that in the very long term Cape Domett, right at the head of the gulf, will be a preferred site for port development.

With regard to Millstream, quite recently the Australian Water Resources Council had a meeting in Western Australia and we visited Millstream to show to the members of that council the development of an underground water resource. As members will know, this is from

bores in the Millstream vicinity from where the water is taken to Dampier, Karratha, and also Wickham.

It was estimated some considerable time ago that if development proceeded at the pace it was proceeding at that time we would be mining water from the Millstream area by the middle 1980s. Mining water means that the water is being drawn from the catchment at a faster rate than it is being naturally recharged. This is a situation which cannot be permitted to develop. However, additional methods of providing water for the unfortunate slower rate of development in that area have been found and the money about which we are talking is related to that.

Going back to the broader issue of a dam at either Gregory or Dogger Gorge, the PWD has been carrying out an exercise in public participation in respect of the building of a dam on the Fortescue River which would provide more than the needs of the Pilbara for a great deal of time. Conjointly with this study, of course, is a further examination of other dam sites adjacent to underground water reserves and it is felt that possibly the development conjointly of smaller dams on other tributaries of the Fortescue, together with underground resources, can adequately meet the situation for some time to come. There is even the prospect of using water in the dam catchment to recharge the underground water resources and this is a matter which is being examined by the PWD engineers.

Basically the money for Millstream at the moment is simply for extra development which is necessary to satisfy the needs of the immediate future. The Fortescue dam will be the real answer to the problem. Members may be aware that parts of the pools along the Fortescue are very attractive tourist centres and these have been protected. In fact, on the recommendation of the PWD some have been included in the national park. The department has determined that the height of the dam could be lower than that originally proposed. This will prevent the inundation of the pools in the Millstream area itself.

Action has been taken to proclaim and protect certain Aboriginal sacred sites. We still have one problem in respect of it and that is at a place called Kumana Hill which in fact will be surrounded by water in the event of a dam being built. However, negotiations and discussions are proceeding with the Aboriginal interests and the PWD and it is felt that a satisfactory solution will be arrived at before any proposal to dam the river proceeds.

I think that covers all the matters raised by the Leader of the Opposition.

Mr T. H. JONES: I wish to refer a matter to the Minister for Works and Water Supplies. I raised it during debate

on the Consolidated Revenue Fund Estimates but unfortunately that Minister was not in the Chamber at the time. On behalf of the Shire of Collie, I refer to the amount budgeted for sewerage extensions in Collie. In last year's works programme an amount of \$71 850 was spent. An amount of only \$50 000 has been allocated in the 1976-77 works programme. I notice in our neighbouring town of Bunbury in excess of \$1 million was spent last year and another \$1 million is allocated this year.

The Minister knows the advancement taking place in Collie as a result of reverting to coal for electricity generation. People in the town, particularly young people, are finding it difficult to purchase building blocks. Developers are unable to open up more land because the cost of putting in their own sewerage scheme is out of their reach. I think an investigation should be made into urgent sewerage works required in Collie so that development can take place to the north of the town. In View Street hundreds of blocks are waiting to be developed but development is being held up because of the low amount spent on sewerage.

Mr May: As we say in the trade!

Mr T. D. Evans: As we say in the trade!

Mr T. H. JONES: In the last two years \$2 million has been spent in Bunbury and only \$121 000 in Collie. The Government must look at this question. It knows the development which will take place in Collie. I speak on behalf of the local authority, which protests very strongly and has asked me to raise this matter in the Parliament because we do not think we are getting fair treatment from the Government in the allocation of funds for sewerage. I do not need to tell the Minister what is in the pipeline for the area. I therefore ask the Minister to have an investigation carried out to see whether additional money can be allocated for sewerage work in the town.

Mr O'NEIL: It does appear to be a major discrepancy in that \$1 million is to be spent in Bunbury, and \$50 000 in Collie; but the great bulk of the money spent in Bunbury comes from the loan and grant arrangements under the sewerage backlog programme.

When Mr Uren was the national Minister for Development the sewerage programme was entered into in agreement with the States but the specification was laid down that no community of less than 60 000 people could be serviced with these moneys. When we became the Government we took the matter up with the Federal Government, saying that as far as Western Australia was concerned this population limitation meant that no place outside the metropolitan area could benefit from the additional funds.

We managed to persuade the Commonwealth to reduce that population limitation to 20 000 people, and Bunbury scraped in

by virtue of its tourist population. Kalgoorlie is also included, and although it gets some money Kalgoorlie did not show the same interest in backlog sewerage work as Bunbury did. I think Geraldton almost got into the picture but the council was not prepared to go on with it because it has a modified effluent scheme rather than a full sewerage scheme in the town. Bunbury appears to be favoured because it has the population to enable it to benefit from the Commonwealth backlog sewerage programme.

If we can persuade the Commonwealth to bring the figure down to the population of Collie, more of this money will be used in sewerage country towns. In respect of the metropolitan area programme, \$9 million is made available under the national sewerage backlog programme but Bunbury is the only town which qualifies for and desires to have assistance at the moment.

Mr T. H. JONES: The Minister might convince some people but he does not convince me. I do not know whether it is by accident or by design, but a look at all the areas held by members of the Liberal and National Country Parties clearly tells the tale of what the Government is up to. Let the Minister get off the hook if he can.

Let us have a look at the allocations for sewerage in the next 12 months: Albany, a Government-held seat, \$240 000; Bunbury, a Government-held seat, \$1 million; Collie a Labor-held seat, \$50 000; Corrigin, a Government-held seat, \$50 000; Eaton, held by the Liberal Party at the moment, \$150 000; Geraldton, a Labor-held seat, \$50 000; Harvey, a Government-held seat, \$330 000; Karratha, a Government-held seat, \$982 000; Kellerberrin, a Government-held seat, \$100 000; Kununurra, a Government-held seat, \$200 000; and Mandurah, a Government-held seat, \$600 000.

Only two Labor-held seats are mentioned in the list of towns where sewerage extensions are to be carried out; they are Geraldton, and Collie which is represented by me and where a miserable \$50 000 is to be spent.

Mr O'Neil: What about Northam, over the page?

Mr T. H. JONES: At Northam \$100 000 is to be spent, and at Manjimup \$200 000. The story is the same over the page.

Mr Sibson: The Minister has explained the position of Geraldton.

Mr T. H. JONES: If the member for Bunbury wishes to make a contribution he should get up and make it. I will say what I want to say without any prompting from him. The same story is revealed over the page: Manjimup, \$200 000; Merredin, a Government-held seat, \$105 000; Mukinbudin, a Government-held seat, \$346 000. This is the sordid story and the Minister certainly does not convince me.

It is quite clear this has been planned with an eye to the State election around the corner. The Government is purposely spending money in Government-held seats so that its prospects in those seats will be more promising in the State election. I do not begrudge the money to those areas but it can be clearly demonstrated that considerably more money is being spent in Government-held seats than in Labor-held seats. I do not think the Government should operate in this way, with an allocation of a miserable \$50 000 for a town which is developing. The figures tell the position and I trust this policy will not continue.

Vote put and passed.

Vote: Public Works—Buildings and Associated Works including Furniture and Equipment, \$61 893 000—

Mr TAYLOR: I would like to refer the Minister to the item "New Technical Schools", Carine \$359 000, on page 19. On the 24th November I asked a question with respect to this amount and was advised the total allocation was for design and planning purposes and that the planning costs are approximately 10 per cent of the building contract. In question 7 on the 21st September I asked the Minister representing the Minister for Education whether there was to be a loan allocation for the Kwinana technical school and was advised the matter had been deferred.

The matter has now been accepted by the Minister for Education and he has issued a statement saying that the technical school will be planned this year. I asked a question about this matter on the 25th November and I give below the question and the Minister's reply—

With respect to his recent press release to the effect that planning of the Kwinana Technical School would be completed this year:

- (1) What is the estimated cost of preparing plans for the above school?
- (2) From what item in the budget will this sum be met?
- (3) (a) What proportion of the budgeted \$359 000 for the proposed Carine Technical School is allocated for planning; and
(b) for what specific purpose is the balance to be expended?

Mr GRAYDEN replied:

- (1) The estimated cost of preparing plans cannot be given until the actual planning commences. Planning fees are approximately 10 per cent of the building contract.
- (2) State Loan Funds.

- (3) The total allocation is for design and planning purposes.

In the light of the Minister for Education's Press release and statements to the Press that the Kwinana technical school will be planned this year, and in the light of the Minister for Education's answer that the cost of planning—which would be at least \$100 000 and probably \$200 000—would be met from State loan funds, I would appreciate an indication where they might come from.

I would also refer to page 20 where under the heading of "Schools" we have allocations to pre-primary centres at Spearwood-Phoenix. It has been drawn to my attention by parents associated with two such centres in that area that they have been advised their children may not be able to attend the pre-primary centres because they have indicated under questioning that their children are likely to begin their primary education in a Catholic school.

These State funds are to be expended on pre-primary centres, but the direction has been issued by the department—or the Minister concerned—that under normal circumstances preference will be given to those children likely to continue their primary education at the associated State primary school.

While I appreciate the Minister for Works might not have the answer I ask him to arrange with the Minister for Education to let me know why a direction is given which allows schools to reject applications from parents who are likely to send their children subsequently to Catholic or other schools rather than allow them to attend these pre-primary centres.

Mr O'NEIL: Firstly I want to say it is not the Minister for Works who determines the priorities for schools and where they will be built; that is entirely a matter for the Minister for Education. As the honourable member would know, having been a Minister himself, the Architectural Division of the Public Works Department builds for all Government departments and it is the Government departments which determine these priorities. However, the honourable member has my assurance that the matter he has raised will be brought to the attention of the Minister for Education.

Mr DAVIES: There has been a change in the allocation of funds for health programmes. I notice the Commonwealth Government is giving to the hospital development programme only \$460 000 extra this year compared with what it gave last year. This is not a large amount at all; it does not even cover inflation.

Mr O'Neil: Which item are you talking on?

Mr DAVIES: I am talking on item 12. When we consider item 13 we find that about \$1.3 million dollars is shown under the community health programme, which becomes additional. Then under Mental Health Services we find we are about \$1.08 million short on what we received last year, which indicates the funds from the Federal authorities are falling.

This is a matter of great concern to me, particularly as the hospital building programme shows an increase of \$7 million. There are two items—the "Sir Charles Gairdner Hospital" and "Podium and Ward Block". In the first there is a \$5.5 million increase and in the second there is about a \$5.4 million increase. This is nearly \$10 million in two items, yet the overall increase is only \$7 million in the total hospital building programme. Other items are decreased accordingly.

While I am not arguing about the allocation of money to either of these places, because I am sure they both need it, it does show that due to a lack of Commonwealth funds and the inability of the Government to fund its programmes, some of the less urgent hospitals which require attention are not going to be dealt with this financial year.

In addition, has the Government decided that the amount of money that comes from the Lotteries Commission—and I am talking about "Contingencies" at the bottom of page 12, which in this case is \$3.16 million—is now going to be paid every year direct to the hospitals for the financing of hospitals?

It is always a matter of regret to me that under the Act a certain amount has to be taken out of Lotteries Commission earnings for hospitals but this has to be sent direct to the Treasury. We had the Press covering the receipts of this amount and saying this is the biggest amount ever that is going to hospitals; whereas in point of fact it went directly to the Treasury and we did not have any say in how it was spent.

It was always argued that that amount came in our general allocation and we had no reason to complain. But I see this year under the receipts at the bottom of the list the amount from the Lotteries Commission is shown as \$3.16 million, and it looks as though it might come in now as a separate item.

Mr O'NEIL: Firstly I think the matter should be more correctly directed to the Treasurer, but he has authorised me to say that we will look into it and advise the honourable member as to the funding. I have already indicated that the Architectural Division of the Public Works Department is a building authority for client departments. How they fund their operations is not for me, as the Minister for Works, to be concerned about. In the case of my own department I know where the funds come from and how they are spent.

This method of presenting the annual Loan Estimates is a little different from the method adopted in the past. However, the Treasurer will make sure that the honourable member receives the information he seeks after his speech has been examined.

Mr DAVIES: I see there is no allocation for the building of the new East Victoria Park primary school.

Mr O'Neil: It is under construction.

Mr DAVIES: As the Minister let the contract I thought he would have to get the money from somewhere and I wonder where it comes in the scheme of things. I know the school is now under construction and if I remember correctly the existing site was sold for about \$900 000. The new school will cost something like \$600 000 and there could be \$300 000 to spare.

I want to make a plea for the construction of an overhead pedestrian way of which I have spoken on several occasions. It is a great worry, and concern was expressed by the parents and citizens' association that again we have no assurance from the Minister that a pedestrian way will be built across Shepperton Road.

As the cost of the new school will be cheaper than anticipated, according to the figures given to a public meeting by departmental officers, we feel there should be money left over to build the pedestrian way immediately.

I know the land has not been paid for. By a quirk of fate, the land is owned by the Hawker Sideley company, which is endeavouring to sell it. However, according to what the Minister told me the other day, a portion of the land must be resumed because those involved have been unable to negotiate a price. The fact remains that somewhere in the scheme of things, money should be allocated for a pedestrian overway.

Finally, I wish to repeat what I said the other night: I hope the Government will pay very quick attention to the building of a resource centre at the Lathlain Primary School. The entire functioning of the school has been thrown into disorder, for reasons I have already discussed, and the best we have been able to get out of the Government is that consideration will be given to establishing a resource centre in next year's loan programme.

I believe it should not be a matter of waiting for next year's loan programme, and then saying, "We will start to plan." The Government should start to plan now, and as soon as next year comes around and the money is available, construction can commence immediately. The parents are very concerned that a school which was functioning efficiently and had a total capacity of children attending from within the area should now have extra children fed into it as specialist education classes,

and some of the rooms which previously were used for special purposes, including the library, no longer will be available.

I should like the Government to plan now rather than wait for next year to see whether or not the resource centre will be provided under the programme. I point out to the Government that the people of Victoria Park, Carlisle and Lathlain are confidently expecting the centre to be there within 12 months.

Mr O'NEIL: As I have mentioned, the method of presenting the loan fund programme is a little different this year from what it has been on previous occasions. In respect of many votes, one will notice there is a summary at the bottom which states, "Less: Financed from—". It then goes on to name other sources. If the member for Collie looks at the sewerage programme, he will find that \$1.75 million is being financed by local authorities, not by the Government. So, the money allocated by the Government is the difference between the total estimate, and that to be provided from other sources.

In respect of the Victoria Park Primary School, as I understand the situation, some years ago an agreement was reached whereby the people requiring the land would replace the school and in fact build the school. If there is a little money to spare after the land has been sold and the building has been constructed, I am certain the Government will find a very good purpose to which to put the money. In regard to his query for a pedestrian overway, that may well be a matter for the Main Roads Department. Certainly, that matter and the other matters raised will be brought to the attention of the appropriate Ministers.

Sitting suspended from 3.43 to 4.02 p.m.

Vote put and passed.

Votes—Railways, \$20 344 000; Treasury, \$1 934 000—put and passed.

**Vote: Business Undertakings,
\$31 161 000—**

Mr TAYLOR: A problem exists within the Kwinana Shire district where passengers travelling on buses through to Fremantle or Rockingham need to alight and await connection at the bus transfer station. The establishment of this facility was part of the policy initiated by the MTT and the railways, and in the main it seems to have effected some economies.

The local authority has written to the Minister for the provision of toilet facilities at that bus transfer station, and it has asked me to intercede with the department and the Minister. I have done so. The answer has always come back from the department that toilet facilities were not the responsibility of the MTT.

As a consequence I asked some questions. I asked what other bus transfer stations in the metropolitan area carried out the same functions as the transfer station at Kwinana carried out. I was provided with a list showing about half a dozen bus transfer stations, several located somewhere near or at shopping centres—the centre at Booragoon was such a one—where toilet facilities were provided 25 yards to 50 yards away from the station.

If the Minister is not aware of this, I should point out that the Kwinana bus transfer station is at least one kilometre from the nearest dwelling. It is located in a very isolated position, adjacent to a main road. It is in bush country, and there are no residences near it.

As this bus transfer station services the whole Kwinana community—unlike other bus transfer stations—it presents a real problem. I asked the Minister a question as to how many Kwinana people used the MTT bus service to Fremantle, and the figure he gave was close to 300 people. I presume those people would use the bus transfer station. It is located at least one kilometre away from any house, or any facility which could be used as a toilet.

Mr O'Connor: What is the name of the depot?

Mr TAYLOR: The Kwinana bus transfer station near the junction of Thomas Road and Rockingham Road. I am raising this matter with the Minister because the local authority concerned is most perturbed. It has used quite emotive language in making representations on behalf of the people in the area. I believe it is completely justified in so doing.

Having established a bus transfer station it does not seem appropriate for an instrumentality like the MTT to say, "We have provided a bus service, but we are not responsible for associated amenities. We have not established toilet facilities for such stations in Perth or anywhere else." In fact, I understood the MTT has provided toilet facilities at the bus transfer station in Perth, because it has appointed an attendant to look after them to overcome vandalism.

The bus transfer station at Kwinana is in a special category, and it is not inappropriate for a toilet facility to be provided, particularly for use by aged people and mothers with children who go to Fremantle and elsewhere to shop.

In respect of new buses I would like to refer to a matter which I raised with the Minister a year or so ago. I think it is appropriate for me to raise it now in view of the large sum that is to be expended on new buses.

The MTT has adopted a system of fares arrangement within a series of concentric circles drawn outwards from the General Post Office at Perth. A scale of fares is

framed so that a uniform fare is struck for different areas within the concentric circles, ranging from 30c to 45c.

On the 6th November, last year, I asked the Minister for Transport a question relating to single fare journeys. The first was the fare from Burns Beach via Wanneroo to Thomas Road, Kwinana—a journey of approximately 52 miles. In his reply the Minister said the fare was 30c.

The next part of my question related to the fare from Midland to Thomas Road, Kwinana, via Perth and Fremantle—a journey of 40 miles approximately. The answer was again 30c.

The next part of my question related to the fare from Kalamunda to Thomas Road, Kwinana, via Perth and Fremantle—a journey of 36 miles approximately. The answer was also 30c.

It seems that anyone in the metropolitan area is able to travel to sections of the Kwinana industrial area at a cost of 30c; but people in Kwinana and Rockingham travelling to Fremantle have to pay 45c. This is illustrated in two parts of the question I asked. The first was: What was the fare from Kwinana town centre to O'Connor industrial area—a journey of approximately 15 miles? The answer was 45c.

The second was: What was the fare from Kwinana town centre to the Fremantle terminal—a journey of 17 miles approximately? The answer was also 45c.

It means that with an expenditure of over \$3 million on new buses, a fare structure has been set up which allows anyone to travel to the Kwinana industrial area at a cost of 30c; yet anyone in Kwinana who works in a reasonable size industrial establishment or attends a higher educational institution and who wishes to travel there has to pay 45c. It is a complete anomaly to draw a concentric ring around the Perth GPO, which embraces Kalamunda, Armadale and Wanneroo and other outer centres, but excludes Rockingham and Kwinana so that even students at Kwinana have to pay 45c for a journey to Fremantle.

Mr JAMIESON: Under this vote I wish to make some comment on the State Engineering Works. I would like an explanation from the Minister for Works on the \$378 000 for machinery, plant, and equipment. This is an unusual move, because not very long ago in the term of office of a Liberal-Country Party Government, a lot of the equipment of that instrumentality was transferred to other forging works in Bassendean.

I would like to have an explanation on what the machinery, plant, and equipment comprise, because last year only \$61 000 was spent. The Minister should give us an indication of what is intended under this item.

Mr O'CONNOR: In connection with the comments made by the member for Cockburn, I remember clearly that he saw me in connection with the matters he raised. On several occasions he put forward the position in strong terms.

As far as the bus transfer station at Kwinana is concerned I shall ask the Chairman of the MTT to look at the matter he has raised. In the past we have established bus transfer stations, and at the time we considered that the provision of facilities, such as toilets, was the responsibility of the local authority concerned. However, in view of the distance involved in the case of the bus transfer station at Kwinana I will ask the chairman to have another look at the matter.

The honourable member also raised a matter relating to bus fares from Rockingham. Similarly I will ask the Chairman of the MTT to look into it. I should point out that in Western Australia we have probably the cheapest transport fares in the world and certainly the cheapest in Australia. When we take into account the distance of the journeys we realise how low the fares are.

Mr Taylor: With the exception of one section.

Mr O'CONNOR: I will have that matter looked into. It has not been brought to my notice before and I was not aware of any problem. I shall refer the results of the inquiries back to the honourable member.

Mr TAYLOR: I understand that the State Engineering Works is planning to move from its present site, and that some exploratory work has been done on the relocation of the works. It is a worth-while move to shift the State Engineering Works from its present site on the river foreshore, and that was the aim of the previous Labor Deputy Premier (Mr Graham). My understanding was that certain sites had been examined and one had been recommended.

I see no item in the Estimates to indicate any expenditure on planning or preparatory work. I am wondering whether here will be a move made to transfer the State Engineering Works from the present site in this financial year.

Mr O'NEIL: Firstly, I have a doubt as to whether we ought to be discussing this item, because there is no vote for it. However, I will endeavour to answer the queries. The total amount that is to be spent on the State Engineering Works in this financial year is \$381 000, made up of \$50 000 from private borrowings and \$331 000 from internal funds and balances.

It is true that for many years attempts have been made by Governments of all political colours to find sufficient money to transfer the State Engineering Works to a more appropriate site. The present Government, in common with other Governments, has found it very difficult to

raise those funds. However, as a result of a committee which was set up, comprising officers from the Treasury, the Public Works Department, and the State Engineering Works, it was decided to allow the State Engineering Works to improve its situation to a limited degree on the site it now occupies. That included the replacement of some plant and equipment, the specific items with which I am not familiar.

Certainly various attempts have been made to bring about the transfer of the SEW from its present site, which is a very valuable piece of real estate. However, no loan funds are available, and the upgrading of these works is being carried out by the use of internal funds.

Vote put and passed.

Vote: Housing Authorities, \$3 150 000—

Mr BRYCE: I desire to take this opportunity to lodge a protest to the Government on behalf of a most distraught family in my electorate. The family is distraught because it has been shunted out of Kalgoorlie through the closure of the mine. A promise made to this family at the time by the Government has simply proved to be meaningless.

My concern is focused on the large amount of money which the Government is allocating to the State Housing Commission. It appears that no specific provision is made to fulfil in real terms the promise made by the Government. I refer to the promise made by this Government to the people of Kalgoorlie when it indicated some months ago that it would do everything in its power to safeguard the future of the people who were being retrenched, and their families.

I bring this case to the attention of members because my appeal to the Minister has not borne any fruit. In specific terms, I have in my electorate a family who came down from Kalgoorlie because the breadwinner was retrenched. The family had listened to the promises made at the time—and believed those promises—that they would be looked after. The family includes three teenage sons, one of whom is at school and two of whom would very much like to be able to find some employment. In fact, there is no place in the work force for those two boys.

The point I make is that in respect of the money which has been made available to the State Housing Commission, it is an area where the Government could be doing something to alleviate the suffering of this particular family who came to the metropolitan area after the breadwinner had been retrenched in Kalgoorlie. A vast sum of money has been spent on the items listed in the Loan Fund Estimates for rental accommodation and construction purposes. I lodge a protest on behalf of those people because of their present plight. They are living in a 15-foot caravan as a result of the promises which were

given at the time they moved from Kalgoorlie. Although those five people are living in a 15-foot caravan, their application to the State Housing Commission for a house was rejected.

I made application on their behalf for emergency housing, but it was rejected by the commission. I then appealed to the Minister, in the light of the clearly spelt out promises by the Government to the people of Kalgoorlie that everything possible would be done within the power of the Government to safeguard the future of those people, and to assist them to adjust to life in another community in another part of the State.

Despite the undertakings given by the Government, it has been impossible for the Government to provide jobs for the two young unemployed people—the promise by the Premier to soak up unemployment in this fair State of Western Australia within a period of six months of going back into office.

Housing is one area where the Government can make a special effort to assist families whose breadwinners were retrenched because of the closure of the mine at Kalgoorlie, bearing in mind that at the time the mine was closed the Government indicated that although it was not able to—or could not—find the money necessary to keep the mine open, every attempt would be made to assist the families to adjust to life elsewhere in the State.

I have quoted a specific example of a family the members of which have come to Perth. Their total accumulated life savings, besides the caravan which is accommodating the five of them, is the princely sum of \$2 600. The gross pay of the breadwinner is \$130 per week, and the family has the normal commitments of any other family in their position. Their household goods are stored somewhere in Kalgoorlie.

The reason I have risen to my feet at this stage is to lodge a protest on behalf of that family, and to indicate to the people who are still in Kalgoorlie that the promises made by the Government—that it would assist people to adjust to life in other parts of the State and settle into new communities—have proved to be as empty and meaningless as so many of the other promises made by the Premier early in 1974.

The CHAIRMAN: I draw the attention of members to the fact that there is no vote for the State Housing Commission. As a result, there is really no opportunity for members to speak to that matter.

I intend to allow the Minister to reply briefly to the point raised by the member for Ascot, but I also warn members I will not accept any further debate on the State Housing Commission.

Mr P. V. JONES: In reply to the point raised by the honourable member, he omitted to mention whether or not the reason for the refusal by the commission, first of all, and subsequently by me, to provide assistance was with regard to emergent accommodation. Was the application for emergent accommodation, and was the application subsequently referred to an ordinary "wait turn" basis?

Mr Bryce: The applicant was promised that in three years' time he would be looked after.

Mr P. V. JONES: Quite obviously, if in fact there is some circumstance which the member for Ascot has not made the commission or me aware of, I will be only too happy to have another look at the application. However, there would have been valid reasons for not listing the applicant as emergent. If the honourable member is able to make me aware of any additional circumstances which warrant assistance I will look into the matter.

Vote put and passed.

Vote: Port Authorities, \$2 642 000—put and passed.

Vote: Other Authorities, \$955 000—

Mr TAYLOR: I notice that an amount of \$1.5 million was made available last year for land acquisition, whereas it is proposed that this year the amount will be something like \$5.5 million. That seems to be a tremendous increase in the amount to be available for the purchase of land by ILDA, when one keeps in mind that the authority already has a considerable area of land at Moore River, Kwinana, Kewdale, and Canning Vale. Can the Minister give a reason for the increase?

Mr MENSAROS: It is not a great amount when one considers the area which has to be developed. However, I am quite prepared to give the honourable member more detail in writing.

Mr Taylor: Thank you.

Vote put and passed.

Schedules A to C put and passed.

Clauses 1 to 3 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by Mr O'Neil (Minister for Works), and transmitted to the Council.

LOAN BILL
Third Reading

SIR CHARLES COURT (Nedlands—Treasurer) [4.25 p.m.]: I move—

That the Bill be now read a third time.

MR T. H. JONES (Collie) [4.26 p.m.]: I apologise for having to raise this matter at the third reading stage, but I was called away to the telephone when the Estimates concerning the railways were being considered.

An amount of \$65 000 is to be made available for relaying, and a sum of \$200 000 for ballasting and regrading. I would like the Minister to state the programme for upgrading the railway system in Western Australia, bearing in mind the speed restrictions which apply right throughout the system, which are reducing the efficiency of Westrail operations.

I would like the Minister to indicate what programme is to be undertaken, and also to indicate what is to be done to improve the tracks in an attempt to decrease the number of derailments which are continually occurring.

MR O'CONNOR (Mt. Lawley—Minister for Transport) [4.27 p.m.]: There have always been derailments, and probably always will be derailments in our system. However, I agree there is a necessity to upgrade the rail tracks in Western Australia.

I have had discussions with the Commissioner of Railways on a number of occasions, and we have worked out a programme. We have written to the Commonwealth Government asking for assistance by way of a special grant. The total programme will run into something like \$60 million. We have already submitted a proposition to the Federal Minister, and I believe the Premier spoke to the Prime Minister about this matter during discussions held recently. I will be seeing the Minister again on Thursday or Friday, while I am in the Eastern States, when I will again raise the matter. We realise the necessity to improve the line.

Question put and passed.

Bill read a third time and transmitted to the Council.

QUESTIONS (62): ON NOTICE

1. UNEMPLOYMENT

Eastern Goldfields: Works Programme

Mr T. D. EVANS, to the Treasurer:

- (1) Does he confirm that the Government plan announced to assist in employment opportunities in the Eastern Goldfields subsequent upon the announcement of the closure of the Mount Charlotte

mine, as far as Government financial commitment is concerned, is on the same basis as the scheme to assist in drought affected areas?

- (2) If "Yes" to (1), was this position announced by him at the time he made the assistance plan public at Kalgoorlie?
- (3) If "Yes" to (2), will he please table a copy of the Press release containing this statement?
- (4) Is it a fact that in the matter of those work projects to be undertaken by the Town of Kalgoorlie certain projects were approved of by the Government but it has now been ascertained that the finance available from the Government is insufficient to enable the projects to proceed?
- (5) Does he confirm that the Government has now refused to provide the additional funds so that all those projects referred to in (4) above can proceed as was contemplated and certainly expected when he made known at Kalgoorlie the plan for assistance?

Sir CHARLES COURT replied:

- (1) to (3) It was not specifically stated when announcing the Government support for the proposals submitted by the Kalgoorlie and Boulder local authorities that the Government assistance had been assessed on the principle of the State meeting wages costs and local authorities providing materials and equipment. However, as a previous Treasurer, the member should understand that it is necessary to have some consistent support in cases of emergency such as the closure of the gold-mines and natural disasters.
- (4) and (5) The Town of Kalgoorlie submitted three proposals totalling \$191 000 towards which the State offered \$117 000 to cover the cost of wages. The council has since written advising that it is proceeding with a programme of minor works and repairs towards which the State contribution for wages is \$82 000, but seeking a further \$65 000 from the State for the purchase of street name-plates and materials for concrete footpaths. The council has been advised that the Government is not prepared to change the basis of the scheme. It is not considered reasonable for the State to provide the additional funds considering the long-term benefits for the council from the proposed work. Nor would it be equitable to provide assistance to the Town of Kalgoorlie of \$182 000 out of total costs of

\$191 000 when other local authorities are prepared to fund their contribution for materials and other costs.

2. HOUSING

Kwinana: Storm Damage

Mr TAYLOR, to the Minister for Housing:

With respect to damage recently occasioned to State Housing Commission properties in the Kwinana area by a wind storm and, in particular, with respect to the unroofing of a block of flats in Canham Way, is he able to confirm whether investigation has shown that one reason for the unroofing may have been that the roof was not held by ties or insufficient ties?

Mr P. V. JONES replied:

From inspection by technical officers and an engineer's report, there were sufficient ties built in as required to meet metropolitan standards with respect to wind loads.

3. SEWERAGE

Kwinana: Plan

Mr TAYLOR, to the Minister for Water Supplies:

With respect to the proposed expenditure of \$1 million in loan funds for extensions to the Kwinana sewerage works scheme, and his Press release that this work will allow the servicing of some 26 000 lots rather than the approximate 7 000 lots as at present, will he table a plan showing the area which is most likely to be serviced by this enlarged scheme?

Mr O'NEIL replied:

In answer to a parliamentary question asked by the member on Wednesday, 20th October, 1976, I stated, *inter alia*, that the Kwinana wastewater treatment plant was to be enlarged at a cost of \$1 434 000 to provide a capacity to service 26 000 persons compared with current capacity to service 7 500 persons.

I made no Press release concerning this matter and therefore cannot understand the apparent confusion between "persons" and "lots".

A map showing the sewered and unsewered areas in Kwinana and the ultimate catchment area of 52 000 persons is tabled.

The paper was tabled (see paper No. 619.)

4.

BEACH EROSION

Ledge Point Groyne

Mr CRANE, to the Minister for Works:

- (1) When is it anticipated work will begin on the groyne to be built at Ledge Point to combat beach erosion?
- (2) What is the estimated cost of the proposed work?
- (3) What involvement is required of the Gingin Shire?

Mr O'NEIL replied:

- (1) It is anticipated that contracts will be let during February, 1977.
- (2) \$25 000.
- (3) The Shire of Gingin has requested that the work be carried out, and has agreed to contribute \$1 for every \$3 contributed by the Public Works Department.

5.

PRISON INMATES

North-west: Truck Loading

Mr T. J. BURKE, to the Minister representing the Chief Secretary:

- (1) Are prisoners being used to unload trucks in north-west towns?
- (2) If "Yes" what companies are involved?
- (3) Which towns?
- (4) What payment is being received by—
 - (a) the Government;
 - (b) the prisoners?

Mr O'NEIL replied:

- (1) to (4) No—although it is understood that assistance was given recently to unload some building materials on prison property for extensions to the Broome Regional Prison.

6.

WOODSTOCK RESEARCH STATION

Upgrading

Mr T. J. BURKE, to the Minister for Agriculture:

- (1) How much has been spent on the upgrading of Woodstock Research Station in the last 10 years?
- (2) Why was the research station closed down at a time when pastoral leases were being extended to the year 2015?

Mr OLD replied:

- (1) The annual operational expenditure at Abydos/Woodstock for the past 10 years was approximately \$12 000.
Expenditure on upgrading has been minimal.

- (2) With change in emphasis from sheep to cattle in the Pilbara and with a great deal of information already accumulated further research with sheep was considered unwarranted.

The type of country on Woodstock is generally unsuitable for cattle experimental work.

7. WOODSTOCK RESEARCH STATION

Lease

Mr T. J. BURKE, to the Minister for Lands:

- (1) Has the former Woodstock Research Station been leased to a private person?
- (2) If so, to whom?
- (3) (a) Was that person formerly employed by the Department of Agriculture at the research station;
(b) if so, in what capacity?
- (4) Was the National Trust informed that the Woodstock Research Station (and the buildings thereon) was available for lease?
- (5) Was the property advertised for lease?
- (6) If not, why not?

Mr RIDGE replied:

- (1) No.
- (2) to (6) Not applicable.

8. H. C. GRIFFIN

Replacement as Official Liquidator

Mr T. J. BURKE, to the Minister representing the Attorney-General:

- (1) Has an official liquidator been appointed to replace the late H. C. Griffin?
- (2) If not, when is an appointment likely to be made?

Mr O'NEIL replied:

- (1) No.
- (2) An appointment will be made shortly.

9. IMMIGRATION

Intake and Categories

Mr T. J. BURKE, to the Minister for Immigration:

- (1) How many migrants have come to Western Australia through the State migration office since 24th August, 1976?
- (2) What was the net loss or gain of migrants to Western Australia in the last year?
- (3) How many different ethnic groups are represented in Western Australia?

Mr GRAYDEN replied:

- (1) Arrivals from the 24th August to the 26th November, 1974, by sea and air—342.
- (2) Net gain from January, 1975, to December, 1975, including interstate and overseas—6 668.
 - (a) Estimated figures supplied by Bureau of Census and Statistics.
 - (b) Estimated net gain from overseas settlers for permanent residence January, 1975, to December, 1975—3 989.
 - (c) Preliminary estimated net gain of settlers for permanent residence 6 months from 1st January to 30th June, 1976— increase 550.
This figure includes interstate arrivals and departures and is subject to seasonal fluctuation.
- (3) Fifty ethnic groups—source Good Neighbour Council.

10.

TRESILLIAN HOSTEL

Transfer of Patients

Mr T. J. BURKE, to the Premier:

- (1) Are profoundly retarded children at Tresillian going to be shifted from that home during 1977?
- (2) If so, when is the re-location likely to be undertaken?
- (3) Will he assure the parents of these children that ample warning will be given of the proposed date of transfer if it is still intended to shift them from the Nedlands area?

Sir CHARLES COURT replied:

- (1) to (3) The profoundly retarded children at Tresillian will eventually be re-located in accordance with the arrangements agreed to with the parents and with adequate notice to parents at the appropriate time, as part of the Government's overall commitment and programme to provide suitable accommodation for all of the known profoundly retarded children—this Government being the only one to ever accept such a commitment.

11. "CLIPPER" BUS SERVICE

Extension

Mr T. J. BURKE, to the Minister for Transport:

- (1) Does the Government intend any extension of the "Clipper" service?
- (2) If so, please give full details?

Mr O'CONNOR replied:

- (1) and (2) No—not at the present time.

12. **BENNETT STREET**
Extension to Riverside Drive

Mr T. J. BURKE, to the Minister for Urban Development and Town Planning:

Is it the intention of the Government to extend Bennett Street through Langley Park to Riverside Drive?

Mr P. V. Jones (for Mr RUSHTON), replied:

Bennett Street already exists as a reservation between Riverside Drive and Terrace Drive. Its construction is a matter for determination by the Perth City Council.

13. **HOUSING**
Construction by Tonkin and Court Governments

Mr T. J. BURKE, to the Minister for Housing:

- (1) How many units of accommodation were constructed by the Tonkin Government between 1971-1974 of the following:
 - (a) flats;
 - (b) medium density accommodation;
 - (c) single houses—
 - (i) two bedroom;
 - (ii) three bedroom;
 - (iii) four bedroom;
 - (iv) five bedroom;
 - (d) pensioner units;
 - (e) single units;
 - (f) other (please give details);
 - (g) total?
- (2) How many units of accommodation have been constructed in each category by the Court Government?

Mr P. V. JONES replied:

- (1) and (2) The information requested will take time to collate, and the member will be advised by letter.

14. **HOUSING**
Rent Control

Mr T. J. BURKE, to the Minister for Consumer Affairs:

In view of the fact that the Australian Government is contemplating a rental subsidy scheme to assist persons normally eligible for welfare housing, what action does he propose for some form of rent control to curb possibly avaricious landlords?

Mr GRAYDEN replied:

I am aware of the scheme referred to by the member, its proper title being the Housing Allowance Voucher Experiment (HAVE).

The Commissioner for Consumer Affairs has indicated that the bureau has received an insignificant number of complaints concerning rental disputes and in view of this no action is proposed.

15. **UNEMPLOYMENT**
Number in 1973 and 1976

Mr T. J. BURKE, to the Premier:

- (1) How many persons, in all categories, were registered unemployed in Western Australia when his Government was elected?
- (2) How many persons, in all categories, are registered unemployed in Western Australia today?

Sir CHARLES COURT replied:

- (1) As at end of March, 1974, a total of 7 527 persons were registered as unemployed in Western Australia, or as expressed as a percentage of the labour force Western Australia had the third highest unemployment.
- (2) As at end of October, 1976, a total of 18 962 persons were registered as unemployed in Western Australia, or as expressed as a percentage of the labour force Western Australia has the second lowest unemployment.

In addition, it should be noted that whilst the work force employed in the whole of Australia has decreased by 22 000 between February, 1974, and August, 1976, the work force employed in Western Australia has increased by 32 700 over a similar period.

16. **TOURISM**

Expenditure on Promotion

Mr T. J. BURKE, to the Minister for Tourism:

- (1) What are the Government's objectives for tourism development, promotion and regulation in Western Australia?
- (2) How much has the Court Government spent on tourist promotion in Western Australia in each year of the 28th Parliament?

Mr RIDGE replied:

- (1) To build up the State's internal tourist industry by encouraging the development of new and improved tourist facilities and attractions.

To maintain the existing schemes of assistance for the improvement of tourist facilities and attractions.

To promote the State's attractions and tourist facilities throughout Australia and overseas.

To confer with the private sector of the tourist industry in the preparation of special interest package tours and the promotion of Western Australia as a tourist destination.

To co-operate closely with local authorities and local tourist Bureaus in the State-wide development and promotion of tourist attractions.

To maintain a training and education programme for personnel within the travel industry.

- (2) Total advertising and promotional expenditures of the Department of Tourism during the financial periods of the 28th Parliament are:

1974-75	1975-76	1976-77 Estimate
\$325 000	\$408 000	\$460 000

17. BREAD AND MILK

Price Increase

Mr T. J. BURKE, to the Minister for Consumer Affairs:

- (1) By what percentage did the cost of controlled lines of bread increase during the Court Government?
- (2) By what percentage has the cost of a pint (or equivalent) of milk increased during the Court Government?

Mr GRAYDEN replied:

- (1) From March, 1974, to August, 1976, when control of bread prices ceased, controlled lines of bread increased in price by between 48.14% and 59.25%, the average percentage increase being 53.9%.
- (2) At January, 1974, the price of a one-pint bottle of milk in the metropolitan area was 14 cents. The present price for a 600 ml bottle is 22 cents. Allowance for the difference in volume between the two sizes, the percentage increase is 48.9%.

18. ABATTOIRS

Robb Jetty: Portable Freezer Space

Mr T. J. BURKE, to the Minister for Agriculture:

What is it costing the Government to provide portable freezer space at the South Fremantle meat-works?

Mr OLD replied:

Twenty seatainers and three refrigerated vans which contain a total storage capacity of approximately 360 tonnes have been hired by the Western Australian Meat Commission.

The cost of hiring these units totals \$2 440 per week. A single delivery-collection charge totalling \$2 480 is also payable by the commission.

19. TOTALISATOR AGENCY BOARD

Cost of Agencies

Mr T. J. BURKE, to the Minister representing the Chief Secretary:

- (1) How much has been spent on establishing new Totalisator Agency Board agencies during the Court Government?
- (2) What is the location and cost of each new agency?
- (3) What is the approximate size in square metres of an agency?
- (4) What is the approximate cost of building a State Housing Commission single home of equivalent size?
- (5) Why is there a difference in cost?

Mr O'CONNOR replied:

- (1) \$507 535 since March, 1973.
\$
- (2)

Inglewood	24 189.00
Bicton	50 678.00
Kwinana	37 478.00
Riverton	33 493.00
Mt. Hawthorn	43 251.00
Pinjarra	33 448.00
Bellevue	39 497.00
Warwick	35 278.00
North Perth	36 917.00
Mandurah	47 740.00
Scarborough	43 486.00
Rivervale	39 500.00
Leederville	42 580.00
- (3) Approximately 170 square metres.
- (4) and (5) Unknown.

20. JAMES STREET TECHNICAL SCHOOL Repairs and Renovations

Mr T. J. BURKE, to the Minister for Works:

- (1) How much has been spent on repair and renovation in the last 10 years at—
 - (a) Perth Boys School (James Street Technical School);
 - (b) Perth Girls School (James Street Technical School)?
- (2) When is it intended to demolish that part of the technical school which was formerly a girls' school?

Mr O'NEIL replied:

- (1) Departmental records are not kept in such a manner as to allow the extraction of the costs of maintenance for individual buildings.

However, detailed study of departmental files has indicated that there has been the following expenditures on repairs and renovations since 1970—

Perth Boys' School (James Street)—\$46 000 approx.

Perth Girls' School (James Street)—\$6 000 approx.

(2) Early 1978.

21.

CHILD WELFARE

Adoptions Branch: Staff

Mr T. J. BURKE, to the Minister representing the Minister for Community Welfare:

(1) Has the Minister increased the staffing of the adoptions branch to help cope with extra work involved in securing children from overseas for adoption in Western Australia?

(2) If not, would the Minister please investigate the need?

Mr RIDGE replied:

(1) No.

(2) The problem is not due to any need for extra staff but is rather due to the limited availability from overseas countries of suitable children for adoption.

22.

PRISON INMATES

Number

Mr T. J. BURKE, to the Minister representing the Chief Secretary:

(1) How many individuals are incarcerated in each of Western Australia's penal institutions?

(2) How many women are at present in custody?

(3) How many juvenile boys?

(4) How many juvenile girls?

Mr O'NEIL replied:

(1) 1 024 as listed hereunder.

Fremantle Prison	436
Wooroloo Training Centre ..	95
Albany Regional Prison .. .	46
Pardelup Prison Farm .. .	28
Karnet Rehabilitation Centre	66
Kalgoorlie Regional Prison ..	51
Bandyup Training Centre ..	24
Barton's Mill Prison (6—included in figure for Wooroloo)	
West Perth Work Release Hostel	32
Brunswick Junction Prison ..	26
Bunbury Rehabilitation Centre	47
Geraldton Regional Prison ..	52
Broome Regional Prison .. .	37
Wyndham Regional Prison ..	27
Roebourne Regional Prison ..	31
East Perth Police Gaol .. .	28

1 024

(2) 40.

(3) 30.

(4) Nil.

23.

IMMIGRATION

Naturalisation

Mr T. J. BURKE, to the Minister for Immigration:

(1) How many persons became Australian citizens in Western Australia this year?

(2) What were the former nationalities represented?

(3) How many new citizens came from each?

Mr GRAYDEN replied:

(1) 7 382.

(2) and (3) These questions are combined giving countries, males and females who have had their citizenship confirmed. Statistics taken from the 1st July, 1975, to the 30th June, 1976.

Country	Male	Female
Austria	18	11
Canada	23	11
China	11	15
Cyprus	17	4
Czechoslovakia	19	12
Denmark	32	15
Fiji	2	2
Finland	6	8
France	38	47
Germany	89	55
Greece	150	129
Hong Kong	7	7
Hungary	9	4
India	361	331
Ireland	92	43
Israel	3	7
Italy	524	458
Jamaica	13	10
Lebanon	46	28
Malaysia	111	112
Mauritius	65	65
Netherlands	109	96
New Zealand	27	23
Poland	35	32
Singapore	139	133
South Africa	87	94
Sri Lanka	56	65
Switzerland	30	20
U.K. and Colonies	3 538	2 919
U.S.S.R.	3	1
Latvia	2	5
Ukraine	2	—
Yugoslavia	443	288
Stateless	29	20
Others	589	473
Total	6 725	5 543

Source—Commonwealth Department of Immigration and Ethnic Affairs.

24. **SURF LIFE SAVING
ASSOCIATION**
Government Grants

Mr T. J. BURKE, to the Treasurer:
How much money has been made available to the Surf Life Saving Association during the life of this Government?

Sir CHARLES COURT replied:
The following Government grants have been paid—

	\$
1974-75	20 000
1975-76	20 000
1976-77	25 000

(There was also some assistance recently for the freight on a surf boat for a surf carnival in Tasmania).

25. **ROTTNEST ISLAND**
Water Supply

Mr T. J. BURKE, to the Minister for Lands:

- (1) Is the volume of fresh water from bores recently sunk on Rottnest Island going to meet the demands of the Christmas holiday period?
- (2) If not, how is it intended to supplement the island's water supplies?

Mr RIDGE replied:

- (1) At the present pumping rate, yes. It should be noted, however, that the bores are new and it is necessary to monitor and evaluate the supply each day.
- (2) In the event of its becoming necessary, supplies will be transported from the mainland.

26. **PEDESTRIAN CROSSINGS**
Pelican Type: Installation

Mr T. J. BURKE, to the Minister for Traffic:

- (1) Is it the intention of the Government to install further pelican type pedestrian crossings?
- (2) If so, where?
- (3) When?

Mr O'CONNOR replied:

- (1) Yes.
- (2) (i) Wellington Street adjacent to Royal Perth Hospital.
(ii) Newman Street, Fremantle.
(iii) A further location in St George's Terrace at Pier Street is under consideration by the Perth City Council and the Main Roads Department.
- (3) During the first half of 1977, subject to the availability of equipment currently on order.

27. **PARLIAMENT HOUSE**
Gymnasium

Mr T. J. BURKE, to the Premier:

Would he please seek the advice of the Physical Education Department of the University of W.A. and consult the Minister for Works on the possible need for and feasibility of providing a gymnasium for members in extensions proposed for the southern wing of Parliament House?

Sir CHARLES COURT replied:
No.

