The Hon. J. M. A. CUNNINGHAM: At Mt. Monger. It indicates that even with a rainfall of only eight inches, and without having to create pastures, pastoralists can run sheep in this district. The sheep live on the bush and in no way denude the country of its natural grasses. Since this man took over the property it has improved immensely.

I do not intend to speak at great length, but there are one or two small points I would like to mention, and one concerns educational facilities on the Trans.-line. Members may know that at present the Commonwealth Railways supply the buildings and the State Government supplies the teachers. On the outside the school buildings are spic and span—well painted and quite neat. That is the responsibility of the Commonwealth Government, but the State Government is responsible for everything inside the doors. As soon as one walks inside one sees that the buildings are drab, dusty, dirty and unpainted. Yet it is the interior which has the greater effect upon the children. If members were to see these buildings, both inside and out, they would see what I mean. I hope the Minister will take this message to the Minister for Education to see whether something can be done to brighten up those schools.

The Hon. G. Bennetts: They are the worst schools that can be seen anywhere.

The Hon. J. M. A. CUNNINGHAM: That is without argument. It is fantastic to see a brightly painted school on the outside, and yet find that inside it is no better than a native hovel.

There is one last point and this concerns taxation. I would recommend to the Government for its serious consideration the removal of entertainments tax on the proceeds of all church functions. I do not press any claim in regard to all entertainments tax, but I think the present system is a carry-over from the war years. The position is stupid. A church running a ball, a concert or a fund-raising function of some sort is faced with heavy taxation if the proceeds are less than double the cost. In other words, if a huge profit is made out of the function, the organisation is not taxed. But if the function is a losing proposition the Government adds to the burden and imposes entertainments tax. I ask the Minister to bring the matter to the notice of Cabinet and suggest that the Government give consideration to the removal of entertainments tax on all church fund-raising functions. I support the motion.

On motion by the Hon. R. C. Mattiske, debate adjourned.

House adjourned at 8.55 p.m.

Legislative Assembly

Tuesday, the 28th July, 1959

CONTENTS

The SPEAKER took the Chair at 4.30 p.m., and read prayers.

CONDUCT OF THE HOUSE

Speaker's Objection to External Criticism

THE SPEAKER: I wish to advise the House of action I took over the week-end in connection with privilege. I was concerned with certain reports which appeared in Friday's, and more especially in Saturday's, issue of a newspaper. I refer to *The West Australian*, and to the debate which took place in this House on Thursday last.

I felt that the use of the term, "unparliamentary" did possibly reflect, to some extent, on my control of the Legislative Assembly. That being the case, and being charged with the responsibility for upholding the dignity of the House, I felt it was desirable that I should take some action on the matter.

Due to difficulties of telephonic communication I was unable to get in touch with *The West Australian* until last Sunday evening, when the Editor was not available. I was able to speak to an officer on the editorial staff, and he discussed the matter with me quite amicably. He assured me there was no intention to reflect on my handling of the debate and, through me, on this Chamber.

I felt it was as well that I confirm my views in writing, and to that end I sent a letter to the Editor of that newspaper this morning conveying my views, because I considered I had some obligation to see that the dignity of the House was upheld and that it was unquestioned.

I might add that I have some authority for my stand in May's *Parliamentary Practice*. I refer to page 49. Under the heading of *Statutory Recognition of The Privilege*, this is stated—

> This recognition by law of the privilege of freedom of speech received final statutory confirmation after the Revolution of 1688. By the 9th Article of the Bill of Rights it was declared "That the freedom of speech, and debates or proceedings in Parliament, ought not to be impeached or questioned in any court or place out of Parliament."

Further, on page 51, under the heading, *Speeches in Parliament Not Actionable*, the following appears:—

> The absolute privilege of statements made in debate is no longer contested, but it may be observed that the privilege which formerly protected Members against action by the Crown now serves largely as protection against prosecution by individuals or corporate bodies. Subject to the rules of order in debate (see Chap. XVIII), a Member may state whatever he thinks fit in debate, however offensive it may be to the feelings, or injurious to the character, of individuals; and he is protected by his privilege from any action for libel, as well as from any other question of molestation.

Another passage can be said to support the view I have taken. That appears on page 117 under the heading of *Constructive Contempts, Speeches or Writing Reflecting on Either House*. The following is stated:—

> In 1701 the House of Commons resolved that to print or publish any books or libels reflecting on the proceedings of the House is a high violation of the rights and privileges of the House, and indignities offered to their House by words spoken or writings published reflecting on its character or proceedings have been constantly punished by both the Lords and the Commons upon the principle that such acts tend to obstruct the Houses in the performance of their functions by diminishing the respect due to them.

I mention these matters because it is as well that members should know what action I have taken, as they are entitled to know. They are entitled to know that I am aware of the responsibilities which rest on me.

In connection with the maintenance of the dignity of the House, while I am charged with that responsibility, the behaviour and deportment of all members is most important. In this connection I quote once again from May's *Parliamentary Practice*. On page 51 under the heading of *Restraint of Speech in Parliament*, the following appears:—

> Speech and action in Parliament may thus be said to be unquestioned and free. But this freedom from external influence or interference does not involve any unrestrained licence of speech within the walls of the House.

It might be proper for any member of Parliament to criticise me, if he felt I was not doing the job in the manner in which it should be done. It may well be that I permitted too much license in the debate on Thursday last. That seems to me to come within the province of the House, if members wish to deal with the matter. But I maintain that it is exclusively the province of the House to criticise me—if any criticism is due—and not for any person outside the House. However, perhaps the license or indulgence that I permitted in some way indirectly contributed to the technical breach of privilege which has occurred in this case. I merely mention this matter to advise the House that I am conscious of my responsibilities and am taking what I consider to be the necessary steps to discharge those responsibilities.

Return of Hansard Duplicates

Now I pass to another matter, and this is the correction of *Hansard* duplicates of speeches. I find that my predecessors in office, in August, 1957, and in September, 1954, both found it necessary to speak to members, asking them to return the corrected duplicates as quickly as possible to

the *Hansard* staff. At the moment the *Hansard* staff are under considerable strain because of the activities of the Royal Commission, which is not being conducted within the precincts of the House but is sitting—in a manner of speaking—at the other end of the town.

