

Indeed, that seems to be borne out by the fact the member for South Perth has brought the matter to this House, because he feels that there is more than a reasonable case to be answered. This is the place that can do what we have always been told it can do. We have been told it is a court of appeal and there are practically no restrictions on what can be brought before the House. Here every case will be considered on its merits and justice will be done. Every word that has been spoken along those lines; every word about democracy; every word about justice; every word about the rights of the individual, becomes so much verbal sewage and is not worth a spent breath if the House defeats this motion.

I say this because it is the one opportunity, on the best case that has been presented here for years, to show that this is indeed a democratic institution. It is only because I feel the case need not have come to this House if we had an ombudsman to investigate it, that I am supporting the motion tonight. I will not delay the House by going over the arguments advanced already, except to say that the new evidence has not been considered by a court of marine inquiry and that is the only court that is competent to consider it.

The Minister has given the new evidence consideration, but I cannot help but feel that his advice would be biased in some directions, and it would be better for an independent body to consider the matter. I certainly support the motion.

MR. GAYFER (Avon) [10.40 p.m.]: I wish to add a few brief words to the matter before the House. I submit that the very fact that new evidence has been admitted makes me believe that this case should be reheard. I claim that new evidence has been admitted by the words of the Minister for Works when he said that Mr. Page is eligible subject to the Minister's consent to be granted a ticket for craft over 300 tons.

My simple logic of this fact is that if Mr. Page is guilty of some previous crime in connection with the handling of craft where lives were at stake, then he should not be granted any from of ticket where other lives might be at stake.

I think, simply, that he must be given a chance, and this is his desire, to prove at all times that he is innocent of the crime which he is said to have committed. One cannot expect a person to be granted a license no matter how large or how small the craft, if this would mean endangering the lives of passengers that might be carried on such craft. Subject to the Minister's consent he could be granted a ticket for a craft weighing over 300 tons, even though his previous conviction was for a crime in connection with a craft of a lesser tonnage.

In the circumstances I think it is only fair to the man and the public that his case should be reheard. Accordingly I support the motion before the House.

Debate adjourned, on motion by Mr. Williams.

BILLS (4): RETURNED

1. Land Act Amendment Bill, 1969.
2. Stock Diseases (Regulations) Act Amendment Bill.
3. Co-operative and Provident Societies Act Amendment Bill.
4. Noxious Weeds Act Amendment Bill. Bills returned from the Council without amendment.

ADJOURNMENT OF THE HOUSE: SPECIAL

MR. COURT (Nedlands—Minister for Industrial Development) [10.43 p.m.]: I move—

That the House at its rising adjourn until Tuesday, the 6th May, at 2.15 p.m.

Question put and passed.

House adjourned at 10.44 p.m.

Legislative Council

Tuesday, the 6th May, 1969

The **PRESIDENT** (The Hon. L. C. Diver) took the Chair at 4.30 p.m., and read prayers.

QUESTIONS (4): WITHOUT NOTICE TOWN OF BOULDER: ABOLITION

Tabling of Papers

1. The Hon. R. H. C. STUBBS asked the Minister for Local Government:

Will he table all papers relative to the proposed absorption of the Boulder Town Council by the Kalgoorlie Shire Council?

The Hon. L. A. LOGAN replied:

No. Action in respect of these two municipal districts has not been finalised, and the papers are therefore still in use; but the recommendation of the Boundaries Commission for the abolition of the district of the Town of Boulder and the dissolution of the council is proposed to be effected as from the 1st July, 1969. The area will be included in the district of the Kalgoorlie Shire.

JUNE SITTING OF PARLIAMENT Date of Commencement

2. The Hon. W. F. WILLESEE asked the Minister for Mines:

Can he advise us whether the date has been fixed for the commencement of the special session in June?

The Hon. A. F. GRIFFITH replied:

Yes. The Legislative Assembly will sit at 11 a.m. on the 17th June. As this House will have nothing before it until it receives the Bills which are to be dealt with, I do not propose this House should sit until the following day. I will therefore ask for an adjournment of this House until the 18th June, at 2.30 p.m. That will allow a day and a half for the Assembly's consideration of the two Bills Parliament is being called together to consider further.

Items to be Considered

3. The Hon. W. F. WILLESEE asked the Minister for Mines:

It has just occurred to me that the Minister might be able to help me concerning the notice paper of the Assembly. Whilst we appreciate that Orders of the Day Nos. 11 and 12—the Main Roads Act Amendment Bill and the Traffic Act Amendment Bill (No. 2), 1969—are of major consequence, could he advise whether Orders of the Day Nos. 13 and 14—State Forests and the Innkeepers Bill—will also be considered during that part of the session? Those items are still on the notice paper of the Assembly.