28. **HEALTH**

Cigarette Smoking: Warnings

Mr T. J. BURKE, to the Minister representing the Minister for Health:

- (1) How much was spent by the Minister's department in the last financial year to warn people of the dangers of smoking?
- (2) Would the Minister approach all Ministers and request that signs be displayed in all Government buildings requesting people to refrain from smoking in the interest of community health?

Mr RIDGE replied:

- (1) All branches of the Health Department engage in health education activities and warning people of the danger of smoking forms part of this. The Health Education Council has a specific campaign against smoking. The precise figure spent on this activity cannot be assessed.
- (2) No.

29. **MOTOR VEHICLES**
Young Children on Front Seats

Mr T. J. BURKE, to the Minister for Traffic:

- (1) Has consideration been given to introducing legislation to prevent parents allowing young children and babies to travel on the front seats of motor vehicles?
- (2) In view of the incidence of injury to young children thrown against the dashboard or through wind-screens of cars, would he undertake a campaign to educate parents of the dangers?

Mr O'CONNOR replied:

- (1) Yes. The National Safety Council has considered such a move in the light of legislation introduced in Victoria. It believes, however, that it should be associated with other measures such as lowering the age from eight to four years whereby children should be compelled to wear adult belts when

fitted, and a wider use of approved child restraints. The whole question is still under consideration.

(2) Yes.

30. LEACH HIGHWAY *Repair of Retaining Wall*

Mr T. J. BURKE, to the Minister for Transport:

- (1) What was the cost of repairing the retaining wall on Leach Highway near the Maddington-Gosnells turnoff?
(See *The West Australian* 23rd March.)
- (2) Were the same "V" shaped concrete blocks used to repair the wall?
- (3) Who recommended their use in the first place?

Mr O'CONNOR replied:

- (1) Separate costs are not available as the repair work was completed with other construction being undertaken at the time and the charges were not separated.
- (2) No.
- (3) A responsible departmental officer.

31. AIR TRANSPORT *Concorde Service*

Mr T. J. BURKE, to the Premier:

- (1) Is the Government considering a proposal for the Concorde to fly into Perth?
- (2) If not, has there been an approach to date and what was the Government's response?
- (3) Would he allow the Concorde to fly into Perth if the Government was approached?
- (4) If "Yes" what control would be demanded over noise levels?

Sir CHARLES COURT replied:

- (1) There is no proposal before the Government.
- (2) There has been no firm proposal, but the Government has indicated that it believes there are advantages to Western Australia if Concorde includes Perth in its schedules.
- (3) and (4) The Government would be favourably disposed, subject of course to a study of detailed conditions—bearing in mind that the final decision would be made by the Commonwealth Government.

32. CANNING VALE GAOL *Cost of Construction*

Mr T. J. BURKE, to the Minister representing the Chief Secretary:

- (1) How much has been spent to date on the Canning Vale gaol?

- (2) How much is proposed to be spent this year?
- (3) What was the initial estimate of total cost?
- (4) What is the present estimate?
- (5) When is the gaol likely to be completed?

Mr O'NEIL replied:

- (1) \$443 021.
- (2) Proposed 1976-77—\$29 000 being final payment on gatehouse and security grille contracts.
- (3) The initial estimate for the maximum security complex was \$11 300 000.
- (4) \$18 423 000 (April 1976 Estimate, excluding 'rise and fall').
- (5) The completion of the gaol is dependent upon the availability of loan funds.

33. FREMANTLE GAOL *Preservation*

Mr T. J. BURKE, to the Premier:

Would he assure the House that Fremantle gaol will be preserved as an historic relic, and made available to the people, if and when the Canning Vale gaol is completed?

Sir CHARLES COURT replied:

In the context of its well-enunciated policy on preservation of buildings of real historical significance, the Government is well aware of the importance of Fremantle gaol.

However, bearing in mind the uncertainty of the completion date of Canning Vale and the views contained in the report commissioned by the Fremantle City Council that—"in practical terms the sheer scale of the undertaking is daunting"—an unqualified assurance as sought by the member would be premature.

Discussions will be held with the Fremantle City Council and other bodies with responsibilities in this field at an appropriate time.

34. POLICE *Motor Vehicle Thefts*

Mr T. J. BURKE, to the Minister for Police:

- (1) How many motor vehicles have been stolen in Western Australia in each of the last three years?
- (2) How many vehicles were recovered in each year?

Mr O'CONNOR replied:

If the member is seeking information as to the number of motor vehicles taken without authority

under circumstances which constituted stealing, as the term is defined under the Criminal Code, in each of the last three years, then considerable research would be required and the figures may not be available for several days. If, however, he intends the term "stolen" to include those motor vehicles unlawfully used under circumstances which did not constitute stealing, the answers to parts (1) and (2) of his question are as follows—

(1) and (2)—

1st July 1973 to 30th June 1974	
stolen	5 214
recovered	4 958
outstanding	256

1st July 1974 to 30th June 1975	
stolen	5 524
recovered	5 173
outstanding	351

1st July 1975 to 30th June 1976	
stolen	4 917
recovered	4 554
outstanding	363

It is anticipated that a number of the vehicles outstanding for the 1975-76 period will be recovered.

35.

MOTOR VEHICLES

Laminated Windscreens and Regrooved Tyres

Mr T. J. BURKE, to the Minister for Traffic:

- (1) Is it compulsory for laminated windscreens to be fitted to—
 - (a) new;
 - (b) secondhand,
 cars sold in Western Australia?
- (2) If not, would he take action to make it law?
- (3) Have Road Traffic Authority vehicle inspectors discovered any incidence of regrooved tyres being fitted to cars?
- (4) If so, what action has been taken to prevent it?

Mr O'CONNOR replied:

- (1) (a) and (b) No.
- (2) Not at this stage. All windscreens must be of safety glass. All motor vehicles manufactured after the 1st July, 1971, must have safety glass conforming with Australian Design Rule No. 8. Heat toughened glass complies with the design rule. The cost/benefit of laminated glass (about \$65.00 above toughened glass) has not been clearly demonstrated.
- (3) and (4) None known since regulations were adopted to prevent regrooved tyres being fitted to vehicles of less than 1.5 tonnes.

36.

ROE STREET

Widening

Mr T. J. BURKE, to the Minister for Transport:

- (1) Is it intended to widen Roe Street, Perth?
- (2) If so, what sections?
- (3) When is the work likely to start?

Mr O'CONNOR replied:

- (1) Yes.
- (2) In the vicinity of the West Perth railway station as part of a bus only on-ramp connection to the Mitchell Freeway. It is understood that the Perth City Council has some other general proposals under consideration.
- (3) Unknown at present but funds for the project will be considered for inclusion in the Main Roads Department's 1977-78 programme.

37.

OVERSEAS POSTS

Establishment and Upkeep Cost

Mr T. J. BURKE, to the Treasurer:

Would he please provide full details of the total cost of:

- (a) establishment;
- (b) upkeep,

of each overseas post for which the State Treasury is responsible?

Sir CHARLES COURT replied:

The information sought by the member is contained on pages 39 and 40 of Estimates of Expenditure for the year ending the 30th June, 1977.

38.

MINISTERS OF THE CROWN

Cost of Air Travel

Mr T. J. BURKE, to the Treasurer:

- (1) What was the total cost of Ministers' air travel in each of the last three years—
 - (a) intrastate;
 - (b) interstate?
- (2) How much of this was spent in each year with—
 - (a) MMA;
 - (b) Ansett Airlines;
 - (c) TAA?

Sir CHARLES COURT replied:

- (1) and (2) Considerable research of accounts is required to answer this question, and unless the member can indicate a genuine need for the information, I do not plan to allocate Public Service Board staff—who are currently hard pressed on urgent matters—to supervise the extraction of the detailed information and its collation.

39. GOVERNMENT EMPLOYEES

Cost of Air Travel

Mr T. J. BURKE, to the Treasurer:

- (1) What was the total cost of air travel (excepting travel undertaken by Ministers) borne by the Government in each of the last three years?
- (2) How much was spent in each year with?
 - (a) MMA;
 - (b) Ansett Airlines;
 - (c) TAA?

Sir CHARLES COURT replied:

- (1) and (2) See answer to Question 38.

40. CYCLEWAYS

Expenditure

Mr T. J. BURKE, to the Minister representing the Minister for Recreation:

- (1) How much has been spent by the Court Government on the construction of cycleways?
- (2) Would the Minister please provide details of location and cost?

Mr GRAYDEN replied:

- (1) and (2) To date no State funds have been expended on the construction of cycle ways. However, it is planned to include a cycle way along the Kwinana Freeway extension over the next two or three years.

41. GOVERNOR GENERAL

State Visit

Mr T. J. BURKE, to the Premier:

Has the Governor General been invited to visit Western Australia prior to the arrival of Her Majesty the Queen?

Sir CHARLES COURT replied:

There is an open invitation for the Governor General to visit Western Australia at anytime of his choosing.

We would welcome such a visit if His Excellency made a decision to come to Western Australia before, during or after the visit of Her Majesty The Queen.

42. HORSESHOE BRIDGE

Renovation and Painting

Mr T. J. BURKE, to the Minister for Transport:

What was the cost of renovation and painting of the Horseshoe Bridge in William Street?

Mr O'CONNOR replied:

The cost of painting the Horseshoe Bridge in William Street was \$16 060.

43. LASER BEAMS

Study into Use

Mr T. J. BURKE, to the Minister representing the Minister for Education:

- (1) Is there any study underway in Western Australia into the practical aspects of measurement with lasers?
- (2) If so, would he please give details?
- (3) Would the Minister say why was Western Australia excepted from the series of seminars on the subject?

Mr GRAYDEN replied:

- (1) and (2) No study of this nature is under way at the University of WA. At the Western Australian Institute of Technology, the Department of Physics is currently undertaking a graduate exercise in the development of radar laser systems for atmospheric studies, in particular a study of atmospheric pollutants, particulates, aerosols. There is some undergraduate teaching using a laser interferometer. Additionally, some of the WAIT students in the Department of Surveying are doing projects under staff supervision on measurement with lasers. Murdoch University's School of Environmental and Life Sciences expects to commence in late 1977 experiments using lasers for measurements.
- (3) Senior staff in tertiary education institutions are not aware of any recent seminars organised on this topic. If the member can indicate who organised the series of seminars, it may be possible to ascertain why Western Australia was not included.

44. SCHOOLS

Visually Impaired Children

Mr T. J. BURKE, to the Minister representing the Minister for Education:

With reference to question 9 of Thursday, 18th November:

- (1) What is the location of the new centres to be established north and south of the river to cater for visually impaired children?
- (2) What is the estimated cost of each?
- (3) Will the school grounds be retained for children attending the primary school?

- (4) What use is intended for classrooms vacated by special classes?

Mr GRAYDEN replied:

- (1) Nollamara and Lathlain Primary schools.
- (2) The classes will be accommodated in existing schools.
- (3) The existing grounds will be retained for children attending Thomas Street Primary School.
- (4) The vacated classrooms will provide for an expansion of the WA Correspondence School and a music resources centre.

45. PASTORAL LEASES Stock Agistment

Mr T. J. BURKE, to the Minister for Lands:

- (1) How many applications have been made to agist stock on pastoral leases in the last three years?
- (2) How many have been approved?
- (3) Would he please give details in each case?
- (4) Did an officer or inspector of pastoral leases make an on the spot inspection before agreement to agist was agreed to in each case?

Mr RIDGE replied:

- (1) Five.
- (2) Five.
- (3) (i) Kookynie Station—80 cattle—ex-agricultural area.
- (ii) Black Flag Station—150 cattle and 2 000 sheep—source unknown.
- (iii) Mt. Burges Station—3 000 sheep—source unknown.
- (iv) Goongarrie Station—3 000 sheep—ex-Rawlinna area.
- (v) Tarmoola Station—4 000 sheep—ex-agricultural area.
- (4) No. Assessments were made by examination of pastoral classification material, estimated carrying capacities, paddock sizes and stocking capabilities, and condition of the country from previous inspection reports.

In cases arising where information on these factors is not readily available, inspections are arranged before final decisions on agistment applications are taken.

46.

ROADS

North-west: Expenditure on Upgrading

Mr T. J. BURKE, to the Minister for Transport:

How much has the Government spent on upgrading roads—

- (a) between Fitzroy crossing and Halls Creek;
- (b) between Broome and Port Hedland in each of the last three years?

Mr O'CONNOR replied:

(a) Fitzroy Crossing—Halls Creek

	1974-75	1975-76	1976-77*
	\$	\$	\$
Construction	465 499	1 606 611	348 839
Specific Maintenance	54 899	141 634	65 000
Routine Maintenance	22 442	38 696	40 000

(b) Port Hedland—Broome

	1974-75	1975-76	1976-77*
	\$	\$	\$
Construction	574 366	1 890 705	2 428 000
Specific Maintenance	108 845	250 991	35 200
Routine Maintenance	97 037	223 178	215 000

* 1976-77 figures are programmed expenditure whilst 1974-75 and 1975-76 are actual.

47.

BROOME GAOL Officers' Quarters

Mr T. J. BURKE, to the Minister for Works:

- (1) Has the Government any proposal for upgrading homes occupied by prison officers in Broome?
- (2) If so, would he please provide full details?

Mr O'NEIL replied:

- (1) Yes.
- (2) Arrangements are at present in course to transfer the five Government owned prison quarters at Broome to the Government Employees' Housing Authority. The details and extent of repairs, renovations and upgrading will be determined by the Public Works Department in conjunction with that authority.

48.

RADIO

Reception: Halls Creek

Mr T. J. BURKE, to the Premier:

- (1) What action has the Government taken to improve radio reception in Halls Creek?
- (2) Is any action contemplated?

Sir CHARLES COURT replied:

- (1) and (2) In my capacity as Minister for the North West in the 1960s and more recently as Premier, the question has often been taken up with Commonwealth Ministers and the Prime Minister. Departmental officers are continually researching the overall

question of radio reception and other communications in the northern isolated areas.

The possible use of satellites rather than coaxial cables has been investigated and a draft report prepared jointly by this Government and that of Queensland and the Northern Territory, for the consideration of the Northern Development Council.

49. BROOME GAOL

Inmates: Medical Examination

Mr T. J. BURKE, to the Minister representing the Minister for Health:

- (1) Is the District Medical Officer at Broome, as part of his duties, required to medically examine prison inmates?
- (2) If "Yes" is part of his salary paid for this service?
- (3) Is he aware that one of the district medical officers at Broome consistently refuses to medically examine prisoners?
- (4) What action will be taken to recover public moneys paid to the doctor in question for services he refuses to perform?
- (5) What action will be taken to assure he fulfils his obligations as a public servant in the future?

Mr RIDGE replied:

- (1) and (2) No.
- (3) No.
- (4) Answered by (1).
- (5) As a public servant, the provisions of the Public Service Act (as amended) would apply.

50. NEWMAN-MEEKATHARRA ROAD *Sealing*

Mr T. J. BURKE, to the Minister for Transport:

When is the road between Newman and Meekatharra going to be sealed?

Mr O'CONNOR replied:

Completion of black top to Newman is expected about the end of 1978 or early 1979 but this could be influenced by the amount of funds to be provided for the National Highway under new Federal legislation which will apply from 1st July, 1977.

51.

INCOME TAX *Dual Imposition*

Mr T. J. BURKE, to the Premier:

Does the Premier's reference in 1974-77 policy to the effect that he had "received a firm guarantee that a Federal Liberal Government would completely change the Commonwealth-State financial agreement" mean—

- (1) That he had advance warning of the implementation of a double taxation system upon the people of this State?
- (2) If the answer to (1) is "No" does this indicate that he has been deliberately misled by his Canberra colleagues?

Sir CHARLES COURT replied:

- (1) and (2) My comment referred to the Federal Liberal and Country Party policy, then in formation, to provide for the States to receive a share of income tax revenue as of right instead of being dependant on formula grants. The policy also provides for the States to be able to levy an income tax surcharge if they so wish which merely returns to the States a right which they held and exercised for the 41 years of federation before 1942.

It is nonsense to describe the new scheme as providing for double taxation. It retains all the essential elements of uniform taxation, that is, one body of taxation law and a single tax return while returning to the States in a practical way a power they should not have lost.

52.

ARTS AND CRAFTS *Grants and Scholarships*

Mr T. J. BURKE, to the Premier:

- (1) How many grants or scholarships have been made, as promised in 1974 policy to "encourage and expand" arts and crafts?
- (2) What is the total value of all grants made?

Sir CHARLES COURT replied:

- (1) The Western Australian Arts Council has made 67 grants to organisations directly involved in art and craft activities, and 20 bursary grants have been made to individual persons. In addition the WA Arts Council has established Western Australian arts access which supplies substantial benefit to numerous organisations and their members.

The Education Department has made 7 grants.

- (2) Grants totalling \$149 927 have been made by the Western Australian Arts Council to organisations directly involved in art and craft activities and grants totalling \$38 121 have been made to individual persons.

Education Department grants total \$157 616.

53. BOOKS

Government Backing for Publication

Mr T. J. BURKE, to the Premier:

- (1) Has the Government backed the publication of any books since it took office, as promised?
- (2) If so, how many and what was the cost?
- (3) Were any requests for backing rejected?
- (4) If so, would he please give details?

Sir CHARLES COURT replied:

- (1) Yes.
- (2) The Government has, as per their election promise, supported the publication of books by Western Australian writers. Through the Western Australian Literary Fund set up by this Government, the Fremantle Arts Centre Press has been assisted by a total grant to date of \$25 000. As a result, seven books have been published during 1976, representing the works of twenty-two Western Australian writers. Four further individual titles are in preparation for publication during 1977.

Details:—

Soundings (\$3 000), print run 1 500. A collection of the work of 17 Western Australian Poets. Launched 23/3/76. Sold to Friday 26/11/76—945.

New Country (\$8 500), print run 1 500/1 500. A collection of short prose by Western Australian writers. Launched 24/6/76. Sold to Friday 26/11/76—1 025.

Anchor and Other Poems (\$1 600), print run 750. Nicholas Hasluck. Launched 9/11/76. Sold to Friday 26/11/76—179.

Five Acre Virgin (\$2 000), print run 750. Short stories by Elizabeth Jolley. To be launched 2/12/76.

Gannet Production Unit (design and production unit—Press not responsible for printer's cost).

Woodline, print run 2 000. Larry Hunter. Five Years With the Woodcutters of WA Goldfields.

Sweet and Deadly, print run 200. Miriam Howard Wright. A thriller comedy in 2 acts and 4 scenes.

Bloomvale, print run 300. A collection of the work of Bussell-ton poets.

The WA Literary Fund was granted \$25 000 in each of the three years 1974-75, 1975-76, 1976-77. This amount has been used to assist towards publication of 4 volumes and provided grants to assist with the publication of the following:—

Ancient Landmarks, \$500.

A Thomas (rewrite of Mrs. G. Casey's book), \$3 000.

History of Pharmacy in WA. A. McWhinney, \$500.

History of Pearling, M. A. Bain, \$400.

The four volumes in progress as follows:—

The WA Biographical Index. \$6 417.20 paid; \$15 300 committed.

The New History of WA. \$3 775 paid; \$25 000 committed.

M. P. Hamilton (publication for sesquicentennial celebrations), \$2 000 committed.

- (3) Yes. Many manuscripts were below standard.

- (4) No.

I seek permission to hand in copies of Centre Press publications mentioned in reply.

The books were handed in.

54. INDUSTRIAL DEVELOPMENT

Waste Water: Recycling

Mr T. J. BURKE, to the Minister for Industrial Development:

What action has been taken to implement the 1974 policy proposal to convert waste water for industrial use?

Mr MENSAROS replied:

- (1) Investigations into re-use of waste water are continuing.
- (2) The latest technology overseas is being monitored by Government officers.
- (3) We are collaborating with the private sector to ensure maximum re-use of water.
- (4) Two specific areas of interest are re-use of waste water at Kam-balda for industrial purposes, and increased recycling of effluent water in the alumina industry.

- (5) In general terms, re-use of waste water for industry carries a cost factor which could be expected to become less of an economic penalty as technology changes and alternative water supplies become more expensive.
- (6) In relation to Metropolitan Water Board activities the availability of ground water over most of the metropolitan area still provides a more economical source than "laundered" waste water.
- (7) The water board has a study under way to review its programme of developmental works for water and sewerage to the turn of the century. This is expected to throw further light on when it is timely to reclaim water for various uses. The study of course is also concerned in estimating water costs to the consumer.
- (8) An overseas consultant was engaged earlier this year to formulate a proposal for a ground water re-charge experiment associated with the disposal of effluent from the Westfield waste water treatment works where current treatment is to the secondary stage.
- (9) Likewise it is arranging a study to establish methods and cost for incorporating within the metropolitan water system the lower quality waters of the Swan and Avon tributaries.
- (10) It is also relevant to note that an officer of the Metropolitan Water Board proceeded overseas in 1974, visiting South Africa, USA and Europe to observe developments in waste water treatment and works involving re-use of water.
- (11) Nowhere else yet is effluent used specifically for industry. However, in 16 country towns treated effluent is being used to irrigate recreational grounds, such as ovals.

55. INSURANCE COMPANIES

Legislative Controls

Mr T. J. BURKE, to the Minister for Labour and Industry:

Would he advise the legislative controls pertaining to all insurance companies in Western Australia?

Mr GRAYDEN replied:

- (1) The operations of insurance companies in Western Australia are controlled by the following Acts:

State—

- (a) Insurance Companies Act;

(b) Life Assurance Companies Act.

Commonwealth—

- (a) The Life Insurance Act;
- (b) The Insurance Act.
- (2) Control is also exercised in respect of certain classes of insurance by other State Acts, viz:
 - (a) the Marine Insurance Act;
 - (b) The Workers' Compensation Act;
 - (c) The Motor Vehicle (Third Party) Act.
- (3) The operations of the State Government Insurance Office are controlled by the State Government Insurance Office Act.
- (4) Other legislation such as the Bushfires Act, the Fire Brigades Act, the Stamp Act, etc., also govern the operations of insurance offices and if a comprehensive list of these Acts is required it is suggested that inquiries be made through the Minister for Justice.

56.

FREMANTLE GAOL

Inmates: Workers' Compensation

Mr T. J. BURKE, to the Minister representing the Chief Secretary:

- (1) Is it a fact that prisoners working in Fremantle, and thus receiving gratuities, are not covered by the Workers' Compensation Act, 1912-73?
- (2) If "Yes" what is the situation when a prisoner is injured whilst working, in such a manner that if he were covered by the Act he would receive compensation—does he still receive his accredited gratuity for the duration he is disabled, or not?
- (3) If not, why not?
- (4) (a) How many prisoners have been injured whilst working in the last 12 months;
- (b) what type of accidents were these; and
- (c) if gratuity was not still given, how was the prisoner dealt with?

Mr O'NEIL replied:

- (1) Yes.
- (2) and (3) He still receives gratuity.
- (4) (a) 52;
- (b) cuts and abrasions 26, bruises 5, simple burns 5, sprains 6, amputated fingers 2, flash burns 1, other eye injuries 3, crushed fingers 3, skull fracture 1.
- (c) See (2).

57.

ELECTORAL

Prison Inmates: Voting Rights

Mr T. J. BURKE, to the Minister representing the Chief Secretary:

- (1) Is it a fact that prisoners awaiting trial or on remand have been deprived of their right to vote at various State and Federal elections?
- (2) What is the current legal situation regarding these prisoners and their voting rights?
- (3) Will these persons be permitted to vote at the next election?

Mr O'NEIL replied:

- (1) Electors in this category are not disqualified from voting for State and Federal elections.
- (2) and (3) The position as to whether these electors can make an application for a postal ballot paper under existing State legislation is being examined. I am advised that for Federal elections such electors can now make an application for a postal ballot paper under the Commonwealth Electoral Act.

58.

FREMANTLE GAOL

Facilities: Upgrading

Mr T. J. BURKE, to the Minister representing the Chief Secretary:

- (1) Is it a fact that there are no flush toilets available for remand prisoners in Fremantle gaol?
- (2) If "Yes" what is being done to remedy the situation?
- (3) Is it a fact that no recreational facilities are available for these prisoners?
- (4) If "Yes" to (3), what is being done to rectify that situation?
- (5) (a) Is it a fact that remand prisoners spend approximately 15 hours in cells each day;
(b) if not, how long?
- (6) What is being done to shorten that length of time?
- (7) How often are shower or bath facilities made available to remand prisoners?
- (8) (a) Is it a fact that these prisoners are able to shower only three times a week;
(b) if so, what is being done to improve the situation?
- (9) (a) Is it a fact that the exercise yard at Fremantle gaol is open to the elements with little or no shelter;
(b) if so, what is being done to remedy the situation?

Mr O'NEIL replied:

- (1) to (4) No.
- (5) (a) and (b) Yes—14½ hours.
- (6) As soon as sufficient staff are made available to cover introduction of a late lock-up, such arrangements will be made.
- (7) Three times per week.
- (8) (a) Yes;
(b) Negotiations in progress with FWD on feasibility of showers being fitted in all exercise yards.
- (9) (a) There are shelter sheds in all yards;
(b) Plans have been drawn to manufacture protection shutters for shelter sheds in all yards. It is anticipated this work will be completed by next winter.

59.

CHIEF SECRETARY'S and CROWN LAW DEPARTMENTS

Backlog of Work

Mr T. J. BURKE, to the Minister representing the Chief Secretary:

- (1) Is it a fact that as the portfolios of Chief Secretary and Minister for Justice are held by one man, this has resulted in a possible backlog of work at high levels in both departments?
- (2) Is it also a fact that this factor has resulted in possible frustration for the administration of the Department of Corrections?

Mr O'NEIL replied:

- (1) and (2) No.

60.

COMMUNITY SERVICE ORDERS

Offenders: Workers' Compensation

Mr T. J. BURKE, to the Minister representing the Minister for Justice:

- (1) What will be the situation where an offender is injured whilst performing a community service order, and that injury deprives him of attending his normal job?
- (2) If this matter has not been considered by him will the Government consider legislating to allow workers' compensation to cover an offender injured whilst performing a community service order?

Mr O'NEIL replied:

- (1) and (2) Clause 20Q of the Offenders Probation and Parole Act, 1963-1976, provides that an offender shall in respect of—
(a) work performed by him under a community service order; and

(b) travelling done by him in order to perform work under a community service order be deemed to be a worker employed by the Crown for the purpose of the Workers' Compensation Act, 1912.

61. PRISON INMATES

Work Release: Workers' Compensation

Mr T. J. BURKE, to the Minister representing the Chief Secretary:

- (1) Is it a fact that a prisoner on work release is not covered by workers' compensation?
- (2) If "Yes" what is the situation when a prisoner is injured in a manner which if he were covered he would receive compensation?
- (3) If no compensation or gratuity is made, what is done for the prisoner?
- (4) (a) How many prisoners on work release have been injured in the past 12 months;
(b) have any forms of compensation been made?

Mr O'NEIL replied

- (1) to (3) No.
- (4) (a) 28
(b) 28 have been in receipt of Workers' Compensation.

62. FREMANTLE GAOL

Inspection of Workshops

Mr T. J. BURKE, to the Minister representing the Chief Secretary:

- (1) Is it a fact that the workshops in Fremantle gaol are not subject to inspection under the Factories and Shops Act?
- (2) (a) If "Yes" how and by whom are the working conditions inspected;
(b) when was the last time any such inspection was undertaken?
- (3) Is it a fact that prisoners working in these shops have no right to demand inspections of their working conditions?
- (4) If "Yes"—
(a) how many requests for inspection have been made in the past 12 months; and
(b) how many have been rejected?
- (5) Is the Government considering, or prepared to consider, any alteration to the present system?

Mr O'NEIL replied

- (1) Yes (See Section 5 SS1 Factories and Shops Act).

(2) (a) Machinery and equipment is subject to inspection of Machinery Act.

(b) During 1976, 5 inspections were carried out at Fremantle Prison by officers under the above Act, covering areas of woodworking, metal working, bootmaking, printing, kitchen and boilerhouse. The last inspection was on 24th November, 1976.

(3) and (4) No.

(5) Not considered necessary.

QUESTIONS (17): WITHOUT NOTICE

1. JUSTICES OF THE PEACE

Kalgoorlie: Appointment

Mr T. D. EVANS, to the Minister representing the Attorney-General:

- (1) Is it a tradition that nominations for appointments to the commission of the peace have, in the past, normally been initiated by the Legislative Assembly member for the appropriate district or by the stipendiary magistrate servicing the particular district and, in any event, where someone other than the Legislative Assembly member for the district concerned initiates a nomination for an appointment to the commission of the peace, the Legislative Assembly member has been contacted to seek his or her views relating to the proposed appointment prior to the appointment being made?
- (2) If "Yes", why was this procedure not followed in the two most recent appointments at Kalgoorlie?
- (3) Why was a long-standing nomination of a Kalgoorlie lady, initiated by myself, previously rejected on the ground only that Kalgoorlie was adequately serviced by justices, not considered on this most recent occasion for appointments?

Mr O'NEIL replied:

I thank the member for some notice of this question, the answer to which is as follows—

- (1) and (2) Prior to the 5th July, 1976, it was general policy for nominations from other than members of the Legislative Assembly to be referred to the member of the Legislative Assembly representing the electorate in which the nominee resided.

Since the 5th July, 1976, policy has been in accordance with advice circulated to all members of Parliament by

the Under-Secretary for Law dated the 13th September, 1976.

The current policy was adopted in respect of the two cases cited.

- (3) It is regretted that the nomination referred to was not considered when the two recent appointments were approved. A renomination of this person will receive further consideration.

2. PREMIER AND MINISTER FOR INDUSTRIAL DEVELOPMENT

Overseas Visits: Report

Mr MAY, to the Premier:

I should like to ask a question without notice of the Premier and I apologise for the shortness of the notice but the report was tabled in Parliament only this afternoon. I ask—In connection with the report on overseas visits by the Premier and the Minister for Industrial Development tabled in Parliament today, the 30th November, 1976, will he advise—

- (1) (a) those portions of the report he was referring to when he advised the member for Clontarf on the 24th November, 1976, that he would "get the shock of his life when he saw the report";
- (b) whether the Minister for Industrial Development has visited Japan since August, 1976;
- (c) if in the affirmative, why were particulars of this visit not included in the tabled report?
- (2) In view of the fact that page 3 of the report indicates that the visit overseas during January-February, 1975, was allegedly undertaken because of the destruction of Australia's credibility due to the then impact of the Federal Labor Government, will he advise if the Government is contemplating a further urgent visit overseas resulting from the current decline in the nation's credibility caused by the policies of the Fraser Liberal-Country Party Federal Government?

Sir CHARLES COURT replied:

- (1) (a) I am not quite sure of the member's date of the 24th November, 1976, but that is immaterial. I was

referring to the importance and the wide-ranging nature of the contacts made and reported on in the overall document.

(b) No.

(c) Answered by (1)(b).

- (2) There is no need for me to do anything about the credibility of the present Government in Canberra because its credibility is extremely high at present and its policies are very well understood overseas as well as within Australia.

3. LAND AT MAYLANDS

Rezoning for Swan River Drive

Mr SODEMAN, to the Minister for Urban Development and Town Planning:

Concerning the Metropolitan Region Planning Authority resolution to amend zone and reservation boundaries in the area of the Maylands peninsula to facilitate the rerouting of the Swan River Drive, would he advise—

- (1) On what date was the notice of resolution gazetted?
- (2) Who was the State Minister who sanctioned the MRPA resolution?
- (3) On what date was the resolution sanctioned?
- (4) Who was the then sitting member for Maylands?

Mr P. V. Jones (for Mr RUSHTON) replied:

- (1) The 2nd June, 1972.
- (2) The Hon. H. E. Graham.
- (3) The 20th May, 1972.
- (4) Mr J. J. Harman, MLA.

4. INSPECTORS OF MINES

Mt. Newman Mining Company Railway Line

Mr HARMAN, to the Minister for Mines:

- (1) Did he receive a telegram from me which read as follows—
Reference Mt. Newman Mining Company strike stop My firm conviction this strike over safety to loco crews working Hedland Newman railway necessitating long hours per shift stop Request immediate action as Minister under Division F of Mines Regulations to examine current practices as solution to strike continuing?
- (2) What action has he taken in response to my request?

- (3) Under division F of the Mines Regulations how many special inspectors of mines currently hold appointment under 20.5(1)?
- (4) Who are these inspectors?
- (5) What positions does each hold in Westrail?
- (6) When were they appointed?
- (7) When was the last examination made by a special inspector of mines as provided by division F 20.5(1) of the railway operation of Mt. Newman Mining Company?
- (8) What was the nature of the inspection?
- (9) Did a special inspector of mines investigate the cause of a railway accident in October, 1976, at quarry 5 on the Mt. Newman Mining Company railway line which resulted in the death of a locomotive driver and injury to the train observer?
- (10) Who made the inspection and what position does he hold in Westrail?
- (11) If no such investigation was made by a special inspector of mines, why not?
- (12) Will the Minister table a current copy of the operating rules of the rail system of Mt. Newman Mining Company as provided under division F 20.4?
- (13) On what date did the Minister last approve of a permanent change in operating rules? Will he give details?

Mr MENSAROS replied:

I thank the honourable member for notice of this question, the reply to which is as follows:—

- (1) Yes.
- (2) The telegram has been referred to the Mines Department for immediate report.
- (3) Two.
- (4) Ivo Joseph Kinshela and Donald William Warden.
- (5) Chief Traffic Manager and Assistant Chief Traffic Manager (Works and Research) respectively.
- (6) 11th August, 1976.
- (7) 1st November, 1976.
- (8) Examining the safe working operating practices including signal and point control systems.
- (9) No.
- (10) R. J. Griffin—district inspector of mines.

- (11) At the time both special inspectors of mines were engaged on inspections of Hamersley's railway operation.
- (12) and (13) Under the new regulation 20.4(5) of the Mines Regulation Act companies have until 4th April, 1977, to submit their railway operating rules for approval and these have not yet been received from Mt. Newman Mining Co.

5.

POLICE

Mr and Mrs Elliott: Extradition and Prosecution

Mr T. H. JONES, to the Minister for Police:

- (1) Is he aware that at a Press conference in Brisbane yesterday, the former Queensland Commissioner for Police (Mr Ray Whitrod) alleged that the extradition from Western Australia to Queensland of a couple involved in the Cedar Bay case, Mr and Mrs R. Elliott, was arranged as a result of direct negotiations between the Queensland Minister for Police (Mr Newberry) and the Western Australian Minister?
- (2) Is the allegation correct?
- (3) Is he further aware that Mr Whitrod alleged this was a case of political interference in police matters?
- (4) Was the Western Australian Commissioner for Police or any other senior member of the WA Police Force consulted about this matter?
- (5) If so, what was the form of the consultation and what advice did the Western Australian officers give to the WA Minister?
- (6) Were Mr and Mrs Elliott detained in Western Australia at the direction of the WA Minister?
- (7) Have there been previous cases of the WA Minister becoming directly involved in similar proceedings?
- (8) If so, how did the Minister become involved and why?
- (9) Does the Minister consider it proper that he should become involved in day-to-day operational matters of the Police Force in this way?
- (10) Why did he become so involved on this occasion?
- (11) Did the WA Minister take any legal advice before becoming involved in this case?
- (12) If not, why not?

Mr O'CONNOR replied:

I thank the honourable member for some brief notice of this question, the reply to which is as follows—

- (1) No.
- (2) I was advised the Elliotts, who were wanted on a warrant in Western Australia, were in Queensland and passed that information to the Assistant Commissioner of Police.
- (3) No.
- (4) Answered by (2).
- (5) Answered by (2).
- (6) No.
- (7) and (8) Answered by (6).
- (9) To the extent of passing on information to the department recording the whereabouts of wanted people is, I believe, correct bearing in mind Western Australian warrants for these people were in existence.
- (10) Answered by (2) and (9).
- (11) No.
- (12) Not necessary.

6.

FERTILE EGGS

Human Consumption

Mr BARNETT, to the Minister for Agriculture:

- (1) On the 18th November I asked whether his department considered that a fertile egg which under heat conditions favourable to the development of embryo should be considered fit for human consumption. His answer was "No". In view of the Minister's answer will the Minister take action to amend the Agricultural Products Act (Egg Grading and Packing Regulations), 1972, to class fertile eggs as not fit for human consumption?
- (2) If not, why not?

Mr OLD replied:

- (1) No.
- (2) Fertile eggs are invariably candled and graded as fresh eggs either on the farm by permittees or at one of the Western Australian Egg Marketing Board's grading floors and are at that time quite suitable for human consumption. If stored in shell at recommended temperatures—less than 27° centigrade—fertile eggs remain entirely suitable for human consumption.

7.

ELECTORAL

State Election: Date

Mr JAMIESON, to the Premier:

- (1) Has Cabinet yet given consideration to an election date?
- (2) If so, has one been determined?
- (3) If not, when can we expect the Cabinet will be making some announcement in regard to the election date?

Sir CHARLES COURT replied:

- (1) to (3) Cabinet has not given any consideration to an election date and at this juncture I would not hazard a guess as to when it will be giving the matter consideration.

8.

FUEL OIL

Shortage

Mr TAYLOR, to the Minister for Fuel and Energy:

- (1) Are stocks of fuel in the metropolitan area lower than normal?
- (2) Is any such shortage apparent in—
(a) drum supplies;
(b) bulk supplies?
- (3) Is the reason for any such shortage the present industrial dispute in the industry in New South Wales?
- (4) If "Yes" to (3) are Western Australian supplies being channeled to New South Wales?
- (5) If such a shortage does exist, when is it anticipated that both drum and bulk supplies will return to normal?

Mr MENSAROS replied:

- (1) to (5) I am not aware of any abnormal supply situation for any sector of the oil market in Western Australia.

9.

HOUSING

Pilbara: Waiting List and Caravan Parks

Mr SODEMAN, to the Minister for Housing:

- (1) Is the State Housing Commission intending to facilitate improvements to a caravan park in Port Hedland?
- (2) Will any increase in caravan park facilities militate against dwelling construction?
- (3) What is the present waiting list for State Housing Commission accommodation in the Pilbara expressed as a percentage of the total population?

Mr P. V. JONES replied:

I thank the honourable member for adequate notice of the question, the answer to which is as follows—

- (1) Yes.
- (2) No. Any improvements and/or additions to caravan parks in the Port Hedland area reflect an increasing demand for such facilities, particularly from those families preferring caravan parks for an extended period and who have not applied for State Housing Commission assistance, as well as tourists and the travelling public.
- (3) The waiting list expressed as a percentage in January, 1973, was 0.9 per cent. In September, 1976, the waiting list represented 0.63 per cent of the population of both the Kimberley and Pilbara. To assist in meeting housing requirements of the north-west region, rental scales have been decreased and considerable funding allocated for experimental housing in addition to new designs already completed, under construction, or programmed for this financial year.

10. EDUCATION

Abrolhos Islands: Facilities

Mr CARR, to the Minister representing the Minister for Education:

- (1) Has the Education Department yet worked out the details of its proposed plan to assume greater responsibility for the education of children who are located at the Abrolhos Islands during the rock lobster season?
- (2) If "Yes", will he please advise details of the plan?

Mr GRAYDEN replied:

On behalf of the Minister for Education I thank the member for Geraldton for some notice of this question, the answer to which is as follows—

- (1) No.
- (2) Answered by (1).

11. MINING

Forrest River Aboriginal Reserve

Mr T. D. EVANS, to the Minister for Mines:

- (1) Has he been made aware of a submission made to the Minister for Community Welfare consisting of seven points dated the 4th October, 1976, concerning proposed

mining activity within the Forrest River Aboriginal Reserve and made by the Aboriginal Lands Trust?

- (2) If "Yes", will he outline the Government's stand in relation to each part of the said submission?
- (3) If "No", will he please study the submission and subsequently advise me in writing the information sought in (2) above?

Mr MENSAROS replied:

- (1) No.
- (2) Not applicable.
- (3) Yes, the Minister for Community Welfare and I will jointly advise the honourable member.

12. TRAFFIC LIGHTS

Douglas Avenue-South Terrace-George Street Junction

Mr T. J. BURKE, to the Minister for Transport:

Could he advise when traffic control lights are to be installed at the junction of Douglas Avenue, South Terrace and George Street in South Perth?

Mr O'CONNOR replied:

I thank the honourable member for ample notice of the question the answer to which is as follows—

It is hoped to have the work completed by the end of this year.

13. PRICES CONTROL

Currency Devaluation

Mr HARMAN, to the Minister for Consumer Affairs:

In view of the massive devaluation recently announced by the Fraser Government, will he give to the people of Western Australia an undertaking that he will take action to prohibit and prevent retailers from exploiting the public by raising the prices of their goods and services based on the decision of the Fraser Government to devalue?

Mr GRAYDEN replied:

First of all, I say that any allegation to the effect that people are profiteering is rather specious.

Mr T. J. Burke: It started today.

Mr GRAYDEN: As the honourable member knows only too well there is no price-fixing legislation relevant to this matter. If a trader has stock from overseas, he must replace that stock. In certain circumstances it could be infinitely

more preferable that he slightly increase the price on existing stock and consequently be able to reduce the overall price on the incoming stock than sell everything at the present price and overnight make a drastic increase.

Mr Harman: That's a nice thing to suggest.

Mr GRAYDEN: There is no price-fixing legislation. What we in consumer affairs recommend is that shoppers be discriminating; in other words, shop around before purchasing. If any traders do take advantage of the present situation they will be a minority. For that reason we say—shop around.

14. GOLDMINE LEASES

Mt. Prophecy: Recommendation of Warden.

Mr SODEMAN, to the Minister for Mines:

Pertaining to the warden's court proceedings concerning G.M. Leases at Mt. Prophecy North, Mt. Prophecy, and Irene Mines, would he please inform me—

- (1) When was the warden's court recommendation made?
- (2) Has he received representations by the member for Pilbara in connection with allegations made by the member for Balga during the Committee debate on the Revenue Estimates?
- (3) When was the file with the department's recommendation received by his office?
- (4) When did he make a decision?

Mr MENSAROS replied:

I thank the honourable member for notice of the question, the answer to which is as follows—

- (1) The 9th September, 1976.
- (2) Yes, I received representations on the 20th September, 1976.
- (3) The 22nd November, 1976.
- (4) The 25th November, 1976.

The SPEAKER: I will take three more questions. That is a very healthy number.

15. INDUSTRIAL DEVELOPMENT

Australian Iron and Steel: Agreement

Mr TAYLOR, to the Minister for Industrial Development:

With respect to the Broken Hill Pty. Company's integrated steel-works agreement—No. 67. of 1960

—and any other agreement with respect to the AIS Kwinana site—

- (1) What other major works is the company required under this agreement to construct?
- (2) On what date are such works scheduled to be completed?
- (3) Are any or all of such major works required to be completed by 1978?
- (4) Has the company had discussions with the Government with respect to its obligations under this agreement?
- (5) Has the company indicated its willingness to proceed with its obligations with respect to the Kwinana site?
- (6) Has any discussion taken place towards transferring the company's obligations by agreement from Kwinana to either the north-west or another site?

Mr MENSAROS replied:

- (1) A plant to produce steel.
- (2) and (3) Originally December, 1978, subsequently extended to December, 1980, on account of its involvement with others in the jumbo steel plant feasibility studies.
- (4) Yes.
- (5) There has been no change other than the deferment of time referred to above.
- (6) Yes. The State would be prepared to accept BHP involvement in the jumbo steel plant as meeting its obligations under the Integrated Steel Works Agreement—No. 67 of 1960—and the Iron Ore (BHP) Agreement—No. 103 of 1964.

16. INSPECTORS OF MINES

Mt. Newman Mining Company Railway Line

Mr HARMAN, to the Minister for Mines:

Referring to the question without notice I asked earlier this afternoon, part (9) reads—

- (9) Did a special Inspector of Mines investigate the cause of a railway accident in October, 1976, at quarry 5 on the Mt. Newman Mining Company railway line which resulted in the death of a locomotive driver and injury to the train observer?

The answer was, "No". However, later on in a series of answers the Minister said—

At the time both special Inspectors of Mines were engaged on inspections of Hamersley's railway operations.

Why was it not possible for one of those special inspectors, who were members of Westrail and knew all about railway operations, to go from Hamersley, only a couple of hundred miles away, to quarry 5 and investigate the accident which caused the death of a locomotive driver?

Mr MENSAROS replied:

Having been a Minister, the member for Maylands would know the answer to such a detailed question would not be in the head of the Minister. So, if he writes a letter I will reply giving the information.

Mr Harman: You should have asked yourself the question.

17. **ADELIN SCHOOL** *Reticulation of Oval*

Mr T. D. EVANS, to the Minister representing the Minister for Education:

Would he please outline the latest situation and progress level of the project to provide water for the Adeline School's proposed grassed area at Kalgoorlie?

Mr GRAYDEN replied:

Reticulation from the holding tank to the school is expected to be complete by March-April, 1977, at which time the piping will be supplied for the oval. Grassing will proceed after water reaches the site.

APPROPRIATION BILL **(CONSOLIDATED REVENUE FUND)**

Returned

Bill returned from the Council without amendment.

CRIMINAL CODE AMENDMENT BILL **(No. 3)**

In Committee

The Deputy Chairman of Committees (Mr Blaikie) in the Chair; Mr O'Neil (Minister for Works) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Section 325 amended—

Mr O'NEIL: Following my return from duty in the Eastern States I read with interest the comments of the member for Boulder-Dundas on the grammatical structure of the clause. I also read what the Premier had to say about it. I

did my best, consulting Fowler's *Modern English Usage*, and *Roget's Thesaurus*, to ascertain whether I could find a reason to disagree with his analysis of the English in the clause, and I have to report that I failed. We all know that the word "her" in line four should be the word "she". When the matter was referred to the Parliamentary Counsel, as is his wont, he determined he had a better way to amend the clause. He suggests that the latter part of the clause should read, "and they are not living in the same residence". I move an amendment—

Page 2, line 3—Insert after the word "and" the words "they are".

Mr Hartrey: If you want a seconder, I will second it!

Amendment put and passed.

Mr O'NEIL: I move an amendment—

Page 2, line 4—Delete the words "as her".

Amendment put and passed.

Clause, as amended, put and passed.

Title put and passed.

Report

Bill reported, with amendments, and the report adopted.

Third Reading

Bill read a third time, on motion by Mr O'Neil (Minister for Works), and returned to the Council with amendments.

NURSES ACT AMENDMENT BILL

In Committee

Resumed from the 21st September. The Deputy Chairman of Committees (Mr Blaikie) in the Chair; Mr Ridge (Minister for Lands) in charge of the Bill.

The DEPUTY CHAIRMAN: Progress was reported after clause 2 had been agreed to.

Clause 3: Section 9 amended—

Mr DAVIES: I move an amendment—

Page 2, line 20—Delete the word "Minister" with a view to substituting the words "Hospital Employees Industrial Union of Workers W.A.".

This Bill has been with us for a considerable time and I do not know why the Government has not brought it on earlier. When it was debated several months ago the Deputy Premier was handling it and he moved that progress be reported so that the Government could deal with the amendment on the notice paper at an appropriate time. This is apparently the appropriate time.

I remind the Committee that the Bill will provide for two nursing aides to be included as members of the Nurses Board. My amendment seeks only to bring into line the method of appointing these two nursing aides.

The board as it exists at the present time comprises 15 members. Two of them are appointed on the recommendation of the Minister, and one of these is the chairman. They are citizens who could come from a general field, a professional field, or be unqualified. The third member is the Director of Mental Health Services, and I draw attention to the fact that another member is a person who is registered as a general nurse, appointed on the recommendation of the Minister. Those four persons do not represent the organisations from which they come. I do not cavil at that; I believe they are properly appointed because there must be some flexibility.