A very considerable strain is imposed on the *Hansard* staff, and I would ask members, in the interests of assistance to *Hansard*, and in the interests of assistance to the work of the House generally, to make every endeavour to have their corrected duplicates back with the Chief Hansard Reporter at the earliest possible moment. I know that 24 hours is normally accepted as being the time for this to be done, but if members can do it more quickly, then they will make the position very much better for *Hansard*.

QUESTIONS ON NOTICE

ELECTORAL DISTRICTS ACT

Amendment

1. Mr. OLDFIELD asked the Attorney-General:

   (1) Is it the intention of the Government to amend the Electoral Districts Act, 1947, during the present session of Parliament?

   (2) If so, will he give consideration to setting up a committee representing both metropolitan and country areas to inquire into and recommend suitable amendments?

   (3) If not, why not?

   Mr. WATTS replied:

   (1) Yes.

   (2) and (3) There is no precedent for such a course of action and it is unlikely to be pursued in this instance.

PERTH GIRLS' HIGH SCHOOL

Completion of Tennis Courts

2. Mr. GRAHAM asked the Minister for Education.

   When is it anticipated that the tennis courts under construction immediately north of Perth Girls' High School, East Perth, will be completed (including surrounding fences) and ready for commencement of play by the students?

   Mr. WATTS replied:

   Although earthworks and gravelling have been completed, the completion of the work is dependent on the amount of loan funds available to the Education Department for 1959-60.

AGRICULTURAL HIGH SCHOOLS

Establishment at Wyalkatchem and Cunderdin

3. Mr. CORNELL asked the Minister for Education:

   On the 24th December, 1957, the Director of Education informed the Wyalkatchem Road Board that at that time the department had not the finance to undertake the necessary development of an agricultural high school at all, and that plans for both Wyalkatchem and Cunderdin, of necessity, would have to be postponed indefinitely.

   Less than nine months thereafter, the R.A.A.F. station at Cunderdin was purchased and approval given to its conversion to an agricultural high school at an estimated cost of £30,000.

   Will he inform the House—

   (a) The reason for the improvement in the financial position of the Education Department so soon after the director stated that it had not the necessary finance to undertake such a project?

   (b) If no improvement in the department's financial position occurred, what work from loan funds was deferred to enable the Cunderdin project to proceed?

   Mr. WATTS replied:

   (a) Savings in loan funds due to a lower expenditure on other works than originally anticipated allowed the purchase of the R.A.A.F. station at Cunderdin late in 1957-58. The allocation of loan funds for educational requirements in 1958-59 likewise permitted the conversion and equipment of the property.

   (b) Answered by (a).

Disposal of Wyalkatchem Land

4. Mr. CORNELL asked the Minister for Education:

   As the establishment of an agricultural high school at Cunderdin rules out the possibility of another being set up at Wyalkatchem, what is proposed to be done with the land at Wyalkatchem which was acquired as a site for an agricultural high school?

   Mr. WATTS replied:

   The land is being held pending decision as to its use by the Education Department.

RELIANCE MANUFACTURING COMPANY

Discussions with Minister, etc.

5. Mr. HAWKE asked the Minister for Industrial Development:

(1) Did any representative of the Reliance Manufacturing Company, which has entered into an agreement with Edward MacBean & Co. Ltd., of Glasgow, Scotland, to make polyvinyl chloride plastic-coated clothing and cloth in Western Australia for markets throughout Australia, have discussions with any Minister of the previous Government regarding this proposition?

(2) If so, did he receive strong assurances of financial and other support from the Minister concerned?

(3) Did a representative of the Reliance Manufacturing Company visit Glascow for the purpose of discussing the suggested partnership with representatives of Edward MacBean & Co. Ltd?

(4) If so, when did the visit take place?

Mr. COURT replied:

(1) Yes.

(2) The departmental file does not carry any minute by any Minister making any recommendation of financial or other support for this industry, although there is evidence that the then Government displayed some interest in the project.

(3) Yes.

(4) January, 1959.

ROTTNEST ISLAND

Water Supply from Mainland

6. Mr. ROBERTS asked the Minister for Works:

(1) Would it be practicable to connect Rottnest Island with the mainland by using a polythene water pipe line?

(2) What size pipe would be necessary to cater for the island's peak summer requirements?

(3) What would be the estimated cost of making the connection?

(4) Is it known whether the teredo worm or other borer, would affect polythene?

Mr. WILD replied:

(1) No. A more solid type would be preferable.

(2) About 6 inches diameter, after allowing for increased demand.

(3) No detailed estimate has been made, as the capital cost would be very high and distillation of sea water on the island would be more economical.

(4) Not known; but probably no.

CROSSWALKS

Counts at Midland Junction

7. Mr. BRADY asked the Minister for Transport:

(1) What is the conflict count relating to the pedestrian crossing at the following points:—

(a) West Midland Junction;

(b) Helena Street, Midland Junction?

(2) What count is required to warrant traffic lights being installed?

Mr. COURT (for Mr. Perkins) replied:

(1) It is presumed that the reference is to the existing pedestrian crossings over Great Eastern Highway at (a) West Midland railway station; and (b) immediately east of Helena Street. Traffic surveys have shown the following conflicts during the busiest hour of the day:—

(a) West Midland Junction:
In March 1958—667 vehicles and 576 pedestrians. Counts are total flows in both directions.

(b) Helena Street:
In May 1959—552 vehicles.
In July 1957—87 pedestrians.

(2) There is no simple warrant for pedestrian-operated traffic signals, but preliminary investigations have suggested that there is a case for their consideration when pedestrian flows during the busiest hour of the day reach a level of approximately 360 per hour; and vehicle flows, a level of approximately 600 per hour in both directions. There are, however, other factors affecting such considerations. It has been found that isolated signals on through traffic roads cause increases in vehicular accidents, and also unduly delay traffic during the many hours of the day when flows are such that the signals are not necessary. Having regard to these factors it is considered that the situation at West Midland Junction can best be dealt with by police control at the two peak hours when children are crossing the road to and from school.

"THE KNOLL"

Dedication as a Public Reserve

8. Mr. GRAHAM asked the Minister for Lands:

What is the present position regarding approaches made for an area commonly referred to as "The Knoll," near Gooseberry Hill, to be dedicated as a public reserve?

Mr. BOVELL replied:

Notice of intention to resume was published in the *Government Gazette* on the 13th March, 1959. Several objections have been lodged against the proposed resumption and are receiving consideration.

MILK

Under-Standard Supplies

9. Sir ROSS McLARTY asked the Minister for Agriculture:

(1) How many producers have been prosecuted during the past 12 months for supplying milk under standard in solids-not-fat, when adulteration was not indicated?