The Hon. A. F. GRIFFITH replied:

It will be appreciated that I cannot speak for the Legislative Assembly. I used to be able to have something to say down there once, but that was a long time ago.

The Hon. F. J. S. Wise: Quite a lot to say!

The Hon. H. C. Strickland: Too much!

The Hon. W. F. Willesee: Possibly, too much.

The Hon. A. F. GRIFFITH: Members are helping me with the answer to this question, I am sure!

The Hon. W. F. Willesee: We are giving you time.

The Hon. A. F. GRIFFITH: The two items to be dealt with on the 17th June are Orders of the Day Nos. 11 and 12 on the Assembly's notice paper. These are the Main Roads Act Amendment Bill and the Traffic Act Amendment Bill (No. 2), 1969. Order of the Day No. 13, which concerns State Forests, will not be proceeded with.

With regard to Order of the Day No. 14, which is the Innkeepers Bill, although this was on the notice paper for many weeks, I was acquainted only last week with the fact that a member of the Legislative Assembly desired to move

some amendments to it. Therefore I thought the best thing to say to him, which I did verbally, was that I would get the Minister for Industrial Development, who represents me in the Legislative Assembly, to leave that Bill on the notice paper until the special sitting which we now know will be on the 17th June. In those circumstances I will have time to consider the amendments of which the honourable member has given me notice.

In respect of the other items on the notice paper of the other place, they are all motions which will not reach this House. I think that clears up the situation.

The Hon. W. F. Willesee: Thank you.

CITY BRAWL

Court Penalty

4. The Hon. R. H. C. STUBBS (for The Hon. F. R. H. Lavery) asked the Minister for Justice:

(1) Has the Minister read a report on page 2 of *The West Australian* of Monday, the 5th May, headed "Ten Hurt in City Brawl," in which it is stated that certain people received severe physical injuries, also that two of the defendants were fined \$10 each in the Perth Police Court for offensive conduct?

(2) Will the Minister for Justice agree that lenient fines of this nature will not in any way decrease hooliganism?

(3) How can the police special patrol achieve any success if it is not to receive support from the courts?

The Hon. A. F. GRIFFITH replied:

I received some notice of this question this morning, for which I thank the honourable member. The answer is as follows:—

(1) Yes.

(2) Section 54 of the Police Act provides for a penalty for this offence of not more than \$100 or imprisonment for a term not exceeding six months or to both fine and imprisonment. Any penalty imposed is one for decision by the presiding magistrate, who is aware of all the facts and circumstances of the case.

(3) Answered by (2).

LAKE LEFROY (COOLGARDIE- ESPERANCE WHARF) RAILWAY BILL

Third Reading

Bill read a third time, on motion by The Hon. A. F. Griffith (Minister for Mines), and passed.

UNIVERSITY OF WESTERN AUSTRALIA ACT AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by The Hon. J. Dolan, read a first time.

Second Reading

THE HON. J. DOLAN (South-East Metropolitan) [4.44 p.m.]: I move—

That the Bill be now read a second time.

The principal purpose in introducing this amending legislation is to increase the numerical strength of the University Senate from 21 to 22 by the inclusion—with voting rights—of the President of the Guild of Undergraduates.

The original University of Western Australia Act, which was assented to on the 16th February, 1911, provided that the Senate should consist of 18 persons. This number was increased to 21 members—the present strength—in 1944.

It is desirable to point out that even with an increase to 22 members the Senate in Western Australia would still have the lowest number in Australia. A comparison shows that—

Flinders University has 27 members.

La Trobe University has 29 members.

Queensland University has 33 members.

Melbourne University has 36 members.

Monash University has 36 members.

New South Wales University has 40 members.

The Hon. L. A. Logan: How is this percentage-wise to the numbers attending the University?

The Hon. J. DOLAN: Overall, I do not think there would be much difference. Since 1931 the President of the Guild of Undergraduates—on the recommendation of Emeritus Professor Sir Walter Murdoch—has been on the Senate as an observer without voting rights. It is interesting to note that the representative of the undergraduates in 1931 was the former Governor of the Commonwealth Bank—Dr. H. C. Coombs—and that the high standard of representation has been maintained to the present.

This Bill has received the support of the Government, in another place, and is a recognition of the desirability for approximately 7,000 students at the University of Western Australia to have a voice in the deliberations of the governing body. The Senate itself is in accord with the proposed amendment.

I commend the Bill to members.

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [4.46 p.m.]: The Government is prepared to support the Bill. It has passed through

the Legislative Assembly, and although presented to this House in slightly different form—the form in which Mr. Dolan has presented the Bill—it is acceptable to the Government.

As explained by Mr. Dolan, the purpose of this Bill is to enable the President of the Guild of Undergraduates, *ex officio*, to sit on the Senate of the University of Western Australia. The parent Act established the University in 1911, consisting of a Senate, Convocation, and graduate and undergraduate members.