Each of the remaining 11 people comprising the Nurses Board and coming from various fields is nominated by the organisation he or she represents. For instance, two persons who are medical practitioners come from the AMA. One person who is a specialist in general education comes from the Nurses Registration Board. One person who is the matron of a hospital comes from the council of the federation, which is defined as the Royal Australian Nursing Federation (Western Australian Branch) Industrial Union of Workers. The next member is a person who is a registered general nurse and who is once again nominated by the council of the federation. Then there are two persons who are registered as general nurses and practising at a hospital at which nurses are trained, and they also are appointed on the recommendation of the council of the federation. Then we have two persons registered as general nurses, representing the Community Health Services and appointed on the recommendation of the council of the federation. Then there is a person who is registered as a midwifery nurse, also appointed on the recommendation of the council of the federation; and finally a person registered as a mental health nurse who is appointed on the recommendation of the Psychiatric Nurses' Association.

My amendment proposes that there shall be two persons who are registered as nursing aides and who are practising as such at a hospital at which persons are trained as nursing aides, to be appointed on the recommendation of the Hospital Employees Industrial Union of Workers W.A. There is no reason why the nursing aide representatives should be disadvantaged as compared with other representatives on the board. There is no reason why they should be discriminated against.

It has been challenged in court many times as to who shall have coverage of nursing aides, and the Industrial Commission has agreed that the Hospital Employees Union very properly has coverage. A decision to that effect was given only last April.

As all those other organisations are entitled to the privilege of nominating to the Minister persons for appointment to the Nurses Board, I do not see why this privilege should not be extended to the Hospital Employees Union, which has full coverage of nursing aides, has all their interests at heart, and very properly looks after them. The Minister does not have to accept the recommendation if he does not want to. He can say, "Give me a couple of other names"; but if the initial recommendation comes from the union it will be in line with all the other organisations, and acceptance of my amendment will show fair play on the Government's part.

Mr RIDGE: There are 2 500 nursing aides in Western Australia and there is no doubt they form an increasing part of the work force in hospitals. It is therefore reasonable that membership of the board should be expanded to give them representation. On this point the Opposition and the Government are in agreement. The question currently before us is who should nominate these people to the board.

Incidentally, I dealt with the Bill when it was previously debated. The Deputy Premier was in charge of the House and moved that progress be reported. At that time we deferred consideration of the Committee stage principally to give the Premier time to answer correspondence from the Secretary of the Hospital Employees Union. When that correspondence was answered I believe further correspondence was entered into between the two parties without agreement being reached on this matter.

It is important to understand that the functions of the Nurses Board are entirely of an educational nature relating to nursing practice. The board does not and never has involved itself in industrial matters. In this regard I refer to section 15 of the principal Act, which says—

The Board is established to consider the conditions affecting the education of nurses and the practice of the nursing profession in this State and to exercise its powers and functions under this Act with a view to maintaining an efficient, ethical, technical and professional standard in the practice of nursing and for those purposes the functions of the Board are—

The functions are then set out in some detail.

The Government is of the opinion that the appointments should be made as set out in the Bill, and the Minister for Health has informed me it is his intention to select the initial appointees from a panel of names of persons submitted by the directors of nursing of the teaching hospitals.

The member for Victoria Park referred to the union's successful representation of nursing aides following decisions in the State Industrial Commission and its predecessor the Arbitration Court. However, those decisions referred purely to industrial matters associated with applications by the nursing federation to include nursing aides in its membership. It should be noted that the nursing federation has a dual role in the professional and industrial aspects of nursing, while the Nurses Board is concerned only with ethics, education, and so forth.

In his second reading speech the member for Victoria Park was critical of the Minister for Health for not advising the union he had agreed to bring this legislation forward. I come to the Minister's defence to some extent because when the union wrote to the Minister and asked him to consider the appointment of these people to the board the Minister indicated he would investigate the matter. He certainly did not undertake to report back to the union. So I believe the criticism in that regard was quite unfair.

The matter has been dealt with by the Premier in correspondence with the secretary of the union, and the Premier has made it quite clear he is not prepared to accept the amendment proposed by the Opposition; and neither am I.

Mr DAVIES: I reject absolutely and completely the reply given by the Minister representing the Minister for Health. It was blatantly discriminatory because the Minister for Health does not like the union for the reason that the union stood the Minister and the Government up a few times. The Bill endorses that kind of victimisation and discrimination.

It is another "blue" on the part of the Minister for Health, and it just shows he is inept and incapable of doing his job properly when he will do this to a union which has every right to make a recommendation. The last letter from the Premier was dated the 12th October. Before I refer to it I remind members that the Hospital Employees Union wrote to the Minister for Labour and Industry on the 15th April requesting that it be given the right to nominate representatives of nursing aides to the Nurses Board in order to protect their interests. The union gave reasons why it thought its request should be acceded to.

On the 21st April the Minister for Labour and Industry replied that he would discuss the matter with the Minister for Health. On the 11th May he wrote saying he had referred the matter to the Minister for Health for reply but he did not give any indication what discussions had taken place. On the 2nd June the Minister for Health wrote to the union saying he was unable at that time to agree to

representation of the nursing aides and he would give the matter careful consideration.

I do not think it is proper that the Minister here should indicate I was critical of the Minister for Health because he had supposedly indicated he would consult the union. I actually read out a letter, but at no time did I do other than read the Minister's reply. If the Minister for Lands will read *Hansard* he will find I did not put any other complexion upon the Minister's actions except to say that the matter would be given consideration.

I suggested as a matter of decency after the union had brought the matter up and had waited for two months for a final reply that the Minister could have said he was going on with this and that he would see what he could do. Even had he adopted the line he told them he would adopt subsequently it would have been something. The Minister was not honest with the union. I am sure the Minister for Lands, who represents the Minister for Health in this Chamber, would not have acted in a similar manner. He would have said, "I am going to take action; I cannot do what you ask, but I am going to take action."

The matter was referred in some detail to the Premier who replied on the 28th September and gave a similar excuse to that given by the Minister for Health—that there are no similar industrial matters involved—after which he indicated the functions of the board under section 15 of the Act which have been already read out by the Minister in this Chamber.

The union went back to the Premier in a detailed and reasonable letter and said it could not understand the decision he had given and asked him whether he would reconsider the matter. All the Premier said was he had given his answer and he was not going to change it. All along the line the union has been more than reasonable. It has asked only for the same function that is extended to other industrial organisations. It is not a matter of whether the nursing federation has a dual role or otherwise. The nursing federation uses the term, Royal Australian Nursing Federation (Western Australian Branch) Industrial Union of Workers. Just as the nursing federation has a dual role to play so does the union. The union does not interest itself solely with industrial matters, it deals also with apprenticeship conditions and everything associated with the employment of the individual.

The union has as much right as the federation or anybody else—including the AMA—to say to the Minister who should represent it on the board. The Minister does not have to accept the union's recommendation. It would be the courteous thing for it to do, however, and it would

certainly create greater industrial harmony if the Government agreed to accept the amendment and not discriminate against one union.

I know the secretary of the union said it was not liked by the Government because of what it did over the Tresillian affair. The union is entitled to its views and is entitled to support its members. The members of the union on that occasion were not going to be browbeaten by the Government, nor were the parents. The union stood up for its members but, of course, the Government has the last word and is determined to get its own back.

It is miserable for the Government to show its contempt for the 2500 members of the union who are nursing aides and who work in the hospitals. It is a despicable thing for the Government to do and I am ashamed that the Government does not propose to accept the amendment.

Amendment put and a division taken with the following result—

Ayes—15

Mr Barnett	Mr Jamieson
Mr Bateman	Mr T. H. Jones
Mr T. J. Burke	Mr May
Mr Davies	Mr Skidmore
Mr T. D. Evans	Mr Taylor
Mr Fletcher	Mr J. T. Tonkin
Mr Harman	Mr Moller
Mr Hartrey	

(Teller)

Noes—25

Sir Charles Court	Mr O'Connor
Mr Cowan	Mr Old
Mr Coyne	Mr O'Neill
Mrs Craig	Mr Ridge
Mr Crane	Mr Shalders
Dr Dadour	Mr Sibson
Mr Grayden	Mr Sodeman
Mr Grewar	Mr Stephens
Mr P. V. Jones	Mr Thompson
Mr Laurance	Mr Tubby
Mr McPharlin	Mr Watt
Mr Mensaros	Mr Clarko
Mr Nanovich	

(Teller)

Pairs

Ayes	Noes
Mr H. D. Evans	Mr Rushton
Mr Bertram	Mr Young

Amendment thus negatived.

Clause put and passed.

Clause 4 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by Mr Ridge (Minister for Lands), and passed.

PSYCHOLOGISTS REGISTRATION
BILL

Second Reading

Debate resumed from the 3rd November.

MR DAVIES (Victoria Park) [5.54 p.m.]: This Bill has languished on the file for some considerable time. There is not

a great deal I propose to say about it, because the question of getting psychologists registered has been in the air for something like 10 years or more. I know when I was the Minister for Health the matter was brought to me initially and then taken to the Chief Secretary. The reason for this is somewhat obscure, but I think it was because at that time psychologists were used mainly in the prisons section and they thought it was through the Chief Secretary they would get proper registration.

It is understandable that a Bill like this should create some difficulty in drafting, because psychology, far from being an exact science, has often been described as something like a blind man looking for a black hat in a dark room; nobody seems to know what it is all about.

The Bill itself is strange inasmuch as it does not define "psychology" in any way at all. It takes the opportunity to have a swipe at hypnotism and is able to give a definition of "hypnotism", but does not make any attempt to define "psychology". The Bill was debated at considerable length in another place, and apart from drawing the attention of the House to one or two features and perhaps moving an amendment I do not intend to go into the matter in great detail.

The SPEAKER: Order: I would ask members to watch the level of their conversation, please.

MR DAVIES: As I have said, I do not propose to deal with the Bill in detail because people in another place have already dealt with it and given it a severe going over, if that is the right expression.

The Bill primarily does what many Bills have done during the period I have been in Parliament; it sets up a board to control a professional industry; it sets out to establish the membership of the board, the terms and conditions of their office, and the remuneration the members should receive for the work they carry out.

I do not think there is anything unusual so far as the Bill is concerned. The only strange thing about the measure is that it does not describe psychology in any way whatsoever. Penalties are provided for those who hold themselves out to be psychologists or who give psychological counselling without being registered members. In the absence of a definition of "psychology" it will be possible for the Government to prosecute anyone who is giving psychological counselling; and I am sure you, Mr Speaker, as a member of Parliament with a long and distinguished career, have been able to give such counselling whether it has been done consciously or unconsciously. All of us have had people come to us for advice and assistance with their problems, and I do not know whether this is the

type of thing that could lead to our being fined for illegal psychological counselling because there is no exemption.

Mr Ridge: It applies only when a person hangs out a sign.

Mr DAVIES: Does it mean somebody can say, "Go down and see Mr X or Mr Y, one of the members of Parliament, because he is a particularly good psychologist"? I presume this does not mean in any way, shape or form that in such a case a person would be penalised; that it is only when people advertise—which, I think, is covered by clause 53 of the Bill—or say they are qualified psychologists and give psychological counselling are they subject to a penalty.

So this exempts most people who consciously or unconsciously give psychological counselling; provided they do not hold themselves up to be psychologists when they are not registered as proposed in this Bill, they can go about their business in the same way as do chiropractors and osteopaths, both of whom do the same type of work. Osteopaths do much the same sort of work as chiropractors and no action can be taken against them if they hold themselves up as osteopaths and not chiropractors.

They can dodge the requirements of the registration board. So as long as a person does not call himself a psychologist or advertise as a psychological counsellor, he need not fear the rigors of the penalties the Act proposes.

The next question is: If that is so, why do we particularly exempt some people? For instance, doctors are especially exempt, students are especially exempt—I can understand their needing some exemption—and ministers of religion who are registered marriage celebrants also are especially exempt.

Furthermore, by publication in the *Government Gazette*, the Minister from time to time is able to say there are other exemptions. As the Minister indicated by way of interjection, provided the person does not advertise or hang up a shingle, he is free from the provisions of the legislation. If that is so, why has the Government made provision for specific exemptions such as those I have mentioned?

In addition, the Government is open to a charge of double dealing. This Bill has been the subject of inquiry for quite a while. I sought assurances that the respective agencies which were interested in the legislation would be given an opportunity to express their opinion. The Minister gave me a list of people who would be contacted, and he fulfilled his promise in that regard. However, the Bill now before the House has been changed from the draft Bill which went to the people concerned. In some respects this is understandable, but it is not completely understandable.

For instance, in clause 4 of the Bill, a minister of religion will be exempt if he is registered as a marriage celebrant. The draft Bill, which went out to the people concerned, said that ministers of religion would be exempt, provided they were of a religion that was recognised by proclamation of the Governor in the *Government Gazette* as a religion under which marriages could be celebrated. There is a great difference in the two proposals because, as I understand it, not all ministers of religion are registered as marriage celebrants. I believe that in some of the larger orders, only a few of the ministers have that sort of qualification. Therefore, the Government is discriminating within a religion and that, I am sure, is not what it intends to do. Perhaps the Minister can explain why the Government has changed its tack in regard to clause 4. I believe the kindest thing we can do is to move to have the original clause placed back in the Bill.

The Government can be held up to ridicule if it says that some ministers within the same church or order are exempt from the Bill, while other ministers are not. It may be that, within that church or order, there are persons with particular qualifications in psychology, and who may not be at all interested in performing marriages or being registered as marriage celebrants. The very people who would need to have the exemption in such an instance are prevented from having such an exemption until they become registered as marriage celebrants. That is quite a different attitude from the one expressed in the Bill sent out to the interested parties, and I should like an explanation from the Minister.

As I said earlier, there are some aspects of the Bill with which we might not be entirely happy, but we are not generally unhappy about the registration of psychologists. I can see this happening increasingly; professional medical and paramedical organisations are going to demand that they be registered and of course eventually, in effect their profession will become a closed shop. Apparently, provided a person does not call himself by the name of a registered profession, he can carry out the duties of that profession. In view of what is yet to be discussed. I will not debate the Bill any further now. Apart from the aspects I have mentioned, where I do not believe the Government's stated intentions tee up with its original declared intentions, we support the Bill.

MR RIDGE (Kimberley—Minister for Lands) [6.04 p.m.]: I thank the member for Victoria Park and the Opposition for their support of the Bill. I have pointed out several times during the course of debate that it is rather difficult to represent the Minister for Health in this place; I certainly do not have any great knowledge of the Bill in question. The member for

Victoria Park has raised a number of points relating to certain clauses in the Bill. I have copious notes relating to the various clauses and, rather than endeavour to deal with his queries during the course of my reply to the second reading debate, perhaps it would be better to leave it to the Committee stage.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (Mr Blaikie) in the Chair; Mr Ridge (Minister for Lands) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Interpretation—

Mr DAVIES: I should like to know why there is no definition of "psychology" in this clause. The definitions include "hypothesis", "improper conduct in a professional respect", "member", "psychiatrist", "reciprocating authority", and "registered psychologist". Is there any explanation for the omission?

Mr RIDGE: My second reading speech pointed out as follows—

There are, however, special difficulties to be overcome in setting up an Act for this purpose. Psychology is something that every member of the community may claim to practise. Parents practise psychology on their children; it is practised in the gamesmanship of sport, in bargaining, and so on. It is therefore useless to seek to describe a range of services that psychologists may be uniquely expected to perform; hence this Bill seeks to protect those who claim to be professional psychologists and practise the subject as proclaimed experts.

Apart from that, I think it has been demonstrated in other States that legislation relating to the control of psychologists is comparatively new; however, I think the Bill deals with the practice of psychology quite adequately.

Mr DAVIES: The Minister's reply only highlights the difficulty of writing such legislation; we really do not know what is psychology. It has been described as a blind man looking for a black hat in a dark room, and the more I think about it, the more correct that definition appears to be. However, I do not think it is an acceptable interpretation as far as this Bill goes. In future, it may be necessary to refer to this debate to indicate the difficulty we as members of Parliament in both places experienced in defining "psychology".

Mr RIDGE: I accept part of what the member for Victoria Park has said; it is difficult to define exactly what psychology is. However, it should be pointed out there

are 300 people in Western Australia who are psychologists, and it is also important to make sure the public are protected from people who do not have professional training but who at present are able to hang up a shingle proclaiming they are psychologists. We are trying to control people who may jeopardise the patients who come to see them, and to protect the public from unethical conduct.

Clause put and passed.

Clause 4: Act does not apply to certain persons—

Mr DAVIES: I move an amendment—

Page 3—Delete subclause (2) and substitute the following—

(2) This Act does not apply to anything done by any person who is a priest or minister of a recognised religion in accordance with the usual practice of that religion.

(2) (b) In subsection (2) (a) of this section "recognised religion" means a religion any of whose priests, ministers or members are as such authorised to celebrate marriages under the law of the Commonwealth relating to the celebration of marriages or any religion which is declared by the Governor by proclamation published in the *Government Gazette* to be a recognised religion for the purpose of this section.

That amendment is not mine; it is the clause as it was worded in the draft circulated to the various organisations and professional societies whose opinion was sought. The Bill which came before us did not say that ministers or priests would be exempt provided their religion was recognised by the Governor making a proclamation in the *Government Gazette*; it provided that only ministers who themselves were registered as marriage celebrants would be exempt. This suggests that the only ministers who are capable of giving psychological counselling are ministers who can perform marriages. This is totally unacceptable to me.

As I have said, all ministers are not registered as marriage celebrants, so we can have within one order or church some ministers who are exempt only because they are registered as marriage celebrants, and some ministers who are not exempt but who may have tremendous qualifications to assist them in giving psychological advice.

Unless they take it upon themselves to be registered as marriage celebrants, they will not be exempt. I do not think that is a very acceptable requirement. Perhaps the Minister will be able to explain why the Government has changed the original draft legislation. The way the clause reads at the moment, it makes a mockery of the exemptions—which I do not believe are

necessary, anyway, because no minister is going to hang up a shingle saying, "I give psychological counselling here."

Sitting suspended from 6.14 to 7.30 p.m.

Mr RIDGE: The Bill is aimed to protect people from others who might practise psychology without having any qualification. If we went along with the amendment proposed by the member for Victoria Park we would be defeating that specific object. In fact, we would be throwing the Bill completely out of the window.

Subclause (2) which the member for Victoria Park seeks to delete is as follows—

The provisions of this Act, other than section 52 and section 53, do not apply to anything done by a person who is a priest or minister of religion authorized as such to celebrate marriages under the law of the Commonwealth . . .

The member for Victoria Park wishes to substitute another provision in its place as follows—

This Act does not apply to anything done by any person who is a priest or minister of a recognized religion in accordance with the usual practice of that religion.

It is quite possible that it could be the usual practice of that religion to appoint priests. It means that in effect any person could set up a religion, appoint priests who have no qualifications, and, provided one of their number was authorised to celebrate marriages, every member of that religion virtually would be exempt from the provisions of this legislation. What the member for Victoria Park is trying to do is to exempt religions, rather than persons. That is not acceptable to the Government.

It was made perfectly clear in the second reading speech that a person is eligible to counsel other people on any matters that might be considered to be within the province of a psychologist; and as long as that person does not claim to be a psychologist or erect a sign to indicate he is one, he would be in order.

Under the amendment proposed by the member for Victoria Park, a religion could be exempt from the provisions of this legislation. The Government is not prepared to accept his amendment.

Amendment put and negatived.

Clause put and passed.

Clauses 5 to 57 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by Mr Ridge (Minister for Lands), and passed.

EVIDENCE ACT AMENDMENT BILL

(No. 2)

Second Reading

Debate resumed from the 16th November.

MR T. D. EVANS (Kalgoorlie) [7.35 p.m.]: This Bill contains two major provisions; in so providing it engages upon two sections which I believe are dangerous departures from the criminal law codification as we have come to understand it in the matter of evidence given before the Criminal Court.

One of the provisions is to eliminate the right of an accused person in any court, whether it be a minor or major court, to elect not to give sworn evidence, but at a stage decided upon by the magistrate, or the presiding judge or judges, as the case may be, to make an unsworn statement from the dock in which he stands charged.

This piece of legislation in association with an amendment to the Criminal Code which already has received the approval of this Chamber, and in association with another piece of legislation to amend the Evidence Act that will come up for consideration after the Bill before us has been dealt with, has been introduced as part of a pattern upon which the Government hopes to impress the community that it is responding in a responsible way to a legitimate desire of the community to protect female victims who have been subjected to rape offences or attempts at rape offences.

Whilst the Opposition is clearly in favour of seeking a full investigation, a full examination, and hence an understanding of the impact that existing legal procedures may have upon female victims of this atrocious offence or attempts to commit this offence—in other words evidence in rape offences, attempted rape offences, or lesser offences for which the Criminal Code makes provision—we believe that in acknowledgment of this desire within the community the Government has overreacted. I emphasise it has overreacted, just as it overreacted in dealing with legislation considered in this Chamber last week.

I am sure members will excuse me for giving two examples. The first was the move to determine that, without the approval of the Commissioner of Police, an assembly of three or more persons constituted an unlawful assembly. This was a terrible example of the Government overreacting at the instance of the police.

The second example was in the amendment to the Road Traffic Act in respect of which this Chamber and Parliament approved of the bare assertion by a police officer who administered a piece of speed-testing equipment—for example, radar—that he operated it correctly and found it to be correct and not faulty. In those circumstances the accused will, in fact, be denied the opportunity to bring evidence

to the contrary. That piece of legislation provided that such a bare assertion by a police officer was only *prima facie* evidence, and in no way interfered with the right of an accused to bring evidence to contradict such assertion; but he would not be in a position to bring forward such evidence.

The Bill we are discussing is another example of the Government overreacting, and wrongly interpreting the desire of the community in these atrocious cases of rape, attempted rape, and the lesser offences, to protect in many cases women who have not in any way solicited or encouraged an approach by the persons who ravaged or attempted to ravage them.

In so doing the Government has eroded the personal liberties of an accused person who may, in fact, be accused by a woman, but who may well be innocent. It is a bulwark of British law that a person is innocent until he shall be proven guilty. The Bill before us and the one to follow give a clear pattern of the Government's intention—whether it be by design, within the cognizance of the Government or beyond its understanding I do not know—of denying an innocent person the opportunity to express himself.

We come to the provision in the Bill before us where the right of an accused person is affected. Let me make the point that the wording of the Bill does not apply to rape cases, but the Bill has been introduced in association with other pieces of legislation, and the impression given is that it will help in cases of an innocent rape victim.

I should make it clear that this provision applies in regard to any offence at any time; and an accused person is to be denied the right of making unsworn statements from the dock. I venture to say from my limited, practical, legal experience—I let those words sink in because I am quite humble in this regard—that most people rely on the provision of the law which permits an accused person to make an unsworn statement from the dock, having elected not to go into the witness box to make a sworn statement. Such persons do so because being humble individuals they might be making their first appearances in court.

Bearing in mind this provision could apply to any offence in any court, and not only to rape cases, and the defendant could be a person to whom the courtroom situation is quite unfamiliar, when he is called upon by the magistrate, or the presiding judge or judges, to decide whether he elects to go into the witness box, firstly to give evidence in examination in chief and, secondly, to be subject to cross-examination and, thirdly, to be given the right of reply—which applies under our system to people giving evidence—he might be quite unfamiliar with the procedure. He might say to the magistrate or

the presiding judge or judges, "I do not wish to take part in the proceedings at all."

So, evidence is given against the person concerned and the magistrate or the judge, before conviction—by very strong historical tradition which I will not go into at length except to say that previously an accused person was denied the right to give any evidence at all—may call upon the person to make a statement as to why he should not be convicted. So that is still carried on today.

Where a person elects not to give sworn evidence, before the judge makes a public determination he always calls upon the accused person and asks him whether he has anything to say. At that stage the accused person may make an unsworn statement from the dock, and say, "I am not guilty." On many occasions, that is all it amounts to. The accused person is then not subjected to any cross-examination, and here we find the Government intending to take that right away from the accused person.

I emphasise that in my limited practical experience of the law, in more cases than not, these are the types of persons who avail themselves of an opportunity to make an unsworn statement from the dock. This legislation will take the opportunity away from that sort of person, particularly a person undefended by legal counsel.

Despite the grandiose scheme proposed by the Government, our legal system has not reached the sophisticated stage where a person can be guaranteed legal aid in the remote areas of Western Australia. That type of person will be victimised by the provisions of the Bill now before us. It will take away the right of a person to make an unsworn statement from the dock. Do not let us hoodwink ourselves that this provision will protect the rape victim. It might, but it will apply right across the board.

I think the Government is overreacting. The other provision in the Bill is, again, very dangerous. It will extend to a third category what I might call "the preliminary test" which the court administers to a person to establish that he is capable and competent to give evidence in any case in any court; any sort of case whatsoever—not necessarily associated with rape at all.

Because our society is based on a Christian understanding, the parent Act provides first and foremost for a person to be required to make an oath to call upon the Almighty to testify that the evidence that person will give will be the truth and the whole truth. However, in recognition of the fact that there are well-meaning people in the community who do not wish to call upon the Almighty to testify the truth of their statements, provision is

made for such a person to make an affirmation. The principal Act provides that, in essence, such a person will say that he affirms what he is about to say will be the truth—nothing beyond that statement. That statement meets the requirements of the law and provides that a person is then able to give his evidence.

We are now being asked to endorse a provision to provide a third category, that where a person does not understand the nature of either of the previous provisions—to call on the Almighty or to make an affirmation—where the judge or the court is satisfied he will tell the truth anyway he may still give his evidence. I cannot see any reason or justification for that provision at all.

I would venture to say that the two provisions to which I have referred have not emanated from the advice of the Law Reform Council, and have not met with the approval of any magistrate or judge to whom they may have been referred.

Whilst I am not in the habit of criticising the Crown Law Department—because I had the honour to administer that department for some time—I believe that the views of legal practitioners or judicial officers have not been sought, particularly has the view not been sought of any legal practitioner who has, from time to time, defended persons in law courts. This is the hallmark of persons who have spent their time in prosecuting ordinary citizens, and whose aim it has been to obtain a conviction at any price.

Mr Hartrey: Exactly.

Mr T. D. EVANS: This is another example of the erosion of personal liberties of the citizens of this State.

I conclude my remarks by saying that in the dying hours of this Parliament, and in the dying hours of this Government, this Government will be remembered as the three-year term Government which contributed most to erosion of the personal liberties of subjects. I oppose the Bill.

MR HARTREY (Boulder-Dundas) [7.52 p.m.]: I, too, oppose the Bill for very similar reasons to those expressed by the member for Kalgoorlie. I can assure you, Mr Deputy Speaker, that there is much wisdom in the words of the poet who described the scene in Troy, when the wooden horse was offered to the Trojans. He said, "*Timeo danaos et dona ferentes*". When translated, that means, "I fear the Greeks, especially when bearing gifts."

I fear the Crown Law Department at any time, but especially when it is offering gifts—when it claims this is a reasonable proposition, and it will diminish the difficulties of litigation, soften the difficulties of court procedures, mean a saving in expenditure, and so on. It will be the

saving of everything except the liberties of the people. We have been sent here to protect those liberties.

The whole object of society is to ensure that its members are restrained from encroaching upon the rights of their fellows, but at the same time individuals should be protected from their fellow men encroaching on their rights.

The British system of judiciary was once very involved. I have quoted several times—and I will quote again—the words of Loxley-Hall which refer to "freedom broadening slowly down from precedent to precedent." We have come down slowly from the stage where the law was by no means just—and not even meant to be just—to a period in the nineteenth century—especially the latter part—where we reached the stage of the acme of personal liberty. However, in the twentieth century there has been a gradual drop-off and peel-off of individual rights until we reached the present situation.

The Englishman looks upon a policeman as his servant, not as his master. The European people are terribly frightened of policemen. We Australians have not got quite that far as yet, of being terrified of our policemen, but we are becoming more subservient than are the English people. I know that from personal experience and from personal acquaintance with a large number of English people on the goldfields and elsewhere.

There has been a continual process of erosion of the protection of an accused person in court. Only a few days ago I quoted, on two occasions, a passage from a judgment by Chief Justice Griffith in the case of *The King v. Snow*, in which Chief Justice Griffith said it was not the view of British justice that the rights of an accused—but still unconvicted person—should be diminished by the severity of the charges laid against him. On the contrary, of course, they should be increased. It is so much worse to be condemned on a charge of rape or so much worse to be condemned on a charge of manslaughter—and much worse still to be convicted on a charge of murder—than it is to be condemned on a charge of drunken driving, that it is more essential to preserve every element of protection for the defendant who is charged with the most serious crime.

Any person can be charged; there is no limitation. One cannot say that one is excluded because he is over 75 years of age. One can be excused only if one is under the age of eight years. During the first seven years of life, one cannot be charged. Actually, a person does not appreciate his immunity at that age—and would not he play up if he did!

Apart from that, every man, whether he be rich or poor, Liberal or Labor, communist or Mohammedan, is in exactly the same position when facing the law.

We have been put here to protect the community, not the Crown Law Department. We have not been put here to enforce the insolence of any young probationary copper who has had nine months of so-called training and who has been on the beat for a period of six months, and who wants to see people jumping at the sight of his blue uniform.

From long years of experience I have found it to be true that it is not the old, experienced sergeant who is the dominating policeman, but it is the young policeman who is bursting with zeal and enthusiasm. If one plays up to him, one cops it.

For goodness sake, do not vote for any measure which smells of the charnel house—the Crown Law Department. It will be found that this Parliament—the twenty-eighth Parliament—has been one of the worst I have ever seen, although as I have sat in only two I should say “the worst”. Some of the worst legislation ever, has been introduced during the term of this Parliament. I mention an amendment to the Traffic Act which has converted the crime of manslaughter by motorcar—which required proof of a reckless or almost deliberate killing—into an offence of equal gravity where a motorist causes death by mere inadvertence, or “careless driving”.

Society should not sympathise, and does not sympathise, with manslaughter by motorcar, but this charge should not be so inflated as to include mere temporary inadvertence resulting in another's death. A man charged with any offence is not presumed to be guilty just because he has been charged. Quite the contrary. He is, as the member for Kalgoorlie pointed out, innocent all the time he stands in the dock until the moment that the jury declares him guilty. Yet many people say, “He must be guilty or he wouldn't be there!”

The jury is rightly instructed, and the judge ensures it is rightly instructed. The people are told straightout, and the jury particularly is told, that the accused is innocent until he has been found guilty, and the jury cannot find him guilty unless it is satisfied of his guilt beyond a reasonable doubt. The jury is told that a reasonable doubt means what it thinks to be a reasonable doubt and not what the Crown Prosecutor thinks, or even what the judge thinks.

Mr LAURANCE: Do you think that women involved in rape trials should be able to be cross-examined on their previous sexual experience?

Mr HARTREY: I believe any person who stands up to give evidence in court can be cross-examined about any relevant matter. I am not a bit afraid to say that. I am not pulling any punches. I am saying what judges in England have said repeatedly: better for nine guilty persons to be acquitted than one innocent man to be

convicted. That is not the opinion of Tom Hartrey; it is the opinion of many eminent judges of the past and judges of the present.

If that is so, if those are the fundamental principles of the law, why are we to mess around with the law of evidence? A man is brought before a jury and the clerk of arraigns says—I realise that we now have women jurors as well as men jurors but I will refer to the old form—“These good men and true, who are now before you, are the jury to decide between you and our Sovereign Lady the Queen according to the evidence.” Muck around with the evidence and you tamper with the trial.

The member for Kalgoorlie quite rightly, reminded us that 100, 150, or 200 years ago the Christian faith was so deeply imbued in the people of England that it was actually, or was believed to be, part of the common law of England.

In 1916, in a very famous case, the House of Lords ruled that the Christian faith was not part of the common law, and this ruling was decided by a majority decision of three to two. When I refer to the House of Lords in this sense, I mean the legal committee of the House of Lords, and there would be no more than eight to 10 members of the House of Lords who would be eligible to sit on that committee. In fact, usually it is composed of about five members. Even then, as I say, in the case of Bowman versus the Secular Society, the ruling was that Christianity is not part of the common law of England. However, do not forget that it is still part of the procedural law of England, and it is still part of the procedural law of Western Australia.

When one goes into court to take an oath, one enters the witness box, and is then handed a Bible. As I say, 100 or 200 years ago that really meant something. It meant that a man said, “So help me God” and those words meant to the people of those days, “If I tell the truth may God reward me, but if I tell a lie, may he blast me to hell.” People did not like saying that, because it was considered very unlucky. They were afraid they would be blasted to hell.

Similar reasoning lies behind the fact that dying confessions are allowed in courts of law without any oath of any kind having been taken. It was believed that no man who was dying would tell a lie because he risked being blasted to hell for all eternity. Very few people believe that today; in fact, I would venture to say only a very small proportion of people still believe it to be true. I do not mean that the Christian faith is completely disregarded—of course, the majority of people still believe in it—but many of the ideas of the dogmatic type that prevailed in years gone by are no longer held in such esteem.

Providing for that situation, a witness is now allowed to make an affirmation. A man can say, "I do not believe in God at all, but I call upon myself. I say, 'I affirm this to be the truth'", and the same consequences of law attach to a man telling a lie on affirmation as if he had given a false oath on the Bible.

Have we now reached the stage where we must say that those two alternatives are not good enough? We say there may be a third class of people who are too damned stupid to understand the difference between an oath and an affirmation, or who are too indifferent to the truth to care whether they take an oath or an affirmation. However, if such a person knows what the truth means, he may be allowed not to take an affirmation and not to take an oath, but he will still be liable for some sort of penalty if he does tell a lie.

If a man is so stupid that he does not understand the legal consequences and significance of an affirmation, or the legal consequences of an oath, even if he has no religious belief, why should he be allowed to give evidence at all? Why should anybody believe him? The Bill says that such a witness may be allowed to give such testimony, and he may be believed.

The Government is tampering with evidence that can convict a man and send him to gaol or the gallows. Why do this? Where is the benefit? Who will obtain any benefit from this provision? Will Government members or Opposition members benefit at all? No, not a scrap. It will be easier to convict persons; to put them in gaol. Is that a desirable objective? It may be in certain circumstances, but in this instance the Government is breaking down those precautions, those time-honoured safeguards which have been built up to protect the innocent.

It is not a good thing to put innocent men in gaol or to subject them to any kind of penalty whatever. That is not a good thing, and the tendency of the legislation we have here is to do just that very thing. Why should we vote for it? How can members on either side of the House, listening to me at the moment, go out presently—as they must— and face the electors? When they are asked, "Why did you tamper with the security of a fair trial fought for by our ancestors, sometimes in battle? Why did you tamper with this safeguard to our liberty which has been built up over the years? What did you get out of it?" they must then answer, "Nothing." The electors may then ask, "Then why did you vote for it?" Members must then answer, "The Government said we ought to." The electors would then say, "Well, to hell with you and the Government!"

Mr Laurance: I heard what you said, and I will face them quite confidently.

Mr HARTREY: I do not think the honourable member knows much about his electors if he is quite confident about facing them.

Mr Laurance: I know Opposition members will get no support from the women in the community.

Mr HARTREY: I know that I have the people on my side.

Mr Laurance: They will all wear pants—no women will support you.

Mr HARTREY: Rubbish. I do not give a damn what the member for Gascoyne thinks. I have often wondered myself what he thinks with.

Several members interjected.

The SPEAKER: Order!

Mr HARTREY: Let us return to serious business. I do not care what Gascoyne says—by the way, "Gascoyne" is a rather good name for him—and I do not care what anyone else says; it is what the electors are going to say that will make a difference. It will not make any difference to me because I am not standing again. Tonight will be my last public appearance. At least I am not ashamed to say publicly that I reject this Bill. There is no point in it. A person would have to be very stupid not to know the difference between an oath and an affirmation.

I can remember a case that came up many years ago before a magistrate in Perth. The witness was Chinese, and of course, Chinese people have many religions and follow various customs. The magistrate wanted to make sure that whatever oath the man took he was following a custom he believed in.

The magistrate said, "How do you take the oath? Which way do you take the oath?" The witness said, "Killy chookie, breakie up plate, smell 'um book, allee same." By "smell 'um book" he meant kissing the Bible.

A similar story is told of an Aboriginal black tracker. In the days of which I am speaking the law provided that an Aboriginal native could not give evidence on oath unless he fully understood the religious significance of the oath, and the court had to inquire into that.

This Aboriginal was about to be sworn. He put up his hand and the clerk said, "Do you swear to tell the truth, the whole truth and nothing but the truth?" The magistrate said, "Just a minute." He then turned to the Aboriginal and said, "What happens, Jackie, if you do not tell the truth?" "Oh", said the Aboriginal, "go to hell, boss." The magistrate said, "That is all right." However, counsel for the defence said, "Just a moment, I would like to ask a question." The magistrate said, "What is your question?" The counsel asked the witness, "What happens if you do tell the truth?" The Aboriginal said, "Oh, lose-um plurry case and sergeant swear like hell."

It is that sort of attitude we are discussing here. That attitude towards the affirmation and the oath falls into this third category. The Chinese did not care what he swore on, and the Aboriginal believed that if he told the truth he would muck up the case, but not that if he did not tell the truth he would go to hell. This is the very principle we are writing into our legislation. It will undermine a fundamental protection of all the people in this State who are likely at any time to face charges, great or small, in Courts of Petty Sessions, criminal courts, or even before the highest court in the land.

If we pass this legislation we will undermine that principle; we will erode a little bit further the protection which an innocent man has today. These protections are there for the innocent; and I would like Government members to try to get that into their heads. Everyone is still presumed innocent until convicted. That is the law now, and it will remain the law until we become a slave State. We are drifting in that direction now, and I say we drifted a long way during the term of the twenty-eighth Parliament which commenced on or about the 31st March, 1974, and which is ending tonight.

MR O'NEIL (East Melville—Minister for Works) [8.10 p.m.]: I, along with other members of the Chamber, have listened very carefully to the member for Boulder-Dundas. He always speaks words of wisdom, and we certainly enjoy the information he is able to give to us.

Mr T. D. Evans: Don't I get a guernsey?

Mr O'NEIL: He did better than did the honourable member.

Mr T. D. Evans: At least I warranted some mention.

Mr O'NEIL: I believe that in some of his remarks, towards the end of his speech—not his remarks in relation to the Bill but in reply to the interjections—the member for Boulder-Dundas showed he is suffering end-of-the-session fatigue, like all of us.

As a matter of fact, in two of his statements to which he averred quite firmly, he gave me the answer to the question he raised. He said that he believed everyone who appeared in court should be in exactly the same position. That is what this Bill proposes to do in respect of unsworn statements.

The member for Boulder-Dundas said further that any person should be able to be cross-examined. The position in superior courts now has evolved from a decision going back into antiquity. There is a provision for an accused to make an unsworn statement before the court, and that unsworn statement is not subject to cross-examination. Secondly, the judge can make no reference to it in his direction to the jury. As I explained, quite clearly the reason for this provision goes

back a long way. It was believed that if a man could be found guilty in view of the evidence that had been presented, at least he could lose his life if that was the penalty for the crime of which he had been found guilty. However, if he gave no evidence on oath, at least his soul might be saved. That was the basic reason for the provision in regard to an unsworn testimony. In other words, an accused would not condemn his soul to perdition by swearing on oath that he did something he did not do or that he did not do something that he said he did. That is the reason for it and no other.

If we want all people before the law to be equal in every respect, then surely people who give evidence or make statements before the jury—and remember this applies to a superior court—

Mr T. D. Evans: It applies to any court.

Mr O'NEIL:—should be subject to cross-examination.

Mr T. D. Evans: The Minister is wrong.

Mr O'NEIL: Reference was made that this provision was particularly applicable to trial cases.

Mr T. D. Evans: This is quite wrong—it can apply in any court.

Mr O'NEIL: The honourable member at least admitted he had a very limited knowledge of the practice of law.

Mr T. D. Evans: It would apply in any court.

Mr O'NEIL: He admitted that he had limited knowledge. I am relying on advice given to me by the Attorney-General, who does not happen to be a member of the Crown Law Department, and who has far wider experience in law than the honourable member.

Mr Hartrey: Not more experience than I have, anyhow.

Mr O'NEIL: That is the situation basically if members believe it is fair that a person accused of any crime at all may simply get up after all the evidence has been given—and every other witnesses having been subjected to cross-examination—and give an unsworn statement, which cannot be tested, cannot be checked, and upon which the judge cannot direct the jury.

Mr Hartrey: Hold on—that is wrong.

Mr O'NEIL: I am relying upon the evidence of none other than the Attorney-General of this State who does not happen to be a member of the Crown Law Department.

Mr Bryce: The Attorney-General does not necessarily have to be brilliant.

Mr Skidmore: Try the member for Boulder-Dundas.

Mr O'NEIL: Let us assume that members opposite doubt me. I still return to the point made very firmly by the member for

Boulder-Dundas: that everybody in court should be equal under the law. However, now he purports to say that someone can make a statement without being questioned and that no person should be exempt from cross-examination. If members opposite support the defeat of this Bill, then they are supporting the denial of two basic principles to which the member for Boulder-Dundas referred.

Mr Hartrey: You are misrepresenting me; I did not say that.

Mr O'NEIL: I wrote down the words as the honourable member said them, and I am sorry if I did not write them down correctly. However, I am sure he said that nobody should give evidence without being subjected to cross-examination; and, secondly, he also said that all people should be equal before the law.

Mr Hartrey: All accused persons.

Mr O'NEIL: We are not necessarily talking about accused persons.

Mr Hartrey: We are talking about accused persons.

Mr O'NEIL: Then let us agree to disagree on that issue. There is apparently an objection on the part of members opposite to extending the admissibility of evidence in a court on behalf of someone who does not understand either the oath or the affirmation. There are some such people. For example, tribal Aborigines—and this extends into the area of interpretation also—just do not understand what is meant by affirming that they tell the truth; but, having been questioned through an interpreter, they may be able to understand the court desires them to tell the truth. These cases may be few and far between.

We are not denying anybody the right to take an oath or denying anybody the right to make an affirmation; we are simply extending a facility to people who may not understand the consequences of making an oath or an affirmation—

Mr Hartrey: If they do not understand it they should not be giving evidence.

Mr O'NEIL: This facility may never be used but why deny it? The member for Boulder-Dundas made some reference to what he called the Christian influence on the procedural law of England. Of course, what he said is a fact. At one time Christian law was regarded as being part of the law of England, and the honourable member told us some stories about it.

I recall one story, although how true it is I do not know, in which a person of the Jewish faith was elected to the House of Commons. When he arrived on the scene there was no provision for him to make an affirmation, and he was required to swear obedience to the Queen on a Bible. He said, "I cannot do that because I am not a Christian." So the House of Commons scratched its head and did not know what to do. Eventually the seat was declared

vacant and another election held, at which the same fellow was returned, and he still could not take his seat because he would not swear on the Bible. However, the procedures were changed at some time to enable him to affirm his loyalty to the monarch so that he could take his seat in the House.

Mr Hartrey: That is ridiculous.

Mr O'NEIL: Of course it is ridiculous, but that is the kind of situation that pertained then. At one stage the monarch was also the defender of the faith. As a matter of fact, on some coins of the British realm appeared the term "*Fidei Defensor*". I believe that title was conferred upon Henry VIII by the Pope of Rome. At one time Henry VIII was a good Roman Catholic, and he wrote many books on the Catholic faith. However, he wanted to excuse himself from the law in respect of changing his wife.

Mr Skidmore: If you are going to bring religion into it, then I will keep out of it.

Mr O'NEIL: I am simply referring to the fact that the member for Boulder-Dundas rightly said the common law of England had a very strong element of Christianity in it, and whilst that has largely disappeared there still remains a procedural aspect of it. But that is getting away from the point.

Currently people may take an oath on the Bible if they are Christians; I think some even take an oath on the Koran; but those who are agnostics and are not persuaded as to the Christian or other religious faiths make an affirmation, which is acceptable. We are simply saying that where there is a person who does not understand—and let us use the instance of a primitive tribal native—the meaning of an oath or affirmation, then why should we not make provision that if the court is satisfied the person knows he needs to speak truthfully, then he may give evidence?

We are not taking away from anybody any right he has had; we are simply extending this extra facility and, as I pointed out, it may perhaps never be used.

The Bill contains only two other matters. One is in respect of verifying the efficiency of an interpreter under much the same sort of arrangement as the one to which we have just been referring, and the other relates essentially to evidence given by a child of tender age.

I suppose it has been determined that "tender age" is variable, and so it has been decided the age of 12 years be set down as some kind of guide. It seems strange that we are moving through this situation when we are finding it very difficult to determine the age of majority, which has drifted from 21 years back to 18; and, who knows, it may even go below that. However, at least the Bill contains a measure of fact.

It is true there are many children of 12 years of age who have more intelligence than persons of 18 years of age; and, perhaps, more intelligence than some people of our age. However, the fact remains there is a need for a measurable quantity to remove any area of doubt. Therefore it has been determined that the age of 12 shall be regarded as the "tender age".

I do not think any objection was raised to the rest of the measure.

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 Mr O'Neil (Minister for Works), and passed.

WATERWAYS CONSERVATION BILL *Council's Amendments*

Amendments made by the Council now considered.

In Committee

The Deputy Chairman of Committees (Mr Blaikie) in the Chair; Mr P. V. Jones (Minister for Conservation and the Environment) in charge of the Bill.

The amendments made by the Council were as follows—

No. 1.

Clause 40, page 36, line 12—Delete the words "this Act" and substitute the passage "section 41".

No. 2.

Clause 40, page 36, line 36—Add after the passage "Treasurer," the passage "including interest accrued thereon,".

No. 3.

Clause 40, page 36, line 37—Delete the word "is" first occurring, and substitute the words "and interest are".

No. 4.

Clause 41, page 37, lines 1 to 26—Delete subclauses (1), (2) and (3) and substitute the following—

(1) The Commission shall have power to borrow money upon the guarantee of the Treasurer for the purposes of carrying out its powers and functions under this Act.

(2) The Commission is authorised with the prior approval in writing of the Treasurer to borrow money upon such terms and conditions only as the Treasurer approves.

(3) The Treasurer is hereby authorised to so approve and to give the guarantee, including the guarantee of interest, in subsection (1), for and on behalf of the Crown in right of the State.

(4) Any moneys borrowed by the Commission under this section may be raised as one loan or as several loans and in such manner as the Treasurer may approve, but the amount of the moneys so borrowed shall not in any one year exceed in the aggregate such amount as the Treasurer approves.

(5) Before a guarantee is given by the Treasurer under this section, the Commission shall give to the Treasurer such security as the Treasurer may require and shall execute all such instruments as may be necessary for the purpose.

(6) The Commission shall use all moneys borrowed under the power conferred by this section for the purposes of this Act.

Mr P. V. JONES: The main tenor of the amendments made by the Council refers to clause 41, because they relate to the financial aspects and the borrowing powers of the proposed waterways commission. Subsequent upon the consideration of the Bill in this place, it has now become apparent that specific provisions need to be spelt out regarding the obligations of the commission in respect of borrowing, and also its obligations to the Treasury in relation to the Loan Council. Therefore, the amendments made by the Council are necessary. Whilst the amendments mainly concern clause 41, it is necessary to make some preliminary amendments to clause 40. I move—

That amendment No. 1 made by the Council be agreed to.

Mr SKIDMORE: I agree to the Council's amendment. I feel it is a little untidy that we should get Bills in this place which are not correct. In this case the provision refers to the Act whereas it should refer to a certain section. We do not object to the amendment, other than to make a complaint about the management of the Bill in the first place.