(2) What authorities have prosecuted producers in relation to No. (1) and what were the numbers concerned in each case?

(3) Is it considerd just that producers should be held responsible for their milk being deficient in solids-not-fat?

(4) Are not seasonal conditions a contributing factor; also the ravages of red mite, lucerne flea, webworm etc.?

(5) If the answer to No. (4) is "Yes," what advice is being given to producers to overcome these grave difficulties?

(6) How does the legal standard for solids-not-fat in this State compare with the legal standard in other parts of Australia and the United Kingdom?

(7) Are producers given any warning prior to prosecution that milk is not up to the required standard?

(8) Would it not prove more satisfactory if the control of all health matters in relation to milk were handled by one authority — the Milk Board?

Mr. BOVELL (for Mr. Nalder) replied:

(1) Twenty-four including four cases not yet heard.

(2) (a) The Milk Board and Perth City Council. Particulars of any other local authorities who may have prosecuted are not known.

(b) Milk Board — 10, including four cases not yet heard.
Perth City Council—14.

(3) It is the producer's obligation to supply milk of the required standard.

(4) Seasonal conditions are only one contributing factor, but producers should provide milk of a quality up to the minimum standard despite adverse circumstances, and the majority do so.

(5) This depends on the circumstances and conditions applying in each case. The Department of Agriculture is always prepared to assist and, on request, does so.

(6) The minimum standard of 8.5% for solids-not-fat is the same in other parts of Australia and the United Kingdom.

(7) Usually, except in cases where there is evidence of adulteration.

(8) No, because the final control of health matters in relation to milk is subject to the Health Act.

GOLDMINING INDUSTRY

Commonwealth Assistance

10. Mr. KELLY asked the Premier:

(1) Is he satisfied that current Commonwealth assistance to the goldmining industry is sufficient to enable the industry—

(a) to carry on without further decline;

(b) to increase production?

(2) Does he feel that a satisfactory degree of development is possible under the existing subsidy rate?

(3) If the answer to any of the above questions is in the negative, what steps does the State Covernment contemplate in achieving healthy stability within the industry?

Mr. BRAND replied:

(1) The recent decision of the Commonwealth Government increasing assistance to the gold industry will be of considerable benefit to prospectors and the marginal producers. In these cases, it should have the effect of enabling them to carry on, at least at present scale.

(2) I would like to see additional assistance for development.

(3) The Australian delegation which saw the Commonwealth Government on this matter included the present Minister for Mines, and the question of assistance for development was strongly pressed and is still before the Commonwealth.

This Government will at all times take such steps as are considered advisable to maintain healthy stability in the industry.

REMOVAL OF SCHOOL QUARTERS

Estimate and Tenders

11. Mr. CORNELL asked the Minister for Works:

(1) What was the estimate of the Public Works Department for the removal of the school quarters from Bendering to North Baandee?

(2) What were the respective amounts of the several tenders received for this work?

Mr. WILD replied:

(1) £2,790.

(2) £1,950, £2,700, £2,790. Late tender £2,550.

ENVELOPES FOR GOVERNMENT

Contract for Supply

12. Mr. HALL asked the Premier:

(1) Have Spicer and Detmold been given a contract to supply 50,000 envelopes, usually supplied by the Government Printer?

(2) If so, is he aware the firm concerned has placed orders in the Eastern States for the supply of envelopes as ordered?

Mr. BRAND replied:

(1) Yes. The order was placed by the Government Printer on Spicer and Detmold through Government Stores on account of the Electoral Department, which requires a special size envelope not made by the Government Printer.

(2) The local factory of Spicer and Detmold did not have a die to cut the required size, so it placed the order on the Eastern States factory to supply.

GOVERNMENT EMPLOYEES

Retrenchments and Preference to Ex-Servicemen

13. Mr. TONKIN asked the Minister for Works:

(1) As it has been stated that an assurance has been obtained from the Premier by the R.S.L., on preference to ex-servicemen, and as the principle of last on first off is generally being observed by the Government in connection with the retrenchments, which are being regularly made, will he explain how preference to ex-servicemen is being applied?

(2) How many of the employees already dismissed, or under notice of dismissal, from the Public Works Department are ex-servicemen?

Mr. WILD replied:

(1) The Premier advised the R.S.L. that existing preference to ex-servicemen would be maintained. Preference to ex-servicemen has never been applied to retrenchments from the departmental construction organization.

(2) This information has not been recorded.

TURKEY POINT, BUNBURY

Inspection of "The Cut"

14. Mr. ROBERTS asked the Minister for Works:

In connection with the answer given to part (3) of my question No. 16, on the notice paper of the 23rd July, 1959, was the word "immediate" left out of the answer, dealing with inspection of "The Cut" at Bunbury.

Mr. WILD replied:

Yes.

QUESTIONS WITHOUT NOTICE

DAY-LABOUR ORGANISATION DISBANDMENT

Protest Meetings

1. Mr. JAMIESON asked the Premier:

In the absence of the Minister for Police I wish to ask the Premier the following questions:—

(1) Is he aware that an application by the Australian Labor Party (W.A. Branch) to the Commissioner of Police for permission to hold four meetings in Forrest Place to protest against the policy of this Government in disbanding the day-labour organisation has been refused?

(2) Was the matter referred to the Minister for Police before the decision was made?

(3) Was the decision made by the Government?

Mr. BRAND replied:

(1) Yes.
(2) No.
(3) Yes.

PEMBERTON MILL

Disposal

2. Mr. W. HEGNEY asked the Minister for Industrial Development:

In the issue of *The West Australian* dated the 27th July, 1959, there is a heading, "Court Gives Promise on Mill Future," and the article goes on to say—

> Industrial Development Minister Court has promised that the Government will have full regard for the importance to Pemberton of a substantial mill and that it will continue to search for industry to diversify the town's economy.

A further paragraph reads—

> "The Government is not going to be stampeded into panic decisions on the Pemberton mill," said Mr. Court.

If that report is substantially correct, does it mean that the Government or the Minister has been approached by certain interests regarding the disposal of the mill; and, if not, what does the statement mean?

Mr. COURT replied:

First of all it is a substantially correct report of the proceedings at that deputation, which could be vouched for by the member for Warren.

Mr. Hawke: It should be correct as the Minister wrote it.