The original Act made provision for a Senate consisting of 18 persons, and the first members were appointed by the Governor. The powers of the Senate are defined in section 13 of the Act, and as amended from time to time. An important amending Act was passed in 1929 dealing with the making of by-laws.

The Senate is responsible for the “entire control and management of the affairs and concerns of the University and has the control and management of all real and personal property at any time vested in or acquired by the University.” It will be readily appreciated therefore that membership of the University Senate entails the assumption of a great deal of responsibility and must be wisely chosen.

In 1944, the membership of the Senate was increased from 18 to 21. Six of these members are elected by the Governor, six by Convocation, and two professors or lecturers are elected by the persons holding the varied salaried offices in the University. The Under Treasurer, the Director-General of Education and the Vice Chancellor, are all members *ex officio*.

Of the remaining four members who are selected and co-opted by the other members of the Senate, one is required to be a person who served during the 1914-18 War, or in the later World War, and two are required to be members of the Convocation.

It is intended now to increase the number of *ex-officio* members from three to four, by bringing in the President of the Guild of Undergraduates. The guild was established under the parent Act as an organised association for the purpose of furthering the common interests of the undergraduates enrolled at the University. This organisation has subsisted as the recognised means of communication between the undergraduates and the governing body of the University—the Senate.

The guild, which is the centre of the corporate life of the students, has assumed in the course of its life a number of important functions, some involving not inconsiderable financial obligations, which are being carried out very satisfactorily. In due course of time, it became apparent that the members of this organisation in committee or council, should not become individually and personally responsible

for liabilities incurred on behalf of the guild. Accordingly, the guild was made an incorporated body by Act No. 40 of 1947. This Act also empowered the Senate to make statutes or regulations in respect of the Guild of Undergraduates concerning conditions of membership, additional powers, authorities and obligations of the guild, and the custody of the common seal. The Act gave the guild, in effect, the position of a corporate body and conferred on the Senate, as the governing body of the University, power to make the necessary regulations defining the powers, liabilities, and duties of the guild as a corporate body.

The guild is to be commended for the responsibilities it has already assumed in the interests of the life of the students and in providing those services so important in the work of University students.

The constitution of the Senate has been under review, and the Government had contemplated introducing amendments to the University of Western Australia Act next session. However, this Bill is now presented to us by a private member in another place and by Mr. Dolan in this House, and there seems to be no purpose in doing other than support the measure. Therefore, I thank Mr. Dolan for its introduction and support it accordingly.

THE HON. J. DOLAN (South-East Metropolitan) [4.51 p.m.]: I thank the Minister for his support of the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by The Hon. J. Dolan, and passed.

TRAFFIC ACT AMENDMENT BILL, 1969

Assembly's Message

Message from the Assembly received and read notifying that it had agreed to the amendment made by the Council.

ADJOURNMENT OF THE HOUSE: SPECIAL

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [4.54 p.m.]: That concludes the business of this House for the second portion of the first session—I think that is correctly stated—and we are to have the third portion of the first session in about a month's time. I therefore move—

That the House at its rising adjourn until Wednesday, the 18th June, at 2.30 p.m.

Question put and passed.

House adjourned at 4.55 p.m.

Legislative Assembly

Tuesday, the 6th May, 1969

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

TERMINATION OF PREGNANCY BILL

Council's Message

Message from the Council received and read requesting to be given a reason for the rejection by the Legislative Assembly of the Termination of Pregnancy Bill.

Statement by the Speaker

THE SPEAKER [2.17 p.m.]: I should explain for the benefit of members that this is the first occasion when such a message has been sent to the Legislative Council. The simple reason is that we amended our Standing Orders in 1967 and a provision was inserted in Standing Order 311 to inform the Council when a Bill was rejected and the words used are, "rejected same."

Prior to 1967, under the old Standing Order 312, there was no requirement at all to advise the Legislative Council that a Bill had failed to pass in this Chamber. It was considered by the Standing Orders Committee that this was discourteous, and also unsatisfactory. In consequence, the amendment to Standing Order 311 was approved by this House and incorporated, and that is the reason why a message was sent.

There is certainly no procedure in Standing Orders for us to give any reason, and members would appreciate the many instances where a Bill was defeated at the second reading stage when it would be quite impossible to give a reason.

QUESTIONS (8): ON NOTICE

PETROLEUM (SUBMERGED LANDS) ACT

Minister's Authority: Delegation

1. Mr. **JAMIESON** asked the Minister representing the Minister for Mines:

- (1) Has he delegated any power or authority held by him as the designated authority appointed under the Petroleum (Submerged Lands) Act, 1967-68?
- (2) If so, what power and authority, and to whom has such power or authority been delegated?

Mr. **BOVELL** replied:

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