Question put and passed; the Council's amendments agreed to.

Mr P. V. JONES: I move—

That amendments Nos. 2 and 3 made by the Council be agreed to.

Question put and passed; the Council's amendments agreed to.

Mr P. V. JONES: I move—

That amendment No. 4 made by the Council be agreed to.

This is the main amendment involving clause 41, as I outlined previously.

Mr SKIDMORE: It seems the Government has handicapped itself by bringing forward a Bill without setting out provisions in respect of the need to borrow money and the way in which loans are to be repaid; and also in respect of the required Treasury approval and the approval of other bodies in respect of instruments of security. It became clear in another place that the gobbledygook in clause 41 certainly was extremely difficult to understand.

It appears that in this instance the Government should at least be taken to task for a very badly drafted piece of legislation. I think members will recall the degree of haste with which this Bill was presented to us which made it very difficult for us to understand and look at the 76 clauses plus the schedule. That does not excuse the Government for bringing forward such sloppy legislation. One might have thought that the amendment to clause 41 (1) is excusable because it proposes that the commission shall go ahead and draw up documentation for the purpose of having the Treasurer guarantee the repayment of the proposed loan and the amount of interest thereon and for the Treasurer to submit the particulars to the Governor. But subclause (2) of that clause says that the Treasurer shall have another look at the proposal and if he accepts it, it will become part of the proposed loan. Quite frankly, this is all very shoddy. We do not agree that the Government should waste the time of this Chamber so late in the session with this sort of drafting.

This is not the first opportunity I have taken of castigating the Government for the manner in which it brings forward the wording of its Bills. This is evident when one looks at the untidiness which has resulted in clause 40 being amended. Whilst we agree with the amendment we feel it would be far better if the Government were to put its mind to the job to ensure that when it brings forward a Bill of this nature, which will be very important to the environment and the conservation of our waterways, it has done its homework and that it presents to this Chamber a Bill which we, as legislators, can understand. With those few remarks we support the proposed amendments.

Question put and passed; the Council's amendment agreed to.

Report

Resolutions reported, the report adopted, and a message accordingly returned to the Council.

EVIDENCE ACT AMENDMENT BILL

Second Reading

Debate resumed from the 25th November.

MRS CRAIG (Wellington) [8.35 p.m.]: In rising to speak in support of this legislation I do not wish to canvass all the

provisions of the Bill, but I believe a few points should be made. I do not think anyone will argue that the crime of rape is not a violent and bestial crime; and the victim of rape in Western Australia and in most Western countries, I understand, has been subjected to the most awful form of persecution that people could face. She has suffered from the crime itself, which is bad enough, and following that she has been questioned in a manner which has been found to be distasteful in many cases. She has been subjected to a medical examination that is not always in her best interests and the trial which she has eventually faced has had an enduring psychological effect upon her.

During the life of this Government reforms have been brought in to try to make better the lot of the rape victim and to make less the trauma that she has to suffer. In speaking to this debate recently the member for Boulder-Dundas made some comments to which I must take exception. He referred to this legislation as "panic" legislation. I do not suppose there has been a women's movement which, for a period of at least five years, as far as I am aware, has not been moving towards some sort of amendment to the legislation that exists in this State.

He went on to say that what was wrong with us was that we were women's libbers and that is why this legislation has been introduced. I do not really know how the member for Boulder-Dundas would define a women's libber. The definitions of a women's libber are many and varied but if he brings into this group members of the Country Women's Association and many church groups, perhaps we are all guilty of being women's libbers; and I do not think it is anything necessarily to be ashamed of.

I believe the reforms we are seeing enacted here will be in the best interests of all women in the State. I disagree with the member for Boulder-Dundas that this legislation will take away the accused's right to a fair trial. I believe the purpose is to ensure that the complainant is subjected to less stress. The problem that has existed in the community for some time is that because of the treatment that rape victims had to endure, very few of them have reported the crime. This has had a compounding effect because those people who were not prepared to go through a trial decided that they would say nothing. Consequently, the rapists stayed at large in the community, perhaps to perpetrate the crime again.

The anonymity that will be granted to the rape victim under the terms of this legislation is, I believe, only good. There is something sad about a woman who has been subjected to rape. It is suggested by many people—indeed, it was suggested by the member for Boulder-Dundas—that the woman very often invited the sort of attacks that occur.

Mr Hartrey: That is not quite true.

Mrs CRAIG: I am sorry it is not quite true but that was the impression I clearly gained from what the honourable member said at the time he spoke, and I have not had an opportunity to check in *Hansard*. I think members would agree that somehow or other the rape victim is considered to be guilty in some way. When society at large hears that a person has been the victim of rape, it looks at that person somewhat askance and wonders whether she invited the attack and whether she is in fact innocent. There is that little lingering doubt, and it is something else that the rape victim has to live with.

I do not wish to canvass any more the points that are covered by this legislation, but I wanted to record my appreciation—and, I am sure, the appreciation of most women in Western Australia—of the legislation, and to say that I support it.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr Thompson) in the Chair; Mr O'Neil (Minister for Works) in charge of the Bill.

Mr T. D. EVANS: Mr Chairman, I seek your guidance. Am I too late or is there still an opportunity to move that this matter be referred to a Select Committee?

The CHAIRMAN: It is too late for that move, I am afraid.

Clauses 1 to 3 put and passed.

Clause 4: Section 36A added—

Mr O'NEIL: There is an amendment standing in my name on the notice paper and its necessity was drawn to our attention by the Parliamentary Draftsman. It is a matter of lawyers' law and, not being a lawyer, I trust that the Committee will allow me to read the explanation for the necessity of this amendment as provided by the Parliamentary Counsel.

The purpose of the proposed new subsection is to deal with the special situation where a person is being charged with counselling or procuring the commission of a rape offence. Obviously one of the principal defences open to the person charged with counselling or procuring the commission of an offence is for him to show that the principal offence did not take place. Thus a person charged with counselling or procuring rape alleged to have been committed by another must be acquitted if he can show that actual rape was not committed. In order to show this it would be likely that he would want to have the complainant cross-examined as to the events on the occasion in question, but strictly speaking he might be precluded from so doing but for subsection (4) on the grounds that he is attempting to question the complainant about her sexual experience with persons other than the

accused; that is, him. His questions are directed to her sexual experience with another; that is, the person who it is alleged actually raped the complainant.

A person charged with counselling or procuring ought also ordinarily to have the same rights as that last-mentioned person to question the complainant's earlier sexual experiences with the person alleged to have committed the actual rape. Section 4 of the proposed section 36(2) appears adequately to cover all these contingencies with respect to rape and attempted rape but it should also extend that subsection to the other classes of rape offence; namely, indecent assault.

I move an amendment—

Page 3, line 32—Add after the word "consent" the words "or that the man indecently assaulted or attempted to indecently assault the complainant".

Amendment put and passed.

Mr HARTREY: I object with the greatest enthusiasm and most strenuously to the proposed definition of "rape offence". The member for Wellington spoke very eloquently as usual and quite appropriately in many ways about the grave crime of rape. No lawyer, male or female, who knows anything about the crime or has had anything to do with it at all could possibly object to the description of that crime as a very grievous and outrageous crime. Those are certainly my sentiments. The honourable member was misled possibly by something she thought I said or something I might have said without realising it.

Mr Sibson: Can that happen quite easily in a debate?

Mr HARTREY: In the honourable member's case, yes!

At the same time I would say she confined her remarks wholly to that atrocious crime. I extend the same remarks to what is almost an equally atrocious crime; that is, attempted rape. However, it is ridiculous to think as a rape offence some of the things proposed to be included now and to take away from a person accused of these offences which are much more difficult to extricate oneself from than either rape or attempted rape, the protection the law at present affords to innocent persons. I repeat that every accused person is an innocent person, not guilty, until the jury convicts him. Let us, for goodness sake, not get sympathetic, sentimental, or anything else about this, but try to look at it from a perfectly logical and clear-minded point of view.

A woman may lay a charge of rape against a man. It may be a truthful charge; it may be a false charge. However, there are several ways in which the truth or falseness of the charge can be reasonably tested by common sense. As I pointed out in the second reading speech, if after

an obvious assault the woman arrives very quickly at her nearest female neighbour's home, or that of her mother, sister, or other female relative, and complains of what has occurred to her, the complaint is permitted even now to be evidence—although it is hearsay evidence—not of what she states, but as evidence supporting the probability that it is true.

If she did not make any complaint for a week, it would be very unlikely to be true. That is one test. Another is the bedraggled and dishevelled appearance of the victim herself. It is not often a woman in such circumstances obliges by stripping off her clothes. If she was raped her clothing would be torn, dishevelled, dirty, and so forth, and that is a further corroboration on which a woman can fall back.

Even in the case of attempted rape, the same thing will apply; but not necessarily to indecent assault.

To come back to what the member for Wellington said, a person who claims to have been raped or even to have suffered an attempted rape is medically examined and the medical examination may indicate she has been violently interfered with. So there is no doubt the offence was committed, although there may still be doubt as to who did it. The medical examination will not show that. It will show that she is not lying about her being raped or having suffered an attempted rape because these things will corroborate her story.

On the other hand, I am looking at this from the point of view of a criminal trial lawyer. How do I defend such a man? The gentleman cannot defend himself. Are we to take away all the protection a man has today against a charge of indecent assault simply by saying that if a woman said it, it must be right; therefore the defendant must shut up and plead guilty or go to blazes? That is just not good enough.

Let us consider what the definition includes as being rape. One of the offences is indecent assault. I do not want to horrify members or the people in the gallery by relating some of the forms of indecent assault, but some of them can be more disgusting than rape itself. However, the average indecent assault would include such a thing as a person pushing his hand up a woman's clothing or touching her in a certain situation outside her clothing. What corroborates that, for God's sake? Medical examination will not prove it, nor will the condition of her clothes. The fact that she complains to someone else will not corroborate it. It is her story against the man's. Her story must surely be tested by every test we can reasonably outline.

I admit there is no obligation on the accused to give any evidence or make any attempt to prove his innocence. However, if he stands mute or says he did not do it or was not there, and he cannot prove

an alibi we can imagine the verdict. Very often a man cannot prove an alibi. He may have been in the same boarding house or the same building, although not in the same flat. He cannot prove he was not close enough to have committed the offence. He cannot account essentially for what he was doing at the time. In fact it may be easy to prove he was in the same room and no-one else was there at all. So he has no hope on that ground. However, it does not follow because the man was in the same room that he attempted indecently to assault the woman.

What sort of evidence is it imagined one would get for a conspiracy to commit an indecent assault? Bill and Joe put their heads together to get Jack indecently to assault a girl half a mile away. How does that become a rape offence, for God's sake?

It is an offence to conspire to commit the crime, but it is not a rape offence. There is no special reason for protection to be thrown around the prosecutor in that particular instance. The prosecutor need not be a person who has been assaulted. For instance, it might be a sister who was thrown over by the boyfriend because the sister was favoured. So the rejected sister accuses the boyfriend of assaulting or conspiring with someone else to assault her sister. The favoured sister would not know whether anyone conspired. She was not assaulted so she could not go into court and say that the man was not guilty, because she would not know if any offence had been committed. A person can conspire to commit an offence without an offence having been committed.

This is really abhorrent, fair dinkum. Take my word for it. It is atrocious legislation. This reference to conspiracy is a conspiracy in itself. I cannot speak vehemently enough about it. Confine the definition to rape or attempted rape, then I will agree with it because that is fair enough, but the present provision is absolutely abominable and ridiculous.

There was a certain phase of international unpleasantness prevailing in Europe and other parts of the Atlantic and Pacific during 1939 to 1945. I did not take a significant part in it, but the little part I did take I was glad to take because we were all working in a common effort to smack down the jackbooted Hitlerites, the Swastika waving Nazis, and the brutes who ran the concentration camps. We fought and destroyed those mongrels because they were destroying the liberty of their own country and threatening the liberty of ours. Now we are doing the same thing to ourselves. For God's sake, wake up!

Mr T. D. EVANS: With reference to my previous question to you concerning whether I could move for the referral of the Bill to a Select Committee, Sir, may I draw your attention to Standing Order 278 and ask whether now under that

Standing Order it is pertinent for me to move for a Select Committee to consider the Bill?

The CHAIRMAN: In order to give me an opportunity to look at the question raised by the member for Kalgoorlie I shall leave the Chair until the ringing of the bells.

Sitting suspended from 8.55 to 9.11 p.m.

Chairman's Ruling

The CHAIRMAN: Order! I have considered the matter raised by the member for Kalgoorlie and state as follows—

Standing Order 259 provides that a Bill may be referred to a Select Committee after the Bill has been read a second time and this has been the practice and the direction of the House.

Standing Order 278 may by inference suggest such a motion can be moved in the Committee of the House.

Standing Orders 263 to 275 refer to the Committee stage of the Bill and the types of amendments that may be moved.

Standing Order 280 states that no notice of the proceedings of a Committee shall be taken until those proceedings have been reported.

The appointment of Select Committees and their procedures are in the hands of the House only, and such Committee can only report to the House and the House decides the action to be taken (See Standing Orders 351 to 385).

Under the foregoing circumstances, Standing Order 278 could be used only when progress has been reported to the House on a Bill or when the Order of the Day is next read for the further consideration of the Bill in Committee. The House could under the above Standing Order then refer the Bill to a Select Committee.

Dissent from Chairman's Ruling

Mr T. D. EVANS: I move—

That the Chairman's ruling be disagreed with.

The Speaker resumed the Chair.

The CHAIRMAN OF COMMITTEES: Mr Speaker, I have to report that during the sitting of the Committee the member for Kalgoorlie disagreed with my ruling.

The SPEAKER: Before I give my ruling I will hear brief argument.

Mr T. D. EVANS: Mr Speaker, after the Bill had passed the second reading stage and when the Committee proceedings had just commenced, I rose and asked the Chairman if it was then competent for me to move that the Bill be referred to a Select Committee. I was

advised that this was not possible. At that stage I referred to Standing Order 278 which reads—

No Motion for referring the Bill to a Select Committee shall be considered after the Chairman of the Committee of the Whole House shall have reported the Bill.

Reference is made earlier to the fact that a move can be made for a Select Committee and the normal stage where a move for a Select Committee is made is after the Bill has passed the second reading Stage and before the Bill is considered in Committee. I concede that is the normal stage.

However, Standing Order 278 presupposes that a move can be made at a stage later than that. Otherwise, there would be no need or justification for Standing Order 278. It is as simple as that, Mr Speaker. If the ruling of the Chairman is adhered to it appears his ruling will in effect delete Standing Order 278.

Mr O'NEIL: The situation as I see it is this: It is not competent for a Committee of this House to refer a matter before that Committee to a committee of the Committee. In fact, only the House can create a committee. When we are considering legislation, after a Bill has been read a second time, the mover of the motion stands and says, "I move that the House resolve itself into a Committee of the Whole House for the purpose of considering the Bill." The House then changes from being a House of Assembly to a Committee of the Whole House. The rules which then apply are quite different.

For example, when the member for Kalgoorlie appealed against the Chairman's ruling, the Committee had no power to determine whether the Chairman was right or wrong. The Chairman was required by our Standing Orders to defer that determination to you, Mr Speaker; so we reverted from being a Committee of the Whole House to the House of Assembly itself. So, it is quite clear that if the opportunity to refer a Bill to a Select Committee is not taken before we are formed into a Committee of the Whole House, there is no opportunity for that to be so done. This Committee cannot of itself create a committee to consider legislation; that is the prerogative only of the House and is entirely within the hands of the Speaker.

Speaker's Ruling

The SPEAKER: I have listened with interest to the arguments advanced for and against this matter and advise the House that in my opinion there is a little truth in what each honourable member has had to say. Firstly, the member for Kalgoorlie is quite correct when he quotes Standing Order 278 which virtually states by inference that such a motion as was moved by the member for Kalgoorlie may be moved.

However, it can be done only under a certain circumstance, and that circumstance follows the fact of the Committee reporting progress and before going into Committee again; it is only then that a motion to appoint a Select Committee may be moved.

In giving this ruling, I am armed by virtue of the fact that in the file relating to these other matters which I have before me there is a document which states this very fact. I therefore rule it is impossible for a Select Committee to be formed when the House is in Committee.

Mr T. D. EVANS: I accept your ruling, Mr Speaker, but now that the House is sitting as a House, I move—

That this Bill be referred to a Select Committee.

Mr O'Neil: We have not reported progress.

The SPEAKER: In order to resolve the problem of the member for Kalgoorlie—and I am anxious that it should be resolved—I will have to leave the Chair and the Chairman will have to take over. The House then will go back into Committee in order that progress can be reported to a later stage of the sitting.

Committee Resumed

The Chairman of Committees (Mr Thompson) in the Chair; Mr O'Neil (Minister for Works) in charge of the Bill.

Progress

Mr T. D. EVANS: I move—

That the Chairman do now report progress and ask leave to sit again.

Motion put and negatived.

Committee Resumed

Clause put and passed.

Clause 5: Section 36B added—

Mr HARTREY: I do not like the phraseology of clause 5, particularly new subsection (2). It is not proposed to exclude so-called restricted matters altogether from the hearing. Therefore, automatically it becomes a matter for a judge to decide whether or not it shall be excluded. But the way this legislation is worded will limit the discretion of the judge and I do not like limiting the discretion of a judge in a criminal trial. The judge is always the one among all of them on whom we can rely to be absolutely impartial and clued up. The Crown Prosecutor, of course, is not impartial; nor is the counsel for the defence. The judge probably is better clued up than either of them, otherwise they would be judges! In addition to that, of course, he is impartial. New subsection (2) states—

(2) The court shall not grant leave under subsection (1) of this section unless it is satisfied that what is sought to be adduced or elicited has

substantial relevance to the facts in issue or to the credit of the complainant.

If that means only that a judge should have a good reason to exercise his discretion in order to resolve the matter, that is all right. But the whole scheme of this new subsection is that instead of a judge being asked to restrict something in a "proper" case he is being told he cannot but restrict it except in a "proper" case and a "proper" case is a case which we think is proper, not what he thinks is proper. That is not the way things should be done, especially not in a criminal case, because that is the only spark of justice which may occur in a criminal trial.

Clause put and passed.

Clause 6 put and passed.

Title put and passed.

Report

Bill reported, with an amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by Mr O'Neil (Minister for Works), and returned to the Council with an amendment.

LEGAL AID COMMISSION BILL

Council's Amendments

Amendments made by the Council now considered.

In Committee

The Deputy Chairman of Committees (Mr Blaikie) in the Chair; Mr O'Neil (Minister for Works) in charge of the Bill.

The amendments made by the Council were as follows—

No. 1.

Clause 4, page 3, after line 29—Add a paragraph to stand as paragraph (a) as follows—

(a) representation in and in connection with proceedings;

No. 2.

Clause 4, page 4, line 9—Delete the passage "(a) and (b)" and substitute the passage "(a), (b) and (c)".

No. 3.

Clause 7, page 6, line 28—Add after the word "one" the passage "(not being a practitioner)".

No. 4.

Clause 9, page 10, after line 4—Add subclauses as follows—

(8) The Director shall, whenever he is available, attend all meetings of the Commission unless in special circumstances the Commission otherwise determines.

(9) The Director may, when attending a meeting of the Commission, participate in the discussion of any question arising at the meeting.

No. 5.

Clause 15, page 12, line 30—Delete the passage "(a) and (b)" and substitute the passage "(a), (b) and (c)".

No. 6.

Clause 21, page 16, line 14—Delete the passage "section 76" and substitute the passage "section 78".

No. 7.

Clause 21, page 16, lines 19 to 21—Delete the passage "and the Government Employees (Promotions Appeal Board) Act, 1945 do" and substitute the word "does".

No. 8.

Clause 72, page 48, line 21—Delete the word "Commission" and insert the word "State".

No. 9.

Clause 72, page 48, line 22—Add after the word "Commonwealth" the words "for the Commission".

Mr O'NEIL: I move—

That the amendments made by the Council be agreed to.

Members will recall that when the Bill was before this Chamber there were some amendments on the notice paper standing in my name, and those who checked would have found that, essentially, they related to typographical errors and minor matters which needed to be tidied up but which in no way affected the meaning or intention of the legislation. Because of the system where the Bill needed to be reprinted prior to moving to another place, I had my amendments removed from the notice paper and I mentioned to the Committee at the time that they would be inserted by the Legislative Council. That has occurred, and the amendments now on the notice paper are purely those which were on the notice paper in my name previously, together with one minor amendment which changes section 76 to section 78—again, purely a correction of a typographical nature.

Question put and passed; the Council's amendments agreed to.

Report

Resolution reported, the report adopted, and a message accordingly returned to the Council.

DEATH DUTY ASSESSMENT BILL

Council's Amendments

Amendments made by the Council now considered.

In Committee

The Deputy Chairman of Committees (Mr Blaikie) in the Chair; Sir Charles Court (Treasurer) in charge of the Bill.

The amendments made by the Council were as follows—

No. 1.

Clause 4, page 5, lines 13 to 16—Delete the passage "person had no beneficial interest in the property at any time within three years before his death;" and substitute a passage as follows—

person—

- (i) was not the beneficial owner of the property at the time of the giving of the power;
- (ii) was not the beneficial owner of the property at any time within the period of three years before his death; or
- (iii) had no beneficial interest in the property at any time within the period of three years before his death;

No. 2.

Clause 9, page 14, line 12—Add after the word "person" the words "for the purposes of this Act".

No. 3.

Clause 9, page 14, line 16—Add after the word "residence" the passage "or of an amount equal to the value, immediately prior to the death of the deceased person, of any interest in such a dwelling house held by the deceased person immediately prior to his death,".

Sir CHARLES COURT: When the Bill was before the Legislative Assembly I indicated to members, and particularly to the member for Mt. Marshall and the member for Scarborough, that some amendments would be made in another place to give effect to some rather technical matters that had been raised by people who were knowledgeable in the practice of this law.

The three amendments relating to clauses 4 and 9, as contained in the message from the Legislative Council, are shown on the notice paper. I explained during the passage of the Bill in this Chamber previously the purport of these clauses, and if it is so desired I can explain very quickly why the amendments made by the Council are necessary.

Subparagraph (ii) of paragraph (a) of clause 4 of the Bill would substitute a new paragraph (c) in subsection (2) of section 10 of the Act. The purpose of the paragraph is to make liable to death duty any property in respect of which the deceased person has given any power of appointment unless it is proved that the deceased person had no beneficial interest in the property within three years before his death. It has now been pointed out that the paragraph could operate unfairly in two cases.

The first is where the deceased has not been the beneficial owner of the property within three years of his death—where the power of appointment was exercised more than three years before he died. In this case it would be inconsistent with other provisions of the Act to require the property to be brought back into his estate for duty.

The second case is that of a trust which has been created by the deceased person with a nominal sum and to which other persons have subsequently contributed large sums of money. It would be inequitable if paragraph (c) were to bring back into the estate of the deceased anything other than the amount that he has actually contributed. The proposed amendment is designed to prevent the paragraph operating unfairly in these two regards.

In view of the fact that clause 9 refers to a different matter it is as well that I deal with the amendments separately, in case there is any difficulty arising from the first amendment made by the Council. I move—

That amendment No. 1 made by the Council be agreed to.

Mr JAMIESON: I see no reason to disagree with this amendment made by the Council. In his statement the Treasurer said that when the Bill was before the Legislative Assembly this matter was raised. I should point out that the member for Mt. Marshall is not a member of another place; he is not yet a member of the Legislative Council. That was the only fault in the explanation of the Treasurer; otherwise I find the Council's amendment in order, and we support it.

Question put and passed; the Council's amendment agreed to.

Sir CHARLES COURT: Amendments Nos. 2 and 3 made by the Council are designed to ensure that the provisions of section 31 of the Act relating to the deferment of duty apply not only where the deceased was the sole owner of an interest in the matrimonial or family home, but also where he had an interest in that home as a joint tenant.

If these amendments are not agreed to, the whole purpose of the deferment would be defeated. When the Bill was previously before this Assembly it was generally accepted as a desirable amendment, and it has now been brought forward by the Council. I move—

That amendments Nos. 2 and 3 made by the Council be agreed to.

Mr JAMIESON: It is quite obvious that we should agree to these two amendments made by the Council. It is most unreasonable if a person has a share in a residence that it should not be exempted under the Act as a residence under one ownership. These amendments cover the position

which was not covered when the Bill left this Chamber. As a consequence we consider they are desirable.

Question put and passed; the Council's amendments agreed to.

Report

Resolutions reported, the report adopted, and a message accordingly returned to the Council.

MEMBER FOR ASCOT: ALLEGATIONS AGAINST A MINISTER OR MINISTERS

Action on Select Committee Report: Motion

MR THOMPSON (Kalamunda) [9.37 p.m.]: I move—

That the House—

- (1) Notes the report of the Select Committee tabled in the House on the 17th November, 1976;
- (2) Views with grave concern the actions and attitude of the Honourable Member for Ascot who having made serious allegations under the privilege of Parliament against a Minister or Ministers thereafter obstructed the will of the House by refusing to answer lawful and relevant questions put to him by the Select Committee;
- (3) Believes the Honourable Member for Ascot to be liable to be found guilty of contempt consisting of an offence defined in section 8 of the Parliamentary Privileges Act, 1891;
- (4) Resolves that the punishment for such an offence as prescribed in the said section 8 would be in the circumstances inappropriate and inadequate to convey the censure of the House;
- (5) Requests the Attorney-General to initiate a prosecution of the Honourable Member for Ascot for a breach of section 59(2) of the Criminal Code.

During the time that you, Mr Speaker, have been Speaker of this House I believe you have distinguished yourself as a very fair Speaker. It has been rather unfortunate that you have been subjected to a fair amount of trouble during the time that you have been Speaker.

Mr Davies: Subjected to trouble by the Government.

Mr THOMPSON: There have been many occasions when you had to give in this House a ruling on matters that were brought before the House, in many instances because of unruly behaviour by some members of Parliament.

When we are elected to this House each of us is provided with a copy of the Standing Orders and Acts, etc., Relating to

Parliament. These are the books that lay down the rules for the conduct of members of Parliament and of members of this House. It is the job of every member to abide by the Standing Orders of Parliament.

Mr A. R. Tonkin: You certainly did not as Chairman of the Select Committee.

Mr THOMPSON: It has been suggested that it is not within the competence of the House to resolve to have this matter considered outside the House; and, indeed, I believe it is. I would draw the attention of members to a book entitled *Acts, etc., Relating to Parliament*. Contained therein is a section of the Criminal Code which reads as follows—

59. Any person who—

- (1) being duly summoned to attend as a witness or to produce any book, document, or other thing, in his possession, before either House of Parliament, or before a Committee of either House, or before a joint Committee of both Houses, authorised to summon witnesses or to call for the production of such things, refuses or neglects without lawful excuse to attend pursuant to the summons or to produce anything which he is summoned to produce, and which is relevant and proper to be produced; or
- (2) being present before either House of Parliament, or before a Committee of either House, or before a joint Committee of both Houses, authorised to summon witnesses, refuses to answer any lawful and relevant question;

is guilty of a misdemeanour, and is liable to imprisonment for two years.

Mr Bryce: Have you read section 60?

Mr THOMPSON: It is clearly established that this House has power to do that which is the subject of the motion I have moved.

Mr B. T. Burke: Exercise the power.

Several members interjected.

The SPEAKER: Order!

Mr Bryce: You abuse Parliament.

Sir Charles Court: You should think about upholding the dignity of Parliament.

Mr Jamieson: The Premier should recall what happened on the 14th September, 1972. He is the one who should think about the dignity of Parliament.

Mr THOMPSON: To give force to to what I have said I would like to quote from the book entitled *Parliamentary*

Privilege in Australia by Enid Campbell, Associate Professor in Law at Monash University. She had this to say—

But the important question remains: should the 'dangerous' power of commitment be removed entirely from legislative chambers so that the accusing and judicial functions are separated?

Mr B. T. Burke: The news on television tonight said you would not go on with this motion.

Mr THOMPSON: To continue with the quote—

On grounds of expediency and convenience, much is to be said for reserving to the Houses power to deal summarily with persons who, by their misconduct, disturb the orderly conduct of proceedings. No more seems to be required here than power to remove and to exclude (forcibly if necessary) persons creating disturbances in the House or in its vicinity, and power to suspend or expel members guilty of disorderly conduct or willful interruption of proceedings.

Except in regard to offences of this kind,—

Mr A. R. Tonkin: Such as misleading the House.

Mr THOMPSON: To continue with the quote—

—transfer of parliamentary penal jurisdiction to the ordinary courts of law is, in this writer's opinion, imperative if the accepted standards for administration of justice are to be satisfied.

I believe that is the case in the circumstances which present themselves at this time. I therefore think the motion is relevant.

A member: Who wrote that? Enid who?

Mr B. T. Burke: Enid Blyton.

Mr Bryce: You are like a lemming. You have been led over the cliff.

Mr B. T. Burke: It has been announced on television that you will not proceed with this motion.

Mr THOMPSON: I believe there is every right for this House to act. I believe if we do not act the facility for this House to examine witnesses called before Select Committees will be lost. In the past there have been imputations that reluctant witnesses have been called before Select Committees.

It was only because Select Committees were able to point to the powers they possessed that some witnesses have come along and given evidence, but not in this instance in the case involving the member for Ascot.

I have heard it said, I think by the member for Mt. Hawthorn and the member for Boulder-Dundas, that Parliament is the highest court in the land.

Mr Hartrey: That is right.

Mr THOMPSON: In this instance—

Mr A. R. Tonkin: You are referring it to a lower court.

Mr B. T. Burke: That is because the Supreme Court told him to.

Mr THOMPSON: Parliament is the highest court in the land. If Parliament, the highest court, allows a witness called before a committee to thumb his nose at that court, what chance is there for a lower court in this State?

To answer an interjection some time ago by the member for Morley, members on the other side have been asking what chance there was of the member for Ascot getting justice from a committee which was politically loaded.

The same can be said about this House. It could be said that this House is politically loaded and that there would be no chance of a fair trial. That is the reason I am proposing this matter should be considered in a forum where political loadings cannot be involved.

Mr Bertram: The member for Ascot has already been prejudged.

Mr THOMPSON: On the 9th October, in this House, the member for Ascot made some vague and general allegations about Ministers.

Mr Davies: No-one asked for the allegations to be withdrawn.

Mr THOMPSON: Since that time, this House resolved to set up a Select Committee. Who was the prime mover to instigate the motion for the setting up of a Select Committee?

Mr Davies: Under the protection of the Premier.

Mr THOMPSON: Was it a back-bench member of the Liberal Party who was scared of losing his seat? No, it was the Premier himself.

Mr Davies: The motion was introduced under the protection of the Premier.

Mr THOMPSON: Who suggested there ought to be a Select Committee set up to investigate these particular allegations? Indeed, it was the Premier.

Several members interjected.

The SPEAKER: Order!

Mr THOMPSON: It was the same Premier who, when the then Leader of the Opposition—now the member for Melville—made certain allegations about an unnamed Minister and subsequently retracted what he said, moved to do something about setting up an inquiry to investigate the allegations.

Mr Jamieson: He did not do anything about the article which appeared in *The Australian Financial Review*.

Mr THOMPSON: The Premier wanted to get to the bottom of the allegations.

We all listened to the debate in this House on the motion for the appointment of a Select Committee to inquire into the allegations made by the member for Ascot, and I cannot recall one member of the Opposition saying he did not want a Select Committee. Indeed, speaker after speaker said he supported the appointment of a Select Committee. Members opposite said we should investigate the allegations. Then, what happened? Finally, after one of the longest debates I have witnessed since I have been in the House, we had a vote which resulted in the decision that a Select Committee would be appointed.

Mr A. R. Tonkin: After six attempts to amend the motion. Tell the whole story.

The SPEAKER: Order!

Mr THOMPSON: The motion was carried on a Thursday, and it was decided to examine the witnesses on the following Monday.

Mr Bryce: With indecent haste.

Mr THOMPSON: It may have been, but it did not take very long to establish that nothing was to come forward either.

The member for Ascot came before the Select Committee on Monday and on Tuesday and declined to give evidence. During the balance of the Tuesday there was some argument with regard to procedural matters.

On the next sitting day, after the House voted to set up a Select Committee, the member for Ascot firstly abused the privileges of the House—

Mr A. R. Tonkin: Do not tell any lies.

Mr THOMPSON:—and you, Mr Speaker, ruled him out of order. It is fair to say that no person could have been more tolerant on that occasion than you were. Even your sense of justice was strained to the point where you had to rule the member for Ascot out of order.

Subsequently, by way of notice of motion, the member for Ascot made some allegations. When the Select Committee assembled the next morning I assumed—and I am sure every other member of the Committee also assumed—we would now get the member for Ascot to give evidence.

Mr A. R. Tonkin interjected.

Mr THOMPSON: What happened on the Wednesday morning? The member for Ascot came forward and further declined to answer any questions.

Mr A. R. Tonkin: You ruled the member out of order.

Mr THOMPSON: The member for Ascot had said things in this place he was not prepared to say before the Select Committee. The Select Committee was the means by which this House was able to examine the allegations. But, would the member for Ascot come before that body and make his allegations? Not on your

sweet Nellie! He chose to come here and make his allegations, but he would not make them before the Select Committee. It is true that this Parliament has an opportunity to examine allegations.

Several members interjected.

The SPEAKER: Order! There are too many interjections.

Mr THOMPSON: I do not know why the member for Ascot would not make his allegations before the Select Committee.

Mr A. R. Tonkin: Tell the story fairly.

Mr THOMPSON: The member for Ascot did not want to say anything, for reasons best known to himself. I ask the people of Western Australia to question why the member for Ascot would not answer questions put to him by a Select Committee of this House.

Mr B. T. Burke: He knew he had no protection.

The SPEAKER: Order!

Several members interjected.

Mr Jamieson: What a mess!

The SPEAKER: Order! Will the member resume his seat. I want to appeal to all members to avoid a running fire of interjections which prevent the member from making a coherent speech. It is very bad in a parliamentary sense that there should be a running fire of interjections. I ask that all members be given a fair hearing. The member for Kalamunda.

Mr THOMPSON: That gives point to what I said earlier: that there are not too many members on the other side who are prepared to abide by Standing Orders.

Point of Order

Mr JAMIESON: On a point of order, Mr Speaker, that is unreasonable. I find that statement to be objectionable to me and I ask that it be withdrawn.

Mr THOMPSON: Mr Speaker, I withdraw.

Mr A. R. Tonkin: Standing Order 375.

The SPEAKER: Order!

Debate Resumed

Mr THOMPSON: In this whole affair a lot of smoke has been generated and it has been difficult for people to see whether the member for Ascot has been given an opportunity by this House to make his allegations before a Select Committee. That opportunity has been afforded him, and he has declined to do so. They are the pertinent points, and because of those points I ask the House to support my motion.

MR O'NEIL (East Melville—Minister for Works) [9.54 p.m.]: I second the motion and it is my intention to move the following amendment—

Several members interjected.

Mr Jamieson: What a sham.

The SPEAKER: Order!

Point of Order

Mr A. R. TONKIN: On a point of order, Mr Speaker, surely if the Deputy Premier is seconding the motion he is saying he agrees with it and it is not competent for him to say that he disagrees with part of it and, therefore, he intends to move an amendment.

Mr O'Neil: How long have you been here?

Speaker's Ruling

The SPEAKER: It is perfectly competent for the seconder of a motion to move an amendment to it. There is no question about that fact. There are cases in point in the history of this Parliament where it has happened. There are many cases throughout the chairmanship of committees, in many parts of this State and throughout Australia, where this is permitted. There is no bar to the seconder of a motion moving an amendment.

Mr Skidmore: It makes a bit of a laugh of the seconder.

Debate Resumed

Mr O'NEIL: It is my intention to move to delete paragraphs (2), (3), (4) and (5) with a view to inserting the following—

- (2) Views with strong disapproval the conduct of the Honourable Member for Ascot in irresponsibly making under Privilege of Parliament serious allegations against Ministers of the Crown, and then refusing to answer lawful and relevant questions put to him by the Select Committee in an effort to ascertain if the said Member had any credible evidence to support such allegations;
- (3) Is of the opinion that the Member's refusal to answer the said questions may well amount to Contempt of Parliament under the Parliamentary Privileges Act, 1891, but,
- (4) Having regard to the limited range of punishments available to the House under the said Act, resolves that in the circumstances the House merely records its contempt for the said Honourable Member and his allegations; and
- (5) Requests the Attorney General to undertake consideration of appropriate amendments to that Act with a view to furnishing the House in the future with more

adequate powers of punishment of its own members for contemptuous conduct.

Mr Davies: You must be kidding!

Mr O'NEIL: It becomes patently obvious—

Several members interjected.

The SPEAKER: Order!

Mr H. D. Evans: You are backing off now.

Mr O'NEIL: It becomes patently obvious that any attempt by this Parliament to take appropriate action against the member for Ascot would be used—

Mr Davies: Would be against the wishes of the Country Party.

Mr O'NEIL: —by the member for Ascot in order to make a martyr of himself. It is true that this House does not have a privileges committee, as many other Parliaments do, and it is true, too, that it is left to this House to recommend that the Attorney-General take appropriate action under the Criminal Code against a member of the House who is contemptuous of it.

It is also true that the penalties which are available, to an extent, do not match the severity of the contempt of this Parliament. They are certainly less severe than the penalties available to a court, when there is contempt against that court.

There is a provision, of course, that members may be dealt with by the Parliament when certain action can be taken, and the offending person can face imprisonment in some instances. However, if a member is imprisoned for nonpayment of a fine which the House may impose—if he is imprisoned in default as would be the case in a civil court—then the term of imprisonment will terminate with the rising of the House. So that is a reasonably convenient way to chastise a member—by giving him a nominal punishment.

So it seems the best we can do as a Parliament in the interests of this institution is to condemn the honourable member for what he has done, express our disgust at his behaviour; and at the same time—

Mr H. D. Evans: You are backing off; you are gutless.

Mr O'NEIL: —request the Attorney-General to examine the laws which are available—the Parliamentary Privileges Act and the Criminal Code—to ensure that this House has more adequate powers of punishment of its own members for contemptuous conduct.

Mr Skidmore: I thought you said the law has stood the test of time.

Mr O'NEIL: Who said that?

Mr Skidmore: I did.

Mr O'NEIL: The honourable member knows what thought did. He only thought I said that.

Several members interjected.

Mr O'NEIL: Nothing is very clear to the member for Morley; that is quite evident.

Mr A. R. Tonkin: Are you seconding the motion, or moving an amendment?

Mr O'NEIL: I have seconded the motion, and I am stating my intention to move an amendment.

Mr A. R. Tonkin: You are speaking to both at the same time.

Mr O'NEIL: I am speaking to the amendment. If the honourable member would like a copy of the amendment I will make one available to him. I am referring to the fact that this House will ask the Attorney-General to undertake consideration of appropriate amendments to the Act with a view to furnishing the House, in the future, with more adequate powers of punishment of its own members. I am referring to the powers of punishment which this House now has. I am indicating that they are inadequate to deal with this sort of thing.

At the same time, the suggestion is we have a more frequent examination of those laws, which is not sufficiently frequent at the moment. We should also, as a Parliament, have an examination of the Parliamentary Privileges Act which makes available to us a method of dealing with contempt of Parliament by its members. Just as importantly, there should be an examination of the law with regard to the contempt of Parliament by those who do not sit here.

Amendment to Motion

Therefore, I move an amendment—

Delete paragraphs (2), (3), (4) and (5) with a view to inserting other paragraphs.

I have already read to the House the proposed new paragraphs.

MR HARTREY (Boulder-Dundas) [10.00 p.m.]: I understand it is proper for any speaker now to deal with either the amendment or the motion?

The SPEAKER: Will the member resume his seat? The correct procedure to follow is to speak to the amendment, but it is logical that one cannot make complete sense by speaking to the amendment alone, so one is entitled to refer to the motion. However, it should be held in context, and I ask members to have regard for my words; that is, the amendment before the House which, if passed, will become the motion, is the one to which members should direct their speeches. Reference to the motion moved by the member for Kalamunda is largely outside the scope of this amendment. Does the member for Boulder-Dundas comprehend my remarks?

Points of Order

Mr MOILER: I wish to make the point, Sir, that it appears apparent the media were aware that such an amendment was to be moved today, and it has been advertised over the radio.

The SPEAKER: What is the point of order?

Mr MOILER: I, as a member of the House, have not yet received notice of the amendment, but apparently the media are aware of it.

Sir Charles Court: I'll give you an autographed copy if you like.

Mr MOILER: We are about to debate the amendment.

The SPEAKER: This is not so much a point of order, but the honourable member is seeking relevant information to which he is entitled.

Mr MOILER: Yes.

The SPEAKER: Are there copies of this amendment which can be circulated to the Chamber?

Mr Bryce: Obviously insufficient.

Several members interjected.

The SPEAKER: Order! I am on my feet and I do not want anybody to speak while I am on my feet. Is the member able to satisfy himself with a copy of the amendment? I will arrange for the attendants to distribute copies.

Mr O'Neil: There are plenty here—I gave copies to the attendants.

The SPEAKER: Is anyone without a copy?

Opposition members: Yes.

The SPEAKER: Sufficient copies will be made available very soon.

Mr T. H. Jones: What a sham!

The SPEAKER: Order! I will not stand for continual interjections. I will have to take action which I do not want to take. I trust that this debate can be carried on with reasonable propriety.

Mr O'NEIL: I wish to raise a question, Sir. In moving the amendment I understand that firstly I should move to delete paragraphs (2) to (5); then I must move to insert new paragraphs (2) to (5), and it is at that stage that the words I propose to insert can be discussed in debate.

The SPEAKER: You read the words that you intend to substitute?

Mr O'NEIL: Yes.

The SPEAKER: In reply to your query I say that the subject before the House is the amendment proposed by the Minister for Works; that is, the deletion of the words for the purpose of inserting other words. That is why we must have cross-reference to the matters. The member for Boulder-Dundas.

*Debate (on amendment to motion)
Resumed*

Mr HARTREY: Thank you, Sir. I appreciate that the situation is apparently that the motion moved by the member for Kalamunda stands as regards paragraph (1). If the amendment is accepted, all other words will be deleted from the motion.

First of all I would like to say a word or two about paragraph (1) which apparently is not regarded as objectionable either by the member for Kalamunda or by the Minister for Works. Paragraph (1) sounds innocuous enough to begin with. It says—

Notes the report of the Select Committee tabled in the House on the 17th November, 1976;

However, paragraph (1) does not say what report. The report signed by the chairman, as of course it must be signed under the Standing Orders, is a very brief one, and your attention is invited to that, Mr Speaker. I would invite the attention of members to the Standing Order which deals with Select Committees. Standing Order 375 concludes with these words—

A protest or dissent may be added to the report.

The marginal note to this Standing Order indicates that a minority report is permissible. In fact there was a minority report, and it does not seem to me that we should adopt words which entirely ignore the fact of that minority report.

I believe paragraph (1) is objectionable, and I ask members not to forget that this paragraph is not the paragraph at the head of an amended motion, it is the paragraph at the head of an atrocious motion. It commences by asking the House to note the report of the Select Committee tabled in the House on the 17th November, 1976. It omits to ask the House to note the minority report which was appended or attached to the report—anyway I certainly have a copy of it—at the same time.

Mr Davies: Sloppy.

Mr HARTREY: This minority report should also be noted in accordance with our Standing Order.

We cannot appreciate the significance of omitting to refer to the minority report without looking at the content of paragraphs (2) to (5) that are proposed to be deleted. You have so ruled, Mr Speaker, and with due respect I must say I entirely agree with you, that we are to discuss the amendment before the House. This would not matter very much if nothing very drastic was proposed by the motion which paragraph (1) introduces, but when that paragraph (1) was framed, it was framed

as the leading light in a motion which contained four other paragraphs, some of which are quite atrocious, as I said before. For instance, paragraph (2) states—

Views with grave concern the actions and attitude of the Honourable Member for Ascot who having made serious allegations under the privilege of Parliament against a Minister or Ministers thereafter obstructed the will of the House by refusing to answer lawful and relevant questions put to him by the Select Committee;

In other words, this paragraph says that we should direct our attention to one report only because that report indicates that the member for Ascot is guilty of an offence. Paragraph (3) goes on to say that because the member for Ascot is guilty of an offence, we should say that he is liable to be found guilty of an offence defined in the Parliamentary Privileges Act, 1891. We say then that because he is guilty of an offence, and because he is liable to be punished under one Act of Parliament, and because that is not bad enough for him, we should ask the Attorney-General to punish him under another Act of Parliament.

Remembering that those are the actual clauses which the member for Kalamunda read out and advocated to the House, great significance is added to the duplicity of paragraph (1). I feel, therefore, that paragraph (1) at least is something I can hang my hat on for the purpose of this discussion.

Mr Thompson: What does the original paragraph (3) say?

Mr HARTREY: It says—

Believes the Honourable Member for Ascot to be liable to be found guilty of contempt consisting of an offence defined in Section 8 of the Parliamentary Privileges Act, 1891;

Mr Thompson: That does not find him guilty.

Mr HARTREY: Does it not?

Mr Thompson: No.

Mr HARTREY: Would the honourable member take it that any motion must be construed as a whole? I am quite dispassionate about this matter—I am not shouting or roaring, as I never do that and I do not propose to commence now.

I wish to say that if these words do not mean a verdict of guilty, what do they mean? They mean that this House, sitting as a jury—and I tell members that that is a remarkable situation which I will refer to again presently—views with great concern the actions of the honourable member in that he made serious allegations under the privilege of Parliament—he certainly did that; there is no dispute about it—against a Minister or Ministers, and thereafter obstructed the will of the House and refused to answer relevant questions.

Mr Thompson: Didn't you read the report?

Mr HARTREY: We are asked to agree to this on the say-so of the mover of the motion, on the word of the Chairman of the Select Committee. Let me remind members, we, the members of the jury—though not like the members of the jury of an ancient tribunal to which I will refer in a few minutes—are in a situation where, having said that we consider him guilty, what more do we have to say to make him guilty? I would like to know the answer to this. In any court of law that would amount to a conviction, and if he were brought before the Criminal Court under paragraph (5) of the motion, he could plead that he had been convicted already.

I see that some eagle in the legal business made a statement to that effect which appeared in yesterday evening's Press. I do not altogether agree with what he said. His authority was section 17 of the Criminal Code but that section deals only with convictions on indictment. The conviction that would be made by passing the motion proposed by the member for Kalamunda would not be a conviction on indictment; it would be conviction under the Act, which we have a perfect right to make. There is no doubt about it. Has this House the power to convict a man of an offence under the Parliamentary Privileges Act? No doubt we have, but on the other hand, if the member were convicted he would not be convicted by indictment. It would not be a section of the Criminal Code which would relieve him from a second conviction, but rather a section of the Interpretation Act, which is quoted in our Standing Orders. The member for Kalamunda was kind enough to remind us that the Criminal Code is referred to in our Standing Orders. Section 45 of the Interpretation Act reads as follows—

Where any act or omission—

What is alleged against the member for Ascot is an omission; he omitted to answer questions, so they say. By this motion moved by the member for Kalamunda he will be found guilty automatically of having refused to answer questions. The section continues—

—constitutes an offence under two or more Acts,—

Well, it certainly constitutes an offence under the Parliamentary Privileges Act, and it certainly constitutes an offence under the Criminal Code. So it definitely constitutes an offence under two or more Acts. To continue—

—the offender shall, unless the contrary intention appears, be liable to be prosecuted and punished under either or any of those Acts, but shall not be liable to be punished twice for the same offence.