Mr. COURT: Secondly, to the best of my knowledge the Government has not been approached regarding the purchase or sale, whichever way one looks at it, of the Pemberton mill. The significance of the remark I made is exactly as the words are stated in the Press report, and I think that is self-evident to the hon. member concerned.

Mr. W. Hegney: What does it mean?

PRIVATE BUSINESS CONCERNS

Government Assistance

3. Mr. MAY asked the Minister for Industrial Development:

(1) On Tuesday, the 21st July, 1959, I asked the Minister for Industrial Development the following questions:—

(1) Will he advise the House of the number of private business concerns and establishments in Western Australia that have received financial assistance by way of loans or otherwise, over the past six years?

(2) Will he advise the names of the business concerns and establishments?

In reply, he stated that it was not considered advisable to make these details available, but that he would be pleased to show the information to me if I desired to see it. Was the Minister aware at the time that this information I sought was contained in detail in the statement of Public Accounts for the financial year ended the 30th June, 1958, and was available to the general public?

(2) If he was aware of this, why did he answer my question so evasively?

(3) In view of the fact that these financial advances and bank guarantees were made by a so-called socialistic Government, is it the intention of the present Government to withdraw the advances and bank guarantees so made by the Hawke Government during the years 1953 to 1959?

Mr. COURT replied:

(1) No. I think that on reflection the hon. member will agree that the information shown in the Public Accounts is different from the information he sought in the question he asked. In his first question today I presume he was referring to the statement of contingent liabilities as at the 30th June, 1958. The officers who were obtaining the information for me invited my attention to the fact that the previous Government had not thought fit to make all this information available, although some of it was actually shown in the Public Accounts. If he examines the contingent liabilities listed in the Public Accounts, he will find that they refer to the liabilities as at that date, and not the liabilities accepted by the Government by way of guarantee over a period of time.

(2) I did not intend to answer the question evasively; and in view of the explanation I have given, I think the hon. member will agree that I did not evade the questions he asked.

(3) These advances and guarantees will be allowed to continue their normal course by the present Government.

PEMBERTON MILL

Government's Policy

4. Mr. W. HEGNEY asked the Minister for Industrial Development:

In view of the assurance given by the Minister that the report from which I quoted is substantially correct, will he explain what he means by the following paragraph:

> The Government is not going to be stampeded into panic decisions on the Pemberton Mill.

Mr. COURT replied:

As the honourable member knows, there has been certain pressure to get the Government to declare its intention as to whether it proposes to continue the double shift at the Pemberton Mill; and whether it proposes to build a new mill to replace the one burnt down during the life of a previous Government. As explained to the deputation, both these matters are receiving the earnest and careful attention of the Government, and we have no intention of making rash and hasty decisions in connection with either the double shift or the new mill.

CARRIAGE OF GOODS

Searching of Cars with "MY" Registration Plates

5. Sir ROSS McLARTY asked the Minister for Transport:

In today's issue of the *Daily News* we find the heading, "Goods Not Covered by Permit." Those members who have read the article will see that one of my electors was cautioned for carrying certain goods in his car.

Mr. J. Hegney: What newspaper is that from which you are quoting?

Sir ROSS McLARTY: The *Daily News*. The inspector of the Transport Board said he had been supplied with a list of "MY" registration number plates, and had been told to stop all such vehicles. When cross-examined, the inspector went on to say he had authority under the Act to stop and search all private vehicles.

Mr. May: Including your own?

Sir ROSS McLARTY: Members might see some joke in this, but I can assure them the electors in certain parts of my electorate will not be very pleased.

Mr. Hawke: Question, please!

Sir ROSS McLARTY: I would ask the Minister why special instructions have been given to inspectors of the Transport Board to stop and search motorcars with "MY" registration plates in particular. Have such instructions been given to search cars in other road board districts? Is it proposed to continue to stop and search all cars with "MY" registrations? Does the Minister not think that this high-handed attitude is unjustified?

Mr. COURT (for Mr. Perkins) replied:

I thank the honourable member for giving me some warning of this question. I answer it on behalf of the Minister for Transport. The position I have ascertained is that at no stage has the inspector been told to stop all vehicles carrying "MY" number plates. The inspector offered to show the magistrate a general list of numbers of cars he has instructions to stop, but the magistrate declined to look at the list.

The inspector informed the magistrate that there were, in fact, six "MY" number plates—that is, Murray number plates—on the list. For the general information of the House, and in order to clarify this point, I would mention that the inspector has a list of number plates of some 40 vehicles, all of which have been the subject of complaints of illegal transport. In this list there are but six Murray Road Board number plates. I can assure the hon. member that the inspector was not out gunning, to use a phrase, for members of his electorate, or those who might be carrying "MY" number plates.

Magistrate's Former Occupation

6. Mr. HAWKE asked the Attorney-General:

Following the previous question and answer we have just heard, could the Attorney-General tell us whether the magistrate concerned came originally from the Crown Law Department or from private practice?

Mr. WATTS replied:

I am unfortunately unaware who the magistrate is.

Mr. Hawke: Mr. Draper.

EXAMINATION PAPERS

Tenders for Printing

7. Mr. BRAND: I have here the answer to a question which was previously asked by the member for West Perth. It referred to certain printing done by a private company. The answer I am given now is that last year when approached by the Public Examinations Board the Government Printer advised it was not possible to give a quote, but said that the job would be done more cheaply than in the past. However, the final cost was in excess of that charged by the private concern. No quote was obtained from the private concern, as the work and cost had been satisfactory over the past 18 years.

ROYAL PERTH HOSPITAL

Vermin Infestation

8. Mr. BRAND: I have a reply here to a question previously asked by the member for Mt. Lawley who, at the moment, is not listening. His question referred to the infestation of vermin at the Royal Perth Hospital. The answer with which I have been supplied is as follows:—

With regard to vermin infestation at Royal Perth Hospital as referred to by the honourable member recently, I am advised that the hospital has arranged with a private firm to treat vermin under the terms of the contract. Although this contract has expired, the firm is still carrying on under the previous arrangement.

There have been complaints of the presence of rats, mice, and cockroaches in various parts of the hospital, and this has been more evident since the old "Macfarlane" building in Murray Street has been demolished, with the result that the vermin from there have gone into the hospital.
Danger spots in the hospital are regularly treated by professional vermin exterminators.

So far as the rats are concerned, an experienced rat-catcher is employed on the recommendation of the Public Health Department. In addition, a full-time member of the staff of the hospital is engaged in laying baits, setting and clearing traps. He also keeps a continual lookout for evidence of fresh infestation and any possible places where vermin can enter.

