

head from certain quarters as, I suppose, it will on other members. I felt, however, that it was a duty which had to be done. I compliment members for the manner in which they have debated the measure and for the way they have conducted themselves during the debate.

It was pleasing to find that no one member tried to push his ideas down anybody else's throat. The attitude of members during the debate has, I am sure, gained for the House a great deal of respect.

As I said when I introduced the measure—and I repeat now—all the Bill seeks to do is to help clarify the law in relation to abortion in this State. I thank members for the manner in which the debate has been conducted and I commend the Bill to the House.

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

## Ayes—14

Mr. Bickerton	Mr. Jamleson
Mr. Burt	Mr. W. A. Manning
Mr. Cralg	Mr. McPharlin
Mr. Fletcher	Mr. Mensaros
Mr. Gayler	Mr. O'Neill
Mr. Graham	Mr. Williams
Mr. Hutchinson	Mr. Davies

(Teller)

## Noes—31

Mr. Bateman	Mr. May
Mr. Bertram	Mr. McIver
Mr. Bovell	Mr. Mitchell
Mr. Brady	Mr. Moir
Mr. Burke	Mr. Nalder
Mr. Cash	Mr. Norton
Mr. Court	Mr. O'Connor
Mr. Dunn	Mr. Ridge
Mr. T. D. Evans	Mr. Runciman
Mr. Grayden	Mr. Rushton
Mr. Harman	Mr. Sewell
Dr. Henn	Mr. Stewart
Mr. Jones	Mr. Toms
Mr. Kitney	Mr. Young
Mr. Lapham	Mr. I. W. Manning
Mr. Lewis	

(Teller)

Question thus negatived.

Bill defeated.

House adjourned at 12.36 a.m. (Thursday).

## Legislative Council

Thursday, the 14th May, 1970

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

### QUESTION WITHOUT NOTICE

#### ROADS

#### *Albany Highway and Shepperton Road*

The Hon. J. DOLAN, to the Minister for Mines:

As Albany Highway and Shepperton Road are priority roads, what additional traffic lights,

overways, and crosswalks are proposed in the long term—

- (a) On Albany Highway from the Causeway to Armadale;
- (b) Shepperton Road from Harper Street to Welshpool Road.

The Hon. A. F. GRIFFITH replied:

The honourable member was kind enough to advise me that he proposed to ask this question. Traffic lights are proposed for the intersection of Shepperton Road and Duncan Street. There are no other firm proposals for traffic lights, overways, and crosswalks but the matter is reviewed from time to time in the light of changing traffic conditions.

### QUESTIONS (2): ON NOTICE

#### EDUCATION

1.

#### *Trained Teachers: Recruitment and Resignations*

The Hon. R. F. CLAUGHTON, to the Minister for Mines:

- (1) Since the 1st January, 1970—

- (a) how many people with suitable qualifications, but not being trained teachers, have been recruited by the Education Department;
- (b) how many teachers on permanent staff have resigned; and
- (c) what is the total number of teachers who have resigned?

- (2) How many trained teachers have been recruited from overseas by the Education Department—

- (a) in 1969; and
- (b) to date in 1970?

- (3) How many teachers have been granted leave without pay to travel or teach outside the State for the calendar years 1969 and 1970?

- (4) How many departmental teachers are on exchange service—
- (a) in other States; and
- (b) in other countries?

The Hon. A. F. GRIFFITH replied:

- (1) and (2) Owing to the extensive research work involved and in view of the end of the session, information will be conveyed to the honourable member by letter.
- (3) 1969—15.  
1970—17.
- (4) (a) Nil.  
(b) 6.

2.

**FRUIT***Infested Bananas*

The Hon. G. W. BERRY, to the Minister for Mines:

With reference to a report in *The West Australian* dated the 13th May, 1970, regarding a shipment of bananas by rail from Queensland infested with insects—

- (a) have the insects been identified;
- (b) if so—
  - (i) what are they; and
  - (ii) do they constitute a threat in any way to bananas or other fruit;
- (c) have measures been taken to ensure that there will be no repetition of such shipments to obviate the introduction of threats to these industries in Western Australia?