So if we carried the motion put forward by the member for Kalamunda, we would convict a man, and we would have to punish him. If we sent him to the Attorney-General, what sort of situation would we put the Attorney-General in? The Attorney-General is a member of Cabinet, and like all members of Cabinet, he is responsible to this House and not to the House of which he is a member. If this House requests him, as contained in this motion, to issue an *ex-officio* indictment, it would be guilty itself of a contempt of court. The Attorney-General is a judicial officer.

He is the only person who has the right to issue an *ex-officio* indictment. Anyone may lay a charge of a criminal offence, and that charge is examined in a magistrate's court. If the magistrate finds there is a *prima facie* case of guilt he commits the man to stand trial in the Supreme Court or the District Court as the case may be. The Attorney-General, or the Crown Law Department, then determines whether in its opinion there really is a *prima facie* case, and if in its opinion there is a *prima facie* case it prosecutes the man. If it does not think there is a *prima facie* case it does not prosecute, and that is the end of the matter.

However, the Attorney-General can cut the Gordian knot and skip the proceedings before a magistrate. He can say, "As Attorney-General, I charge you with an offence and order you to be tried by jury in the appropriate court forthwith, under section 579 of the Criminal Code." The Criminal Code was referred to earlier, and I will read section 579 for the information of members. It states in part—

The Attorney General may present an indictment in any Court of criminal jurisdiction against any person for any indictable offence, whether the accused person has been committed for trial or not . . .

Of course, the accused person will not have been committed for trial. This court cannot commit him for trial, because there is no procedure for Parliament to do so; so he will not have been committed for trial by any court. But he could be prosecuted under section 579 of the Criminal Code on the *ex-officio* indictment of the Attorney-General; and that indictment can be made only by him in the exercise of his judicial discretion.

Halsbury's *Laws of England* at page 381 of volume 7 of the third edition states—

The Attorney-General is primarily an officer of the Crown, and is in that sense an officer of the public (d). Although he performs to some extent judicial functions (e) both at common law and by statute, he is, when exercising them, in no case a court in the ordinary sense, so that prohibition will not lie against him (f).

So prohibition is not likely; another High Court could not order him to stop doing something. Therefore, he has an absolute discretion, which is a judicial discretion. What right, in the name of God, has this Parliament to give a direction to a judicial officer to act in the way that a majority of this House proposes? In case you may ask, Sir, whether my words relate to the amendment, I assure you they do. The amendment is to take out all these rotten words, and I can tell you why we should take them out.

I am not supporting the amendment so much as supporting the whole idea of taking out paragraphs (1) to (5), because even paragraph (1) is obnoxious, inasmuch as it refers to "the report" whereas there were two reports. Paragraph (2) is even worse, because it transgresses the principle of impartiality—the very first principle of elementary justice—and so is the most repulsive motion that has ever been proposed to, let alone enacted by, a House of Parliament in Western Australia since the infamous days of the convict system; and that is going back quite a way!

I would say further the proposition that we should do this without trial violates a rule that pervades and prevails over every one of Her Majesty's territories and dominions throughout the world. It affects every court and every person acting judicially; and it does not affect lawyers only. It affects racing club committees and union committees of management.

In England within the last six months it was found that a union had not acted in accordance with the first dictate of natural justice, *audi alteram partem*, which means "hear both sides". That case was quite recently reported in the *All England Reports*, and the essence of it is that a union organiser was a real pest to the union. He insulted senior officials, annoyed the members, and did all sorts of other obnoxious things. He was insulting to the secretary, and he was not even particularly honest. He had been up before the committee for many misdemeanours for which he could quite reasonably have been punished. He was discharged from his employment, but was discharged without having been given a proper opportunity to defend himself.

The judge, in giving his decision, said he had no sympathy for the union organiser because he had a bad disposition, did not seem to be honest, was not a good witness, and was insubordinate to his employers; yet he said he must be paid £900 because he had not been given the first principle of natural justice. He had not been given a proper trial.

The member for Kalamunda, a man for whom I have the greatest respect because he is a kindly, well-intentioned gentleman, did not *sua sponte*—that is, of his own free will—put forward this motion. Now he seeks to remove most of it because he

has been told to. He will vote for the amendment in the same way as I will because he will delete the offensive words. Of course we will do that; what else could we do apart from dropping the whole thing down the drain?

I will tell you, Sir, what should be done with the notice paper upon which this motion is printed.

Government members: Careful!

Mr HARTREY: Do not be afraid; I will not say anything rude. Judges of the High Court of England do not use vulgar language. Mr Justice Hawkins was presiding over a jury trial and had received a letter referring to the trial. When the Crown Prosecutor mentioned this letter the judge replied, "It would ill befit me, sitting in this place, to tell you what I did with it, sitting in another place." That is precisely what I think should be done with this motion. It should be used as a sequel to a different sort of motion!

Let us now have another look at the wording of paragraph (2), which it is proposed to delete. It states that the House—

Views with grave concern the actions and attitude of the Honourable Member for Ascot—

In other words, it finds him guilty, and then goes on to deal with his penalty. What member of this House has ever heard of a trial by any judicial body—and, after all, we are supposed to be acting judicially in this place when we pass this motion—where the penalty was discussed before the guilt of the accused was established beyond reasonable doubt? The only parallel of which I can think is in the wild west of the United States 100 years ago where the catch cry used to be, "Let us give the fellow a fair trial and then hang him!" They set the penalty and the trial together because they knew what was going to happen.

But just have a look at paragraph (4); thank God we are getting rid of that one, too! It states—

- (4) Resolves that the punishment for such an offence as prescribed in the said section 8 would be in the circumstances inappropriate and inadequate to convey the censure of the House;

Not severe enough! Can members recall from history any case where a judicial body—and a very biased and bigoted judicial body, at that—which did not have the power to impose a certain sentence, sent the accused to someone else to receive his sentence? I can. It is commemorated every Good Friday. The Jewish Sanhedrin nearly 2 000 years ago—or a malicious clique of them—seized Christ in the dead of night, took him to the house of the high priest and tried and convicted him, with no reliable witnesses at all. "What further need have we of witnesses?" say the

scriptures. In effect it says, "We do not need witnesses; all we need to do is find him guilty." Then they took him to their Roman oppressor and asked him to sentence Christ to death, saying, "We have not the power to put any man to death."

That is what this House is invited to do tonight. We do not have the power to put a man in gaol for two years, so we have been asked to send him where he can be put in gaol for two years. It is a fine analogy. I do not know how the Hon. Ian George Medcalf looks upon being cast in the role of Pontius Pilate; but I do know what I do not like, and that is my colleagues being cast in the role of the Jewish Sanhedrin!

We of course would not dream of convicting a man without producing witnesses, but the three most influential witnesses at present are sitting as members of the jury. Have members ever heard of a jury on which three witnesses for the prosecution are sitting? I never have. This is the most outrageous conglomeration of blasted rot that God ever put breath into; there is not the slightest doubt about that! It invades, contravenes and despises every basic rule of procedural law and of elementary justice and offends against the vital considerations of basic freedoms.

Of course I am in favour of deleting all these words; I should think I would be! I would be a very curious member of Parliament if I were in favour of the motion. So, I am happy to say I am going to vote for the amendment to delete these words. I even hope that paragraph (1) will be deleted as well; I think it should all be deleted. However, it is well enough to have paragraphs (2) to (5) deleted. Therefore, I support the amendment.

MR BERTRAM (Mt. Hawthorn) [10.26 p.m.]: The motion moved by the member for Kalamunda which is on the notice paper surely must represent the ultimate in oppression. When one looks at the motion, particularly paragraph (2), one quickly observes that the House is convicting the member for Ascot of an offence under section 8 of the Parliamentary Privileges Act, 1891. Then, having convicted him, and apparently with something equalling unprecedented malice, the House is asked to request the Attorney-General to prosecute the member for Ascot once again for the identical offence, this time under section 59 (2) of the Criminal Code.

That is an extraordinary situation which not only detracts from the dignity of the House but also is highly ludicrous; it is one with which the Opposition cannot agree, because no self-respecting person could agree to such a proposition. The Government is attempting to convict and punish a person—in the form of the member for Ascot—twice for the same offence. Where else would any body of people even imagine to do such a thing, let alone attempt to do

It, as the Government is striving to do it at this time? Certainly, the member for Kalamunda is striving in that direction, but I do not know about the other members of the Government because there seems to be a split in the Government's ranks.

I think it is well known to most if not all people that something the law always puts itself against is the matter of placing an accused person at jeopardy more than once; in other words, it opposes the prospect of an accused person being convicted for the same offence on more than one occasion, or being twice convicted.

Sir Charles Court: Do you honestly believe as a lawyer that that is the effect of the motion? If so, I question whether you have read it very carefully.

Mr BERTRAM: I do not think there is any mistake about it, because the member for Boulder-Dundas takes the same view of the situation.

Sir Charles Court: Many smarter lawyers than you have expressed their view of the situation, too, and their view does not coincide with yours.

Mr BERTRAM: Paragraph (2) clearly records a conviction, and (3) goes on—

Sir Charles Court: Paragraph (2) does not record any conviction; neither does paragraph (3).

Mr BERTRAM: It states—

... who having made serious allegations under the privilege of Parliament against a Minister or Ministers thereafter obstructed the will of the House by refusing to answer lawful and relevant questions ...

It is a statement of fact. I would ask whether a question is a lawful question when it is asked by a forum established in a way which is offensive to the ordinary rules of natural justice—a forum which, as the member for Boulder-Dundas pointed out, was made up of three of the accusers, who had the predominant numbers on the tribunal. If that is not offensive to the ordinary concepts of natural justice, one would wonder what possibly is.

Because of these things one has no choice but to seek to amend the motion. We acknowledge at this stage that the motion clearly must be amended. Another thing is that it is a cardinal rule that people—and Parliament constitutes people—shall not in any way pollute or poison the fountain of justice. Really this is the basis of the "famous" *sub judice* rule. This motion moved by the member for Kalamunda offends against that very rule because the motion requires the House to make certain determinations and judgments which, coming from the highest court in the land, surely must be calculated to, and would inevitably, influence the judgment of any court in criminal jurisdiction. That is an extraordinary

thing because it is a most offensive procedure and is calculated only to ensure that the member for Ascot could never get a fair trial.

The whole of this gory mess comes about really as a result of the Government's ineptitude, general mismanagement and gross inconsistency. Since 1890, when responsible government first occurred in this State, there has been no previous attempt to punish a member of Parliament in this way. This is where the gross inconsistency occurs, and one wonders why it should have occurred. There was absolutely no need to refer this matter to a Select Committee. What has happened for 80-odd years since the introduction of responsible government is that, as happened earlier this evening, when a member makes a comment or uses a word which is offensive to another member, that member simply rises in his place, asks for the offending word to be withdrawn, which is inevitably done, and the business proceeds in an orderly manner.

Why was that not done in this case? We must find out the answer to that question sooner or later. It seems as though either the Government was asleep or there was a prearranged scheme to set up the member for Ascot and to use brute force upon him to discipline him.

Mr Thompson: So we told him to make the allegations?

Mr BERTRAM: That he should have the courage to challenge the Government and to persist with this challenge was not bargained for. It may well be that what has happened is that some of the younger and inexperienced members of the Government, the young cockerels, somehow or other have been able to prevail upon the Premier for this question to be sent to a Select Committee. On the other hand, it may very well be a fact that the Premier was only too pleased to go along with this authoritarian approach to use strong-arm methods upon the member for Ascot.

Mr Thompson: You have got into a bit of a dilemma now, haven't you?

Mr Harman: I think you are in the dilemma—well and truly.

Mr Thompson: Not I.

Mr Harman: Your own supporters don't go along with you. You move a motion and they want to change it.

Mr BERTRAM: Very clearly the Opposition simply will not have a bar of the motion. Nor is it very impressed with the amendment which has been moved by the Minister for Works. In paragraph (2) of his proposed amendment he talks about lawful and relevant questions. I have already said that I doubt very much whether the questions put to the member for Ascot by the Select Committee were in fact lawful.

Furthermore, I raise a query as to whether section 8 of the Parliamentary Privileges Act of 1891 is any longer operable. It may well be argued successfully that the provisions of the Criminal Code now supersede the provisions of section 8 of the Parliamentary Privileges Act. If that is so, we find that paragraphs (3) and (4) of that amendment are not of very much use to us because they are working in effect upon a nullity.

Paragraph (5) requests the Attorney-General to undertake consideration of appropriate amendments to the Act with a view to furnishing the House in future with more adequate powers of punishment of its own members for contemptuous conduct. I hope that if ever the Attorney-General gives consideration to this matter—and there certainly is no need for an amendment of this kind to require him to take some initiatives in that direction—he will not act on the basis that on questions of this kind people would vote on other than strict party lines.

That is the great problem in this Parliament at the moment. It is different from certain other Parliaments, including the mother of Parliaments where, on matters of this kind, party barriers are brushed aside in order that the Parliament may deal properly with a question of breach of privilege and things of that kind.

We in the Opposition have made no bones about the fact that to send the question of the member for Ascot's allegations to a Select Committee was completely inappropriate. It should never have been sent there at all for the reasons we have already stated and we believe the only satisfactory means of conducting an investigation in that particular circumstance would have been by way of an impartial judicial inquiry.

Amendment on Amendment to Motion

In those circumstances I move an amendment to the amendment moved by the Minister for Works—

(1) Delete paragraphs (2) to (5) inclusive, and

(2) Add the following new paragraphs:

(2) Believes—

(a) that a Select Committee of this House is an unsuitable tribunal for the purpose of investigating allegations of impropriety on the part of either Ministers or members;

(b) that the only satisfactory means of conducting such an investigation is by an impartial judicial enquiry.

Speaker's Ruling

THE SPEAKER: I want to inform the member for Mt. Hawthorn and the House that he cannot move to delete words that are not yet before the House. The amendment seeks to delete paragraphs (2), (3), (4) and (5) of the notice of motion on the notice paper, so new paragraphs (2), (3), (4) and (5) are not actually before the House. I have told the member for Boulder-Dundas and the House that I have allowed cross-reference in debate to those words, but they are not before the House. So the member for Mt. Hawthorn cannot move the amendment he has suggested.

Point of Order

MR BRYCE: I raise a point of order. Mr Speaker, are you ruling that it would be inappropriate for the member for Mt. Hawthorn to move an amendment that seeks to delete the old paragraphs (2), (3), (4) and (5) and add a new paragraph (2), because, as I understand his amendment, that is what he is seeking to do?

THE SPEAKER: Will the member for Mt. Hawthorn advise me of the paragraphs he seeks to delete?

MR BERTRAM: I wish to delete paragraphs (2), (3), (4) and (5) of the amendment moved by the Minister for Works.

THE SPEAKER: I may now answer the member for Ascot and reaffirm my original statement. Paragraphs (2), (3), (4) and (5) of the amendment are not before the House at the present time. What is before the House is an amendment to delete paragraphs (2), (3), (4) and (5) of the motion on the notice paper.

Debate (on amendment to motion) Resumed

MR B. T. BURKE (Balga) [10.41 p.m.]: The abdication of the Government from the challenge in tonight's debate is amply illustrated by the fact that the Minister for Labour and Industry has drifted off to sleep.

THE SPEAKER: I presume the member is speaking to the amendment.

MR LAURANCE: More personal abuse!

MR JAMIESON: Here comes the little man again—the tiny little fellow from Gascoyne.

MR B. T. BURKE: As you have advised, Mr Speaker, the subject matter before the House now is the amendment proposed by the Deputy Premier cross-referenced to the original motion moved by the member for Kalamunda.

MR SODEMAN: I cannot see why the member for Mt. Hawthorn and the member for Mundaring are smiling. Usually they are asleep.

MR B. T. BURKE: We on this side of the House have become accustomed to the ineptitude with which this Government

conducts the business of Parliament. What Government in its right mind would allow the Chairman of Committees to stand up in this place and move a motion, then to support that motion with debate only to know that the Deputy Premier was to emasculate the motion when he moved to second the motion moved by the member for Kalamunda?

Of course, the Deputy Premier deliberately made a fool of the member for Kalamunda when he moved the amendment, and I propose to the House that the Premier is trying to make a fool of Parliament, because he knows, as I and other members know, that before this amendment was even moved it had been broadcast on television and radio news services.

If that is not a breach of privilege, then it must approach very closely to being that. It is certainly treating Parliament with contempt, and it is certainly something with which the Opposition cannot agree. Who would have thought that the words spoken by the member for Ascot on the night of the 9th November would lead Parliament to the debate that is now proceeding? Who would have thought that the Premier, acknowledged as an experienced politician, would have fallen for the three-card trick and moved to appoint a lopsided Select Committee consisting of junior back-benchers from his own party to judge his own actions and the actions of an Opposition member? Not only that, but who would have thought that the Premier would have compounded his mistake by allowing the member for Kalamunda to move the motion in this House tonight?

Did not the Premier and did not the Government consider what was contained in that motion prior to tonight's debate? Should we accept his excuse that it has now become obvious that it is necessary to look at the last paragraphs, and to change them in order to allow more appropriate action to be taken against members? Would they not have considered that before the member for Kalamunda moved his motion? Of course it was considered. Not only was it considered, but if the truth were known the motion moved by the member for Kalamunda was drafted substantially by the Attorney-General of this State; and the Attorney-General of this State stands as much condemned as the member for Kalamunda for the legal inappropriateness of the motion moved by the member for Kalamunda.

As has been pointed out by the member for Boulder-Dundas, a brief glance at the motion moved by the member for Kalamunda reveals it to be perhaps the worst abuse of this Parliament that we have experienced during its life. Paragraph (2) states that the House views with concern the actions of the member for Ascot. Frankly I do not view those actions of the member for Ascot with concern; I view those actions with delight, because he

attempted to bring to light in this State something which it is recognised should be discussed and debated.

The third paragraph of the infamous original motion moved by the member for Kalamunda states that the House believes the member for Ascot is guilty of contempt. He says in his motion that we as a court rule the member for Ascot guilty of contempt.

In paragraph (4) of the motion the member for Kalamunda would have us resolve that the member for Ascot, being guilty of contempt, cannot be punished severely enough according to the Standing Orders, and as he cannot be punished severely enough that he should be whisked away, as the member for Boulder-Dundas said, to where he can be punished more severely.

Not only that, but having passed judgment as the highest court of the land, the member for Kalamunda asks the chief legal officer of the State to institute proceedings. We have made the judgment; we have ruled the member for Ascot is guilty of contempt; and indeed we say he will be punished through action taken by the Attorney-General.

That is not important. The important thing is that this amendment is a complete backdown by the Government. This Government has realised on cool reflection that the motion moved by the member for Kalamunda was inappropriate and unwise. Now, instead of taking the responsibility itself, the Government has seen fit to allow the member for Kalamunda to proceed and then to have the Deputy Premier move an amendment to his motion.

As far as I am concerned, and as far as most members of this House are concerned, if they examine their consciences carefully they will agree that this whole matter has been an ill-advised charade, embarked upon by a Government which was confident that it had caught out the member for Ascot in ill-conceived remarks. Of course, we now know that those remarks were not ill-conceived. We now know that this Government is desperately trying to stave off its responsibility inherent in those allegations. It is desperately trying to cast the light from the allegations to the ludicrous situation in respect of which we have spent many hours debating as to whether or not the member for Ascot answered certain questions put to him by the Select Committee.

That is not the important aspect; the important aspect is the matter contained in the motion that will subsequently be discussed—our call for a Royal Commission. Everyone in this House knows that the public will not rest while we play games about who should answer questions and who should not. The public will not rest until we have discovered whether or not those allegations will be aired before

an impartial and fair judicial inquiry; that is, aired before and investigated by a Royal Commission.

No matter how hard the Government tries to wriggle off the hook, that is the essence of the subject matter before us to-night. It is not the absurd situation where the member for Kalamunda will now try to tell us he was sincere in speaking to his motion. Who can believe that sort of claim? I will believe that sort of claim when he votes against the amendment moved by the Deputy Premier; but, of course, he will not.

Mr Harman: Chicken out!

Mr B. T. BURKE: As far as the Opposition is concerned the amendment of the Deputy Premier is nothing but a ploy—an unacceptable ploy which attempts to water down the move envisaged by the Government when it gave notice of the motion some days ago. As far as the Opposition is concerned, we say categorically that we do not view with strong disapproval the conduct of the member for Ascot. We say quite clearly and unequivocally that the member for Ascot has shown exceptional courage. He has taken unto himself a task that most members in this House would shy away from, and we believe that whether or not the Government subsequently decides to agree to our motion for the appointment of a Royal Commission the truth will eventually come out. When it does, I am sure that you, Mr Speaker, will agree with me when I say the member for Ascot has demonstrated exceptional courage.

Sir Charles Court: If he had any courage he would state his allegations and the grounds for them.

Mr Jamieson: If you had any courage you would go before a Royal Commission.

Mr B. T. BURKE: Let me cast the minds of members back to the time when we were talking about the Select Committee. Then the Premier's cry was that if the member for Ascot had any courage he would make specific allegations. Now, having had the specific allegations thrust upon him—

Mr Sodeman: Rubbish!

Several members interjected.

Mr B. T. BURKE: —the Premier wants the grounds as well. Let me pause and ask the Premier a question. I know that you will allow him to answer by way of interjection, Mr Speaker. If the Premier is not afraid of a Royal Commission, if he has nothing to hide, will he support the Opposition's motion later tonight?

Mr O'Connor: Do you think that Carr Boyd shares should be included, and yourself as well?

Several members interjected.

Sir Charles Court: The question before the House is whether the member for Ascot had the courage to name the people in his allegations.

Mr B. T. BURKE: We know the Premier will sidetrack the House and refer to whether or not someone else has answered the questions.

Several members interjected.

Mr B. T. BURKE: What does any person who has nothing to hide have to fear from a Royal Commission? That is the essence of the subject.

Several members interjected.

The SPEAKER: Order!

Sir Charles Court: Why not answer the questions before the Select Committee?

Mr Jamieson: Don't dingo out of it. You have been doing it for years. Face up to your responsibilities.

Sir Charles Court: Why not give us an opportunity?

Mr Jamieson: Face up to your responsibilities.

Several members interjected.

The SPEAKER: Order!

Sir Charles Court: Why not give us a chance and we will face up to them.

Several members interjected.

The SPEAKER: Order!

Mr B. T. BURKE: If the Premier were forced to face up to his responsibilities he would be forced to vote for the Opposition's motion which will later seek a Royal Commission. The amendment moved by the Deputy Premier assumes that the Select Committee was the sort of body which was appropriate to make the investigations. Let us look at the kind of body that Select Committee was.

Several members interjected.

The SPEAKER: Order!

Mr B. T. BURKE: Let us consider the sort of restrictions imposed upon it by the Premier. We all know that when that Select Committee was discussed and debated we sought, firstly, to have the affairs of the Premier brought up as legitimate topics of conversation before that Select Committee. On two occasions the Premier refused to give a specific undertaking that the law of *sub judice* would not operate. He refused to say his affairs could be discussed—

Sir Charles Court: I did say they could be discussed.

Several members interjected.

Mr B. T. BURKE: —notwithstanding the fact that the affairs of the Premier could well have been those affairs central to the allegations of the member for Ascot.

Several members interjected.

The SPEAKER: Order!

Mr B. T. BURKE: Not only that, but supporting the Premier's refusal to give an assurance was a statement by the Chairman of Committees that from time to time during the Select Committee's discussion he may well rule something *sub judice*. He told committee members that and expected us to believe we would be free to debate the Premier's business affairs. Of course we were not. We were never intended to discuss them. The Premier refused to give the assurance.

Sir Charles Court: He did nothing of the sort!

Mr B. T. BURKE: That refusal was amplified by the Chairman of Committees when he made the statement to which I have referred.

Mr Thompson: That is a distortion of the facts and you know it.

Several members interjected.

The SPEAKER: Order!

Mr B. T. BURKE: Not only that, but we sought to ensure there would be adequate protection for witnesses, witnesses who may well lay their jobs on the line by giving evidence which meets with the displeasure of certain Ministers. The Premier used his numbers to ensure that our amendment to the Select Committee motion seeking protection of witnesses was defeated also.

We then sought to ensure that the hearings would be held in public. Again the Government used its numbers to defeat our effort to have public hearings. We then attempted to add an extra member to the Select Committee so that both political factions would be equally represented. Again the Government used its numbers to defeat the move.

Several members interjected.

The SPEAKER: Order! No cross-chamber conversation, please!

Mr B. T. BURKE: So we saw that the Select Committee was nothing but a sham. Nevertheless, both Opposition members attended on those days on which the member for Ascot was called to give evidence. Lo and behold! The most junior member of the Committee produced a typed motion prepared hours before debate concluded—debate which should have led to the nature of the motion which was appropriate—and he proceeded to move the motion so carefully prepared.

The SPEAKER: The honourable member has five minutes.

Mr B. T. BURKE: Are they the workings of a fair and impartial Select Committee, when we have the member for Gascoyne producing a motion prior to debate which should have decided what sort of motion was appropriate? Of course they are not.

The Select Committee was never appropriate and was never intended to be appropriate. It was intended only to

manufacture a result which was acceptable to the Premier. Not only that, but after having sought assurances from the Select Committee, the member for Ascot quite properly decided that if those assurances were not forthcoming he would not endanger the future of some of those people who would seek to support the claims he had made.

We hear tonight criticism of the fact that he came to the Parliament and revealed the allegations in Parliament. If those allegations deserve to be revealed, what is wrong with their being revealed in Parliament? What has the Government to hide?

Sir Charles Court: Nothing.

Mr B. T. BURKE: Why will not the Government agree to a Royal Commission? If you, Mr Speaker, or I, were called before a Royal Commission—as I was recently—surely you or I would give evidence.

Several members interjected.

The SPEAKER: Order! The Royal Commission is not the subject before the Chair.

Mr Laurance: Neither is anything else spoken about up to date.

Mr B. T. BURKE: The obvious ploy inherent in the move by the Deputy Premier is the ploy I will now suggest. The Deputy Premier and the Premier realised very shortly after notice of the motion was given that should this matter proceed to court they could be called to give evidence; and that is the reason we are being told it is now not appropriate for the matter to go before the court. Of course this Government would gaoil the member for Ascot for 100 years if it could, and most other members of the Opposition I have no doubt. However, members opposite realised that if the original motion proceeded in its unaltered form we would have had a parade before the courts—the magistrate's court and the Supreme Court—that would rewrite the history books in this State. That is why they have sacrificed the member for Kalamunda. He has not worn his new suit tonight because he was not let into the secret.

He was told everyone was behind him until after he sat down and then the Deputy Premier moved an amendment to make a mockery of the speech of the member for Kalamunda. All those things he said cannot be taken as a sign of his sincerity because he will vote to support an amendment which emasculates his motion.

The Opposition makes it quite clear we will not rest in this place or outside it until the Government proves it has nothing to hide by agreeing to a Royal Commission. That is the crux of the matter. Amendments on amendments and motions dealing with sidetracking issues make no difference.

The motion moved by the member for Kalamunda was so much humbug. The amendment is just so much more humbug and as far as the Opposition is concerned the member for Ascot deserves to be recognised as courageous and certainly not ruled by this House to be contemptible.

MR A. R. TONKIN (Morley) [10.59 p.m.]: Mr Speaker—

Mr Grayden: The honourable member is an enigma.

Mr B. T. Burke: Have you woken up?

Mr Grayden interjected.

Mr Skidmore: He was better when he was asleep.

MR A. R. TONKIN: We hear once again the Minister for Labour and Industry inviting people outside.

Sir Charles Court: You are doing this place no good.

MR A. R. TONKIN: We have been supplied with a statement that the member for Ascot's refusal to answer questions may well amount to contempt of this Parliament. I would suggest that the contempt of this Parliament came from the Premier when he suggested a Select Committee, controlled by the Government, should be appointed to investigate allegations against the Government.

The accused sat in judgment on the accuser and that surely would condemn the whole idea of any fair judicial procedure. A Select Committee was set up to inquire into the allegations against the Government, and the majority of the members of the Select Committee consisted of Government members. That shows just how unfairly that Select Committee operated.

We should do as the amendment suggests; that is, look into the report of the Select Committee. The report consists of two parts, a majority report and a minority report. The minority report makes quite clear that the Select Committee, consisting of a majority of Government members, acted illegally. Standing Order 375 states—

375. The Chairman shall read to the Committee convened for the purpose the whole of his draft report, which may at once be considered or . . .

It is clearly stated that the chairman of the committee shall read to the committee his draft report. Of course, I raised a point of order and the chairman ruled me out of order. He ruled that we did not have to take notice of Standing Order 375, and that the motion for the adoption of the report presented by the member for Gascoyne was in order. I moved to dissent from his ruling, and that was voted against by the three Government members of the committee. They voted to ignore Standing Orders.

Mr Laurance interjected.

MR A. R. TONKIN: The member for Gascoyne should be ashamed of himself because he voted to ignore the Standing Order. Yet, he talks about contempt of Parliament.

Although the member for Ascot was considered to be guilty, the Select Committee decided to ignore the Standing Orders of this House. The committee decided to ignore the illegality of its actions, so that it could get the member for Ascot. That was what the committee was out to do—get the member for Ascot.

Points of Order

MR LAURANCE: On a point of order, Mr Speaker, I ask the member to withdraw his allegation that the committee acted illegally. There is evidence that that is not so.

The **SPEAKER**: The member for Ascot is asked to withdraw the words.

Mr Bryce: Am I not being victimised?

The **SPEAKER**: Order! I ask the member for Morley to withdraw his words, and then I will ask the member for Ascot to apologise for speaking while I was on my feet.

MR A. R. TONKIN: Do I understand that my—

The **SPEAKER**: Order! Just withdraw your words.

MR A. R. TONKIN: By quoting the minority report, that is unparliamentary?

The **SPEAKER**: Will the member resume his seat? The member for Gascoyne has, within his rights, asked for the withdrawal of certain words. The offending words were that the committee acted illegally. I ask the member to withdraw the words.

MR A. R. TONKIN: I am quoting from the minority report of the committee.

The **SPEAKER**: Order! Both the member for Morley, and the House, are aware of the exact situation in regard to the withdrawal of words. The member for Morley has himself asked for the withdrawal of words and I have insisted that the member concerned withdraw those words. If the member for Morley continues to refuse to withdraw the words then I will have to ask him once or twice more, and if he does not withdraw I will have to take further action. I do not want to do that.

MR A. R. TONKIN: I move to dissent from your ruling.

The **SPEAKER**: Order! There is no dissent from my ruling.

MR A. R. TONKIN: But, Mr Speaker, on a point of order—

The **SPEAKER**: Will the member resume his seat? I ask the member for Ascot to withdraw his words—I am sorry, I apologise to the member for Ascot for

mentioning his electorate, I should have said the member for Morley. The member for Morley is asked by me again to withdraw the offending words that the committee acted illegally.

Mr A. R. TONKIN: I move to dissent from your ruling under Standing Orders, if you will hear me out, Mr Speaker. I have a right to dissent from the ruling of the Speaker. The relevant Standing Order states that if the words are objected to by a member he may ask for the withdrawal of those words.

Mr LAURANCE: On a point of order, Mr Speaker, since we are debating this matter I believe you did not give a ruling, but you asked for the withdrawal of words.

The SPEAKER: Order! The member for Morley is proposing to dissent from the fact that he should have to withdraw the words.

Mr A. R. TONKIN: I am moving to dissent from the ruling that I was acting in an unparliamentary manner. The Standing Order states that if a member requires the withdrawal of a remark the Speaker shall, if he considers the remark to be unparliamentary, order the member to withdraw. So, it is clearly in the hands of the Speaker.

The SPEAKER: Order! Will the member resume his seat? Perhaps I have allowed too much tolerance to the member for Morley. We have followed a practice with regard to the withdrawal of unparliamentary expressions or offending remarks made by members of this Chamber. Most members in the Chamber have availed themselves of that practice. I ask the member for Morley once again to withdraw the remarks he has made. Will he please do that?

Mr A. R. TONKIN: I withdraw.

*Debate (on amendment to motion)
Resumed*

Mr A. R. TONKIN: I would like your guidance, Mr Speaker. As we are discussing a matter dealing with the report, and we are asked by the amendment moved by the member for Kalamunda to consider the report, am I permitted to quote from the minority report of the Select Committee?

The SPEAKER: Yes, I think the member can comment on the report.

Mr A. R. TONKIN: I thank my leader for making a copy of the report available to me. I intend to quote from it.

The SPEAKER: If you read from the report it is admissible. In your speech-making, you could not make these words stand.

Mr A. R. TONKIN: I will again quote Standing Order 375 which, in part, reads as follows—

375. The Chairman shall read to the Committee convened for the purpose the whole of his draft report or . . .

At the meeting of the Select Committee I rose on a point of order because, in fact, the member for Gascoyne presented the draft report to the committee. I thought the committee should act according to Standing Orders and, therefore, I raised the point of order expecting the member for Kalamunda to rule that, in fact, it was not competent for the member for Gascoyne to present the motion in that form. I will read, in part, the motion presented by the member for Gascoyne so that everyone can judge for himself whether it was in order. The report, in part, reads as follows—

That the Committee reports to the House that the Member for Ascot, on the grounds that the Committee will not give certain assurances, has declined to name any Minister or give any detail of any incidents that gave rise to the statements he made in the House on 9th November, 1976, and this Committee therefore requests the further instruction of the House.

That is what was presented to the committee. It was a draft report, but the Standing Orders do not give authority to the member for Gascoyne to present the draft report. The minority report states—

We submit that by its illegal action the Select Committee is in contempt of the House.

Opposition members: Hear, hear!

Mr A. R. TONKIN: That was moved by the member for Balga, who read the report. It is our opinion now that this report ought to be studied, as suggested in the original motion moved by the member for Kalamunda. It should be considered that the Select Committee was highly improper because a majority of Government members were appointed to investigate allegations against a Government, and it acted in the way stated in the report. Of course, I am not saying it actually acted illegally. It says—

We submit by its illegal action the Select Committee is in contempt of the House.

The SPEAKER: Where is that said in the report?

Mr A. R. TONKIN: At the top of page 3.

Mr Thompson: Was that motion carried, incidentally?

Mr Jamieson: You should know the Standing Orders. It does not have to be carried.

The SPEAKER: Order!

Mr A. R. TONKIN: The motion was not carried by the committee because the committee was voting on party lines. We saw how earlier it voted to ignore a Standing Order because it was convenient to do so. We saw how it did not see fit to report that breach of Standing Orders to the

House. I believe it is my duty to report this serious omission—this ignoring of Standing Orders—to this House, and I have had great difficulty in trying to report it.

I believe the House and the public should know that a committee which was established to investigate allegations against the Government and upon which there was a majority of Government members decided, to quote the report, "to act illegally", to ignore a Standing Order of this House and allow the member for Gascoyne to present to the committee a report, which he had no right to do because that was an express function given to the member for Kalamunda as chairman. The member for Balga did not attempt to ignore Standing Orders in this way, nor did I. That is the Select Committee which was going to sit in judgment on the member for Ascot.

Mr B. T. Burke: What about the three times he was ruled out of order?

Mr A. R. TONKIN: That is the kind of committee which was going to decide whether in fact the Premier or the Minister for Police had been guilty of some misdemeanour. I suggest that it is highly inappropriate and it proves the point we make, that it is not right, when someone is accused, that he sits in judgment upon himself and decides his guilt or otherwise. This is ludicrous and would not be accepted in the most totalitarian of countries. But we are expected in Western Australia in 1976 to accept a situation where members of Parliament sit in judgment upon people of their own political party. That is quite unacceptable.

When members say we accepted the Select Committee, that is a misrepresentation of the facts, as you well know, Mr Speaker, because six times we attempted to amend that motion to make the Select Committee fair, to give it equal representation, and to see it held its hearings in public. We have nothing to fear from the public and that is why we have come to this House. That is why the member for Ascot attempted to lay on the Table of the House papers which would have shown—

Sir Charles Court: Why did he not do so to the Select Committee?

The SPEAKER: The honourable member has four minutes left.

Mr A. R. TONKIN: Because, as the Premier well knows, this House could have extended the six days given to that committee so that it did not report back to the House until the Parliament lapsed. Does the Premier think we are so foolish that we cannot see right through him? And that evidence given to that Select Committee would be buried until after the election at the very least. It is forbidden by the Standing Orders of this House to reveal what is said in evidence to the

committee until it is reported to the House, and if the decision to report to the House had been extended and the House had risen—as it probably will tonight—and the report had been given, not one member of the House could have discussed that report. What was done was an attempt to bury the evidence. The Premier had not even sat down from giving notice, before we realised that this was an attempt to bury the evidence so the public would not know about it for many months.

Several members interjected.

Mr A. R. TONKIN: This is an attempt to bury the evidence. That is why we wanted the hearings to be in public and why we believed there should be hearings in public. We moved in this House to have those hearings in public. We had nothing to fear from publicity. We wanted to lay papers on the Table of the House. We moved that the member for Ascot be given an extension of time to finish his speech in which he would give the substantiation, asked for by the Premier who gagged him. So we have nothing to fear.

If the Government has nothing to fear and wants to clear its name, it can do so. If it has a clean sheet it can appoint a Royal Commission and clear its name. Why does the Government not accept this suggestion that there should be a clearing of its name? The ball is in the Government's court. If it wants to clear its name and feels it can clear its name it will appoint a Royal Commission.

Mr Sodeman interjected.

The SPEAKER: Order! I now ask the member for Ascot to apologise to me. I ask visitors in the gallery please to be quiet.

Mr BRYCE: Mr Speaker, I apologise.

MR McPHARLIN (Mt. Marshall) (11.15 p.m.): I want to make a few brief comments on the matter under debate. As a member of the Select Committee which was appointed to make inquiries, I reject out of hand the allegations that it was a political charade, and that it was illegal. The Select Committee was appointed for a purpose, and Select Committees appointed by the House comprise three members from the Government side and two members from the Opposition side. This has been the practice for many years.

Several members interjected.

Mr B. T. Burke: Why did you have to vote with the Opposition members to get legal advice on the committee? You had to oppose the chairman, didn't you?

Mr McPHARLIN: Because I believed it was necessary for our own assurance about what we believed in regard to Standing Order 394—the one which gives protection to members appearing before Select Committees and gives protection to

witnesses also. It was necessary for our own edification and assurance. That was why I supported it.

Mr B. T. Burke: What was the chairman's attitude?

Mr McPHARLIN: It gave us the assurance, which I think was the right thing to do at the time, and which has proved to be so. So the member for Ascot in appearing before the committee had the assurance that he had protection, as did also any witnesses who might appear before the Select Committee.

Mr B. T. Burke: Who gave you that assurance?

Mr McPHARLIN: That assurance was contained in Crown Law legal advice. Erskine May also gives that assurance. So it gave the member for Ascot the opportunity to name those people in his allegations and bring them forward, and he refused to do so.

Mr B. T. Burke: Quite rightly.

Mr McPHARLIN: When we talk about a Royal Commission, we are talking about accusations and allegations against two members of the Government who happen to be Ministers. Those two members on the Government side are two members of the Legislative Assembly of 51 members. If one is going to make accusations and allegations against two members of the Legislative Assembly, would it be illogical to think it might be extended a little further than that to allegations against other members of the Assembly and inquiries into them all? Why select two members of the Assembly? Because members opposite are biased in their judgment and they are selecting two only—the Premier and the Minister for Police.

Mr Sodeman: Because it is the pre-election period. It is the same two they always pick on at this time.

Mr McPHARLIN: The member for Morley criticised another member of the committee—the member for Gascoyne—and claimed he acted illegally against Standing Order 375. The member for Gascoyne brought a motion to the committee and proposed the motion, which was open to debate and amendment. It did not have to be received in the form in which it was presented. It could have been amended by the committee. So how the devil could it be illegal?

Mr Jamieson: It was a proposed report.

Mr McPHARLIN: The committee can debate a motion and amend that motion. It is only drawing a red herring across the trail to say it was illegal.

Mr Jamieson: If you thought that, you should not even have been on the committee—you did not know what was going on.

Mr McPHARLIN: So I reject that claim that it was an illegal action. Any member who belongs to an organisation—

Mr Jamieson: But this was not a motion.

Mr McPHARLIN: —can prepare a motion before going to a meeting. A member can submit something that he thinks ought to be looked at, examined, and discussed. That is all the member for Gascoyne did. He prepared a motion and he brought it before the committee. This did not need to be the motion adopted; it could have been debated, amended, or changed. Therefore, to claim that the member acted illegally is drawing red herrings.

The other points made were that the member for Ascot refused to give evidence because he could not obtain assurances from the committee; that the committee could not assure him of the protection of witnesses. The committee received advice from the Crown Law Department and as I remind the member for Balga, this advice was to the effect that we were not in the position to give those assurances. The committee could not legally give those assurances.

Mr Barnett: Are you debating the motion or the amendment?

Mr Sodeman: Be quiet and listen.

Mr McPHARLIN: Where else could we seek guidance? We have to be guided by people who know about these things. Therefore, I say that the committee acted constitutionally under Standing Orders, and strictly within Standing Orders. How else could we act? We did not go outside the rules laid down in the Standing Orders, and if the member for Ascot refused to give evidence we had no alternative—

Mr Skidmore: He did not refuse.

Mr McPHARLIN: The member for Ascot refused to name the persons against whom the allegations were made. Therefore, the Select Committee could go no further than that point. Had the member for Ascot named those persons against whom he made the allegations, the committee had no alternative but to call those people. Of course, that did not eventuate.

Mr Barnett: Are you supporting your chairman's motion or the amendment?

Mr McPHARLIN: Therefore, the committee could not take further action. I believe the chairman gave him every opportunity to name people. He asked the member for Ascot to make the allegations in clearer terms, and the member refused to do that. Therefore, I reject the accusations made in the minority report and I say that we acted strictly under Standing Orders in submitting our report.

Mr A. R. Tonkin: Haven't you read Standing Order 375?

Mr McPHARLIN: Of course I have—I have read it a dozen times. It is quite evident that the public are becoming fed to the back teeth with the action that is being taken.

Mr Jamieson: I'll say!

Mr McPHARLIN: Wherever I went in the last few days, people said that it is time that those making the accusations—

Mr T. H. Jones: Are you going to support your president?

Mr McPHARLIN: —that are appearing in the Press stopped these actions to let the Government get down to the business of governing. We should not be listening to the accusations being made by certain members of the Opposition. It seems to me that a group is prepared to bypass the rules and Standing Orders to make accusations.

Mr A. R. Tonkin: What about 375?

Mr McPHARLIN: These accusations are not accurate, but they are made just to gain points. This attitude reflects on the decorum and dignity of this House.

Mr Sodeman: Do you think it might be a leadership struggle?

Mr McPHARLIN: Had members opposite been sincere, and had they wanted these investigations, surely to God the committee could have conducted further investigations and submitted a lengthier report to the House. The House could then have taken whatever action was necessary after that. We were restricted from taking any further action—

Mr Barnett: That is only because of your inability to read.

Mr McPHARLIN: —because the member would not give the evidence.

Mr Sodeman: The learned member for Rockingham!

Mr McPHARLIN: We are reaching the stage where the people of Western Australia are sick and tired of—

Mr Skidmore: The member for Mt. Marshall.

Mr McPHARLIN: —what is going on. One does not have to solicit these opinions. All the time we are hearing these unsolicited comments that the whole thing is a sham and it is time it was stopped.

Several members interjected.

The SPEAKER: Order! There are too many interjections.

Mr McPHARLIN: So again I say I am supporting the amendment.

Mr T. H. Jones: What about your president?

Mr McPHARLIN: I am supporting the amendment.

Mr T. H. Jones: What are you going to do with him?

Mr Skidmore: I would have thought you would support your report.

Mr McPHARLIN: I am supporting the amendment before the House.

Mr Skidmore: Don't you believe in your report?

Mr McPHARLIN: Of course I believe in the report. Let us finish this session of Parliament. We do not need lengthy debate on this issue. Let us look at it closely and analyse it. I believe the Government has acted wisely in moving this amendment. I believe all of us would like to see this situation resolved completely so that we can get on with the business of governing—

Mr H. D. Evans: I'll bet you would.

Mr McPHARLIN: —and not play around wasting the time of this Government and this House with the rubbish that has been brought forward by the Opposition in the last three or four weeks.

MR BRYCE (Ascot) [11.26 p.m.]: I think it is very plain to most people who have studied the development of this situation and the performance of the Select Committee that the Government never intended for one minute to appoint a body that would conduct a genuine inquiry into the allegations made by me in this House on the 11th November. During a 10-hour debate in this House on the 16th November, the Government proved its intention; it whittled away and destroyed a series of six specific, carefully designed, deliberately moved, amendments from this side of the House, to clothe a normal Select Committee with a semblance of respectability and responsibility to inquire into the allegations that had been made. In fact, the only contempt for this Parliament has been demonstrated by the Premier when he made his original decision to abuse the concept of a Select Committee and to use it because his gigantic ego had been dented—

Mr Rushton: Don't you talk about ego!

Mr BRYCE: —and his hide of monumental proportions had been penetrated. He decided he would pervert the purpose of this Parliament and he would use a Select Committee for this purpose. Select Committees were never intended to be used for this purpose, and might I suggest, with a sense of deep regret, that this Parliament has become a figure of fun in the eyes of other Parliaments in Australia in the last fortnight.

Mr Jamieson: That is true.

Mr Coyne: Only since you came here.

Mr BRYCE: This particular Premier made the decision because he has a gigantic ego and his sense of injured pride led him to use and abuse structures of this Parliament in order to achieve a white-wash.

There is no doubt in anyone's mind that if this Government were genuine and it had decided to set up a genuine inquiry when that 10-hour debate took place nearly a fortnight ago, it would have agreed to the whole series of amendments moved by members on this side of the House. I believe for the sake of the record that it should be stated here and now that it was impossible for that Select Committee to bring back to the Parliament a genuine and objective finding in respect of the matters it had been asked to deliberate upon.

Mr Thompson: How could it? You would not substantiate what you were asked to substantiate.

Mr Jamieson: How could he?

Mr BRYCE: In this House the Government refused to support a move made by the Opposition to guarantee privilege for the witnesses against civil and criminal proceedings that might be brought before that committee.

Mr O'Connor: So they could say any lie they wanted to, I suppose.

Mr BRYCE: This is a defence mechanism, and we have heard it used numerous times in the last few weeks. We have heard from the chairman of that committee—

Mr O'Connor: We have seen the member for Ascot run for cover.

Mr BRYCE: —and we have seen the Minister for Police run for cover, otherwise he would support a Royal Commission right now, as would any other member of the Government who had nothing to hide.

Mr O'Connor: I have made all the papers public, as well you know.

Mr BRYCE: I now turn to the Minister for Police and challenge him, with the co-operation of the appropriate Ministers, to table all the papers and documents relating to the two issues raised in this Parliament which concern him. Of course, when we asked him to do so in this place he refused point-blank to do it. We are not talking about his cheque books or his bank statements; we asked in this Chamber that the Minister for Police make the necessary and appropriate arrangements to table the official papers and documents, and he shied away from the whole thing, and refused to do so.

Mr O'Connor: I showed the papers in public and you cowardly ran away.

Mr BRYCE: The Minister for Police has never shown anybody in public the Government documents and papers relating to this subject.

Point of Order

Mr O'Connor: Mr Speaker, I ask for a withdrawal. I did show the papers to the Press and television.

Mr Jamieson: Which papers?