The hospital has the advice of the Health Department in these matters.

DANGEROUS CROSSWALKS

Police Supervision for Schoolchildren

9. Mr. J. HEGNEY asked the Minister for Transport:

My question relates to crosswalks. On Friday afternoon a serious accident occurred to two children at the Leake Street, Bayswater, pedestrian crossing, on Guildford Road. Is the Minister aware of the accident that occurred and of the many other accidents that have taken place in that locality?

Is the Minister also aware that in Maylands, near the Maylands School on the Guildford Road, a police officer supervises the crossing of children? In view of that fact, and as this is a dangerous crossing, will he consult with the Deputy Commissioner of Police to see whether a police officer could be made available for the supervision of children who may be crossing between the hours of 8.30 and 8.50 in the morning, and for a short while after school closes in the afternoon? This would obviate the possibility of any further accidents taking place.

Mr. COURT (for Mr. Perkins) replied:

I can only say I have no personal knowledge of the particular crosswalk to which the honourable member refers, but I can assure him I will have the matter examined and advice conveyed to him.

UNEMPLOYED MIGRANTS

Absorption in Commonwealth Works

10. Mr. HEAL asked the Premier:

My question arises out of a statement in this morning's issue of *The West Australian* headed, "Many Jobs Here for Migrants, says Department." It reads as follows:—

> Heavy demands for workers arising from Australian expansion would absorb all the migrant workers who could be attracted, the Immigration Department said today.

Would the Premier make representations to the Federal Minister in charge of immigration, and ask him to approach the Federal Government with a view to commencing more Commonwealth Government works in Western Australia in order that as many as possible of the unemployed migrants might be found work?

Mr. BRAND replied:

This has already been done, and done over a number of months.

PEMBERTON MILL

Government's Policy

11. Mr. ROWBERRY asked the Minister for Industrial Development:

My question arises out of an article that appeared in *The West Australian* on Monday, the 27th July, already quoted by the member for Mt. Hawthorn. Part of it reads, "Meanwhile local people should not lend themselves to be a party to the spread of ill-informed gossip." Does not the Minister think that the cause of this ill-informed gossip is the withholding of the information from these people by the Government? Does he not feel that if the Government made a decision soon, all such ill-informed gossip would disappear?

Mr. COURT replied:

I must confess to some difficulty in following the line of the question. I do not think there has been any tardiness on the part of the Government in announcing its policy and intention in respect of the matter under discussion. The hon. member was present and, in fact, introduced the deputation concerned. I think he will agree that there was a high degree of misunderstanding of the Government's policy on the part of those who comprised the deputation, and possibly the effects of it. I think the deputation the hon.

member led cleared the air considerably in regard to the attitude of the Government and its policy towards Pemberton.

Mr. Graham: What are you going to do?

Mr. COURT: You had a long time to decide on that. We have only been in Government for three months.

QUESTIONS WITHOUT NOTICE

Need for Brevity

THE SPEAKER: The practice seems to be growing in this Chamber of questions being asked without notice in which quotations are being read from newspapers. Questions without notice must be kept brief, and they must be questions. The opportunity must not be taken to make a speech.

ROYAL COMMISSIONERS' POWERS ACT AMENDMENT BILL

Second Reading

Debate adjourned from the 23rd July.

MR. ANDREW (Victoria Park) [5.13]: I thought the member for Harvey was going to speak on the second reading of this Bill and that is why I was a little late in rising.

Mr. Heal: Why did you think that?

Mr. ANDREW: I must say at the outset that I am a little puzzled at the attitude of the Government in connection with this Bill. In Western Australia we have had many Royal Commissions appointed; yet we find—notwithstanding the fact that those Commissions have operated satisfactorily without damage to anybody, and without anybody being prosecuted in relation to them—that suddenly the Government appoints a Royal Commissioner to inquire into betting control in Western Australia, and considers that it is necessary to amend the Act in order to give protection to the Royal Commissioner, the lawyers, and also to the witnesses. I am open to correction if anybody has been prosecuted in relation to a Royal Commission; I certainly cannot recall any such incident.

The Attorney-General said that the protection sought in the Bill was needed; but, on the other hand, the other legal gentleman on the Government side (the member for Subiaco), made a statement that there is nothing new in this Bill; that these people whom I have just mentioned have had protection under the Act for 50 years; and the reason for the Bill is that Sir George Ligertwood wanted the Act tightened up. That was the explanation he gave us. So, on the one hand we have the Attorney-General making a statement which implies that this protection is not there; while on the other we have the member for Subiaco saying that the protection is there, and has been there, for 50 years.

Mr. Guthrie: Two sections only.

Mr. ANDREW: I am quoting from what the hon. member said. It seems strange to me that when Mr. Justice Ligertwood comes here this should be done. We must remember that Mr. Justice Ligertwood was one of the parties to that ramp or stunt—whatever you like to call it—known as the Petrov Commission. There are many gentlemen in his position who refused to sit on that Commission; and there are many people today who look with somewhat suspicious eyes upon those who had anything to do with that particular stunt.

The fact remains that that Royal Commission operated under a similar provision to that contained in this legislation, and it was provided by the Federal Government. The witnesses had every protection. I do not think that I have ever heard anybody claim that Petrov was a person of fine character.

Mr. Graham: He lost his pants, anyway.

Mr. ANDREW: Yes, when he was drunk. That is the sort of person who was protected under legislation similar to that which this Government is endeavouring to bring down in Western Australia. It has been pointed out previously that such legislation does not operate anywhere else in Australia. The Petrov Royal Commission was a political stunt for a political party; and it was on a similar level to the Zinoviev letter and the Reichstag fire. I say that because, after the Commission had sat for quite a long time, no Australian was charged when it concluded its inquiries. The only charge was against Madame Ollier, a Frenchwoman connected with the French Embassy. She was arrested and taken back to France; and, as pointed out by the member for Beeloo, she was tried and exonerated.

I was told by a person who was with Madame Ollier at a certain small town that when Petrov said in evidence that she was at a certain place, she was not within some hundred miles of it and could not have reached it in half an hour after leaving this person. She could not possibly have been at the town when Petrov said she was there to meet certain people and have discussions with them. She was proved innocent.

As I said earlier, the Petrov Commission operated under similar legislation to that proposed by this Bill. That Commission was a complete fiasco, but it served the purpose of the Federal Government; it won the election. If Governments can conduct stunts like that with the backing of the Press, other elections will be won in that way.