The Hon. A. F. GRIFFITH replied:

- (a) Yes. They have been identified as a type of fruit fly.
- (b) (i) Answered by (a).
- (ii) Until the species has been determined, host range cannot be stated. The most common fruit fly in Queensland is the Queensland fruit fly, which is not established in this State. It has a wide host range and would constitute a serious threat to both the fruit and vegetable industries if established in this State.
- (c) Yes. Strict measures are in force to prevent importation of infested bananas. These include disinfection treatment prior to shipment or fumigation on arrival in this State, and the importation only of green fruit. All bananas are subject to detailed inspection on arrival.

**TERMINATION OF PREGNANCY BILL***Assembly's Message*

Message from the Assembly received and read notifying that it had rejected the Bill.

**IRON ORE (CLEVELAND-CLIFFS)  
AGREEMENT ACT AMENDMENT BILL,  
1970**

*Second Reading*

Debate resumed from the 13th May.

**THE HON. W. F. WILLESEE** (North-East Metropolitan—Leader of the Opposition) [4.37 p.m.]: When the Minister introduced the Bill he prefaced his remarks with an apology for bringing it in at such a late stage of the session. His courtesy is appreciated.

There is no question about the urgency of the measure in relation to the State's progress in the development of iron ore in the north-west of Western Australia. It would be unthinkable not to debate the Bill in Parliament when we have an opportunity to do so, because any delay might stop the scheme reaching finalisation for some months or, indeed, might place it in jeopardy.

Historically, the Cleveland-Cliffs agreement has had, one might say, a turbulent passage by way of negotiation. Naturally, the Government needs all the assistance it can get to negotiate the final agreement for the exploitation of the mineral wealth.

As amending Bills have come before the House, members on this side have been critical, to some extent, of the contents of the legislation, but not of the legislation in itself. Members of the Opposition have consistently drawn attention to the fact that they do not like to see portions of the Interpretation Act being bypassed. Further, members on this side of the House do not like the provision which allows the agreement to be altered after its passage through the Parliament.

I personally feel that the inclusion of the variation clause in an agreement, of which advantage can be taken, tends to lessen the value of the principle of submitting legislation to the Parliament which is, after all, the basis of stable Government. Also, the fact that the legislation is submitted to Parliament would be one of the negotiating factors, I should think, from the point of view of those who are prepared to move into the field of iron-ore development in Western Australia.

So it is somewhat pleasing on this occasion to be able to say that we wholeheartedly support the principle behind the development that has occurred. The introduction of this measure was caused by something completely accidental in the development since the agreement was first passed by Parliament. None of the items I have mentioned are at stake; it is purely a question in regard to the signature of the Premier at a given time, as was outlined by the Minister.

I agree with the Minister that the Bill is a mere formality; however, it is a most important formality because it carries with it such great consequences. I will not attempt to analyse the clauses included in the Bill because they are much the same as those in the measure which has already been before this Chamber and debated. The Minister indicated the slight differences which do occur. Basically the function of this Parliament should be to ensure a speedy passage of this legislation in the hope that the Cleveland-Cliffs agreement will come to a successful conclusion in the near future.

**THE HON. A. F. GRIFFITH** (North Metropolitan—Minister for Mines) (4.41 p.m.): I appreciate Mr. Willesee's attitude to this matter, and I am glad that he appreciates—as I expected he would in these circumstances—the necessity for the introduction of this legislation. I explained that the difficulty in relation to the consent of the Reserve Bank was not anticipated in the slightest way. I also explained that that was the whole purpose for the presence of this Bill.

I think it would probably be right and correct for me to say that if these negotiations had been handled by a lesser person than the present Minister for Industrial Development, that person may well have given up. However, the tenacity of purpose, drive, and enthusiasm with which Mr. Court tackled this project is something we all appreciate very much indeed. I think a great deal of the credit for the project, which will provide a large industry for Western Australia, is due to the tenacity of the Minister for Industrial Development.

The Hon. W. F. Willesee: That is undoubted.

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. A. F. Griffith (Minister for Mines), and passed.

## STRATA TITLES ACT AMENDMENT BILL

*Returned*

Bill returned from the Assembly without amendment.

*Sitting suspended from 4.46 to 11.35 p.m.*

## LIQUOR BILL

*Assembly's Message*

Message from the Assembly received and read notifying that it had agreed to amendments Nos. 1 to 7, 9 to 33, 35 to 40, 42, 44 to 57, 59 to 61, 63 to 67, and 69 to 82 made by the Council; had corrected Nos. 41 and 58; had disagreed to No. 34; and had agreed to Nos. 8, 43, 62, 68, and 83, subject to further amendments.