The SPEAKER: Order! The member for Ascot has been asked to withdraw the remark.

Mr BRYCE: Mr Speaker, on a point of clarification, I seek the specific words I am asked to withdraw. My recollection of my statement clearly was, "The Minister has never shown the Government documents and papers."

Mr Rushton: Why don't you show some respect for the Chair?

Mr BRYCE: To continue: My recollection is that I said the Minister had never shown the Government documents and papers to the Press in any way whatsoever. Is that the statement I am asked to withdraw?

The SPEAKER: Order! Will the Minister inform me which are the words he wants withdrawn?

Mr O'Connor: The member for Ascot stated I had never shown any documents to members of the Press or the public.

Mr BRYCE: I said, "Government papers".

Mr O'Connor: The member for Ascot did not say, "Government papers" to my knowledge.

Mr Jamieson: Yes he did; he said, "Government papers".

The SPEAKER: I am unable to say whether the member for Ascot said, "Government papers". Perhaps we can consult the *Hansard* record. I will leave the Chair until the ringing of the bells in order that the *Hansard* reporter can consult his note.

Mr O'Connor: Mr Speaker, in view of the fact that this will cause a delay, I feel I should not go on with it, and I withdraw my request.

The SPEAKER: I thank the Minister for Police.

Debate (on amendment to motion) Resumed

Mr BRYCE: Mr Speaker, I have been somewhat sidetracked from the remarks I was making. I believe it is very important for the sake of the record of this House that it should be demonstrated very clearly the Government set out from the very beginning to ensure this committee should not and would not bring back to the Parliament a genuine finding.

I have indicated already that, in respect of a motion moved from this side of the House, the Government refused point-blank through a resolution of this House to afford protection to witnesses who would be called. We have heard a lot of discussion since from the Chairman of the Select Committee and other people in public forums to the effect that such assurances were not necessary because

the guarantees already existed. I simply sought those assurances, and I asked for them. If they were so readily available, they could very easily have been given. It would have been no trouble whatever for those assurances to be given.

However, the most important point, which concerns so many members of this Chamber, relates to the question of *sub judice*. We have seen an important matter concerning this entire issue remain in that area, beyond the reach of Parliament, for nearly four years because it was *sub judice*. We on this side of the House sought approval for the Select Committee to discuss any subject whatever, even if that subject had been ruled *sub judice* before this House, and to report back to the Parliament if necessary on matters which previously were ruled *sub judice*.

The Premier by way of interjection in this place indicated he would be happy to allow any of his business affairs, discussion on which previously had been ruled *sub judice*, to be discussed. But in fact, this House voted against a resolution to allow that committee to discuss matters which previously had been ruled *sub judice*. In addition, during the very first day of the committee's deliberations, the chairman of the committee ruled that when he considered it would be appropriate he would if necessary rule certain matters *sub judice*.

So, it became evident from the very outset that the committee would be shackled in that way. At any particular time, a witness could appear before the Select Committee and the substance of that witness's testimony could be ruled *sub judice*, and the whole matter would have to stop there. That ruling by the Chairman of the Select Committee—after the Government used its numbers to vote against the proposal to allow the committee an open slather—affected our ability before that committee, and my ability in particular, to call any witnesses necessary to substantiate the remarks I had made. Having made some remarks, and having been called upon to substantiate them, I sought a simple decency; namely, the right to call people who would be necessary to substantiate those allegations.

However, the Government used its numbers in this House to defeat an amendment which, from memory, was moved by the member for Cockburn, to permit any two members of the committee to call any witnesses—presumably, it would be the two Opposition members—if and when they thought it was necessary.

Subsequently, I sought an undertaking from the Select Committee to ensure we would not get half-way through the deliberations of the committee and then find the chairman of the committee, acting under instructions, or of his own volition, deciding that no further witnesses would be called before the committee.

Nobody could argue that it was a fair and reasonable situation, likely to produce a genuine result, if the committee was not prepared to give an undertaking that all necessary witnesses could be called before it.

The committee also refused—as did the Government in this place—to provide protection for witnesses against discrimination in or dismissal from their employment for giving evidence before the Select Committee. Under the Standing Orders which govern the procedures of Select Committees, there is no such provision; however, such protection exists in the case of evidence given before a Royal Commission. If any employer dismisses an employee or acts in some way which may prejudice the employee's promotion—this applies particularly to civil servants, and also to other members of the community—because that employee gave certain evidence before a Royal Commission, an employer would find himself in a very difficult position because he would be offending against the Royal Commissions Act.

This was not an ordinary matter which had been placed before a Select Committee; in fact, it was not an ordinary Select Committee. Therefore the ordinary ground rules simply were inadequate; they were not appropriate to cope with the situation. It was reasonable for the people who were prepared to come forward—and who still are—before a Royal Commission and who would be asked to put their careers on the line by answering certain questions to be given an assurance that they would not be discriminated against after they came forward.

There was also another highly probable let-out for the Government. This was a political decision; it was a politically-loaded committee, and the result was to be politically tailored, as we have seen from the evidence of the member for Gascoyne.

It therefore was reasonable to presume that some witnesses brought before this Select Committee could be instructed by the Government—should they be civil servants—to claim executive privilege and refuse to answer questions. Admittedly, the committee itself was in a difficult position.

The SPEAKER: The member for Ascot has five more minutes.

Mr BRYCE: The committee was in a difficult position to provide an assurance of this nature, but by its intimation at the time the committee would refuse me the opportunity to approach the Government, bearing in mind this committee had been given six days to report back to the House. The committee was not prepared to approach the Government to get an undertaking on this particular question.

Furthermore, if this Government wanted a reasonable and balanced inquiry into this whole matter it would have agreed in the 10-hour debate to a balanced committee. When the Deputy Premier interjects and says this would have deprived the chairman of a vote, might I point out that if this was a valid objection, there was nothing to prevent the changing of other Standing Orders to ensure the committee could function effectively: that is, if the Government was prepared to concentrate its thoughts on a genuine, thorough, and far-reaching inquiry. Of course, it is now perfectly clear to everybody that it never intended that.

The Premier was asking that members of the public should come forward before the Select Committee and lay themselves open, so that with a tailor-made inquiry the finding would suit himself; and then if he chose to pursue those people he could do so in a way that he has proven he is very determined to do. I would not under any circumstances ask anybody for whom I have respect to lay himself open to this situation.

Mr Grayden: You had the opportunity to take them before the committee.

Mr BRYCE: The Minister for Labour and Industry may well have a surprise in store for him before this night is over.

SIR CHARLES COURT (Nedlands—Premier) [11.43 p.m.]: I rise to speak in support of the amendment moved by the Deputy Premier. In doing so I want to expose the duplicity of the Opposition in this whole question.

Mr H. D. Evans: Do you not support the Chairman of Committees?

Sir CHARLES COURT: No doubt it was my desire that there should be a Select Committee and there is a very good reason for it.

Mr Jamieson: Because you control this House.

Sir CHARLES COURT: The reason is that this House does not have the machinery that is available to other Parliaments to deal with members who abuse privilege and commit contempt. The only machinery available to us at this point of time—I sincerely hope as a result of this motion moved tonight redress will be forthcoming in the future, but unfortunately it cannot apply to this case—is to have a Select Committee type of inquiry.

It was quite obvious that from the outset the Opposition was determined not only to denigrate the Parliament, but also to denigrate Select Committees, so that in future—until we revise our Statutes and Standing Orders—it will be well nigh impossible to use Select Committees for investigations.

I hope we will have the right machinery in our Statutes and Standing Orders, because the Opposition has so fought to destroy the Standing Orders and the respectability of this Parliament that we will have to approach this question from all political sides, to try to restore some sort of sanity in the proceedings of this Parliament.

I invite the attention of the House and of the public to the fact that when we sought to have a Select Committee, had the member for Ascot any real witnesses of repute—

Mr Bryce: There will be a Royal Commission shortly.

Sir CHARLES COURT: We need not worry about the threats of the member for Ascot.

Mr Bryce: The member for Ascot is not the slightest bit concerned with your heavy handedness.

Sir CHARLES COURT: If the honourable member would stop chattering, I would remind the public that when we proposed a Select Committee, all Ministers were exposing themselves to the fact that they would have to give evidence. I gave an assurance on behalf of all of them that they would give evidence to this Select Committee.

Just imagine the opportunity that presented itself to the Opposition, with all the machinery available to it within the Select Committee. If the member for Ascot had any genuine allegations and reputable witnesses he could not have got before this Select Committee fast enough, because the committee could have called the Premier, the Deputy Premier, and the Ministers before it, had there been any truth in the allegations.

The point is this: If I had gone before the Select Committee and refused to give evidence I would have been exposed as a person who had dishonoured the undertaking given on behalf of the Ministers. Of course, the Government would not have been able to live with such a situation. The simple fact was that the Government was prepared to expose its Ministers to give evidence before this Select Committee.

Mr Jamieson: Give it *in camera* if they were called.

Several members interjected.

The **SPEAKER**: Order! There are too many interjections.

Sir CHARLES COURT: It is obvious members opposite do not want to hear the truth.

Mr Harman: The proceedings of Select Committees are held *in camera*, and the public are not admitted.

Sir CHARLES COURT: Members opposite with their representatives on the Select Committee, plus their star witness, would have full information of what went on in

the committee. They would have the information, and they could very easily have made it public through the devices they used on this occasion that somebody was not prepared to give testimony. So, the members of the Government were exposing themselves in agreeing to give evidence and to be interrogated by the Select Committee. It is no good for members opposite to say that Select Committees cannot call witnesses.

Mr Jamieson: I did not say the Select Committee could not call witnesses; but the people accused said they would not be able to call witnesses.

Sir CHARLES COURT: I have given evidence before Select Committees—one in particular which was inquiring into a contentious subject when I was not a member of Parliament and I had to rely on the protection of Parliament in giving evidence. It was a very contentious issue relating to divisions in an industry, and evidence had to be called. I think on that Select Committee were the Hon. F. J. S. Wise, the Hon. H. Hearn, and others.

Mr Harman: You are going back a few years.

Sir CHARLES COURT: The Select Committee provided ample protection for us. We knew we had protection, because all we had to do was to tell the truth. I remind members opposite about their duplicity, because we decided to call their bluff—the stunt they had decided to perform just before the next election. I suppose the member for Ascot will deny any knowledge of the pamphlet being distributed in the mail—which did not bear the printer's name or any authorisation—and I suppose he will say he knows nothing about it. He will say that of course he would not do that sort of thing. I refer to the pamphlet which was to be put out two weeks before the next election, but which had to be brought out now because we called their bluff.

Mr Bryce: You brought this blunder on your own head.

Sir CHARLES COURT: If there was any risk to be taken, it was the Government taking the risk in having a Select Committee and exposing itself to the whole machinery of a Select Committee on which there would be two Labor members.

Mr Jamieson: And three Government members.

Sir CHARLES COURT: I remind members opposite there would be two Labor members on that Select Committee, who, if they had conducted themselves with propriety and dignity, could not only have been very effective in their interrogation of the Ministers and myself, but also could have made a minority report if they felt that the other members of the Select Committee had not acted properly. I want

to expose the duplicity of members opposite. We hear all sorts of stories about a Royal Commission. We were prepared to give our evidence, but the member for Ascot was not, and the mysterious witnesses he wants to call—the civil servants—

Mr Bryce: No, and people in private enterprise.

Sir CHARLES COURT: As far as we are concerned, we believe the honourable member may be worried about other doubts. However, those people were not prepared to come forward unless the honourable member could give them protection to be able to tell lies and say anything they wished to say, and not be subject to action. I believe they would have had all the protection they needed, and would have had full protection had they appeared before the Select Committee to tell the truth.

Mr Bryce: That is a great assurance; an assurance from the Premier.

Sir CHARLES COURT: They had assurances from members of Parliament. What more does the honourable member want?

Mr Clarko: The member opposite received respect from other people. What about showing some respect now?

Mr Jamieson: Lie down you silly thing.

Mr Clarko: It takes one to know one.

Sir CHARLES COURT: I hope the members of the public here tonight are listening to the Leader of the Opposition and his colleagues acting in their usual form.

Mr Jamieson: And the Premier.

Mr Skidmore: Do not show any worry for my performance; I will look after myself.

Sir CHARLES COURT: A lot has been said about the *sub judice* rule.

Mr Bertram: I would think so.

Sir CHARLES COURT: I remind honourable members that if the member for Ascot had been prepared to go before the Select Committee and make his allegations, and give substantive evidence, the *sub judice* rule in respect of the particular matters he raised would not have applied.

Mr Bertram: Why?

Mr Bryce: The Chairman of the Select Committee said they would.

Mr Thompson: I did not.

Sir CHARLES COURT: Members opposite are distorting what was said. If any person had raised specific allegations against the Premier, the Minister for Police, the Deputy Premier, or anybody else at all, those allegations would have had to be answered. I would remind the member for Ascot that if we appear to be suspicious of some of his witnesses,

which he is not prepared to produce, it could be because one of the witnesses who was produced in regard to the scurrilous statements about me and my family affairs—which was partly resolved in 1972 and which will be finally resolved fairly soon—was a man—the man who was party to the scurrilous allegations to the Press—who is now languishing in Fremantle prison on one of the most serious offences in the legal profession.

Mr Bertram: Who is that?

Sir CHARLES COURT: That is the sort of people responsible for the so-called Homeric dossier, so if we were a little suspicious about the witnesses to be produced by the member for Ascot, we had mighty good reasons.

Several members interjected.

The SPEAKER: Order!

Sir CHARLES COURT: I have told members opposite, as I have told members in this House previously, that the second part of the case will be told in open court, just as soon as the hearing can be set down.

Mr Bryce: We have heard these promises for four years.

Sir CHARLES COURT: I have also told the House that I was not prepared to take letters in the matter of retraction and apology. I was not prepared to accept advertisements in newspapers. It has to be done in open court, and in open court it will be done the same as in the first part.

Mr Bertram: It was not the first part; it was a separate matter.

Sir CHARLES COURT: It relates to exactly the same thing. It might be a separate matter but it relates to the same sort of situation.

Mr May: Not very much action.

Sir CHARLES COURT: So, I support the amendment. I hope the duplicity of the Opposition in this matter in respect of the Select Committee will be thoroughly noticed not only by this House, but by the public.

MR. CLARKO (Karrinyup) [11.55 p.m.]: I move—

That the House do now divide.

Motion put and a division taken with the following result—

Ayes—28

Mr Blaikie	Mr O'Connor
Sir Charles Court	Mr Old
Mr Cowan	Mr O'Neill
Mr Coyne	Mr Ridge
Mrs Craig	Mr Rushton
Mr Crane	Mr Shalders
Dr Dadour	Mr Sibson
Mr Grayden	Mr Sodeman
Mr Grewar	Mr Stephens
Mr P. V. Jones	Mr Thompson
Mr Laurance	Mr Tubby
Mr McPharlin	Mr Watt
Mr Mensaros	Mr Young
Mr Nanovich	Mr Clarko

(Teller)

Noes—21

Mr Barnett	Mr Harman
Mr Bateman	Mr Hartrey
Mr Bertram	Mr Jamleson
Mr Bryce	Mr T. H. Jones
Mr B. T. Burke	Mr May
Mr T. J. Burke	Mr Skidmore
Mr Carr	Mr Taylor
Mr Davies	Mr A. B. Tonkin
Mr H. D. Evans	Mr J. T. Tonkin
Mr T. D. Evans	Mr Moller
Mr Fletcher	

(Teller)

Motion thus passed.

Amendment put and passed.

Amendment to Motion

MR O'NEIL (East Melville—Minister for Works) [11.58 p.m.]: I move an amendment—

Substitute the following for the paragraphs deleted—

- (2) Views with strong disapproval the conduct of the Honourable Member for Ascot in irresponsibly making under Privilege of Parliament serious allegations against Ministers of the Crown, and then refusing to answer lawful and relevant questions put to him by the Select Committee in an effort to ascertain if the said Member had any credible evidence to support such allegations;
- (3) Is of the opinion that the Member's refusal to answer the said questions may well amount to Contempt of Parliament under the Parliamentary Privileges Act, 1891, but,
- (4) Having regard to the limited range of punishments available to the House under the said Act, resolves that in the circumstances the House merely records its contempt for the said Honourable Member and his allegations; and
- (5) Requests the Attorney-General to undertake consideration of appropriate amendments to that Act with a view to furnishing the House in the future with more adequate powers of punishment of its own members for contemptuous conduct.

Sir CHARLES COURT: I second the amendment.

MR H. D. EVANS (Warren—Deputy Leader of the Opposition) [12.01 a.m.]: Mr Speaker, I seek your guidance. The member for Karrinyup has moved the gag. Does this apply to the debate from now on, or are we now free to debate the amendment moved by the Minister for Works?

The SPEAKER: The gag is a device that may be used at any time. The matter before the Chair is the insertion of the new

paragraphs (2), (3), (4) and (5), which have been referred to in debate so far together with the ones that have been struck out. The ones that have been stricken from the motion may be referred to if necessary, but they are no longer within the motion at this juncture. The motion before the Chair is that the amendment moved by the Minister for Works be agreed to.

Mr H. D. EVANS: I appreciate your guidance, Sir.

I would like to oppose the amendment moved by the Minister for Works and at the same time avail myself of the opportunity to refer to several points to which the Premier referred, and which he used to distort the issues completely. Paragraph (2) of the amendment moved by the Minister for Works is as follows—

Views with strong disapproval the conduct of the Honourable Member for Ascot in irresponsibly making under Privilege of Parliament serious allegations against Ministers of the Crown, and then refusing to answer lawful and relevant questions put to him by the Select Committee in an effort to ascertain if the said Member had any credible evidence to support such allegations; . . .

What has been completely omitted—and any suggestion made by the Premier also has been completely omitted—is the reason the member for Ascot declined to answer questions and bring forward witnesses in respect of the allegations, without certain assurances being given by the Select Committee. If we consider the composition of the Select Committee we will see why he had jolly good reason to act in that way.

Its composition was three members from the Government side, two of whom are completely dependent for the future security of their parliamentary careers upon the Premier himself—the originator of the motion. What chance would there be of any just and reasonable decision coming from that Select Committee? Compare the atmosphere and the whole climate of such a trial with that of a Royal Commission or the proposed judicial inquiry.

An inquiry by two members of the judiciary, as the Opposition has so frequently sought, would be a vastly different proposition from a committee composed of and dominated by members of the Government. To say, as was suggested in the initial motion, that the member for Ascot was guilty of contempt against the will of this Parliament is so much utter rubbish. It is not a matter of the will of the Parliament at all; it is a matter of the will of the Government; and this is a device purely conceived and set up to achieve a certain end. For the Premier to say it was a ploy brought about by the Opposition as an election stunt is simply too laughable to consider seriously. It is a case

of the Government being hoist with its own petard, and it is rather ironical that some matters which the Opposition sought to raise over a period of some years and was unable to do so because of the *sub judice* law, now should be seeing some slight light of day due to the activities of the Government itself.

There is no doubt the Government was determined to censure the member for Ascot with as loaded a device as ever came forward in any Parliament in the entire history of this nation. There is no doubt about that, and it can be shown very clearly from the transcript, and from what has been said by those who compiled the minority report, that the assurances the member for Ascot sought—even commencing with legal advice, which was almost denied in the first place—in respect of whether witnesses would be protected were denied him. Yet the Premier went on to say that witnesses would be protected, and the chairman of the committee said that he would decide what was and what was not *sub judice*.

Sir Charles Court: Of course he was protected under our Standing Orders.

Mr H. D. EVANS: Protected to what extent?

Sir Charles Court: As much as you are.

Mr A. R. Tonkin: You are the law when it suits you.

Mr H. D. EVANS: As far as the *sub judice* law is concerned, the Premier indicated he would not be worried about it; and nor should he be concerned about it because the matters that concern him are already *sub judice* and even if he wanted to he could not give evidence to a Select Committee about them. He knew that.

Sir Charles Court: The whole allegations would have had to be answered. Do not bring in that silly red herring.

Mr H. D. EVANS: Do not give me that. If there are matters which are already ruled *sub judice* by the Speaker the Premier knows very well he would not have to give evidence in respect of them.

Sir Charles Court: You pulled a stunt and it misfired.

Mr H. D. EVANS: Let us get back to the delightful irony of it. The stunt was pulled by Government members. The Premier gave notice of it, but did not move the motion. It was fairly obvious it was something for which the Government had been waiting for some time with great patience. Had the member for Ascot not been involved it would have been another motion. Under normal circumstances a withdrawal would have sufficed at the time; but the tactic subsequently used indicates the fact that this plan had been carefully thought out over a period of time.

The matter of the validity of witnesses proposed to be called by the member for Ascot is something the Premier made a point of. He questioned the validity of those witnesses, and yet the chairman of the committee was not prepared to allow the member for Ascot to call them.

Mr Laurance: If those allegations were made against you, would you simply ask for a withdrawal?

Mr Bertram: There have been far worse allegations made from time to time.

Mr H. D. EVANS: I heard a comment this very day that members of Parliament are too crooked to lie straight in bed, and nobody took offence at that.

Mr Laurance: You didn't answer my question. Would you merely ask for a withdrawal if that allegation was made about you?

Mr H. D. EVANS: It was the member for Moore who made that statement today.

Mr Old: He said that "Mr Beetle" said that; the member did not say it at all. You have a very short memory when it suits you.

Mr H. D. EVANS: That is the sort of remark that, when it is made and taken in the context of the debate in which it is raised, is not taken seriously. When the remarks made by the member for Ascot were considered seriously they were quoted initially by the Chairman of the Select Committee that was subsequently established; and he indicated that the member for Ascot had said—and this was the basis upon which the Select Committee was set up—that some members of the Ministry had become wealthy through the manipulation of finance. Up to that point there was no suggestion regarding the legality or illegality of the manipulation of finance. It was the phrase that followed—"and one at least has sticky fingers"—about which offence could be taken.

When the chairman of that committee moved the motion he referred to the precedent—the only precedent—that he found; and it was the case of Robson in 1900 who was called upon to answer certain allegations he had made. There is a vast difference between the two situations. The member for Geraldton in 1900 made in an article which appeared in the local newspaper in his area some fairly sweeping statements that indicated the Parliament of the day was absolutely rotten and corrupt, and he went on to refer to a number of specific instances.

Those allegations were made outside the precincts of Parliament and were made publicly in the Press. Subsequently, following a Select Committee, Mr Robson apologised and resigned from the Parliament. However, that is a vastly different situation from that which confronts us now and in no way should be called upon as a precedent. The comparison is very

different indeed. The matter to which we are referring tonight concerns words spoken in a parliamentary debate at a time when baiting from the Government side was fairly hot, as members opposite well know.

Mr Jamieson: None of them took exception to the comment at the time.

Mr Laurance: Are you saying it was an unfortunate slip of the tongue in the heat of the moment?

Mr H. D. EVANS: The member for Ascot subsequently showed he was in a position and was prepared to substantiate the allegations provided there was accorded to him and, more importantly, to the witnesses he proposed to call, the protection that was so necessary.

Public servants and other people outside the Parliament would not think very much of the member for Ascot had he left them to the tender mercies of this Government.

Mr Jamieson: Many of them have been in the gallery tonight.

Mr Old: Many from the country?

Mr Jamieson: There could have been.

Mr H. D. EVANS: The next paragraph of the amendment reads—

Is of the opinion that the Member's refusal to answer the said questions may well amount to Contempt of Parliament under the Parliamentary Privileges Act, 1891 . . .

We must remember the reasons for which the member for Ascot adopted this attitude. He indicated his bona fides by tabling a statutory declaration that he would appear and give evidence before a Royal Commission. Yet Government members are not prepared to permit a Royal Commission. They raised this issue; they raised matters that were *sub judice* for a number of years and which we would have liked to raise ourselves; but now these matters are seeing something of the light of day and there can be no turning back. The matter must go to a Royal Commission to clear it up from everyone's point of view. The member for Ascot certainly is not in contempt of Parliament, for the motives and the reasons he has expounded in this place. He has gone further by demonstrating his willingness to appear before a full Royal Commission under two members of the judiciary. Nothing could be fairer than that, and nothing could show more clearly his sincerity. The next part of the motion states—

Having regard to the limited range of punishments available to the House under the said Act, resolves that in the circumstances the House merely records its contempt for the said Honourable Member and his allegations; . . .

Bearing in mind what the member for Boulder-Dundas had to say earlier this evening, the analogies he drew, the manner in which he explained the position of Parliament as the highest court in the land, and the fact that three of the judging panel were accusers, I feel that paragraph should be totally disregarded. I feel that the words "records its contempt" should be struck out before we proceed to the next phase.

The next paragraph reads—

Requests the Attorney-General to undertake consideration of appropriate amendments to that Act with a view to furnishing the House in the future with more adequate powers of punishment of its own members for contemptuous conduct.

Mr Skidmore: You could bring back corporal punishment!

Mr H. D. EVANS: Perhaps the lash. It could well be regarded in that light. The point the Premier made that a Select Committee was adequate for this form of inquiry is absolute rubbish. A Select Committee is an ideal vehicle for an inquiry into the potato industry or the meat industry where various points of political philosophy can be discussed around the table at some length, but a matter which involves inquiry into the character and actions of a member of Parliament is vastly removed. It can be done with any efficacy at all only by trained members of the judiciary who have the necessary experience and qualifications.

For the Premier to say that the Government had acted in a proper and adequate manner by allowing a Select Committee to be set up is absolute nonsense and he well knows it. It was the vehicle which was selected but it was selected because it would serve the purposes of the Government; it hoped to swat the member for Ascot like a fly without any opportunity for further action to be taken. This is where the Government miscalculated badly. I can only think that the Premier was influenced in some way in accepting this course of action. It certainly is not compatible with the usual political wisdom that he has displayed in the past and his ability for forcing political problems.

The ACTING SPEAKER (Mr Blaikie): The member has two minutes.

Mr H. D. EVANS: The amendment moved by the Deputy Premier is totally unacceptable.

Amendment on Amendment to Motion

I move an amendment—

Delete paragraphs (2), (3) (4) and (5) with a view to adding the following words—

Believes—

- (a) that a Select Committee of this House is an unsuitable tribunal for the

purpose of investigating allegations of impropriety on the part of either Ministers or members; and

- (b) that the only satisfactory means of conducting such an investigation is an impartial judicial inquiry.

The ACTING SPEAKER: The member for Warren has moved to delete paragraphs (2) to (5) inclusive. That being the case, there is virtually nothing left for the House to discuss. I understand this matter has been raised previously and, as such, the Chair cannot accept the amendment.

Point of Order

Mr BRYCE: Point of Order, Mr Acting Speaker. This amendment has not been the subject of debate before the Chair. On a previous occasion when an attempt was made to move this particular amendment, the mover was advised that he should wait until a subsequent stage of the debate to move an amendment on the amendment.

Mr H. D. EVANS: Mr Acting Speaker—

The ACTING SPEAKER: There is a point of order before the Chair: I shall leave the Chair until the ringing of the bells.

Sitting suspended from 12.22 to 12.26 a.m.

Speaker's Ruling

The SPEAKER: The member for Warren has moved to delete paragraphs (2) to (5) of the amendment moved by the Minister for Works. Paragraphs (2), (3), (4) and (5) constitute the amendment moved by the Minister for Works and it is quite illogical to have an amendment of this kind. The clear issue is for these paragraphs to be opposed by the member for Warren. The amendment is clearly out of order. I note that the new paragraphs that the member for Warren wishes to insert are two matters which have been discussed very fully in debate over the last week or two. So I trust that the House will agree with me that the course of action in regard to this matter is for the Opposition to endeavour to defeat the amendment before the Chair if it wishes to pursue the line proposed by the member for Warren.

Point of Order

Mr J. T. TONKIN: Mr Speaker, on a point of order I submit to you, with respect, that at present there are no paragraphs (2) to (5). All that the House has decided is to delete paragraphs (2) to (5); it has made no further decision. Before the House at present is a proposal to put something else in place of paragraphs (2) to (5) which have been deleted and the House has not decided to do that. I submit to you that it is quite competent for the

House to decide that it will not put into the spaces which have been left those words which have been moved by the Deputy Premier. But the House can decide to put in some other words if it wishes. That is how I see the position before the House at present.

The **SPEAKER**: The question before the Chair is that new paragraphs (2), (3), (4) and (5) be inserted.

*Debate (on amendment to motion)
Resumed*

MR JAMIESON (Welshpool—Leader of the Opposition) [12.28 a.m.]: I propose to move an amendment—

Substitute for the words proposed the following words—

Believes—

- (a) That a Select Committee of this House is an unsuitable tribunal for the purpose of investigating allegations of impropriety on the part of either Ministers or members; and
- (b) That the only satisfactory means of conducting such an investigation is an impartial judicial inquiry.

Mr O'Connor: Are you supporting the original motion?

The **SPEAKER**: May I ask the Leader of the Opposition a question? Is he proposing to move now the same things that the member for Warren moved?

Mr JAMIESON: No, not in that form, because I am moving to substitute the words listed.

The **SPEAKER**: Will the Leader of the Opposition resume his seat? Using the word "substituting" instead of the word "adding" is of little consequence. If he wishes to move in this regard he should defeat the question before the Chair first. You are not trying to delete these paragraphs (2) to (5)?

Mr JAMIESON: I am moving to substitute.

The **SPEAKER**: If you wish to substitute words you must knock out the suggestions made by the Minister for Works and then substitute your own motion. It is completely frivolous of the Leader of the Opposition to act in this manner and he brings the Standing Orders into disrepute by doing so. I urge the Leader of the Opposition not to pursue his course.

Points of Order

Mr BARNETT: On a point of order would it be possible for the Opposition to move that paragraphs (2) to (5) be deleted with a view to inserting other words, and if they were deleted, then speak to the motion?

The **SPEAKER**: What the member for Rockingham seeks to do is in every sense similar to what was attempted by the member for Warren. It is obvious the Opposition does not like paragraphs (2) to (5). Therefore it should be its endeavour to get rid of them. The device of moving for their deletion or for the substitution of something else is just out of order and cannot be contemplated by the House.

Mr JAMIESON: With all due respect, we have always been permitted to amend amendments and that is what I endeavoured to do. The amendment now before you is to substitute words in the place of those struck out. I wish to amend that amendment by placing in their stead other words as I have indicated. Surely that is an amendment to the amendment before you.

The **SPEAKER**: A substitution of these words?

Mr JAMIESON: Yes. The words proposed to be added are contained in (2) to (5) and I propose an amendment to that amendment as submitted to you.

The **SPEAKER**: I say again that this is the matter under debate at the present time. We are debating whether or not the House agrees to paragraphs (2) to (5) and the arguments advanced so far have been paragraphs (a) and (b) in the proposal submitted by the member for Warren and in the very similar motion proposed by the Leader of the Opposition. Clearly this is out of order. Amendments can be moved, but this amendment is so blatantly straightforward in that the issues are involved in either supporting or opposing the amendment of the Minister for Works. I trust members can see that very clearly. The question before the Chair is the insertion of the new paragraphs (2) to (5).

Mr J. T. TONKIN: On a point of order, I think you will agree that this method of procedure is very important. I submit the House is not bound to accept in total what the Minister for Works has submitted, because at the present time we have a situation—

The **SPEAKER**: Order! The member for Melville must have a point of order.

Mr J. T. TONKIN: My point of order is that in your ruling that we cannot amend what the Deputy Premier has submitted I am about to ask: could we not agree to paragraphs (2) to (4) and decide we could not agree to (5)? Surely that is within the competence of the House at present.

We could also decide that we agree with paragraphs (2) and (3), but not agree with paragraphs (4) and (5), and therefore we could move to delete paragraphs (4) and (5) from the proposed amendment. That has always been the situation within my

experience; that is, that it does not necessarily follow that when words are being deleted for the purpose of allowing others to be inserted, the House is bound to take all the proposed words to be inserted or none at all. I am submitting to you that we are not bound to take all the words proposed to be inserted in lieu of those deleted but that it is within the competence of the House to take any portion of those words or, indeed, none of them at all.

The SPEAKER: The member for Melville is correct. The question is that the paragraphs to be inserted be inserted.

*Debate (on amendment to motion)
Resumed*

Mr JAMIESON: I do not know whether it is clear to other members of the House but it is certainly not clear to me exactly where we are going. However, I will oppose the paragraphs (2) to (5) to indicate my stand on the matter. I did understand, though, that in all cases previously, and as ruled earlier this evening, unlimited amendments to amendments could be made, and the issue was made when someone raised this point against, I think, the Deputy Premier. The situation is that this is definitely not acceptable to us in any way, shape, or form.

Points of Order

Mr T. D. EVANS: On a point of order, I draw your attention to the fact that in, I believe, 1975—certainly in the lifetime of this Government—there was a motion before this Chamber of which notice had been given by the Premier who duly moved it. It related to the Constitutional Convention and a time factor became material. The date given in the notice of motion was different when the motion came up for debate.

The Deputy Premier seconded the motion and then moved to amend it. The Opposition objected to this stand and you ruled it was in order for the Deputy Premier to second the motion and then amend it.

The Opposition then took the initiative and moved to amend the amendment and there was a whole series of amendments to the amendment to the amendment. Finally the Deputy Premier, believing the matter was out of hand, seconded one of the Opposition's amendments and then himself amended it and you agreed it was in order. In other words, there was an amendment to an amendment which you accepted.

Sir Charles Court: That is right.

Mr T. D. EVANS: That is the point we are trying to make.

Sir Charles Court: But you want to take the lot out.

The SPEAKER: I have already informed the member for Melville, and of course the House, that the member for Melville was

correct. I also inform the member for Kalgoorlie that the member for Melville was correct, and the member for Kalgoorlie is correct. The question before the House is the question on which the Leader of the Opposition is speaking, and that is, the insertion of new paragraphs (2) to (5).

MR BERTRAM: On a point of order, having adopted the argument of the member for Melville, I personally understood you then to be saying you would accept a substitution motion.

The SPEAKER: Order! I do not know whether I am speaking very clearly. I have already agreed that the member for Melville and the member for Kalgoorlie are right and now the member for Mt. Hawthorn rises on the point. There is room for amendment; I have already said that and I think most members in this Chamber will appreciate that. However, the question before the Chair is that paragraphs (2) to (5) be inserted.

*Debate (on amendment to motion)
Resumed*

Mr JAMIESON: I am speaking against the amendment. Let us get this clear. I will keep doing so while my colleagues worry about other affairs. The situation is very clear. This is not satisfactory to us. The whole bubble occurred, as we have heard it repeatedly said, because of circumstances which were built up in a very traditional sort of debate. Things were said which were far less despicable, if we can call them despicable, than the words the member for Moore used in this House when he said that someone referred to every member in the Parliament as being crooked and that not one of them could lie straight in bed. Not one of us took exception to that, but we would be entitled to do so. Not one Minister on that occasion took exception to what was said.

It is true, as I pointed out before, that the Minister for Works used some unparliamentary words, and he was lucky to get away with it without being pulled up. He then used them again, and the Premier also had a few things to say; but at no stage did anyone demand a withdrawal.

Then of course the "we gotchas" got together and formulated a line of action when they thought they could take some action against a member of the Parliament who is a senior member of the ALP, for nothing else but political purposes. They then set out to implement it, but it did not go quite as they expected it to go; and many things have occurred since then.

The situation is that we could probably go along with the first proposal of the Minister for Works to delete paragraphs (2) to (5) as printed on the notice paper and leave the first paragraph there. However, we certainly cannot be associated with a move to insert the proposed paragraphs (2) to (5) in lieu of those deleted.

Enough has been said and we want to get through this debate as quickly as possible. We knew the other motion was coming up. If the Government had been a little more expeditious in its ideas, we could have debated both at the one time, but now it seems we will have to indulge in a double debate.

Sir Charles Court: Which one do you mean?

Mr JAMIESON: The other one proposed. The Premier has had it in his hands for hours.

Sir Charles Court: I thought you meant the next motion. I am sorry.

Mr JAMIESON: So if the Government wants to duplicate all the debates we must oblige it. But surely it could have given consideration to covering it all in one motion.

The words we would have liked to include were more acceptable to us, as these words are acceptable to the Government. We do not think it is fair and proper to adopt this proposal in the way it is proposed. All the other State Parliaments and the Commonwealth Parliament which have been contacted think we have gone completely haywire in using a Select Committee for the purpose for which the Premier tried to use it. They have all just laughed at us.

Sir Charles Court: They have other procedures.

Mr JAMIESON: Many of them have not. The Federal Parliament and two other Parliaments have standing committees on privilege but the others do not have other procedures and it is of no use the Premier saying they have. Many of them do not have the procedure of a Select Committee in any way at all and their only procedure is to refer a matter to either a standing committee or a Royal Commission set up for the purpose.

I think it is quite wrong for us to be expected to go along with this proposal now. We will not, of course, and we want alternative consideration to be given.

Mr Speaker, you have ruled we should get rid of this motion first. When the cold light of dawn arrives I think we will still not agree. However, I think we should have more than one motion before us at one time, as I am sure we have had in the past and will have in the future. No doubt one of the members of the team over here will now be in a position to move in such a way as to provide an opportunity for both aspects of the debate to be covered at one time.

It was not my intention to be involved in this debate at all but I was forced into this situation because of the problem which occurred and to try to get one debate on the whole subject instead of having to debate it all again. I oppose the proposition of the Deputy Premier to insert these four paragraphs.

MR SKIDMORE (Swan) [12.48 a.m.]: I oppose the amendment of the Minister for Works to substitute paragraphs (2), (3), (4), and (5), because it appears to me to be the only way in which we can show our disdain for such paragraphs. I would like to take up the question of paragraph (2), which reads—

(2) Views with strong disapproval the conduct of the Honourable Member for Ascot in irresponsibly making under Privilege of Parliament serious allegations against Ministers of the Crown, and then refusing to answer lawful and relevant questions put to him by the Select Committee in an effort to ascertain if the said Member had any credible evidence to support such allegations;

I do not believe the member for Ascot has failed to answer any questions put to him by the Select Committee. In fact, when we read the transcript of the Select Committee we find he has answered questions asked by the committee.

Mr O'Connor: That would be drawing a long bow.

Mr SKIDMORE: If the Minister wants me to read the whole report I will do so. The Minister says he has not answered any questions, but the transcript shows that the chairman said to the member for Ascot—

Mr Bryce, as Chairman of the Committee, it is my intention to ask you a question and following upon the answer to that question, I may ask additional questions.

After the chairman had said certain other things, Mr Bryce said—

I appreciate that.

He answered that question. The Minister for Police is sniggering in his usual inane, stupid manner.

Mr Jamieson: He is stupid.

Points of Order

Mr O'CONNOR: Mr Speaker, I ask for withdrawal of that remark.

Mr SKIDMORE: I withdraw.

Mr O'CONNOR: I also ask the Leader of the Opposition to withdraw.

Mr JAMIESON: I withdraw.

Debate (on amendment to motion) Resumed

Mr SKIDMORE: The Government is very touchy. As a matter of fact, at least two pages of the transcript are devoted to an answer given by the member for Ascot. Can it be said he was not answering a question?

Mr O'Connor: He was speaking and not replying.

Mr SKIDMORE: Let us look at what he said on those two pages. I quote from the transcript where the member for Ascot said—

Perhaps I can give you an outline of my thinking here. I seek an assurance from the committee that you can guarantee my immunity from prosecutions and civil proceedings of any kind which is provided for under sections 20 and 31 of the Royal Commissions Act. I guess that will not be very difficult to provide, but I think you will appreciate the importance of it under the circumstances.

Of course, the member for Ascot was certainly way off if he thought for one moment this loaded Select Committee was going to accept that as a proposition of immunity for him in accordance with sections 20 and 31 of the Royal Commissions Act. So to say the member for Ascot has failed to answer questions is basically an untruth. What he has said is, "I will answer questions but I seek immunity." It seems to me not to be wrong or improper for the member to seek immunity not only on behalf of himself but, as he goes on to say—

Mr Rushton: He is quite prepared to make allegations under privilege.

Mr SKIDMORE: Go back to sleep! The Minister for Local Government is the best snorer in the place. The member for Ascot went on to say—

Having spelt out sections 20 and 31 (2) of the Royal Commissions Act, the second assurance which I seek is that this form of immunity will be given to any witness who is called before the committee.

Surely it is quite wrong and improper to bring not only a charge but also a finding that the member for Ascot has ignored the Standing Orders and refused to answer lawful and relevant questions put to him. He answered the questions.

I notice the Minister for Police has suddenly taken off to other places, but if one wants to go through the whole transcript one finds it is everywhere quite evident that the member for Ascot answered questions he was asked. On page 5 of the transcript the chairman said—

Please proceed with your discussions, Mr Bryce, after which the committee will adjourn to consider your letter.

Was he refusing to answer questions? Later on the letter was referred to and as I understand it the member for Ascot was then given the opportunity to quote fully from the letter.

Whether or not the answers given to the questions asked satisfied the Select Committee is not the point I am debating. Whether or not the answers satisfied the Select Committee that the allegations the member for Ascot had made had been

validated is not the point. I am interested in the fact that it was said the member for Ascot failed to answer relevant questions. Nowhere does the transcript of the Select Committee indicate such a fact, so let us put that aside.

I now proceed to the proposed new paragraph (3), which is—

- (3) Is of the opinion that the Member's refusal to answer the said questions may well amount to Contempt of Parliament under the Parliamentary Privileges Act, 1891, but,

Either it is or it is not, and surely it must be within the competence of the Select Committee or the mover of the motion to be clear in his mind because there is no shadow of doubt in my mind that it is in contempt if what is alleged to be a crime has been committed by the member for Ascot, and I do not think it has been. When one looks at the Parliamentary Privileges Act there is no question that it would be a contempt, but why it should be reiterated in that way is beyond me because it serves no useful purpose. In this charade the Government has engaged in over the last fortnight, all efforts of the Opposition to have a Royal Commission appointed to ensure the truth of this matter will be told will be to no avail.

Let us look at paragraph (4), which reads—

- (4) Having regard to the limited range of punishments available to the House under the said Act, resolves that in the circumstances the House merely records its contempt for the said Honourable Member and his allegations; and

Has anybody bothered to look at the Parliamentary Privileges Act? This is the first time I have had occasion to look at it and I hope it will be the last because it has exercised the minds of members of this House for far too long, in my opinion; not because of actions by the Opposition but because of actions by the Government in its duplicity. There is only one way we will ever solve the problem whether the Premier has subjected himself to forces so as to have perpetrated an injustice as a Minister of the Crown; and likewise the Minister for Police.

Let us have a look at the Parliamentary Privileges Act. I wish the Minister for Labour and Industry were here because I notice one misdemeanour is to challenge a member to a fight. That can become a matter for a Select Committee, and on one occasion that Minister challenged someone to go outside.

Mr Jamieson: On only one occasion?

Mr SKIDMORE: Only one to my knowledge in the short time I have been here. If I wanted to be vindictive and say the

Minister for Labour and Industry had breached the Parliamentary Privileges Act, I could move for the appointment of a Select Committee because he challenged me to a fight.

Mr Clarko: No. He only asked you to go outside.

Mr SKIDMORE: I suppose he was only going to pat me on the back and say I was a nice fellow:

Mr Clarko: You have no idea.

Mr SKIDMORE: Anyway, it is not important. I am pointing out some of the things mentioned in the Parliamentary Privileges Act.

Section 8 of that Act, on page 96 of the *Acts, etc., relating to Parliament*, deals with contempt against the Standing Orders, and it says—

... any of the offences hereinafter enumerated whether committed by a member of the House or by any other person—

Disobedience to any order of either House or of any Committee duly authorised in that behalf to attend or to produce papers, books, records, or other documents, before the House or such Committee, unless excused by the House in the manner aforesaid.

As I understand it, nowhere was the member for Ascot asked to produce any papers, documents, or records to the Select Committee. Not one of the members of the Select Committee asked him to do so. I assume therefore he could not be in breach of the Act in that respect. The next offence is—

Refusing to be examined before, or to answer any lawful and relevant question put by the House or any such Committee, unless excused by the House in the manner aforesaid.

Again, I challenge any member of the Select Committee to say the member for Ascot refused to answer questions. I say categorically it is borne out by the transcript that nowhere has the member for Ascot refused to answer questions put by the Select Committee. In each instance he has answered questions. Whether or not the kangaroo court was prepared to accept those answers is not the issue.

The Government has said, and the Select Committee has said, that the member failed to answer questions. Nowhere in this transcript can I find that anyone said to the member, "You have failed to answer the question. Will the member for Ascot answer the question?"

When we come to the last paragraph of the famous "document of insertion" if one may call it that, it reads—

Requests the Attorney-General to initiate a prosecution of the Honourable Member for Ascot for a breach of section 59(2) of the Criminal Code.

I do not know how far the Government wishes to go to penalise a member of Parliament or a member of the community when it reaches the Standing Order that when called upon to give evidence at a Select Committee, a witness must answer questions, and produce papers or documents. Does the Government wish to put a man in gaol for 10 years, or, as I suggested to the Premier when he was speaking, does the Government wish to include a clause permitting capital punishment in the Standing Orders so that members of Parliament could be hanged? It seems to me it is going to the ultimate to suggest an increase in the power under the Parliamentary Privileges Act which would make it less opportune for a member of Parliament or a member of the community to give answers as requested by a Select Committee. Let us look at the provisions of the Parliamentary Privileges Act. Under the side note of "Gaoler to imprison" we find the following provision—

And where any such warrant directs that the person mentioned therein shall be imprisoned in any gaol, the keeper thereof is hereby required to receive such person into his custody in the said gaol, and thereto imprison him according to the tenor of the warrant.

I do not think there is any need to strengthen that provision in any way. If the tenor of the warrant indicates the offence has been committed, the person is to be gaolled and, of course, the gaoler must accept that. That is a rather remarkable provision. I do not know of any other Statutes where the gaoler is instructed to gaol an offender.

The SPEAKER: The honourable member has five minutes.

Mr SKIDMORE: The Act continues—

It shall be lawful for any person charged with, or assisting in the execution of any warrant under the hand of the President or Speaker issued under the authority of this Act to break open in the daytime all doors of places where the person for whose apprehension such warrant was issued is concealed.

So a warrant is not even necessary. How much more strength does the Government want to take action against members? The Act continues—

And it shall be lawful for either House to direct the Attorney-General to prosecute before the Supreme Court any such person committing any such misdemeanor.

In other words, under that Act it is possible for the Government to instruct the Attorney-General to take action to prosecute for misdemeanors. To continue—

And any such person convicted before the said Court of any such misdemeanour shall be liable to imprisonment for any period not exceeding two years, or to a fine not exceeding One hundred pounds, or both such punishments.

The SPEAKER: Actually those words have been stricken from the motion, although I do not want to interrupt the honourable member.

Mr SKIDMORE: Are you saying, Mr Speaker, that those provisions are no longer in our Standing Orders?

The SPEAKER: No, but that paragraph relating to this matter was determined some time ago. It is no longer before the House.

Mr SKIDMORE: I am referring to the paragraph (5) which is proposed to be inserted. The basis of my argument is that I believe the penalties are sufficient. The Act continues—

It shall be lawful for either House to direct the Attorney-General to prosecute before the Supreme Court any such person guilty of any other contempt against the House which is punishable by law.

How much more power does the Government want? It is just ludicrous and a witch hunt on the part of the Government to suggest that the Standing Orders of this House are not sufficient. It certainly indicates the duplicity of the Government in bringing forward such a spurious attack on a member who has shown his veracity, his courage, and his dedication to a cause which he saw fit to present to the people of Australia.