There was a letter in the paper on Saturday written by Mr. Reg. F. Cooper. I think most people know Mr. Cooper. I intend to read a portion of this letter, which refers to the member for East Perth, although I know that that honourable member is well able to look after himself. Portion of the letter reads as follows:—

> It is also reported that Mr. Graham stated that racing attracted "the scum of the earth." Is he prepared to state publicly, outside the precincts of Parliament, whether he was referring to those persons directly connected with the handling of horses, or that section of the public that patronises racecourses, or the S.P. bookmakers?

We know that most people who go to the races do so for the purpose of relaxation; or are hopeful that they will win some money. The member for East Perth never implied that the people who go to the races are "the scum of the earth"; but he knows as well as I do that a small section of people who are attracted to racing are spielers, urgers, hangers-on, confidence men, and that ilk.

We know that is true because there is so much evidence which proves it. From time to time, people are prosecuted for certain actions on the racecourse; and they have, at times, been referred to as the hangers-on of the racecourse. That is the type of person to whom the member for East Perth referred. I do not think that anybody can deny that the people to whom I have referred are attracted to the racecourse; and the statement by Mr. Reg. Cooper is plain hooey, because he is trying to imply that the member for East Perth meant something else.

I know that the Leader of the Opposition is quite capable of looking after himself, as he has proved so often in the past. However, *The West Australian* had this to say in a leading article under the heading "Labor's Complex About Starting-Price Betting"—

The SPEAKER: I hope the honourable member can relate what he is saying to the Bill which is before the House.

Mr. ANDREW: This leading article was written as a result of what the Leader of the Opposition had to say when speaking to the Bill.

The SPEAKER: I draw the attention of the honourable member to the remarks I made earlier this afternoon.

Mr. ANDREW: This matter has been referred to in a leading article in *The West Australian* in connection with this Bill, and that is why I am making reference to it. I will now proceed to do so. It reads as follows:—

> Opposition Leader Hawke has a complex about "the gutter." Practically everything Mr. Hawke dislikes seems to come from the gutter; and certainly, when he is put out and forgets his usual dignity,—

I am glad they admit he has dignity. To continue—

> —the source of his own language is obvious enough.

I think the day will come when we will have to set an ethical standard for newspapers, because I consider those remarks to be most unwarranted. When speaking on this Bill the Leader of the Opposition did make a statement that Mr Jamieson said he had heard rumours about members of Parliament receiving money to either get the betting Bill passed or stop it from being passed—I do not know which—and that Mr. Jamieson said he believed those rumours. The Leader of the Opposition said that such rumours originated in the gutter.

Mr. I. W. Manning: Let us pass the Bill and see where they originate.

Mr. ANDREW: If the member for Harvey has anything intelligent to say, I would like to hear it.

Mr. Hawke: You will be disappointed.

Mr. ANDREW: In regard to Mr. Jamieson, the Leader of the Opposition said Mr. Jamieson stated that he believed those rumours. The Leader of the Opposition also said that rumours such as those about members of Parliament receiving bribes originated in the gutter. They certainly did not originate from decent people. If *The West Australian* takes exception to that statement, I would like to ask it where these rumours did originate.

In my opinion, the Government, by appointing this Royal Commission, is endeavouring to help the racing fraternity keep its activities going. From my point of view, I do not think that a State Government is charged with ensuring the continuance of racing.

The SPEAKER: Order! The hon. member must confine himself to the Bill. The question whether a Government keeps racing going or not has nothing to do with this Bill.

Mr. ANDREW: A Royal Commission is being held for the purpose of inquiring into various aspects of racing, and the Bill before the House is to give protection to that particular Royal Commission. I am only referring to matters which have previously been mentioned in this debate; and you, Mr. Speaker, did not ask members to confine their remarks in any way. Am I permitted to speak about racing at all?

The SPEAKER: If the hon. member can connect it with the Bill.

Mr. ANDREW: I am doing my best. I think this Bill was introduced because of the Commission which is inquiring into racing and betting. The two are closely

associated; because, in my estimation, if there were no betting, there would be very little racing.

It has been stated during the debate on this Bill that racing is an industry. I take strong exception to that term because, in the ordinary sense, racing is not an industry. It does not produce anything except headaches, empty pockets, and broken homes. That is what racing does in many instances.

Mr. Graham: Thank goodness it does not attract many people to it!

Mr. ANDREW: I suggest that members attend the racecourse to have a look at the people congregated for the purpose of betting and taking part in the entertainment —if it can be called that—which is provided. They will find very few young people in attendance; the people who go there are mostly middle-aged and elderly. I challenge anyone to deny that. Why is that situation brought about? For the reason that the racing game is going downhill and very fast.

I wish to refer to two friends of mine who went to the races regularly every Saturday. At odd times I attend myself, but neither last year nor this year have I seen those two friends. I met one a week or two ago and found that he had not been to the races since Christmas 12 months ago. On that occasion, he said that a horse which one week came 11th in a field of 14—when it was favourite—won the Derby the following week. That sort of thing is happening all the time.

The SPEAKER: Order! The hon. member will have to confine himself to the Bill. I would draw his attention to Standing Order No. 144, which is as follows:—

> The Speaker or the Chairman, after having called the attention of the House or the Committee to the conduct of a Member who persists in irrelevance or tedious repetition, either of his own arguments or of the arguments used by other Members in debate, may direct him to discontinue his speech: Provided that such Member shall have the right to require that the question whether he shall be further heard be put, and thereupon such question shall be put without debate.

I certainly have no desire to fall back on that Standing Order, but I feel the hon. member is repeating himself, and repeating arguments that others have used.

Mr. ANDREW: Although I cannot agree with you, Mr. Speaker, I realise that I must accept your ruling. I wish to make it plain that I am opposing the second reading of this Bill; and I believe that, if it is passed, it should pass only after amendments have been made to the first line on page 4 of the measure. As you have confined my remarks entirely to the Bill, Mr. Speaker, I think I have now said all I desire to say and wish only again to intimate that I oppose the second reading.

MR. EVANS (Kalgoorlie) [5.31]: My contribution to the debate will be brief, as I wish simply to direct certain arguments against the passage of the Bill, and do not desire any verbosity on my part to detract from the force of the arguments that I shall put forward.