*In Committee*

The Deputy Chairman of Committees (The Hon. F. D. Willmott) in the Chair: The Hon. A. F. Griffith (Minister for Justice) in charge of the Bill.

The Hon. A. F. GRIFFITH: I take it, Mr. Deputy Chairman, that you will deal with the amendments in numerical sequence?

The DEPUTY CHAIRMAN: I will deal with them in the order of the schedules.

The Hon. A. F. GRIFFITH: Do you wish me to deal with amendment No. 8 first?

The DEPUTY CHAIRMAN: Yes. Amendment No. 8 made by the Council is as follows:—

No. 8.

Clause 7, page 7, line 1—Delete the words "its or their curtilage" and substitute the passage "of the land on which it is, or they are, erected".

The further amendment made by the Assembly is as follows:—

Delete the passage "on which it is, or they are, erected" after the word "land" and insert in lieu the words "adjoining it or them".

The Hon. A. F. GRIFFITH: I think the Legislative Assembly has been quite generous in its outlook to our amendments. In fact, I listened to the debate in another place and I propose to agree with the amendments it has made, because compromises were made in a number of cases about what we thought of the situation and about what the Legislative Assembly thought. One or two amendments made by the draftsman during the adjournment were matters with which I can readily agree. I would like to take all the amendments *en bloc* if you, Mr. Deputy Chairman, will permit me to do that.

The DEPUTY CHAIRMAN: You can deal with all the amendments in the one schedule *en bloc*.

The Hon. A. F. GRIFFITH: As long as the Committee is satisfied, I am satisfied, because I heard what occurred in another place and I propose to move accordingly.

The Hon. W. F. WILLESEE: I think most members heard what took place on these amendments in the Legislative Assembly, and I would be happy to agree with the Minister's suggestion.

The Hon. I. G. MEDCALF: I am not sure that I follow this. I have been supplied with a copy of the schedule of amendments made by the Legislative Council, but I do not know what amendments were made by the Legislative Assembly. I would like to know how they affect the amendments made by the Council.

The DEPUTY CHAIRMAN: If the honourable member desires that, we will have to deal with the amendments individually.

The Hon. I. G. MEDCALF: I would like an explanation as to why we should take the amendments *en masse*, and whether there are any points we should deal with particularly.

The Hon. A. F. GRIFFITH: I realise that every member of this Chamber has not had the advantage I have had, and therefore it would be advisable if we deal with them individually.

It will be recalled that amendment No. 8 made by the Legislative Assembly has to do with the word "curtilage" in clause 7. As a result of inquiries made, firstly, by the court as to the use of the word "curtilage" and the suggestion that some better words could be found to describe the curtilage and the land, I submitted an amendment to the Committee yesterday evening or early this morning. I am not sure what time it was. Thereupon Mr. Medcalf questioned the amendment I had made and suggested that there might be a better definition. We went into this with the draftsman and the better definition appearing in the schedule was incorporated in the Legislative Assembly. It is a definition with which I concur. I move—

That the further amendment made by the Assembly be agreed to.

Question put and passed; the Assembly's further amendment to the amendment made by the Council agreed to.

The DEPUTY CHAIRMAN: Amendment No. 43 made by the Council is as follows:—

No. 43.

Clause 45, page 39, line 5—Delete the word "adjoining" and substitute the words "annexed to".

The further amendment made by the Assembly is as follows:—

Clause 45, page 39, lines 5 and 6—Delete the words "or in a public hall".

The Hon. A. F. GRIFFITH: In this case the Assembly has agreed to our amendment and added a further amendment. I move—

That the further amendment made by the Assembly be agreed to.

Question put and passed; the Assembly's further amendment to the amendment made by the Council agreed to.

The DEPUTY CHAIRMAN: Amendment No. 62 made by the Council is as follows:—

No. 62.

Clause 111, page 88, line 1—Delete the word "Hotel".

The further amendment made by the Assembly is as follows:—

Clause 111, page 88, lines 6 to 18—Delete the whole of the definition.

The Hon. A. F. GRIFFITH: This was the rationalisation clause. At my behest my colleague, the Minister for Industrial Development, deleted some words in that clause and inserted others. This was not done in this Chamber and if the drafting had not been tied up an unbalanced situation would have existed. I move—

That the further amendment made by the Assembly be agreed to.