MR CLARKO (Karrinyup) [1.04 a.m.]: I move—

That the House do now divide.

Motion put and a division taken with the following result—

Ayes—27

Mr Blaikie	Mr O'Connor
Sir Charles Court	Mr Old
Mr Cowan	Mr O'Neill
Mr Coyne	Mr Ridge
Mrs Craig	Mr Rushton
Mr Crane	Mr Shalders
Dr Dadour	Mr Sibson
Mr Grayden	Mr Sodeman
Mr Grewar	Mr Stephens
Mr P. V. Jones	Mr Thompson
Mr Laurance	Mr Tubby
Mr McPharlin	Mr Young
Mr Mensaros	Mr Clarko
Mr Nanovich	

(Teller)

Noes—21

Mr Barnett	Mr Harman
Mr Bateman	Mr Hartrey
Mr Bertram	Mr Jamieson
Mr Bryce	Mr T. H. Jones
Mr B. T. Burke	Mr May
Mr T. J. Burke	Mr Skidmore
Mr Carr	Mr Taylor
Mr Davies	Mr A. R. Tonkin
Mr H. D. Evans	Mr J. T. Tonkin
Mr T. D. Evans	Mr Moller
Mr Fletcher	

(Teller)

Pair

Aye	No
Mr Watt	Mr McIver

Motion thus passed.

The SPEAKER: The question now is—

That the amendment be agreed to.

Amendment put and a division taken with the following result—

Ayes—27

Mr Blaikie	Mr O'Connor
Sir Charles Court	Mr Old
Mr Cowan	Mr O'Neill
Mr Coyne	Mr Ridge
Mrs Craig	Mr Rushton
Mr Crane	Mr Shalders
Dr Dadour	Mr Sibson
Mr Grayden	Mr Sodeman
Mr Grewar	Mr Stephens
Mr P. V. Jones	Mr Thompson
Mr Laurance	Mr Tubby
Mr McPharlin	Mr Young
Mr Mensaros	Mr Clarko
Mr Nanovich	

(Teller)

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Mr Barnett	Mr Harman
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Mr Carr	Mr Taylor
Mr Davies	Mr A. R. Tonkin
Mr H. D. Evans	Mr J. T. Tonkin
Mr T. D. Evans	Mr Moller
Mr Fletcher	

(Teller)

Pair

Aye	No
Mr Watt	Mr McIver

Amendment thus passed.

Motion, as Amended

The SPEAKER: I want to advise the Leader of the Opposition that I may have misinformed him a moment ago when he came to my Chair. The House has agreed to the words of the amendment; that is, it has agreed to insert paragraphs (2) to (5) as moved by the Minister for Works. I may have led the Leader of the Opposition to think that he could move to delete some of those words. He may move to add to those words. If the Leader of the Opposition misunderstood me and wants a little time to work this out, I am quite agreeable. The question is—

That the motion, as amended, be agreed to.

MR BERTRAM (Mt. Hawthorn) [1.13 a.m.]: I move—

That paragraphs (2), (3), and (4) be deleted.

Mr Jamieson: You cannot do that—that is what the Speaker just said.

The SPEAKER: I am afraid I may have contributed in part to this misunderstanding because I had told the Leader of the Opposition that he could move to amend the motion and I may have led him to think that he could move to delete some words. If I have caused a misunderstanding, I regret it. The House has just agreed to the insertion of these words. An amendment to add words would be quite acceptable.

Question (motion, as amended) put and a division taken with the following result—

Ayes—27

Mr Blaikie	Mr O'Connor
Sir Charles Court	Mr Old
Mr Cowan	Mr O'Neill
Mr Coyne	Mr Ridge
Mrs Craig	Mr Rushton
Mr Crane	Mr Shalders
Dr Dadour	Mr Sibson
Mr Grayden	Mr Sodeman
Mr Grewar	Mr Stephens
Mr P. V. Jones	Mr Thompson
Mr Laurance	Mr Tubby
Mr McPharlin	Mr Young
Mr Mensaros	Mr Clarko
Mr Nanovich	

(Teller)

Noes—21

Mr Barnett	Mr Harman
Mr Bateman	Mr Hartrey
Mr Bertram	Mr Jamieson
Mr Bryce	Mr T. H. Jones
Mr B. T. Burke	Mr May
Mr T. J. Burke	Mr Skidmore
Mr Carr	Mr Taylor
Mr Davies	Mr A. R. Tonkin
Mr H. D. Evans	Mr J. T. Tonkin
Mr T. D. Evans	Mr Moller
Mr Fletcher	

(Teller)

Pair

No

Aye	No
Mr Watt	Mr McIver

Question thus passed.

PREMIER AND MINISTER FOR POLICE: FINANCIAL INTERESTS AND DEALINGS

Address to Governor: Motion

MR JAMIESON (Welshpool—Leader of the Opposition) [1.18 a.m.]: I move—

His Excellency the Governor of Western Australia, Air Chief Marshal, Sir Wallace Kyle, GCB, CBE, DSO, DFC, K. St. J, be informed that:

A. Two Ministers of his Government have acted improperly in that:

1. With reference to the Premier:

(a) That during that period when Sir Charles Court was the Minister for Industrial Development responsible for negotiating with interests seeking to develop our State's iron ore reserves, he was offered in writing, an allotment of shares by Hamersley Holdings Limited. The letter requested Sir

Charles Court to specify the number of shares he thought was appropriate.

Sir Charles Court replied in writing that he thought the company should determine what was a reasonable number of shares.

On the 18th day of May, 1967, 3 000 shares were issued to Cherrita Pty. Ltd., a company over which Sir Charles Court had absolute control—since that time Cherrita Pty. Ltd. has acquired a further 1942 shares in Hamersley Holdings Limited.

Subsequent to the initial offer Sir Charles Court was later to go on public record as claiming he would reject any shares offered to him on a preferred basis.

(b) That during the same period when he was Minister for Industrial Development and while exercising the same absolute control over Cherrita Pty. Ltd., that company was offered and accepted 1 500 shares in Comalco Limited. Comalco Limited was, and is, a public company engaged in industrial activity within Western Australia.

(c) That during his term of office as a senior Minister in the Government, Sir Charles Court held a significant interest in Kimberley Finance Corporation Ltd., through the shareholding of Cherrita Pty. Ltd.

Kimberley Finance Corporation Limited had financial dealings with the State owned Rural and Industries Bank.

At the time, the Premier's family and long standing business associates also

had significant interests in Kimberley Finance Corporation Ltd.

- (d) That on the 14th of September, 1972, the Premier said in a Personal Explanation in this House:

"The important thing I desire to make clear to the House is that:—

- (a) my shareholding in Cherrita Pty. Ltd. is a very nominal one . . ."

This Statement was untrue.

The truth is, that from the incorporation of Cherrita on 15th September, 1962, until after he ceased to be Minister for Industrial Development—Sir Charles Court was the sole Director of that company.

He had absolute power over the government and control of his company.

He had the right to exercise eight times the voting power of all other shareholders and complete control over the distribution of the company's profits.

The Premier deliberately misled the House in order to conceal that Cherrita's manipulation of capital was his manipulation of capital.

2. With reference to the Minister for Police:—

- (a) That this Minister deliberately involved himself in a financial transaction with the Government in which he is a Minister and in which transaction he had—through his wife—a pecuniary interest.

That during the period of his involvement he sought and gained access to confidential information the province of another Government Department.

That during the period of this Minister's involvement the price eventually

paid by the Government for certain land in Innaloo increased substantially. During the period of this Minister's involvement he caused the entire transaction to be expedited by virtue of his office as a Minister of the Crown.

- (b) That this Minister approved an application by Premier Motors Pty. Ltd. to market about 200 Flat vehicles without adhering to the procedures required for determining acceptable safety standards.

That shortly afterwards the Minister was involved in the acquisition of a Flat motor vehicle through the company to which he had given compliance plate exemption.

The vehicle so acquired was subsequently registered at an address other than the correct address of the owner.

and,

- B. In the opinion of this House, a judicial inquiry in the form of a Royal Commission, consisting of at least two judges, should be appointed to inquire into and report upon:

- (i) the foregoing information, and
- (ii) the need for legislation requiring Members of Parliament to disclose their business and financial interests.

The allegations contained in my motion were raised recently in this place by the member for Ascot. We must go into a bit of history to gain a full understanding of this matter. I should like to deal with the Premier's "old hat" which he keeps on throwing around because it is proper that the House—particularly the more recent members—should know exactly what went on.

For some years in this place we have experienced difficulty in getting a motion before the House dealing with a matter which has been referred to of recent times. This difficulty was occasioned by your predecessor, Mr Speaker, who very clearly indicated in this place on the 8th November, 1972, his interpretation of the

sub judice rule. The member for Mt. Hawthorn asked the following question of the Speaker—

- (1) Is it permissible at this stage for questions, motions and/or comment to be made in debate relating to the personal explanation made by the Leader of the Opposition on 14th September, 1972 or any of the other personal explanations recently made to the House by the Leader of the Opposition?
- (2) If not, why?

The Speaker replied as follows—

- (1) For the information of the Member I have checked the writs issued out of the Supreme Court. The all-embracing nature of the endorsements leaves me no alternative at this moment but to declare that any reference to the statements made by the Leader of the Opposition will not, in accordance with Standing Order No. 2—matters—*sub judice*—be permitted. If at a later date a "statement of claim" is filed the matter will be further considered.
- (2) Answered by (1).

The whole matter rested on that ruling until the time it was raised by the member for Mt. Hawthorn by way of an amendment he moved to the motion to appoint a Select Committee. The honourable member sought to add certain words to the motion, as follows—

- (b) the allegation that in a personal statement made by the Premier (Sir Charles Court) in the Legislative Assembly on the 14th day of September, 1972, in grave breach of privilege, he lied to the Legislative Assembly.

Mr Speaker, you will recall that after you considered the amendment you allowed it to stand, with the proviso that the words "lied to" be replaced by the word "misled". I must admit I was surprised you allowed the amendment to stand because this was the first time since 1972 this House had an entree to a debate which had been ruled out of order some years earlier on the ground that it was *sub judice*. Mr Speaker, when you did that you lifted the lid from Pandora's Box and allowed all sorts of things to happen which, a few weeks ago, I did not think would ever happen in this Parliament.

I do not attempt to disguise the fact that I tried a number of ways to have the matter brought before Parliament. I was a member of a Cabinet subcommittee with the then Premier, and we received advice from the Crown Law Department that if an offence had been committed in the Parliament, the matter should be taken back and discussed in the House in which the offence was committed. Of course, we were in a bit of a cleft stick,

because the then Speaker was of the opinion the Standing Order relating to *sub judice* should not be amended by his casting vote as the next thing would be some form of censure motion against the then Leader of the Opposition, and the Speaker did not wish to carry that motion by his casting vote. I did not blame him for not wishing to be involved in the matter because Speakers must remain in a position where they appear to be as neutral as possible, and I think he was endeavouring to do just that.

However, it did not do the case for the standards of Parliament and its conditions, rules, and privileges any good by having to wait so long to have the matter aired. As a matter of fact, when we discussed this matter with representatives from the Crown Law Department they said that as a result of what the then Leader of the Opposition said, people were laughing up and down St. George's Terrace at us because they knew the statement was a furphy; they knew how incorrect it was.

Mr Grayden: What statement are you talking about?

Mr JAMIESON: The Minister for Labour and Industry should not go away, because I have something for him.

Mr Grayden: I will be delighted to hear it, by the living God!

Mr JAMIESON: Hello, he is galvanised into action. The laughing boy is here again.

Sir Charles Court: He has felt very lonely up to date.

Mr JAMIESON: The situation was that we were unable to do anything about the matter. On a number of occasions—I suppose you could describe it as *ad nauseam*, Mr Speaker—the member for Mt. Hawthorn and I asked questions about whether the matter was still *sub judice*, and of course it always was. We thoroughly and regularly checked to see whether this was the case, and whether the writ still had not been resolved.

The allegations which have been made, of course, are very grave ones which cast serious doubts on the integrity of the Premier and on the Minister for Police and, therefore, on the whole Government. They can be dealt with properly only by an impartial body of inquiry. It would appear that no other form of inquiry will satisfactorily be able to investigate and prove or disprove the allegations. We have already discussed the politically loaded committee the Government established. The Government did itself no good in the public eye by appointing such a committee. There is no doubt that the allegations should be properly and impartially evaluated, because they are so grave. In fact, if they are substantiated the only course open to the Premier and the Minister for Police, will be to resign.

In regard to Cherrita, the Premier has always said he had only a nominal shareholding. However, he neglected to mention that his voting authority had eight times the value of all other shareholders.

Mr Grayden: It was still a nominal share.

Mr JAMIESON: What rubbish!

Sir Charles Court: What was it worth?

Mr JAMIESON: It would not matter what it was worth, because the Premier had the right to disperse the finance of the company in any way he saw fit. Cherrita had a number of shares in all sorts of companies.

Sir Charles Court: There are hundreds of companies like this of a family nature.

Mr Grayden: There are hundreds of thousands of them throughout Australia.

Mr JAMIESON: But the Premier used the word "nominal".

Sir Charles Court: One share out of 25 002!

Mr Grayden: How many on your side of the House have similar companies?

Mr JAMIESON: They certainly have nothing like this one.

Mr Grayden: Are you suggesting your members could stand up to the scrutiny of inquiry?

Mr JAMIESON: Yes, I am.

Mr Grayden: You are? What are you talking about—killing people, and not being charged? Are you talking about things like that?

The SPEAKER: Order!

Mr JAMIESON: It must be very late in the morning, the way the Minister is going on; he seems to have become quite irrational, because I am not too sure what he is up to. We are not getting very far—

Mr Nanovich: How low will you go?

Mr JAMIESON: The Premier said he had only a nominal shareholding and, lately, he has even said he has no shares at all.

Of course, this might be technically correct. We had a very recent run-down on the Cherrita papers to find out the latest position. We were particularly interested in paragraph 90 of the articles of association.

Sir Charles Court: Was this what the member for Swan was asking about, as to whether Mr Erikson was over here? Is he working for you?

Mr JAMIESON: I do not know what the Premier is talking about. He is a mystery man. For the edification of the House, paragraph 90 of the articles of association of Cherrita reads as follows—

90.—If the said Charles W. M. COURT shall resign the office of Governing Director and shall appoint

a successor he may by notice in writing to the Company declare that he resumes the office of Governing Director and he shall thereupon to the exclusion of his appointee again become the Governing Director and the provisions of this Article shall apply as often as the said Charles W. M. COURT resumes office as aforesaid but the provisions of this Article shall be personal to the said Charles W. M. COURT and the power herein contained to resume the office of Governing Director shall not be exercisable by any person other than the said Charles W. M. COURT who shall at any time hold that office.

Sir Charles Court: That is completely wrong.

Mr JAMIESON: It means that at any time, at any hour of any day, the Premier by writing in his own hand can take over complete control of Cherrita.

Sir Charles Court: That is wrong, because there was no successor. Read the words again. You have missed the crucial words.

Mr JAMIESON: The article states—

If the said Charles W. M. COURT shall resign the office of Governing Director and shall appoint a successor—

Sir Charles Court: Which he did not do.

Mr JAMIESON: To continue with the articles of association—

—he may by writing to the Company declare that he resumes the office of Governing Director . . .

Mr Laurance: Go home!

Points of Order

Sir CHARLES COURT: I believe I am entitled to an apology from the Leader of the Opposition because what he has stated is a complete distortion of the facts.

Mr JAMIESON: I would ask you, Mr Speaker, to examine this document together with what I have said, and determine whether it is a distortion.

Sir Charles Court: Read out the words again.

Mr JAMIESON: I shall. They are as follows—

If the said Charles W. M. COURT shall resign the office of Governing Director and shall appoint a successor—

Sir Charles Court: Which I did not.

Mr JAMIESON: To continue—

—he may by notice in writing to the Company declare that he resumes the office of Governing Director . . .

Sir Charles Court: I am trying to save you from making an ass of yourself.

Mr JAMIESON: I am not making an ass of myself; I am reading out the words in the articles of association. That is the real crunch line in the whole article. The Premier can take control of this organisation under his wing at any time.

Sir CHARLES COURT: I rise again on a point of order. Is there any way I can get redress for such a scandalous allegation?

The SPEAKER: The only redress available is to ask for a withdrawal of the words, but the words have been read out from the articles of association by the Leader of the Opposition. If he withdraws the words they are merely the words he has read out from his papers. It would appear to me that the Leader of the Opposition has put one construction on the words, but another construction can be placed on them. This matter has become obvious in the Chamber.

As to the other way, I cannot see any reason to ask for a withdrawal of words, because they are words read out from the papers of the Leader of the Opposition.

Sir CHARLES COURT: On a point of order again, I have been a member of this House long enough to know that members are entitled to read words appearing in an official document. I do not ask him to withdraw those words. What I object to is the way he has presented them to the House to give the impression that I have done something which I have not done; in other words, to completely distort the position, and quite unfairly and maliciously.

The SPEAKER: I see the point of order very clearly. The facts speak for themselves. The words have been spoken and will appear in *Hansard*. A construction has been put on the words which is different from the construction that the House has heard. I cannot see any other recourse.

The Premier may ask the Leader of the Opposition to withdraw the words, but I do not see how he can be made to withdraw the construction he has placed on them.

Sir CHARLES COURT: On another point of order, I do not want to persist in the withdrawal of words appearing in an official document, as long as it is clearly understood by this House that the interpretation being placed on this matter by the Leader of the Opposition is not the correct one, in the light of the circumstances.

Mr Davies: You should reply to the debate and tell him so.

Mr JAMIESON: I hope you, Mr Speaker, will not agree to that. Surely you are not in a position where you can be required to make a legal interpretation of what a

paragraph within the articles of association of Cherrita says. As the member for Boulder-Dundas has pointed out often, expressions in clear English mean what they say, and not what somebody else thinks they say.

Sir Charles Court: That is right.

Mr JAMIESON: Those words appeared in the article of association I read out.

Mr Clarko: You mixed them up.

Debate Resumed

Mr JAMIESON: I have not mixed them up. In the last part of that article of association the following appears—

... and the power herein contained to resume the office of Governing Director shall not be exercisable by any person other than the said Charles W. M. Court, who shall at any time hold that office.

Sir Charles Court: As long as he appointed a successor, but he did not.

Mr JAMIESON: He can go back at any time and take over the control of the organisation.

Sir Charles Court: You are distorting the position.

Mr JAMIESON: It does not have to say who is the successor. There are the directors and other persons appointed at various times, but that has nothing to do with the article I have read out.

Mr Laurance: Wallowing in your own mire.

Mr JAMIESON: The honourable member is always saying these things. We will worry about that later on. A Royal Commission is the only tribunal that can get to the bottom of the matter. It is the only tribunal which can give proper protection to witnesses; and it is the only tribunal which can hold a full, proper, open and expert inquiry.

Mr Mensaros: This subject is beyond you, because you have to read your speech.

Mr JAMIESON: Most of my speech has not been read, and the Minister is putting forward his remarks in the best Hungarian that he can use. Nobody understands what he is saying when he indulges in these types of utterances. If the Government will not hold such an inquiry the people should ask themselves what has the Government to hide.

The Premier and the Minister for Police have said they are innocent of the charges made by the member for Ascot and repeated in this motion. However, they are not prepared to have a Royal Commission. They have put forward no reason to indicate why they are not prepared to face such an inquiry. If they are as innocent as they say they are, why do they not wish to face up to a Royal Commission? If they

are innocent a Royal Commission will clear their names, and that is what they should require to be done.

Sir Charles Court: You are reflecting on the reporters, because you think they cannot take it down.

Mr Clarko interjected.

Mr JAMIESON: The member for Karinyup can jump in the lake. Under their system anybody who wants to accuse them would be slapped, if they were civil servants. They do not want to give them a fair go. If they are fair, honest, and men of integrity, they should be prepared to face up to this situation.

Mr Rushton: Why not go outside the House and make the allegation?

Mr JAMIESON: What would the Minister know?

Dr Dadour: Do not lose your place in your notes.

Mr JAMIESON: I will not. However, if I do I will ask the honourable member to find it for me.

Dr Dadour: Keep your finger on it.

Mr JAMIESON: I will keep my finger on something else if the honourable member likes. If the Premier and the Minister for Police have nothing to hide they would welcome a Royal Commission. The Select Committee which the House appointed was not a proper inquiry. Rather, it was a court of law to try a member of this House, and members here are not competent to do that. In no way have they the legal training or the competence to try a person.

A Select Committee could not give assurances about the protection of witnesses. It was held in secret behind closed doors. Its deliberations were conducted in contravention of the Standing Orders as was shown by the minority report.

Mr Thompson: Rubbish!

Mr JAMIESON: Look at the minority report.

Mr Thompson: The minority report could be anything. The minority members could write what they like in it, but it is not supported by the evidence.

Mr JAMIESON: It has been presented to the House. One of the assurances which the Select Committee was not prepared to give was to guarantee the member for Ascot the right to call witnesses. The Select Committee said it would call what witnesses it wanted.

Mr Thompson: What is unusual about that?

Mr JAMIESON: That is not a fair trial, if anyone is on trial.

Mr Thompson: He was not on trial. The Ministers were on trial.

Mr JAMIESON: Of course he was on a star chamber trial, and the honourable member was chairman of the star chamber.

Dr Dadour: Do not take your eyes off your notes.

Mr Thompson: It is just as well. He would be lost without them.

Mr JAMIESON: Even if the Select Committee was able to bring down a finding to clear the Premier and the Minister for Police its findings would have been suspect. The majority of the members were nominated by the Government, and in that regard it would be lopsided.

Mr Thompson: What about the minority report that would be presented?

Mr JAMIESON: The majority report would be the one the honourable member would be barracking for.

Mr Thompson: There would be some attention by the Press to the minority report. I was interviewed by the ABC, and the only report the ABC had was the minority report. It did not take the trouble to obtain a copy of the majority report or the evidence.

Mr JAMIESON: That comprised only one paragraph.

Mr Thompson: What about the evidence that went with it?

Mr JAMIESON: To cover the legal requirements associated with such an inquiry, obviously we have to resort to some better form of inquiry than a Select Committee. Even if the Government members on the Select Committee conducted themselves in a completely proper and impartial manner, their findings would have been regarded as suspect, simply because there were three Government members sitting in judgment on other members of Parliament.

As it turned out the committee made no finding, and the allegations remained unproven and unanswered. No Government in Australia can govern under those circumstances, and the people of the State cannot respect the Government in this regard.

Mr Thompson: You have your notes mixed up. You should have spoken along these lines on the last motion.

Mr JAMIESON: It is in the best interests of the Premier and the Minister for Police that a Royal Commission be appointed as soon as possible and the matter can then be cleared up. Any action which the commissioner decides on can be determined and cleared up.

Mr Rushton: The member could not have gone outside and made his allegations without the protection of the House.

Mr JAMIESON: The Minister does not seem to be aware, materially, of some of the things which happen with regard to allegations, particularly allegations against

people of the ilk of the Premier. I have had some experience with those associated with such allegation, and I have always been glad to get out on the right side because of the financial empires I was fighting against. I did not have an advantage at all. That is where the member for Ascot also would have been disadvantaged.

Mr Rushton: He made the allegations.

Mr JAMIESON: With regard to the Royal Commission which was held in 1960-61, to inquire into and report on the allegations of bribery in connection with the Bill dealing with totalisator betting, it is very interesting because it was somewhat similar to the matter now before us in that it was moved after Standing Orders had been suspended for the suspension of private members' business. Indeed, that Royal Commission was appointed on very scant evidence and not very clear reasoning at all. As a matter of fact, reference to *Hansard* will show it was moved as a result of a report which appeared in *The West Australian* alleging an attempt to bribe a Liberal member of Parliament to vote against and defeat Government betting legislation. The Liberal member for North Perth was questioned on a rumour that he had been offered money to oppose a Government move to establish a totalisator in Western Australia. The claim was examined rather thoroughly by the Royal Commissioner but, of course, nobody was able to substantiate anything at all in regard to the allegations. It is interesting to note just how frail the original evidence was on which the Royal Commission was based. However, it was set up because a statement had been made.

I have with me the comments of the Royal Commissioner on this matter. The Royal Commissioner said that no person of any consequence, including Mr O'Connor, took the matter seriously at the time of its occurrence, and the passage of some four months added nothing to its substance. The only chance of substantiating Mr O'Connor's alleged telephone conversation was by a fellow named Beardman. When Mr Patterson was called to support the suggestion regarding statements attributed to Mr Beardman, and what he knew about the telephone call, the commissioner said that as a result of the failure of Patterson to support Mr O'Connor the whole of the evidence against Beardman was reduced to hearsay firstly, in the possible mention of his name by the telephone caller and, secondly, in the allegation by O'Connor that Patterson mentioned his name in connection with a bribe offer. That is very skimpy evidence, but it was sufficient to submit to a Royal Commission. However, nothing came of it.

At least on this occasion there is some documentation and some words which have been associated with it. They have been brief allegations, and they have been printed in *Hansard* and laid on the Table

of the House. As a consequence, this matter should be inquired into so that some straightening out can occur.

Mr Rushton: The words against the Minister for Police were untrue.

Mr JAMIESON: We do not know whether or not they are.

Mr Rushton: We know they are untrue.

Mr JAMIESON: The Minister says they are. One minute someone says they are untrue, but the next minute a civil servant who was involved says that is not the case. We have not seen the documents so we cannot say who is telling the truth. We want the matter fully investigated.

Mr Rushton: The member for Melville made some allegations, and he had to withdraw them.

Mr JAMIESON: I mentioned that matter tonight. No action was taken by the Premier against *The Australian Financial Review*, the very publication where the allegations first were printed. There was never any request for an apology from that publication.

Sir Charles Court: How do you know?

Mr JAMIESON: That is where the statement was printed originally, and I saw no retraction so I assume it was not requested.

Mr Rushton: You are assuming again.

Mr JAMIESON: I have a right to assume.

Mr Thompson: Your mind is like a sewer.

Mr JAMIESON: The member for Kalamunda would know all about sewers; he has been with them long enough during this inquiry.

The ground for the Royal Commission to which I have referred was a single item which appeared in *The West Australian*, and in which it was claimed that the member for North Perth had been offered a bribe. The member for North Perth, in his evidence to the Royal Commission, said that an attempt had been made to bribe him. The conversation which took place on that occasion, and the conversations associated with what is taking place tonight, are in similar terms. The then member for North Perth claimed that he received a telephone call from a person he could not positively identify.

The then Leader of the Opposition (Mr Hawke), moved for the appointment of a Royal Commission and his move was supported by the Government because it was felt desirable to clean up the situation which had arisen. I am saying the same thing has occurred now. It is desirable to clean up this situation before we go much further.

The member for Ascot should have an opportunity to produce his material witnesses. The evidence put forward and

which caused the Royal Commission to inquire into the allegations of bribery were nowhere near as serious as the allegations made by the member for Ascot. In 1960 the allegation was made by a back-bench member of Parliament, who claimed he had been offered—not accepted, but merely offered—a bribe. That was considered serious enough by the Liberal and Country Parties to warrant a Royal Commission.

The member for Ascot has alleged that two Ministers of the Government had actually misused their positions and misled Parliament. Even though the 1960 allegations were serious, the present allegations are much more serious and yet the Government has so far not moved in any way to have any proper inquiry, let alone a Royal Commission.

These matters probably would never have arisen if this Parliament had a law requiring members to disclose their financial and business interests. When we were in government, as a Government, one of the first things the Premier required of us was to make a submission to him with regard to any holdings we had so that he would know, at any time he was placed in an awkward position, that he would be able to deny that any person in the Cabinet was involved with something which Cabinet was obliged to consider.

During the time of the Tonkin Government a recommendation was received from the Department of Industrial Development to help a specific company. Because at least one Cabinet Minister of the day had some lesser consideration in that particular company, the Tonkin Government refused to be associated with any financial backing for it. I think that is desirable while any Cabinet member has any financial interest.

If the present members who have been accused of misdemeanours attempted to cover up improper activities, and those activities were subsequently revealed, they would face substantial penalties and public humiliation and disgrace. So, I suggest it would be of great advantage to clear their names at this stage.

Mr Rushton: There would be another allegation next week.

Mr JAMIESON: One of the allegations made some time ago related to the matter of the Premier and his association with Hamersley Holdings. The company gave some special consideration, and nobody will convince me, when the present Premier was Minister for the department concerned, and he took up shares on behalf of Cherita Pty. Ltd., those shares were offered to him because of his good looks, or for some other reason.

Mr Grayden: The shares were offered to 50 000 other people; you realise that.

Mr JAMIESON: We will look into that, too. Of course, I do believe they were offered to other people and I well recall a letter to the Governor. That letter stated that Mr Grayden told the author of the letter, at the time of the flotation of Hamersley Iron, that Mr Court had engaged in arranging the allotment of the original shares for the members representing the north-west electorates.

Mr Grayden: That is completely untrue, of course.

Sir Charles Court: The Minister concerned was the then member for South Perth.

Mr JAMIESON: I am glad the Premier has referred to that, because the member for South Perth said the same thing to me just behind the Speaker's Chair. The only variation was he did not say the shares were offered to members in the north-west; he said they were offered to Government members. He told me that in the precincts of this House.

Mr Grayden: Who are you talking about now?

Mr JAMIESON: I am talking about the Minister.

Withdrawal of Remark

Mr GRAYDEN: That is a straightout lie by the Leader of the Opposition, and I ask that the statement be withdrawn.

The SPEAKER: Order! The Minister must not use the word "lie".

Mr GRAYDEN: The statement is completely untrue and I take exception to it. I ask it to be withdrawn.

The SPEAKER: The Leader of the Opposition has been asked to withdraw the statement, and I ask him to withdraw it.

Mr JAMIESON: Yes, I withdraw at this stage.

Debate Resumed

Mr JAMIESON: With regard to pecuniary interest legislation, which we brought before Parliament, had it been accepted it could have obviated many of the problems associated with what has now come up. We could have had the proposed committee look into the matter, and probably avoided a scandal.

Members on this side of the House consider pecuniary interest legislation to be greatly needed, and potentially a very good thing for this Parliament. That is something else which should be investigated by a Royal Commission.

A Royal Commission is the only satisfactory way to deal with the grave charges which have been laid against the Premier and the Minister for Police. It is in their interests, and in the best interest of the State as a whole, that such an inquiry should be conducted. If the Government

does not agree to the establishment of a Royal Commission it must have something to hide and it must be running scared.

I would like to return to what I said a little earlier. I said—

"Grayden told me at the time of the flotation of Hamersley Iron Mr Court had engaged in arranging the allotment of the original shares in the company to members of the State Parliament who represented the north-west."

Point of Order

Mr GRAYDEN: Mr Speaker, have I any redress? This is completely untrue. The Leader of the Opposition is talking about something which obviously took place some 10 years ago. It is completely and utterly untrue. I ask that it be withdrawn.

The SPEAKER: Order! Will the Leader of the Opposition resume his seat? The Minister obviously feels keenly about this matter and I ask the Leader of the Opposition to withdraw the remark, as requested.

Mr JAMIESON: I withdraw, but I again refer to the document from which I was quoting.

Sir Charles Court: It was defamatory.

Mr Grayden: I ask that the document be tabled.

Mr JAMIESON: Yes, it will be tabled as soon as I have finished.

The SPEAKER: The paper may be handed in for the information of members.

Debate Resumed

Mr JAMIESON: The Minister will probably want this one tabled too. I want to be very sure where we are going on this, because I have just reread the last statement, and I now have before me a document written to Messrs. Chew and Musca, solicitors, of Barrack Street, Perth. The document is dated the 10th October, and is from Northmore, Hale, Davey & Leake, barristers and solicitors. It bears the reference FMC.MC and is headed "re: Court -v- Pratt." It states—

We have been instructed by Mr Raymond Lawrence Down to make available to you as solicitors for Mr Pratt information which he believes may be relevant to the above action.

Enclosed is a copy of a statement prepared by our client containing the information referred to.

We do not know whether the information is relevant to the litigation but our client believes he has a moral obligation to make it available if it is. He is prepared to be interviewed if you wish to see him, subject only to the arrangements being made through this office and any interview taking place in the presence of his solicitor.

Sir Charles Court: What date is that?

Mr JAMIESON: The 10th October, 1973. The accompanying document states—

A certain statement was made to me by Mr W. Grayden MLA, at approximately 11.00 p.m. at the Sundowner Hotel, Stirling Highway, Cottesloe, on Friday, May 5th, 1972. This statement was along the same lines as was alleged by Graeme Pratt (in certain papers made public) to have been made to him by Mr W. Grayden MLA.

Mr Grayden: Could I ask who is the author of this document?

Mr JAMIESON: It is Northmore, Hale, Davy & Leake.

Mr Grayden: Who is making the allegation?

Mr JAMIESON: I will table it so that the Minister can look at it.

The SPEAKER: You cannot table it, but you can hand it in.

Mr GRAYDEN: Mr Speaker, may I say this—

The SPEAKER: Order!

Opposition members: No, sit down.

The SPEAKER: Order!

Mr GRAYDEN: —It is completely and utterly untrue.

The SPEAKER: Order! Order! The Minister can take exception to remarks, but the papers are being read out and if he wishes they can be handed in for the information of members. However, he cannot rise to his feet in such a manner.

Mr Grayden: The Leader of the Opposition is fabricating evidence.

Mr JAMIESON: The document continues—

Mr Grayden was subsequently reported by newspapers to deny that such a statement had been made by him.

The statement made to me by Mr W. Grayden MLA, was as follows:—

"When it comes to matters concerning iron ore legislation there is no such thing as an opposition. When Hamersley was floating one of the leaders of the Liberal Party—a so-called leader—was running around the house arranging placements with selected members. These shares were not available to the public through brokers."

Mr Grayden: Could I ask that this paper be tabled when the member has completed reading it? It is completely untrue.

The SPEAKER: There are two papers now which may be handed in.

Mr JAMIESON: Yes, Sir, they will be.

The SPEAKER: These are not parliamentary papers *per se*, but they may be handed in for the information of members.

Mr JAMIESON: I realise that, Sir.

Sir Charles Court: I hope they are not subject to parliamentary protection.

Mr JAMIESON: The document continues—

I queried Mr. Grayden on whether all the Liberal Party members were offered placements. He said,

"No, they were handed out to selected members on both sides of the House who were in electorates that had some influence in the framing of legislation".

The foregoing statement was made to me alone while Grayden and myself were standing apart from others in the foyer of the "Sundowner". The statement formed only a part of the general discussion on Mining Law. However, in the context of the discussion prior to the statement and subsequent to the statement I was left with no alternative than to believe that the "so-called leader" referred to was Sir Charles Court, then Charles Court.

Mr Grayden: Who made that statement?

Mr JAMIESON: Mr Raymond Lawrence Down.

Mr Grayden: It is completely and utterly—

The SPEAKER: Order! The Leader of the Opposition will resume his seat. I think I should explain that papers handed in in such a fashion do not come within the same aegis as papers that are tabled. They are not covered by privilege.

Mr Grayden interjected.

The SPEAKER: Order! I am on my feet.

Mr Grayden: Sorry, Sir.

The SPEAKER: I felt I should make that explanation in case some members did not understand this. The Leader of the Opposition may continue.

Mr JAMIESON: I have read the whole of those documents, and I again say that statement was in exactly the same terms as the member for South Perth indicated to me alongside the dais; and I say he is an unmitigated liar if he says he did not.

Withdrawal of Remark

Mr GRAYDEN: That statement is untrue and, as a matter of principle, I ask that it be withdrawn.

Mr JAMIESON: I move the motion standing in my name.

The SPEAKER: Order! The Leader of the Opposition must withdraw that remark. I ask him to do so.

Mr JAMIESON: I do not intend to.

Mr GRAYDEN: The statement is pre-fabricated, and I want the remark withdrawn.

The SPEAKER: Order! The Leader of the Opposition is well aware that the word he used is not permitted in Parliament, and he may withdraw without any come down. I ask him to do so.

Mr JAMIESON: No, Sir, because this is a case when a man has told a lie in respect of what he told me in this Chamber.

Mr Grayden: I did not!

The SPEAKER: Order! The Leader of the Opposition will resume his seat. I ask him again to withdraw the word.

Mr Jamieson: No, Mr Speaker.

The SPEAKER: As Speaker of this House I censure the Leader of the Opposition for not conforming to my wishes.

Sir CHARLES COURT: Mr Speaker, are you going to call for a seconder to the motion?

MR A. R. TONKIN (Morley) [2.07 a.m.]: Mr Speaker, in seconding the motion I regret I was slow to rise because I did not realise the Leader of the Opposition had finished speaking. We saw earlier tonight that the Minister for Transport sought the withdrawal of a comment made by, I think, the member for Ascot when that member said the Minister had refused to table Government papers. The Minister sought a withdrawal, but then when he was reminded that they were Government papers which had been referred to, he withdrew his request for a withdrawal. We saw the public gallery react to that gigantic blunder by the Minister for Transport.

We realise there are some papers which substantiate our claim, and we have asked time and time again to be able to substantiate our claim with respect to land deals in which we allege the Minister was involved and in which he used his position as Minister of the Crown to interfere in negotiations that were taking place. So we ask the Premier whether he will agree to table in this place MRPA file No. 814/2/1/14?

Sir Charles Court: I thought you had asked that as a formal question and had been given an answer.

Mr A. R. TONKIN: I am asking it now.

Sir Charles Court: You ask it in the proper way, and not across the Chamber.

Mr A. R. TONKIN: So the Premier will not say whether he will agree to table this file. He has told us that we have nothing substantial on which to base our claims. We told him that we have something in respect of this land deal, and we say if he has nothing to hide he should table MRPA file No. 814/2/1/14.

Mr Clarko: Go outside and say it.

Mr A. R. TONKIN: Will the member for Karrinyup table the file?

Mr Clarko: Make your allegations outside.

Mr A. R. TONKIN: We ask that the Government table that file, and we see the Premier refusing to answer.

Sir Charles Court: The answer is "No". I will tell you that right now in view of the way you have asked the question.

Mr A. R. TONKIN: When we say something substantial, the Premier then says it is not substantial because he does not wish it to be so.

Mr Rushton: You have now indicated your informer.

Mr Sodeman: Could I ask you a question?

Mr A. R. TONKIN: I wonder if the Government will agree, in the interests of justice and truth, to the tabling of Crown Law Department file No. 14738/74.

Sir Charles Court: Not in the way you are asking.

Mr Davies: Ask more nicely. Say, "Please".

Mr A. R. TONKIN: The public will place their own construction on that answer from the Premier. We would also like all PWD files associated with that land deal to be tabled, because we know the Minister for Transport had no right to call for those files as they had nothing to do with his department; and he only called for them because he had a pecuniary interest in this transaction.

Point of Order

Mr O'CONNOR: On a point of order, Mr Speaker, I ask the member for Morley to withdraw that.

The SPEAKER: Will the member for Morley please withdraw the remark?

Mr A. R. TONKIN: Which remark?

Mr O'CONNOR: That I had a pecuniary interest in the land.

The SPEAKER: I ask the member to withdraw.

Mr A. R. TONKIN: I will withdraw the remark that the Minister had a pecuniary interest in the land and say his wife had a pecuniary interest in it.

Mr O'Connor: That's right, attack a Minister through his wife. That is what we expect from you.

Sir Charles Court: Further and further into the bog and into the muck.

Mr A. R. TONKIN: Well, that is the Premier's opinion.

Mr Watt: It is the opinion of many others, too.

Debate Resumed

Mr A. R. TONKIN: It appears the Premier is prepared to allow his Ministers to interfere in matters in this way. The Minister for Police had no more right to call for those files than had any Tom, Dick, or Harry.

Mr Sibson interjected.

Mr A. R. TONKIN: That is right, of course it is wrong, and he has been dabbling in the muck. If we had Ministers whose probity was above reproach there would be no question of this, and they would agree to disclose their sources

of income. We would not have had the instance of every Liberal member in this House voting against a Bill requiring the disclosure of interests of members of Parliament, or voting against a proposed committee to be set up for the purpose.

That is something we believe is very wrong. We believe the Minister for Transport should be doing a job as a Minister of the Crown on behalf of the people and should not be interfering in a matter over which he has not been given control. That is surely an absolutely essential ingredient of our system of government. Naturally, the Ministers are concerned about this type of thing, and Government back-benchers are concerned because they can see the Government coming unstuck.

We assert that any Minister who dabbles in such matters has no right to continue to hold office and should resign, and we believe the Premier should request the resignation of such a Minister.

We are concerned that the chief Minister should have said that he had a nominal holding in a company—he said he had one share. Of course what he did not say was that he had one life governing share and in a premeditated statement to the House he should have made it known that his share was worth eight times the voting power of all the other shares of that company put together.

Sir Charles Court: How much was it worth?

Mr A. R. TONKIN: If it was worth so little why did not the Premier reveal it to the House? Why did he not say, "I have one life governing share"?

Sir Charles Court: This is none of your business.

Mr A. R. TONKIN: He sought leave of the House to make a statement. We gave him leave. There was not a single dissentient voice and that is the kind of thing he comes up with. At the very moment he had complete and absolute control of Cherrita he was negotiating agreements with Hamersley which gave great advantage to that company in which he, through Cherrita, had shares. What more substantiation do members need for a Royal Commission? The Premier grins and smiles. That is normal dealing by his standards, but we assure you, Mr Speaker, that it is not normal dealings by our standards.

Sir Charles Court: You would not know what morals are, my boy!

Mr A. R. TONKIN: If that comment had come from any other person I would have asked for a withdrawal, but from the Premier it is a compliment. I am very pleased that the Premier feels that my morals are far removed from his because I would certainly not like to think that I had anything in common with him. That is why I have not asked for a withdrawal,

because if the Premier were to start praising me I would have to start examining my conscience.

To spell the matter out again for the people on the back benches who are bleating because they are afraid, let us look at it again. If a Minister negotiates agreements with a company in which he has shares, and if that agreement is to the great advantage of that company, is that not improper by our standard of government? Ministers of the Crown in Britain have had to resign for far less improper dealings. If that is not an improper dealing, I should like to know what is.

The Premier had a pecuniary interest through Cherrita and did not declare it. This is the point I made when I introduced my Bill. I said, "What is the good of having a Standing Order if there is no way of checking that that Standing Order is being complied with?" Here we have a classic example of a Minister having a pecuniary interest, being required by the Standing Orders to declare that pecuniary interest, and not doing so. We believe that is very wrong.

It is clear that we have very substantial reasons for wanting a Royal Commission. We reject the system the Government attempted to use of having the accusers sitting in judgment on the accused on a Select Committee. We want an impartial, judicial, and open inquiry.

Mr Sibson interjected.

Mr A. R. TONKIN: For the dim member for Bunbury I shall explain that it is a different thing for a Select Committee to inquire into the marketing of potatoes. If he cannot see that a Select Committee of this House consisting of a majority of members from the Government is not a proper instrument to investigate the dealings of that Government, he is a very slow learner and I have sympathy with the people of Bunbury who for the time being have had this member forced upon them.

Now we know why every Liberal member of this House voted against a Bill requiring the disclosure of income of members of Parliament. The Minister for Labour and Industry is another one who has no grasp of our parliamentary system. When talking about Hamersley shares and letters he said that 50 000 went out to people. Cannot that Minister see that there is a difference, between a Minister of the Crown, who is in a position to know what is going on from both sides, negotiating with that company and an ordinary member of the public negotiating with the company? If people want to be able to take these advantages they should leave this place. No-one is saying it is wrong for them to have shares but they should not have shares in companies with which they are negotiating on behalf of the State. This is a cardinal principle of the Westminster system of government and it is incredible to find the great ignorance of

members of the Government who obviously have not read a single book on the Westminster system and do not understand the foundation upon which our parliamentary system rests.

It is useless to say that 50 000 other letters went out. These people want to be ordinary people and want to indulge in ordinary transactions, but they should realise that as members of Parliament and legislators they have special privileges. The people must know that when these people are making the law they are doing so for the general good. How can the people know that with any confidence—

Mr Sibson: The electors will handle that.

Mr A. R. TONKIN: The electors will not handle it if they do not know about these interests.

Mr Sibson: You are saying that the electors are ignorant.

Mr A. R. TONKIN: I am saying that the electors do not always know what is happening. I reject the member's words. I have said he is ignorant but I have not said the electors are ignorant. Of course the electors do not know the shareholdings of every member of Parliament. If the member for Bunbury thinks that that means I am saying they are ignorant, he is more stupid than he looks. Quite clearly it is just not possible for people to know.

When people are elected to this House as legislators they should be prepared to put themselves under a special kind of honour, a special kind of standard, and a special code commensurate with their great privilege of making the law. Above that, every person who is a Minister and who is privy to the secrets of State should realise that this imposes very special standards upon him.

We know why the Government refused permission to the member for Ascot to lay files and papers relating to these matters on the Table of the House. It did not want these papers to be made available to the open gaze. The Government refused permission to the member for Ascot when he said, "I will substantiate the matters. Allow me to lay these papers on the Table of the House". A few days ago the Government would not allow the member for Ascot to finish his speech. We realise why and the people will realise why. Mr Speaker, I suggest to you that our research so far has shown that we are seeing just the tip of the iceberg, that more is to be revealed as time goes on and that so far we have revealed only a portion of what will be revealed in the weeks to come.

Mr Sibson: Why have you been so many years getting onto it?

Mr A. R. TONKIN: There is no question that it takes time to unearth this knowledge. I am sure the Premier did not go into the 1971 election and trumpet abroad his holdings in Hamersley. The people might have suspected him but he did not do so. He was not prepared to

fight an election on the fact that he had share holdings in Hamersley and quite clearly the member for Bunbury's interjection is innane. It takes years to discover these things because many people expect high standards from their members of Parliament.

Another reason for the Select Committee being appointed was that once matters were given in evidence to it, under our Standing Orders it is illegal for anyone to reveal those findings until they are reported to the Parliament. So quite clearly the Select Committee was devised to bury the evidence. I have already explained how, before the Premier had even sat down after giving the notice of motion which the member for Kalamunda was to move, we saw through the transparent device. We saw that there would be no reason why the committee would ever report to this Parliament. It would have been quite simple to give it terms of reference which would take it beyond the time the Parliament met and, it not having reported, the matter would have been buried and no-one would have revealed it. It was a device to bury evidence and that is why we rejected it.

Members of the Government continually misrepresent our position when they say that we kept supporting the Select Committee. We supported the Select Committee with about six qualifications. One of those was that it should be held in public; that was the most important one. We believe the public have a right to know. If no-one here wants to reveal his sources of income, let him leave the public arena and go back to his farm or his accountancy job or whatever he was doing before. No-one is forced to come to this House and if they do not like the very high standards we have to set ourselves they need not come.

Very high standards should be set and I can promise you, Mr Speaker, that we will be demanding high standards. We will be demanding that incomes be revealed. We shall win this one just as we shall win other matters of great moral importance. I see Government members sneer, but in the House of Commons disclosure is required. When it suits their purpose members opposite talk about us having a Westminster system and like to defend it.

We do not have the Westminster system here. This is a parody of the Westminster system. If we are really concerned about a high level of public behaviour we have to see to it that the people are given the information on which to make a judgment.

Mr Young interjected.

Mr A. R. TONKIN: We have made our position quite clear. We are prepared to fight for what we believe in and members opposite made it quite clear where they stood and voted on party lines. They know that the Select Committee was a waste of

time. They know it was devised to compromise the Opposition so that the public would say, "The Opposition and the Government are as bad as each other. They are conspiring together. What are they getting their heads together about?"