The Bill states that each member of a Royal Commission has, in the exercise of his duty as a member, the same protection and immunity as a judge of the Supreme Court. Inquiry shows that the protection afforded to a judge of the Supreme Court can be summarised as follows:—Judges are exempt from liability for all acts done in their official capacity, even if done outside their jurisdiction, unless they know or have means to know that jurisdiction is lacking in that respect. That is a very important feature, because it affords a judge complete immunity and protection for any action while sitting in his official capacity as judge. He cannot be called upon, either civilly or criminally, to answer for any action or any statement made in Court.

We are being asked to extend that same protection and immunity to all members of the Royal Commission. We know that this Bill, if passed, would not apply only to the present Royal Commission—although some of the speeches heard during this debate might lead one to assume that to be so. There have been Royal Commissions in the past, and there will be others in future, not constituted of legal men; yet we are being asked to say that in those circumstances this immunity and protection should be granted to laymen.

I contend that this Bill would constitute a serious departure; because we know that when we have a trained judge, he has a trained legal mind and is careful of his position. He knows his responsibilities and is aware of those things for which he is answerable. For those reasons, when we give this power to a judge of the Supreme Court we can rest assured that it will not be abused; but I am not prepared, by means of any part that I may play in the affairs of this Chamber, to confer such powers of immunity on Royal Commissioners.

A judge, in his capacity of judge, cannot be made liable, even though he may act maliciously; yet we are asked to delegate that immunity to a Royal Commissioner or the Chairman of a Royal Commission! In the present instance it has been said that the Royal Commissioner is an ex-judge of the Supreme Court of South Australia. I do not know the honourable gentleman; but, from some of the things that have been said about his history, one may have some trepidation in extending this power to such a person; because a judge, I repeat, can act maliciously and may not be held liable for his actions.

The danger becomes more imminent when we recognise that such power is sought to be given to either Royal Commissioners or members of Royal Commissions, who may not be trained men; and therefore I vehemently oppose that provision in the measure. The Bill also provides that a barrister or solicitor appearing before a Royal Commission, or any other person authorised to appear before it, shall have the same protection and immunity as a barrister has when appearing for a party in proceedings in the Supreme Court.

The measure further provides that a witness, summoned to attend before a Royal Commission, shall have the same protection as a witness before the Supreme Court. As I understand the law, a Royal Commissioner is permitted to take hearsay evidence, although there is a safeguard in that he is not obliged to do so. However, there is nothing to prevent him from taking such evidence and giving credence to it. What is there, then, to prevent a person such as has already been mentioned during this debate, and who made a shameful outburst against members of Parliament who were in this House in 1955, from appearing before the Royal Commission, if the Bill is passed, and making scurrilous remarks and indulging in muck-raking?

Under this measure such a person could not be brought within the ambit of the definition of perjury contained in section 124 of the Criminal Code which states—

> Any person who, in any judicial proceeding, or for the purpose of instituting any judicial proceeding, knowingly gives false testimony touching any matter which is material to any question then depending in that proceeding, or intended to be raised in that proceeding, is guilty of a crime which is called perjury.
>
> It is immaterial whether the testimony is given on oath or under any other sanction authorised by law.
>
> The forms and ceremonies used in administering the oath or in otherwise binding the person giving the testimony to speak the truth are immaterial, if he assents to the forms and ceremonies actually used.
>
> It is immaterial whether the false testimony is given orally or in writing.
>
> It is immaterial whether the Court or tribunal is properly constituted, or is held in the proper place, or not, if it actually acts as a Court or tribunal in the proceeding in which the testimony is given.
>
> It is immaterial whether the person who gives the testimony is a competent witness or not, or whether the testimony is admissible in the proceeding or not.

Such a person is to be given protection under this legislation, so as to contravene that section of the Criminal Code.

Once again the present Government is showing itself as a past-master in law-breaking. It should come to this Parliament to perform the function of the law-maker but, in the three short months since it was installed in office, it has shown itself to be a champion law-breaker. It now asks us to give people power to go along as witnesses and contravene section 124 of the Criminal Code. I am not prepared to accede to that request; because it would mean that a person, such as the one already referred to during the debate, could cast reflections on anyone's good name; and, if he contravened the limits set down for a witness in the Supreme Court, there would be nothing to prevent him from withdrawing, after his testimony had been published in the Press.

The reputation of a person is like the bloom on a peach: once you breathe on it it is gone forever; and, no matter what retraction takes place, the damage is already done. Therefore, it is very dangerous to grant power such as this; because reputation is precious, and once taken away it cannot be given back again.

The member for Subiaco mentioned sections 352 and 353 of the Criminal Code and showed the close resemblance they have to the provision contained in this Bill. I have read the provisions of this measure thoroughly and have had them examined by a learned member of the legal profession. He disagreed with the Attorney-General, who said that the relevant sections were not tight enough to give the protection he has in mind. My authority states that they are tight enough for all purposes; so it would therefore appear that the major provisions of the Bill are superfluous.

Subsection (4) of proposed new section 12 provides that the Attorney-General may grant approval for the Chairman of a Royal Commission to grant a certificate similar to that granted under section 11 of the Evidence Act. I do not know why such a certificate should be issued by a Royal Commissioner when the powers of discipline and the form of evidence-taking are poles apart from those which exist in the Supreme Court.

I have read the Atttorney-General's speech on this measure thoroughly; but he failed to convince me that the situation before a Royal Commission is identical with that before the Supreme Court. Section 11 of the Evidence Act also provides that the power shall not be exercisable by any justice or justice of the peace other than a police magistrate or a resident magistrate; and there we have a very interesting safeguard written into the Act. We are now being asked to cast that safeguard aside; which would mean that any lay person, appointed a Royal Commissioner, could issue such a certificate provided it was expedient for the Attorney-General of the day to give his approval.

Now I come to the most dangerous and pernicious feature of the Bill. Paragraph (e) of proposed new section 16 states that a person shall not—

> by writing or speech use words calculated to bring a Royal Commission or a member thereof into disrepute.

Let us visualise what could result from this Bill becoming law. A Royal Commission could be held, a report could be furnished, and any person could be held liable under the powers granted if this legislation is passed. A person or any member of a Royal Commission could be liable. It would give the members of the Commission the right to use a double-headed penny. It would confer a warm feeling of security upon a member of such a Commission to be able to use such a penny.