Question put and passed; the Assembly's further amendment to the amendment made by the Council agreed to.

The DEPUTY CHAIRMAN: Amendment No. 68 made by the Council is as follows:—

No. 68.

Clause 122, page 96—Delete all words from and including the word "and", in line 26, down to and including the word "licence", in line 29, and substitute the following passage—

"and applies,—

(a) except to the extent that it relates to the provision of lodging, to the holder of a tavern licence and a wine-house licence; and

(b) except to the extent that it applies to the provision of food and lodging, to the holder of a store licence."

The further amendment made by the Assembly is as follows:—

Add immediately after the word "licence" at the end of the proposed paragraph (b) the passage " , unless the Court, having regard to the nature of the licensee's business and the requirements of the neighbourhood, on the application of the licensee, otherwise orders".

The Hon. A. F. GRIFFITH: Last night this Committee agreed to insert in the Bill a requirement that a store license remain open for business between the trading hours of 8.30 a.m. and 8.30 p.m. Another place thought this might involve difficulties for some store licensees who for certain reasons might have trouble in staying open for that period. The Assembly's amendment provides that the situation shall be maintained unless the court directs otherwise. A store licensee will be able to make application to the court which will make a decision on the matter. I move—

That the further amendment made by the Assembly be agreed to.

Question put and passed; the Assembly's further amendment to the amendment made by the Council agreed to.

The DEPUTY CHAIRMAN: Amendment No. 83 made by the Council is as follows:—

No. 83.

Fourth Schedule, page 135, line 3 of item 3—Delete the expression "\$5" and substitute the expression "\$2".

The further amendment made by the Assembly is as follows:—

Delete the expression "\$2" and substitute the expression "\$1".

The Hon. A. F. GRIFFITH: This was a most exciting debate in the Legislative Assembly. After a long debate we succeeded in reducing the amount of the permit fee by 60 per cent.—from \$5 to \$2. Following

a long and dreary argument in the Legislative Assembly this was reduced by 50 per cent. to \$1, and we have to make the great decision to agree to this amendment. I move—

That the further amendment made by the Assembly be agreed to.

Question put and passed; the Assembly's further amendment to the amendment made by the Council agreed to.

The DEPUTY CHAIRMAN: The Legislative Assembly has agreed to the Council's amendment No. 41 subject to a correction. The Council's amendment is as follows:—

No. 41.

Clause 45, page 38, lines 17 to 19—Delete subparagraph (ii).

The correction made by the Assembly is as follows:—

Delete the word "or" following the deleted subparagraph (ii) as proposed in the amendment.

The Assembly has sought to correct the clause by striking out the word "or" as it is not part of subparagraph (ii).

The Hon. A. F. GRIFFITH: We spent long hours of debate on this clause. Mr. House and Mr. Ron Thompson were the leaders in this debate which involved the deletion of subparagraph (i). Clause 45 (1) (a) (ii) relates to taking liquor into a public hall while a dance or other entertainment is being held or conducted there. I suggested that the words be deleted so that we could make some progress, and in time see whether some other amendment could be framed to suit the purpose. Together with the draftsman I had extreme difficulty in trying to do that.

We have arrived at a suggestion and the Legislative Assembly has agreed to it. We find that the situation can be covered by clause 47 so that in the event of undesirable circumstances arising the police will be able to do something about the matter. We could not find anything satisfactory to add to it, so we decided to give this a trial. We will watch the position when the legislation is in operation. I move—

That the correction made by the Legislative Assembly be agreed to.

The Hon. R. THOMPSON: I am pleased with the action of the Legislative Assembly. I have had only a brief time to look at clause 47. It deals mainly with prohibition orders for unlicensed restaurants. In my view an amendment will have to be introduced in the next session to tidy up the position.

The Hon. A. F. GRIFFITH: I am looking at the bottom of page 42 of the Bill which defines an unlicensed restaurant as including any premises where food or refreshments are ordinarily sold or served to the public for consumption on the premises.

The Hon. R. THOMPSON: That appears in clause 48, which is altogether different.

The Hon. I. G. MEDCALF: I feel we should agree to this. I am in agreement with Mr. Ron Thompson that an amending Bill will have to be introduced subsequently to tidy up the position. There are so many anomalies created by hasty legislation that I am sure further amendments to the liquor legislation will have to be introduced next session.