Mr Young: Do you believe it was moral deliberately to evade the truth, as you do so often?

Mr A. R. TONKIN: I am not evading the truth. I am speaking the truth, and the truth is that we believe there should be a disclosure of incomes of members of Parliament. That is our attitude in this House. That was my attitude and the attitude of the other members of the ALP on that committee. We do not depart from that. Members of the Government can scream, rant, and rave all they like but that is our unshakeable belief. I do not know what the Select Committee had to do with the Westminster system. If the Government believes it has nothing to hide it should appoint a Royal Commission. I would have thought that a Government which is under such tremendous suspicion from the public would want to clear its name.

Mr Young: Only in your mind.

Mr A. R. TONKIN: The member should hear the telephone calls, see the telegrams and hear the people who speak to me in the street. If members think they are only Labor voters they are in for a shock.

Several members interjected.

The SPEAKER: Order!

Mr A. R. TONKIN: Quite clearly, if the Government wants to clear its name and appoint a Royal Commission it has the authority to do so. It will seize the opportunity with alacrity because it will want to clear its name. If we have erred and said things which are not true, then of course that will be the great chance to trounce us thoroughly. The Government will be able to destroy our credibility.

Mr Young: It is destroyed.

Several members interjected.

The SPEAKER: Order!

Mr A. R. TONKIN: I know when I am striking home. That is the fact of the matter. Of course, if the members of the Government are sure of their good name and if they would like to destroy us as a credible Opposition or alternative Government they have the capacity and instrument of a Royal Commission comprising at least two judges to do so. If they are as innocent as they claim such judges would decide in their favour and we would be destroyed. Yet they say they will not take it.

Several members interjected.

Mr A. R. TONKIN: I might be inclined to believe that because I am charitable. If members opposite think that the people of Western Australia will believe that kind of rubbish they have an instrument to clear their own names and destroy the

credibility of the Opposition. But they do not use it, so they must not expect anyone to believe what they say.

SIR CHARLES COURT (Nedlands—Premier) [2.32 a.m.]: Over the last couple of weeks we have heard some disgraceful speeches and have witnessed some disgraceful conduct on the part of some members of the Opposition.

Government members: Hear, hear!

Sir CHARLES COURT: I would be surprised if there are not some on the other side who feel a little self-conscious about what has occurred because there are some over there with a little principle.

The saddest thing of all is the fact that the Leader of the Opposition has completely destroyed himself in the House tonight, quite apart from the way he has gone about destroying himself in recent days. It is not a pleasant sight.

I just remind members of one thing: The unforgivable in this House, as far as a member of Parliament is concerned—it may not mean much to people outside the Parliament, but it does to those within it—is to reveal or purport to reveal discussions which take place either behind the Speaker's Chair or in the corridor, and it has been done only twice in the 23 years I have been here, one of those times being tonight. It has been denied, anyhow, but the Leader of the Opposition saw fit to make that allegation and he well knows that this is regarded as a very serious thing so far as a man in this place is concerned.

Mr Jamieson: So is what the Minister attempted to do to me.

Several members interjected.

The SPEAKER: Order!

Sir CHARLES COURT: The particular matter to which the Leader of the Opposition referred only emphasises the sterility of the argument from the other side and how deeply members opposite have had to go into that smut barrel to find something against a Minister or Ministers, because those particular people who made all those allegations at the time of the so-called Homeric dossier have all been discredited.

Mr Jamieson: Not on these features.

Sir CHARLES COURT: The fact is that successful action was taken—

Mr Jamieson: Not on these features.

Sir CHARLES COURT: —and those people would not have retreated as quickly as they did if they felt they had right on their side. The honourable member well knows, because of the personal interest he and his then leader took in my personal affairs at that time, what was in those papers and he should know, if he has any credibility or any sense, how shallow and corrupt in fact were some of the allegations. He would know also that one of the people who made the most serious allegation on which a part of the dossier was

based is now in Fremantle Prison for a very serious offence within his legal profession. He was one of the people who made a statement which was seized on and put into that series of defamatory articles. He in fact came crawling down to me in a matter of hours of its having been made public, asking to be forgiven and excused, saying he had been wrongly used because he never dreamed his name would be quoted in public. He said that I and my wife had bank accounts of some fantastic amounts in Hong Kong, Tokyo, and Zurich—or other places the exact details of which escape me. All the stuff produced by the Opposition goes back to the old dossier.

Mr Jamieson: No.

Sir CHARLES COURT: That is how far back they go. I want to say to the Leader of the Opposition that we had very good information that he and his colleagues were getting ready to build this up into something of a release just before the election.

Mr Jamieson: We were not. It was not until—

Sir CHARLES COURT: I have here a statement without any printer's name on it and without any authorisation at all on it, which is being distributed. It is well known to members on that side and they know the version which went out for the 1974 election. I must admit that the printing on this one is a little better as are the set-out and format.

All this stuff they are using in the motion is in this muck-raking rag which does not even have a printer's name or endorsement on it. One has the clear impression that the Labor Party, particularly the Opposition members of it, have some private eyes going around and, worse than that, apparently some people within the Government service who are prepared to demean themselves by being the spies and servants of some of the people over there.

Mr Bertram: That is supposition.

Sir CHARLES COURT: We have had one case of this about which the member for Ascot knows and about which he will hear more at an appropriate time. Tonight is not the appropriate time because it is not relevant to this motion. I just want to remind members opposite that people outside this place are not altogether stupid and they know how to view this muck-raking which is going on and the attempt which is being made to try to destroy people and denigrate a system. I also remind members opposite that they are part of the system they are trying to destroy. Some of the more militant and irresponsible ones, of course, believe that one of their aims in life is to destroy this very place.

Mr Jamieson: Trust you to be thinking that way. That shows how your mind works.

Several members interjected.

The SPEAKER: Order!

Sir CHARLES COURT: The Leader of the Opposition has been exposed tonight as have been the depths to which he has been prepared to go when he read out the document and misinterpreted it. He did not attempt to find out the truth. He felt that these were lovely words to read out, but he did not adopt the decent course of action and find out the true position as far as the share I had in Cherrita was concerned and the steps I took and the lengths to which I went to make sure I cut the knot completely and had no right of return whatever.

Several members interjected.

Mr Davies: Tell us how you cut the knot?

Sir CHARLES COURT: That does not mean anything to him; that spoils his story. Members opposite denigrate people and use anything crossing their path. I know what will occur in this town now after all this. Anyone with any rotten ideas will gravitate to one place—the Opposition—because it is known that they have people over there prepared to grab at anything, take it as fact, and use it, misuse it, and abuse it as the case may be and hopefully get some people in who will throw some more mud which they hope will stick.

I want to say on behalf of the Government that we reject completely the proposition of the Opposition. I just remind the House of the time when the member for Ascot abused the courtesy extended to him on the understanding that he wanted to make an explanation to the House.

Mr Bryce: If I abused it I learnt from you because on the 14th September—

Sir CHARLES COURT: I take exception to that because when I made my statement—and members can read it—on the 14th September, 1972, it was temperate and factual.

Mr Jamieson: It was not factual.

Sir CHARLES COURT: Any member with one share out of 25 000 cannot be accused as members opposite have accused me.

Several members interjected.

The SPEAKER: Order!

Sir CHARLES COURT: If members opposite, one of whom at least has a private company—

Mr Bertram: There is nothing wrong with that.

Sir CHARLES COURT: —do not understand the mechanism of private companies, they should not be sitting over there.

Several members interjected.

The SPEAKER: Order!

Sir CHARLES COURT: I do not propose to waste the time of the House on this motion. As far as we are concerned we reject it. We are told by the member for Morley about the disclosure of pecuniary interests.

Mr A. R. Tonkin: Listen to the hatred!

Mr Davies: Tell us how you cut the knot.

Several members interjected.

The SPEAKER: Order!

Sir CHARLES COURT: The member for Morley is the reason this Parliament has not got before it today—

Several members interjected.

Sir CHARLES COURT: The member for Morley is the sole reason this Parliament has not before it today a sensible, balanced approach to the question of the pecuniary interests. He insisted that the committee either—

Several members interjected.

The SPEAKER: Order!

Sir CHARLES COURT: He said that we either take his Bill or get nothing, and his Bill is based on the fact that if a person wants to be a member of Parliament he must be a no-hoper.

Mr A. R. Tonkin: Rubbish!

Mr Jamieson: No; you have to be honest.

Several members interjected.

The SPEAKER: Order!

Sir CHARLES COURT: I think we have seen enough of these members—

Mr Davies: Tell us how you cut the knot completely.

Sir CHARLES COURT: —over the last couple of weeks. They should be ashamed of themselves. I reject this motion completely.

MR CLARKO (Karrinyup) [2.42 a.m.]: I move—

That the House do now divide.

Motion put and a division taken with the following result—

Ayes—27

Mr Blaikie	Mr O'Connor
Sir Charles Court	Mr Old
Mr Cowan	Mr O'Neill
Mr Coyne	Mr Ridge
Mrs Craig	Mr Rushton
Mr Crane	Mr Shalders
Dr Dadour	Mr Sibson
Mr Grayden	Mr Sodeman
Mr Grewar	Mr Stephens
Mr P. V. Jones	Mr Thompson
Mr Laurance	Mr Tubby
Mr McPharlin	Mr Young
Mr Mensaros	Mr Clarko
Mr Nanovich	

(Teller)

Noes—21

Mr Barnett	Mr Harman
Mr Bateman	Mr Hartrey
Mr Bertram	Mr Jamieson
Mr Bryce	Mr T. H. Jones
Mr B. T. Burke	Mr May
Mr T. J. Burke	Mr Skidmore
Mr Carr	Mr Taylor
Mr Davies	Mr A. R. Tonkin
Mr H. D. Evans	Mr J. T. Tonkin
Mr T. D. Evans	Mr Moller
Mr Fletcher	

(Teller)

Pair

Aye	No
Mr Watt	Mr McIver

Motion thus passed.

Question put and a division taken with the following result—

Ayes—21

Mr Barnett	Mr Harman
Mr Bateman	Mr Hartrey
Mr Bertram	Mr Jamieson
Mr Bryce	Mr T. H. Jones
Mr B. T. Burke	Mr May
Mr T. J. Burke	Mr Skidmore
Mr Carr	Mr Taylor
Mr Davies	Mr A. R. Tonkin
Mr H. D. Evans	Mr J. T. Tonkin
Mr T. D. Evans	Mr Moiler
Mr Fletcher	

(Teller)

Noes—27

Mr Blaikie	Mr O'Connor
Sir Charles Court	Mr Old
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Mr Grewar	Mr Stephens
Mr P. V. Jones	Mr Thompson
Mr Laurance	Mr Tubby
Mr McPharlin	Mr Young
Mr Mensaros	Mr Clarko
Mr Nanovich	

(Teller)

Pair

No

Aye	Mr Watt
Mr McIver	

Question thus negatived.

Summoning of Witnesses to the Bar of the House: Motion

MR A. R. TONKIN (Morley) [2.47 a.m.]: Mr Speaker, I move without notice—

That so much of the Standing Orders be suspended so as to allow the calling to the Bar of the House as witnesses—

1. The Secretary of Cherrita Pty. Ltd.
2. The Managing Director of Hamersley Holdings.
3. The Chairman of Commissioners of the Rural and Industries Bank.
4. The Under Secretary for Works.
5. The Managing Director of Premier Motors Pty. Ltd.
6. Robert Mickle, civil servant.

In so moving, there is provision in our Standing Orders for their suspension at times of urgency. The Standing Order reads—

410. In cases of urgent necessity, any Standing Order or Orders of the House may be suspended on Motion duly made and seconded without notice provided that such Motion has the concurrence of an absolute majority of the whole Members of the Assembly.

We have seen our motion for a Royal Commission defeated. So we have no alternative other than to say we wish to indicate quite clearly to the House and to the people of Western Australia that we have substance in our allegations. We have indicated this tonight to some degree but we will be able to show it to an even greater degree when we call these witnesses to the Bar of the House.

The great difference in calling witnesses to the Bar of the House and to a Select Committee is that this is a public forum and it is consistent with our idea that these matters should be public. We prefer a Royal Commission consisting of two judges. However, that has been rejected by the Government. In that case, we are quite prepared to substantiate our allegations by calling to the Bar of the House witnesses who will show that our allegations have real substance.

We believe it is urgent for this reason: it seems the House may rise in a short time and the opportunity to call witnesses may conclude with this Parliament. For this reason we think it is a matter of great urgent necessity.

Speaker's Ruling

The SPEAKER: Order! I listened to the member for Morley to try to secure from him some reason why there is an urgent necessity for this motion, and I can see none. The matters about which he has spoken generally have been well aired in this Chamber over a long period of time and it would be farcical at this stage of the sitting when—although I cannot foresee the end of the Parliament—to all intents and purposes it appears the Parliament will be ending very soon, to call to the Bar of the House the gentlemen to whom the motion refers. I rule the motion out of order.

Dissent from Speaker's Ruling

Mr B. T. BURKE: I move—

That the House dissent from the Speaker's ruling.

Your ruling, Mr Speaker, is based on lack of urgent necessity inherent in the motion moved by the member for Morley, and it is not with a great deal of hope for success that I make this move. I merely dissent from your ruling to emphasise the strenuous efforts made by the Opposition to have called before the House people who can add substance to the substance which has already been laid before members.

We tried to table documents; we were refused. We tried to have the member for Ascot given an extension of time for his speech when he was explaining the substantiation of his allegations; again we were refused. We sought to have a Royal Commission; we were refused. We now seek to have witnesses called before the Bar of the House in the same tradition as that followed by Liberal Senators of the Federal Parliament; again we are unsuccessful in our move.

The Opposition has tried desperately to have called before this House witnesses who will give testimony and who will further support the statements and assertions made by the Opposition. Every time we have been foiled and every time we have been prevented from doing so.

I say in conclusion on my dissent from your ruling only that if there was ever urgent necessity about any motion surely that urgent necessity is now when the Parliament has only a few hours of its life to run, if indeed that long. If that is not a situation of urgent necessity, such a situation escapes me.

It is not with a great deal of hope for success that I make this move but to emphasise again the willingness of the Opposition to have called before this House testimony which will prove beyond doubt that a Royal Commission to inquire into these matters is not only necessary but also essential.

Motion (dissent for speaker's ruling) put and negatived.

LITERATURE BOOKS AT SCHOOL

Vetting by Responsible Officer: Motion

MR CRANE (Moore) [2.54 a.m.]: I regret it is so late but I wish to draw the attention of the House to the motion standing in my name on today's notice paper, and I promise I will not take 45 minutes. I move—

In the opinion of this House the Minister for Education should appoint an officer of his Department responsible only to the Minister to approve or reject any books recommended by the Syllabus Committee of the Tertiary Examinations Committee and the Board of Secondary Education for study in English expression used in all schools in Western Australia.

Such books to be approved not only to complement a balanced reading programme but also to be free of filthy and degrading expressions and so uphold and encourage high moral values in keeping with society's Christian concept of behaviour.

When speaking in this House about a fortnight ago I raised a matter which is causing grave concern in most of my electorate and in many parts of the State—I believe in more of Western Australia than we really appreciate. I refer of course to the matter raised by Mr S. M. Lewis of Bindi Bindi in regard to a book his 15-year-old daughter was forced to study while at a church college in Perth. The book is *A Salute to the Great McCarthy*.

After raising objections in the paper which was prepared by Mr Lewis, which I was not prepared to read out in this House—and which I would not read out in any event, nor would the words be able to be used on the notice paper because they are not parliamentary, but are able to be used by 15-year-old and 16-year-old girls—I find it necessary to move this motion in the hope that sanity will prevail and Parliament itself will take the necessary steps to return dignity to our schools and education system so that young people may be preserved until they are old enough to be able to cope with the pressures which are so prevalent in life today.

Quite a few arguments are raised against the claims I make. One of them of course is that these passages are quoted out of context. I challenge anyone in this House to stand up and tell me which one of these quotations would be better read in context.

Mr Davies: How old are the children who read it?

Mr CRANE: From 15 years onwards. I am sure the Government will support me in the action I am taking and I hope all members will do so.

To give some idea of what has happened since I raised this matter in the House the week before last, I have received letters from fairly prominent persons and I will read a short paragraph from one—

May I say how pleased I am to take note of your action reported in Saturday's "West" in relation to "Salute to the G.M."

There appears to be a madness of a sort affecting some of those in authority in the Education Dept., no doubt fostered by people of dubious intent.

The alarming increase in VD of younger ages should be enough to awaken the whole community to the cost of the sexual indoctrination (certainly not just education) program of many of our schools.

Today I received 30 telegrams along these lines—

Supporting your stand against filthy literature in schools.

Wholeheartedly support your stand against offensive and immoral literature in schools.

And so on. I have them here if anyone would like to read them. Is this not sufficient evidence of the number of people—the silent majority—who agree with what I am saying and doing in this place? I ask here tonight that we as a responsible Parliament deny the use of these books in the schools for the education of young people.

Obviously some of these books are written by authors who dip their pens in the sewer; people who are so low that they could sit on a bus ticket and dangle their legs. This is the sort of thing our children are receiving as education, and I believe in this place we have the responsibility to prevent it.

I invite the Premier and members of this House to get behind me in my effort to start "operation clean-up" in Western Australia, to keep this filth out of the schools. I invite members in another place to do likewise.

I commend this motion to the House. I know the hour is late and I promised my colleagues that I would not take up the time of the House as it has been taken up tonight. I know there is no need for

me to say any more and that any decent-minded citizen will support what I am trying to do.

Mr WATT: I second the motion.

SIR CHARLES COURT (Nedlands—Premier) [3.01 a.m.]: The honourable member feels very strongly about this matter, and I believe he is joined by many others. I must say that as I go through the country I receive many complaints about this sort of literature—not only about the literature but also about some of the subjects taught and the ways in which they are taught. It is to the credit of the parents in country areas that they seem to be closer to their schools, their children, and their children's studies, than is the situation in the city. Therefore, it seems to me that the degree of reaction is much stronger in the country than in the metropolitan area. That is the only reason I can put it down to. Perhaps it is a reflection on parents in the metropolitan area that they are not taking an interest in what is being taught to their children and the type of literature their children have access to, either as part of their official studies, or as part of their reading.

I must admit that some of the things brought to my notice have shocked me. These days one is inclined to take a slightly different attitude than one might have taken in earlier days.

Mr T. D. Evans: Who was the Minister who authorised the publication? How long has it been operating?

Sir CHARLES COURT: The Minister did not authorise the publication, but I will come back to that in a moment.

In my early days I was brought up in a very strict, almost Calvinistic family background. I do not think that did me any harm, but one has to realise that things change over the years. One becomes a little more tolerant to some of the things around today. However, I cannot imagine that such literature as the member complains of is in the interests of the children.

It is beyond me to say whether or not the honourable member's approach is a practical one. However, I assure him that I have asked for a full report on the total question—not just on this book, but on the whole issue—and this report will be presented to Cabinet at an early date. We can then study the report, and decide whether things have got out of hand or whether something is going on that should not be going on.

We have to admit that some people in the community seem to feel that this is the standard of literature and publication that we must have. I hope sincerely that we can clean out some of this filthy literature if it is still in the libraries and available readily to students.

On that note I advise the member concerned that it will not be possible to proceed with this motion to its conclusion.

However, I give him the assurance that the matter will be studied and a report made to Cabinet on the total question.

Debate adjourned, on motion by Mr Clarko.

BILLS (4): RETURNED

1. Appropriation Bill (General Loan Fund).
2. Superannuation and Family Benefits Act Amendment Bill.
3. Police Act Amendment Bill.
4. Road Traffic Act Amendment Bill (No. 3).

Bills returned from the Council without amendment.

CRIMINAL CODE AMENDMENT BILL (No. 3)

Council's Message

Message from the Council received and read notifying that it had agreed to the amendments made by the Assembly.

EVIDENCE ACT AMENDMENT BILL

Council's Message

Message from the Council received and read notifying that it had agreed to the amendment made by the Assembly.

CLOSE OF SESSION

Complimentary Remarks

SIR CHARLES COURT (Nedlands—Premier) [3.06 a.m.]: We have now come to the stage in the proceedings when the business to be transacted this session—apart from one message which I understand is to come from another place—has been completed.

I feel it is appropriate to refer to the fact that we have some members who will be retiring at the next election, and I refer particularly to the Hon. John Tonkin, and then to yourself, Mr Speaker—in order of parliamentary seniority—to Mr Harry Fletcher, and to Mr Tom Hartrey. I have purposely left out one other member whose future I am not certain of, as he could certainly be a candidate for the next election and I will not refer to his retirement at the moment.

On previous occasions we have paid our tributes to the Hon. John Tonkin for his record service and a remarkable period in Parliament which is without equal in Australia—not only as a private member but also as a Minister and holding the front bench positions which he has held in Opposition. Without doubt he is one of our most determined stayers—perhaps I should use the word “sitters” which is the more correct expression to use in Parliament.

I wish a few more people would adopt the habit from him because, as he knows from experience, one of the great problems as Premier is to look around and find that everyone has gone “walkabout”. I might add that some of the older brigade have

learned to take an interest in procedure. In fact, if I might proffer a bit of advice, it is amazing what members can learn just by sitting and listening. Often something learned comes in handy later on, and I think John Tonkin would be the first to agree with that sentiment. By sitting and listening one can see techniques applied; certain things happen, and it is amazing how much one remembers of what one hears. To the Hon. John Tonkin and to his wife we give our best wishes and our hope that they will have a happy retirement.

To you, Mr Speaker, I would like to pay a very special tribute. It has been my pleasure to work with you as a back-bench member in Opposition, as a Minister in Government, as a front bench member of an Opposition, and now to work under you as Speaker.

Your work at all times has been characterised by a great sincerity, a great dedication. You were a much greater Minister, in a very special way, than you might have realised. One can tell tales out of school at this stage, and I must say that I never knew a Minister in the whole of my experience who was so conscientious in his study of the total minutes coming to Cabinet. As a result you were able to make contributions which were very desirable and necessary because if a Minister is not challenged on his submissions, he can often become a little lax, a little complacent. I take this opportunity to pay tribute to you, Sir, not only on my own behalf but on behalf of other Ministers who served with you.

You were always a very tough member in Opposition. As Speaker, I think you reached the peak of your career. It has been a very difficult time for you, unnecessarily difficult, but that is a thing of the past. I would like to say that we on this side have admired the way you tried to hold those scales in some very trying and difficult situations. Had it not been for your great record as a sportsman, and knowing what it is to restrain oneself in a moment of crisis, I do not think you would have been able to see us through these difficult periods.

I want to say "thank you" on behalf of all of those who sit with me on the Government side. You can retire from your position knowing that you will remain in the hearts and minds of most members here as one of our great Speakers and as a person who always endeavoured to be fair and sensible in his approach—not too legalistic an approach. You have been able to do the "Nelson trick" on occasions. This is an attribute which very few Speakers learn, and we admire you for it.

For all of those things we say "thank you" and congratulate you. We extend good wishes also to your wife.

Of course there is only one Harry Fletcher. He came here full of enthusiasm. He had some ideas, and he was always decent, no matter how hard he may have fought on matters in the House.

Government members: Hear, hear!

Sir CHARLES COURT: It is an attribute one does not see enough of these days. To you, Harry, we want to say "thank you" and we also want to thank your wife who performs some wonderful public duties as well. We want to convey to you both our best wishes and thanks from the Parliament and from the community.

Members: Hear, hear!

Sir CHARLES COURT: I now come to Tom Hartrey. Of course, when he came to this place I knew a fair bit about him from the past. I thought that members were going to see a member the like of whom we had not seen before and may not see again. We would like him to know that not only has he improved our Latin, but also he has improved our knowledge of ancient and modern history. We have enjoyed very much his occasional sallies into the great traditions of this country of ours and the system under which we work and which he loves so dearly.

For all of this we say, "Thank you, Tom Hartrey." We wish him and his wife well in the years that lie ahead. No doubt we will see him about, but he will certainly be sleeping more orthodox hours in the future! I admire the way he has stuck to his duties and the approach he has taken to any matter which he believed might have affected the liberties of the public.

To my deputy I say a sincere "thank you". One could not be blessed with a more loyal, able, or understanding deputy than I have. He has always taken more than his share of the burden, and always without complaint. For that I am very grateful.

I must also thank the leader of the National Country Party. He has had his moments and his problems, but he has been a very fine member of Cabinet—very loyal, very willing, and anxious to help. He is a man blessed with a lot of common sense; he is not demonstrative but he gets on with the job quietly and well.

To my other ministerial colleagues and to back-bench members I say "thank you" for a job well done and for their support.

I want to say to the Leader of the Opposition, quite apart from the problems that have developed in this Parliament, I have always found him very co-operative on matters to do with procedures of the House. He has always taken a very realistic view in regard to the hours of sitting and the framing of the notice paper. On many occasions he has co-operated to enable us to achieve a degree of ultimate sanity in the way of getting through the notice paper. For that I am thankful.

To his colleagues I say that I hope they enjoy the festive season.

To the staff I say, "Thank you." Their task becomes more difficult as we have difficulties amongst ourselves. We have been blessed with some wonderful staff. We thought that we could not get along without Fred Islip, and then Joss Bartlett came along. We now have Bruce Okely with his assistants, and we have had the same continuity and the same wisdom, and for that we are thankful.

To *Hansard*: We are sorry we have worked you so hard, but we do appreciate the way that you turn out the weekly "miracle". We would like the Chief *Hansard* Reporter and his staff and indeed the Government Printer and staff to know we appreciate their work.

To Mr Edmondson, his wife and their staff we say, "Thank you" because they do their work unsung and often forgotten. However, somebody must be here to make sure the place is clean, that there is food, the bar is working, the flowers are right and the many thousands of demands members make are met promptly and courteously. To all of them, we give our thanks.

We do not forget the constable, of course. On behalf of my colleagues, I must say a few words of appreciation to the members of the Press. One must realise that what we read in the newspaper is not necessarily what they have sent down, so we must not always blame them for what we read in the newspapers; others have a go at it, and others print it. To the boys in the gallery we give our thanks for being part of the team which goes to make up this institution of Parliament.

I would be less than honest if I did not say that we have had some difficult times in this Parliament; but I sincerely hope we never forget this institution is something to which we are privileged to belong but which very easily can be destroyed and denigrated, and which is very hard to build up again. Many wonderful men and women have built it up over the years, so let us be conscious of the fact that it is our responsibility to keep Parliament in that way.

Christmas is almost upon us, so I take this opportunity of wishing everyone a merry Christmas and a good New Year. Some members will be here next year; others will not. As is usual, some new faces will appear, and the three-yearly grind will continue. I should like to wish everybody well and sincerely hope it will not only be a happy Christmas for them but will also be a healthy one.

[Applause.]

MR JAMIESON (Welshpool—Leader of the Opposition) [3.17 a.m.]: I should like to add to what the Premier has said. The approach of the festive season always is a

time when we are supposed to have goodwill and peace among all men and women, and we would hope some of the problems which have beset us in this Parliament are very soon forgotten. As the Premier mentioned, a number of my colleagues will not be here next year. I refer to the three members sitting in the back row; they have been very good sitters, as the Premier indicated. On behalf not only of the Labor Party in this Parliament but also of the general public I thank those members very much for the good work they have done since they have been members of this Parliament.

The member for Melville, of course, has written his place in the history books of this State. Probably, his record term as a member will never be exceeded because the tendency now is not to stay in Parliament nearly as long as in previous years. Perhaps the pension has been made a little more lucrative than it used to be, which encourages members to move away from the hard grind of Parliament.

Mr Speaker, I am sure you agree that it is a hard grind, but you are to move to greener pastures. No doubt you will be polishing up your old tennis racquet and trying to do your best in that regard. While on the matter of sport, I must thank you for your efforts on behalf of the parliamentary sports teams. There does not seem to have been a sport played over the years in which you were not involved and we are all grateful for the lead you have given in that regard.

I believe it is essential that we have more sporting fixtures between members; however, unfortunately, it has been noticeable that in recent years, there has been a falling off in the number of sporting fixtures arranged. This has done the Parliament no good at all; perhaps somebody in the future may encourage more activity in this regard. It enables members to meet socially and get to understand one another's characters more than is possible in the Chamber, where we are often throwing barbed wire at one another and not thinking of what is the real character behind the political figures opposite.

Some people take things more to heart than do others, and it is difficult to gain an understanding of a person's character unless one is able to meet him socially and in other places.

There are many people around Parliament House I would like to thank. I take the opportunity to thank members of the Joint House Committee. This committee is often criticised, but it is the hardest worked committee of the Parliament. It constantly meets and there always seems to be another problem to overcome. The committee seems to handle these problems quite well.

To the House staff, including the controller and the new officers who have taken over, I give our thanks. I am sure members

would join me in wishing them all the best for the festive season which approaches. The policeman has been mentioned. The many people of the Press have had to put up with us for long hours. They must stay while we remain in session and perhaps this year they have been subjected to more punishment than normally is meted out to them. I do thank them for their efforts and hope that during the course of the election campaign they do not get too hostile to either one side or the other; I am sure they will not.

Many things have occurred this year, and there have been many problems which have beset the Parliament. My colleague, the member for Perth, mentioned the other day that, unfortunately, the feeling of good fellowship has drifted, and this is a shame. I have my own ideas as to what has caused this, and it is not in the Chamber. Be that as it may, the Premier and I when dealing with matters of State or with activities related to the operation of the House are reasonably sensible human beings. Perhaps we are more sensible when we are not here; I do not know.

We get along reasonably well. As a matter of fact, we have been members for the same time and have seen a lot of members come and go. If after the next election the electors are generous, we may have to toss a coin to determine who is to be the father of the House.

As the Premier mentioned, some people will not be with us next year; they will be forcibly evicted. This could happen to members on either side of the House, so we should not get too excited about that. To those who have been here for a time and who find themselves out at the next election, I should like to say it has been good to be associated with you. We may have had our differences with some members, but this is part of human nature. In the main, we got along fairly well together and whatever their calling in life after the election, whether it be back in this place or in some other vocation, I take this opportunity to wish them well.

The future of the member for Clontarf is a little unsure at this time. We wish him well. Several times he has said farewell to us here, and we will miss him. He has been associated with the Parliament for a long time. It will be the first time in many years that the Arthur Wilson blood was not represented in the Parliament of Western Australia. Probably, the continuity of service of the one family is a record since the grandfather of the member for Clontarf represented Collie, followed by his father, and then Don May himself, who has been a member since his father left Parliament.

To those members who may be defeated we say, "Bad luck" and to those who will be with us next year, we hope it will be a better year. In the meantime, Mr Speaker,

I say to you, your staff, to those people who work around Parliament House and to members that I hope you have a very happy and festive season and a most prosperous New Year in whatever field of endeavour you may find yourselves.

[Applause].

MR OLD (Katanning—Minister for Agriculture) [3.25 a.m.]: I rise very briefly at this late hour on behalf of my colleagues of the National Country Party to add my felicitations to those already extended by the Premier and the Leader of the Opposition. I would like especially to offer my good wishes to those retiring members—especially the member for Melville (Mr J. T. Tonkin) who has given very long service to this Parliament. As the Premier mentioned, we have previously paid tribute to him, and I would like to reiterate the great respect we have for him, and to wish him well in his retirement. The same sentiments apply to the member for Fremantle (Mr Fletcher). We are going to miss greatly the wit and entertainment of the member for Boulder-Dundas (Mr Hartrey) and his very good sense.

To you, Mr Speaker, I would like, as one who has not been here very long, to pay a very special tribute for your patience and understanding and the magnificent job you have done as the Speaker of this House. I can assure you it has been appreciated by myself and my colleagues.

To the staff, both clerical and House, I express our very sincere appreciation. I also thank the constable who looks after the law and order upstairs. I will not labour the evening any longer, because I feel that perhaps there may be a little socialising ahead. Mr Speaker, I conclude by saying how deeply we appreciate the fact that you have been so very good to us and to say to those retiring members, "Farewell". Hopefully we will see many familiar faces here next year.

[Applause].

MR J. T. TONKIN (Melville) [3.27 a.m.]: This being the last time I shall sit in the Parliament as a member, in the circumstances I would have given expression to some ideas which I would like to leave with members, but, having regard to the length of time we have been here, I shall refrain from doing so.

However, there are some things I feel I must say. Firstly, it has been a very great privilege and indeed honour for me to have been a member continuously in the Western Australian Parliament. I am grateful to the electors to whom I have appealed from time to time for their continued confidence in me and for returning me as their member. It has been my experience ever since I set foot in the Parliament to have had very friendly co-operation with those who work around the

place, and from the members of Parliament on both sides of the House with whom I have been associated.

I could not have enjoyed a happier relationship than I have had, which is something for which I am very grateful indeed. Whenever I have had occasion to ask the assistance of any officer of the Parliament, and wherever he or she might have been engaged, that assistance has been readily given without complaint, and I have been most appreciative of the way in which the various people have done their best to meet my requirements from time to time. It is a great joy to be able to feel one has the friendship of so many of the people with whom one has been associated over a very long period.

I am grateful to the Premier for the remarks he has seen fit to make, to the Leader of the Opposition, and to the Leader of the National Country Party. I am a person who appreciates sentiments which I feel are expressed sincerely, and I am very grateful to know that I have earned the good opinion of so many people.

It has, indeed, been a tremendous experience. I have never regretted entering Parliament as a member. There were times when I was fed up with what went on, but generally I have enjoyed the opportunities which membership has afforded me.

Although I have no regrets at coming into Parliament, I have none in leaving it, because I have had my fill. I have experienced all sorts of situations. I believed the day might come when sittings of Parliament would not extend into the early hours of the next day, but I have come to the conclusion that late sittings will continue to occur as long as Parliament is in existence. So, any member who feels that some time in the future he will be able to get away before midnight can disabuse his mind of that idea, because it will not happen.

I would like to take this opportunity of expressing to you, Mr Speaker, the very best wishes on your retirement. You have earned a happy retirement. I wish you good health and the opportunity to enjoy it for a very long time. I have said on previous occasions that you have been very tolerant and acted fairly, and I have no reason to change my opinion. I thank you for the attitude you have adopted.

To my colleagues, Harry Fletcher and Tom Hartrey, who are leaving this Parliament in the same way as I am, I also extend my best wishes for their good health and long life.

I am very grateful to the *Hansard* reporters who seem to do a very good job with what I say. I do not have to make very many corrections and never have had to at any time. I think they do an excellent job, sometimes under very trying and

difficult circumstances. They are entitled to the appreciation of all members, because they endeavour to have printed, as near as it is humanly possible to do so, what a member says. I myself have had the greatest difficulty sometimes in knowing what some members have been saying. I thought that might come about because of the idea on the part of some members that they have to talk as fast as possible in order to get as many words in as they can within the allotted time. I think it is worth while to say less, but to say it in a way which can be understood and taken down. Very great benefits will flow from speeches made in this way.

I would also say that I have had, in all the circumstances which exist, reasonable treatment from the Press. There were times when I considered the Press was rather biased, but in the very nature of things that is understandable and I do not complain. As a matter of fact I think I can say that I have not complained about anything to anybody. I simply say to myself it is one of the things which I have to accept, I have to do the best I can with it, and hope that conditions will improve later on. Quite often they do.

Although I have no regrets at leaving Parliament—and I repeat that statement—doubtless I shall miss the opportunities which are available in the cut and thrust of debate, and in the pitting of one's wits against the wits of another. However, I will say this: We live in a democracy; and if we depart from that we will have a dictatorship. God forbid that should happen in Australia!

If we wish to preserve a democracy we have to build up the prestige of democratic institutions, and build up the confidence of the people in those institutions so that they will want to retain them, and therefore assist the members of Parliament to discharge in a better manner the obligation which they undoubtedly have to the constituents who elected them to Parliament.

It is a tremendous privilege to be elected as a member of this place, to speak and act on behalf of large numbers of people who desire good government, good understanding, and an improvement of the conditions under which they live. In fact, we have that responsibility, and I think we should be grateful for it. We should appreciate very much the confidence which is reposed in us from time to time.

For me this departure from Parliament on this occasion is different from all other occasions. I have spoken of this on a number of occasions, always hoping and expecting that after an election I would be back. This time I have no such worry. It is inevitable that no Parliament can come back precisely in the way it finished up. There will be new members, and sometimes many new members; but that is the nature of the game. It is a risk that a member takes.

In conclusion I would like to say that the most priceless possession is good health, because irrespective of what happens in elections or in one's profession, if one does not have good health life can be very difficult.

To my own colleagues to whom I am very grateful for their forbearance and understanding over many years, and to the members of the Government I express the desire that they will all enjoy and continue to enjoy very good health indeed, so that whether they are in Parliament or outside Parliament they will be able to look back on their experience in Parliament and be grateful for the opportunity which the people gave them to be elected to this place as their representatives.

So, Mr Speaker, to you and everybody else I extend my very best wishes and grateful thanks.

[Loud applause.]

MR FLETCHER (Fremantle) [3.38 a.m.]: I would be pleased to sit down to give you, Mr Speaker, precedence over myself. I do not know the Standing Order which gives me the opportunity of saying goodbye to all in this House. I would prefer to say *au revoir* to one and all, because I shall be back from time to time to see members and the staff of Parliament.

One question of privilege arises. I am grateful for the opportunity which allows me to spend a few minutes to address the House, and in particular to thank the Premier for the kind words he spoke about my wife and me. Between us we do play a little part in the affairs of Fremantle.

To my colleague on my left, the member for Melville, I say that he will leave in this Parliament a greater vacuum than I will. I wish him good health and the good wishes that he extended to me.

Together with the member for Boulder-Dundas we have a rather formidable back bench, although the honourable member may not be as quiet as we are. Even though he has been in this Parliament one-seventh of the time of the member for Melville, he has been of great assistance to both sides, in and out of the House. That effort is appreciated very much.

I am leaving this Parliament in good company with my two colleagues and with yourself, Mr Speaker. I endorse everything the member for Melville has said about your occupancy of the Chair, and the difficult situation in which you were placed from time to time.

I have enjoyed the company of my colleagues and members on the other side of the House, because I consider I have friends on both sides. As far as this side of the House is concerned my departure is like leaving the members of one's family to manage on their own. No doubt they will be quite capable of doing that. They were capable of doing that before

I was elected, and no doubt they will also be capable of doing that after I leave this place.

In my term I strained the tolerance of five Speakers, and I wore out four of them, and to a lesser extent I have worn you out, Sir. I have of late left the asking of questions and the talking to other members on this side of the House. The shadow Ministers have asked the questions and have done the talking. In my term as a member of 18 years, the party to which I belong has been in Government for only three of those years. I am not being provocative when I say there was at that time an alternative Government in the other place. So we as the Government did not achieve all the things I would have liked to see achieved; we did not get the opportunity, and that other place still exists. As the Premier said, when I came here I was determined to shift it. I accept the inevitable—that it will still exist when I am elsewhere, unless Guy Fawkes or someone higher up decides to shift it.

I would have liked to attain ministerial status for the sake of Fremantle and my family, but the competition was keen and I was 12 years older after the 12-year term of the Brand Government. My peers did select a good Ministry and a good Government.

I look around the Chamber and find that I am one of the remaining three of the 1959 intake. Of those who were elected when I came in, only Des O'Neil and Ray O'Connor are left. They are a good team, and it is good to see them both here. However, we are not as youthful in appearance as we were at that time!

As far as my electorate is concerned I have attracted increasing support. I have been opposed every three years, and I have a suspicion of the reason. It is a democratic process and also a barometer as to whether or not my stewardship has been accepted. I thank the people of Fremantle for the support they have given me. They are wonderful people, and it has been my privilege to serve them.

I will say this: I have had greater satisfaction to serve them in Fremantle than here. There are city councillors in Fremantle who can look around the city and see more tangible things they have achieved than I have achieved in this House.

I have talked and I believe I have won arguments, but lost the vote. Sometimes I assess, particularly lately, what I have achieved. I consider that I have created employment in the past for the *Hansard* staff to a considerable extent, and to the Government Printing Office, even though the volumes were placed on the shelves.

What I have had to say is on record for posterity. I would also like to pay a tribute to the Public Service which has been of such great help to me in my electorate. I have known times when I

have considered a problem to be insoluble, but I have always been able to find a capable and efficient public servant who was able to help me and get me off the hook. I am sure that other members realise the worth of the Public Service.

The Ministers have helped me considerably over the years, and I thank them for that assistance. Whenever I have written to a Minister, I have invariably received a reply or early satisfaction.

To the *Hansard* staff—as the honourable John has said—I say thank you for making sense out of some nonsense. The *Hansard* staff has been very good to me in the reporting of my speeches.

I also thank the controller of the House, and his staff. They have been the epitome of efficiency as far as I am concerned. No matter what I have asked for, I have received satisfaction.

I do not think I have overlooked anybody, but as did the honourable John, I wish everybody the best of health because I could not wish them anything better.

To Don May, who will leave this place in a very sad manner, I wish the very best. I do not know where he intends to go, but no position will be too good for him. I am grateful for the opportunity to be able to make these few remarks.

I did not know I would be offered the privilege of being able to speak tonight, otherwise I would have done greater justice to my speech. However, I wish all members and others well and thank them for treating me in such a pleasant manner over the years.

[Applause.]

MR HARTREY (Boulder-Dundas) [3.47 a.m.]: Mr Speaker, the Premier, and colleagues from both sides of the House—particularly including our very good slave: It has been a pleasure in many ways to be a member of this House for the period of six years. In the presence of men who have been here for over 40 years—and quite a number who have been here for over 20 years—I find it hard to realise that although I am the oldest person present in age, in seniority I am one of the youngest.

I do not know under what Standing Order I have a right to speak tonight, but perhaps it is because I have my "marching orders". I am very grateful for the remarks of the Premier and my colleagues, and I am particularly grateful to you, Sir, for the very impartial and very patient way in which you have handled debates in which I have taken part on many occasions.

I say in all sincerity, Mr Speaker, that many of my colleagues on this side of the House—including the most experienced in the House—have said to me repeatedly that although they have sat under many Speakers you have been the most efficient

and most impartial of them all. When I mentioned this matter to a comparatively newcomer to this place he said he agreed wholeheartedly. Those are the feelings from this side of the House.

You have not had an easy task but you have a remarkable patience and impartiality, and ability. One does have to have a fair mind, and a judicial mind to undertake your job. I am sure you would have been a great asset to the Bar had you devoted yourself to that profession, and I am sure you would have achieved the position of a Supreme Court judge.

I do not think it is necessary for me to say any more. I suppose I could go through the entire staff and thank everybody in turn, but I have not been in Parliament long enough to know who to thank. I thank everybody, in particular the members for their personal friendship to me. Wherever it has been possible I have reciprocated, sometimes in a practical way.

To all members, I say thank you very much indeed. I have thoroughly enjoyed my six years in this place. I came in at an advanced age and I go out somewhat more advanced. I have certainly spent some of the happiest years of my life here. I think it has been an honour to be a member and I particularly appreciate the fact that I was elected to represent the town where I was born. The people have always been my friends, and I have appreciated their support. Thank you very much; I am sorry to leave and may God bless you all.

[Applause.]

THE SPEAKER (Mr Hutchinson): It seems somewhat inconveniently rude to bring into this warm felicitous session business of the House. Unfortunately, I must read a message.

LOAN BILL

Returned

Bill returned from the Council without amendment.

Close of Session: Complimentary Remarks—Resumed

THE SPEAKER: It seems quite unreal for me to be standing here making my final speech in this Parliament. I can hardly believe the time has arrived; as the weeks stretched out I felt the session would go on and on forever. However, all things pass; so passes this Parliament.

I would like to say how deeply touched I am by the kind remarks which have been made about me in my situation as Speaker in this House. I very much appreciate them. I think they have been more than kind.

I want to thank all the staff of Parliament—of both Houses—and in particular I want to thank the table officers who sit below me. I also particularly thank the staff of the Legislative Assembly, one of

whom, Jim Green, is very seriously ill in hospital. I am sure we all wish him a speedy recovery.

The staff of the Legislative Assembly is a loyal group, and is most helpful and hard-working, not only to me as Speaker but to all members. They have discharged their duties and responsibilities in a notable fashion.

I, too, want to thank all the other people who have assisted us in various ways—including the policeman who has guarded us throughout our deliberations. I would also like to thank the Press, and in thanking them I sometimes wonder how they feel when they look down into this cockpit of ours. I wonder how their minds hinge on our behaviour.

I would especially thank my secretary, Miss Pick, who has been of tremendous assistance to me. I extend my thanks for the kindness and courtesy extended to me from each side of this House. My good wishes go to all of those about whom I have been speaking for a happy and enjoyable festive season—which is getting remarkably close.

I especially wish my colleagues, who will leave this place at the same time as I do, a long and happy life in their retirement. I wish them well in this challenging world which they will have to face.

It is certainly not in mortals to command success, but I have endeavoured to follow the paths of my predecessors over the past years—in this State for 85 or 86 years—and my predecessors in the House of Commons—over the centuries. All those Speakers have tried to keep and hold the form of Parliament. They have tried to keep alive the very essence of parliamentary democracy.

I feel very much that perhaps because the standard of debate has not been what it was, that I have not accomplished all that I should have done, and I regret that. It could be said in this place that Parliament is under public criticism and attack because of our conduct here, and, indeed, in other Parliaments of Australia. However, if that is so the fault is largely ours. Parliamentarians should look at their conduct in this place. We all should have a much greater understanding and regard for Standing Orders which give us the distilled wisdom of centuries of parliamentary behaviour. Lax parliamentary behaviour can only lead to legitimate criticism.

We should all try to follow the best parliamentary behaviour, which is gentlemanly behaviour. We will then be better fitted for our jobs, and there will be a better spirit in this place. Personally, I have the greatest faith in our parliamentary democracy.

I see a tremendous future for this Parliament. I am not so dismayed with some of the instances which have occurred because I believe that at times feelings do

get out of hand, and there are occasions when members are overcome by those feelings. However, there always should be a quick response to the call for order by the Speaker.

I trust that Speakers in the future in this place will be accorded the greatest status and respect. I would like to think that the House will entertain ideas of trying to protect Speakers against having to perform duties which they should not have to perform. I am thinking in particular of the occasions when there will be an equality of votes on the floor of the House and a Speaker will be in the situation of having to decide all issues. Such a situation would be a very difficult one for the incumbent.

Perhaps this House might work out a different system whereby the Speaker in such a circumstance would not have to vote, say, in the Committee stage and thus be drawn into the Chamber on those occasions. Perhaps we might be able to come to some reasonable and sensible conclusion as to his situation and status. I do not think it would be difficult.

I believe that still to an extraordinary and critical degree the Australian way of life depends upon how we in this place behave. The people still like to stay closely in touch, and it is they who must throughout the years to come still choose the Government of their own. What is their choice is the will of the people.

Finally—and I am sorry to have spoken so long—I would like to say, as other speakers have said, that I have no regrets about retiring. However, I wish to pay tribute to the way of life which has enabled me to serve my country and my State.

[Applause.]

ADJOURNMENT OF THE HOUSE: SPECIAL

SIR CHARLES COURT (Nedlands—Premier) [4.02 a.m.]: Earlier in my remarks I did not refer specifically to the member for Clontarf. I think members will recall he was not in the Chamber at the time, and I was not quite sure of his proposed status after this session. However, I would like him to know our best wishes go with him, regardless of whatever his final decision may be. He has always been a person of honour and one who is a credit to his family as well as to himself in the Parliament.

I move—

That the House at its rising adjourn until a date and hour to be fixed by Mr Speaker.

Question put and passed.

House adjourned at 4.03 a.m. (Wednesday).