The Hon. V. J. FERRY: It has been said that next session close attention will have to be given to this provision. I agree, because I can see real difficulties arising. It is quite undesirable to allow the provision to operate for too long a time, because of the undesirable consequences which may arise in dance halls, if no control can be exercised.

The Hon. A. F. GRIFFITH: Clause 47 is the operative provision in relation to applications by the police. If we refer to clause 48 we see what definition is given to "unlicensed restaurant."

Question put and passed; the Assembly's correction to the amendment made by the Council agreed to.

The DEPUTY CHAIRMAN: The Legislative Assembly has agreed to the Council's amendment No. 58 subject to a correction. The Council's amendment is as follows:—

No. 58.

Clause 71, page 68, line 23—Add immediately after the word "Court" the passage "; but the Court shall not grant a restaurant licence in respect of premises to which any other licence relates".

The Hon. A. F. GRIFFITH: This enables the court on the hearing of an application for the granting of a store licence to consider the facilities provided by other types of licenses. This is an amendment to renumber the clause from 71 to 72. I move—

That the correction made by the Legislative Assembly be agreed to.

The Hon. I. G. MEDCALF: I would like to know what is the correction made by the Assembly?

The Hon. A. F. GRIFFITH: In the schedule showing the amendments made by the Legislative Council, amendment No. 57 relates to clause 71, but amendment No. 58 is also shown as relating to clause 71. In order to arrive at a proper numerical sequence the Assembly altered the number of the clause from 71 to 72 in amendment No. 58.

The Hon. I. G. MEDCALF: I entirely approve of this formal amendment.

Question put and passed; the Assembly's correction to the amendment made by the Council agreed to.

The DEPUTY CHAIRMAN: I will now deal with the schedule containing an amendment to which the Legislative Assembly has disagreed. Amendment No. 34 made by the Council, to which amendment the Assembly has disagreed, is as follows:—

No. 34.

Clause 35, page 34, line 9—Insert after the word "club" the passage ", and limit the number of persons who may, at any one time, be admitted as guests of members of the club."

The Hon. A. F. GRIFFITH: We have lost this amendment altogether. It is the view of the Legislative Assembly that it is not correct to insist that the court should be given the power to limit the number of guests which a club is permitted to entertain. That House thinks this matter should be left to the club itself. The reason is to enable the clubs to have a free hand, even, I suggest to the point of being ridiculous. The Legislative Assembly was firm in disagreeing with this amendment. This is the only amendment made by the Council which the Assembly rejected completely. In the circumstances I am prepared to accept the situation. I move—

That the amendment made by the Council be not insisted on.

The DEPUTY CHAIRMAN: I think it might be helpful if I read the reason given by the Legislative Assembly, which is as follows:—

It is considered this is a matter best left to the club management Committee to decide also the difficulties of enforcement would be considerable.

The Hon. I. G. MEDCALF: Thank you. In view of the reasons given by the Legislative Assembly, I accept the amendment.

Question put and passed; the Council's amendment not insisted on.

#### *Report*

Resolutions reported, the report adopted, and a message accordingly returned to the Assembly.

#### **ADJOURNMENT OF THE HOUSE: SPECIAL**

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [12.16 a.m.]: I move—

That the House at its rising adjourn until a date to be fixed by the President.

Our completion of the discussion concerning the message from the Legislative Assembly in connection with the Liquor Bill concludes, with the exception of one item, the notice paper of this House for this session of Parliament. With regard to the item remaining—that is, the Sales by Auction Act Amendment Bill—members

will recollect the reasons for that particular order of the day being at the bottom of the notice paper. During the recess period I propose to confer with members who are interested in the Bill with the idea perhaps of its reintroduction at a later session.

I cannot say anything except that I feel personally somewhat relieved that we have come to the end of this session because I have found this week, particularly, has played heavily upon me. The hours have been long and the work has been difficult, but I am appreciative of the general assistance which has been afforded me and my colleagues, the Minister for Local Government and the Minister for Health, in the conduct of the business of the House.

I feel that when we close the session in the middle of May, it is not the right time of the year to offer salutations. I always feel that this comes better and sounds nicer on the eve of the Christmas period. Nevertheless members of Parliament, generally, decided that we should have two sessions of Parliament and we have certainly had these two sessions over the last couple of years. In this particular session we have dealt with a considerable amount of legislation.

I do not think I need worry you, Sir, by telling you exactly what we have done, because you know; but I think we have dealt with something like 110 Bills in this and the first portion of the session. So far as the Council is concerned, I am sure we have dealt with this legislation expeditiously due to the spirit of co-operation which exists here generally. Tempers are a little frayed at times and I think this is to be expected and, probably, accepted.

However, I want to take the opportunity to thank my ministerial colleagues for the assistance they have rendered to me and to give somewhat brief thanks to other people in the House—yourself first and foremost, Sir—for the various parts and functions they played. We thank you, Sir, for presiding over us again for another year. I offer to your Chairman of Committees (Mr. Baxter) and to his deputies (Mr. Willmott, Mr. Lavery, and Mr. Jack Thomson) our thanks for their assistance. I have already said, either last night or early this morning, that I think Mr. Willmott as Deputy Chairman of Committees, and particularly in respect of the Liquor Bill, has done a very good job. This was a difficult piece of legislation to handle.

To the Leader of the Opposition (Mr. Willesee) I extend my best wishes and thank him for his co-operative spirit. Mr. Willesee is a man I now know very well and I find he is a person with whom it is very easy to work, except when he thinks his point of view is more important than mine—and that is not infrequently.

The Hon. J. Dolan: He is generally right, too.

The Hon. A. F. GRIFFITH: That is purely a matter of opinion, and the honourable member told me the other night that it was bad manners to interrupt.

The Hon. J. Dolan: I am sorry.

The Hon. A. F. GRIFFITH: I am glad to hear that the honourable member is sorry.

The Hon. J. Dolan: I accept that.

The Hon. A. F. GRIFFITH: I thank members of the Government parties for their loyalty, and for their general support of the legislation introduced into this House. I am sure that you, Mr. President, would ask me to thank the Whips because they have the internal arrangements to make. When members come to me and ask if it would be all right for them to be away at such and such a time, my answer invariably is that they should see Mr. Heltman, and if it is all right with him, it is all right with me.

I thank Mr. Roberts and his staff—Mr. Ashley, Mr. Hoff, and the attendants. I do not quite know where Mr. Roberts is tonight, but I am sure he is with us in spirit. I am also sure he is having an enjoyable time of a constructive nature overseas.

I express appreciation to members of the *Hansard* staff, the House Controller and the Government Printer. Many of these people do not get much praise when Parliament is in session, but they certainly do a lot of work.

I would especially like to mention the co-operative attitude of the Government Printer. I have made, perhaps, some unusual requests of the Government Printer in connection with legislation, and in particular with regard to the Bill we discussed tonight. The Government Printer is always very co-operative in his approach to parliamentary work.

I take this opportunity to thank my own personal staff for the assistance they have rendered to me. I do not know whether I look forward to seeing everyone again in about three months' time. On reflection, I really do look forward to that occasion. I am sure the next three months will pass very quickly, and before we know where we are we will be back here again dealing with legislation.

My best wishes to you, Mr. President, and sincere thanks from myself and my colleagues.

**THE HON. W. F. WILLESEE** (North-East Metropolitan—Leader of the Opposition) [12.24 a.m.]: I support the motion moved by the Leader of the House. Like him, I was particularly impressed with the work carried out during the last few

days of this session by Mr. Ashley, Mr. Hoff, Mr. Hoar, and Mr. Truscott. I have also been impressed with the work done by Miss MacKinnon during these last few days.

I hope that Mr. Roberts is having a most enjoyable time while overseas. As usual, the staff have worked with efficiency, and *Hansard*, as ever, are always here and doing a good job quietly and efficiently—so much so that we hardly notice them coming and going. The Controller of the House is always available when he is required.

I join with the Leader of the House in expressing appreciation of the work done by the Chairman of Committees, and the Deputy Chairmen. Mr. Willmott has had an onerous task during the last few days.

With members of my party, I congratulate the Minister and his colleagues, Mr. MacKinnon and Mr. Logan, on the work they achieve and the attention they give to the legislation which they bring forward and present in such a capable manner. I am truly appreciative of my friend, Mr. Dolan, who, I might add, is always right. Without him I would not get through half the work which comes before us.

To you, Mr. President, I offer our sincere thanks for helping us through our difficult spots. We do appreciate the work you do not only in the Chamber, but also in your office which carries great responsibilities in other directions. We appreciate the prestige you lend to Parliament in this position.

**THE PRESIDENT** (The Hon. L. C. Diver) [12.26 a.m.]: Before I ask members to vote on the question before the Chair, I would like to thank Mr. Griffith and Mr. Willesee for their expressions of thanks to myself and the staff on our endeavours during this session of Parliament.

Mr. Griffith, as Leader of the House, has pointed out that it is somewhat difficult when we have a session split into two sittings. In the last few years we have experienced the difference of feeling between exchanging best wishes in May, and exchanging them in November or December. I think that greetings and best wishes have far more meaning at the end of the year than at this time of the year.

Nevertheless, I feel it very appropriate that this occasion should not pass unnoticed because it completes a session of Parliament. Whether it has been a good session or a bad session, only time will tell. I was interested to note how Mr. Griffith regarded the future but I would suggest, as an alternative, that as bad as the future may be there could be far worse alternatives.

The mere fact that we are here to represent the people and do our best, and in due course receive our entitlement, is very

rewarding. I thank you, Mr. Griffith, and you, Mr. Willesee, and I also thank my staff.

**THE HON. F. D. WILLMOTT** (South-West) [12.28 a.m.]: With your indulgence, Mr. President, on behalf of the Chairman of Committees and the other Deputy Chairmen I would like to express our thanks and our appreciation of the remarks made by Mr. Griffith and Mr. Willesee. I would also express our thanks for your assistance at all times, and our appreciation of the work carried out by the Clerks. Our work would be more difficult without their assistance. On behalf of the Chairman of Committees and the other Deputy Chairmen, I express my thanks to members for the way they make the work much easier for us. We do not have to argue very much with members, and I again express my thanks to them.

The **PRESIDENT**: Thank you, Mr. Willmott.

Question put and passed.

*House adjourned at 12.30 a.m. (Friday).*

## Legislative Assembly

Thursday, the 14th May, 1970

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

### MINING ACT AMENDMENT BILL

#### *Council's Message*

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

### QUESTIONS

#### *Postponement*

**THE SPEAKER**: I will postpone questions until after the tea suspension this afternoon.

### LIQUOR BILL

#### *Returned*

Bill returned from the Council with amendments.

### BERNARD KENNETH GOULDHAM

#### *Compensation: Motion*

Debate resumed, from the 7th May, on the following motion by Mr. Bertram:—

That by reason of the exceptional circumstances involving a miscarriage of justice in the case of Bernard Kenneth Gouldham this House is of the opinion that adequate compensation should be paid to him.

**MR. COURT** (Nedlands—Minister for Industrial Development) [2.20 p.m.]: One can deal with this motion in two ways. One could set out, literally, to blast it off the notice paper by dealing with many of the matters contained in the three judgments that brought about representations on behalf of Mr. Gouldham but, in doing so, one would have to indulge in a great deal of detail in referring to personalities, and a parading of much of the same background of not only this case, but also of other cases.

On the other hand, one could approach the motion in what I consider to be a more generous way and explain to the House the situation that exists and suggest ways and means whereby the matter could be re-examined in an atmosphere different from that suggested in the motion.

First and foremost, I want to make it clear—and this has been acknowledged by the member for Mt. Hawthorn who introduced the motion—that Mr. Gouldham has no rights at law for compensation. This should be clearly understood by all concerned. I am not suggesting that the honourable member who introduced the motion disguised this fact, because he referred specifically to this aspect when he introduced the motion, but it is as well that I repeat it and start off on this premise.

Also, I want to refer to the fact that in introducing the motion the honourable member actually based his case on the verbiage used in one of the judgments, and to present this case fairly to the House one would have to present a comprehensive study of all three judgments and, particularly, if one wanted a balanced approach, one would have to set out in some detail the judgment of Mr. Justice Burt. However, the honourable member chose to concentrate most of his argument on one judgment, and I think the kindest thing I can say is that he concentrated on that judgment because the verbiage in it suited his case better than if he had relied on the other two.

The simple fact is that the judges who decided this case were confronted with a situation which is not unusual in cases of this kind; that is, where a man has been found guilty by a court, punished by the court, and served his term of punishment, following which the matter is reopened at a later date. In the experience of the law it is not unusual for the judges to decide that because all of this is in the past and it seems years since the case was heard and because the man has paid his penalty, and rather than have a retrial with all the tribulations and the frustration that go with it, the best thing to do is to quash the case.

In this case two of the three judges made a decision along these lines. If we study these judgments carefully—and I suggest we only read them as laymen, because