However, what a poor consolation it would be for a person who was wrongfully cheated because he was denied the right of a fair go or the chance to reply to any accusation. That is what we are being asked to do. It is an Act similar to those performed in the days of the Gestapo when only a person such as Hitler would ask for such a power to be exercised. We are being asked to extend an existing power so that an innocent person is denied the right of reply.

Suppose a person innocently maligned a member of the Royal Commission and had certain information in his possession whereby he could prove that he was innocent. He would be precluded from publishing such information because its publication would make a fool of that member of the Royal Commission. That would certainly bring a member of a Royal Commission into disrepute.

I submit that the provision contained in this Bill defies the common law of defamation, and I make that submission for the consideration of the Attorney-General. If I happened to defame a person by saying that he pulled a racehorse last week, that person could come back in the Press to ask what right I had to say that he pulled that horse. However, if a second person made a similar statement, the person alleged to have been defamed would have no right of defamation because my statement had been corroborated. This Bill, however, defies the common law of defamation and that law is the cornerstone of British justice. Justice itself is being defiled.

There is a famous Latin saying, *Audi alteram partem,* which means "to hear the other side." That is one of the fundamental principles of British justice upon which Old Bailey itself stands. We are being asked to give away that right to members of a Royal Commission so that a person who might be maligned before such a Commission would have the right of making a reply to such a defamation denied to him. I only hope and trust that this Bill will never be printed on the statute book of this State.

MR. BRADY (Guildford - Midland) [5.48]: I submit that the timing for the introduction of this Bill in the House is extremely bad. It has been brought forward after a Royal Commission has commenced its inquiries into racing matters. There is such a thing as a question being sub judice, and I wonder whether the Government has done the right thing by bringing forward amendments to the Royal Commissioners' Powers Act after a Royal Commissioner has actually commenced his inquiry.

I have a feeling that the present Royal Commission on Betting could prove to be one of the most difficult and one of the most publicised Commissions that has ever been held in this State. It may prove to be difficult because of the innuendoes, the implications, and the suggestions that will be made by those appearing before it. Not for one moment do I think that a witness should appear before that Royal Commission to swear away the good character of another person and be protected in so doing. In fact, I think the Bill, to a large extent, has as its object the protection of people who should not want protection. A Royal Commissioner, as a rule, is a learned judge or a man well-versed in law. He should not put himself in a position whereby he would require to be protected. The advocates for either party are also well-versed in law and should not need protection, either.

However, the man who needs protection is the innocent person who attends before that Royal Commission in good faith and is then tied up with difficult questions put to him by counsel. That is the person I feel sorry for when he appears before a Royal Commission; and anything I can do to protect him I am certainly prepared to do. However, why protect those men who know the law from A to Z? They should be the last to seek protection.

Much comment could be made on this Bill. Since 1914 Royal Commissions have been held in Western Australia, but never before has it been found necessary to introduce an amendment to the Royal Commissioners' Powers Act such as this. The principal Act went on the statute book in 1902, and the only amendments to it were passed in 1914; and, latterly, in 1956.

The 1956 amendment provided that a Select Committee could be turned into an Honorary Royal Commission. That was only three years ago, and I cannot find anything to show that the introduction of this Bill is justified. I therefore cannot help but feel that somebody is running for cover. Some people have made statements that they cannot prove, and they are being encouraged to make them before the Royal Commission that is now sitting; and should they do so, they will be protected under the provisions of this Bill.

I hope we have not reached that stage as far as justice in this State is concerned. When speaking on justice the other evening, the member for Subiaco said that not only should justice be done, but also it should appear to be done. I cannot see how justice will be carried out if conclusions such as those I have mentioned are drawn. Why the hurry to get this amendment passed at this stage? I would have thought that the most convenient and the best time to introduce an amendment such as this would be when no Royal Commission was being held in this State, and when no-one was being called to give evidence; and, in fact, when all was quiet so far as Royal Commissions were concerned.

For those reasons, and for many others that I have not the time to mention, I am going to oppose the Bill. The member for Subiaco pointed out that the Bill is only going to provide what is already provided in the Criminal Code in respect of certain persons. Therefore, I would ask you, Sir, as Speaker, to consider during the tea suspension whether it is right and proper for the Government to introduce legislation which is already provided in other statutes.

Mr. O'Neil: Only portion of it.

Mr. BRADY: Very well; only portion of it. But there are certain aspects of this legislation which are redundant, and it will only clutter up the statute book.

If there is already a provision in the Criminal Code, under section 352, why repeat it in this legislation? If the Government or a member of the House is to be encouraged to introduce legislation which is already on the statute book, I think it is wasting the time of the House and making the administration of this State very costly for the people. So I hope you will have some record made of my remarks in this connection; and after the tea suspension you may give a ruling on whether the Bill is in order on the basis that most of its provisions are already contained in other Acts.

Another reason why I do not think this is the right and proper time to introduce this measure is that a great deal has been said about a public meeting that was held in the vicinity of one of the racecourses. It is also said that certain members of Parliament were present at that meeting. I understand, further, that one of them was a Minister of this Government. He made certain statements at that meeting and gave certain assurances. I was not there, so I do not know what he said. However, if a Minister did attend that public meeting and stated that the W.A. Turf Club was to be assisted, I consider that this Government is not in order at this stage in introducing an amendment to the Royal Commissioners' Powers Act, especially when there is the possibility that that Minister may be called to give evidence before it.

I could go on to deal with other aspects of the Bill and with statements made by the member for Subiaco on its administration. From that hon. member I gained the impression that he was not very happy about a man being brought to Western Australia from outside the State to sit as a Royal Commissioner and to hear the evidence that was brought before him. In this instance I understand the Royal Commissioner is a highly qualified man; but the powers that will be vested in him if this Bill becomes law will be conferred on other people who may be appointed as Royal Commissioners, and who may not be so well versed in the law of evidence.

Unless we restrict this legislation in such a way that the only people who can be appointed as Royal Commissioners are legal men, I consider we will not be right in granting such powers to an ordinary layman who could confer protection on any witness whom he named. As I have said, it is extremely unfortunate that the Royal Commission now sitting is going to become very unsavoury and very difficult as the proceedings continue.

Only last week some remarks were made by members in this House, and you yourself, Sir, made a ruling in connection with your attitude towards them. At this stage I wish to compliment you on the stand you made as Speaker in regard to the publication of the proceedings of this House in the Press, because I cannot help but feel—and I have felt for some time—that the daily newspapers in Western Australia are becoming a law unto themselves. They are beginning to direct Parliament, the members of the Opposition, and everybody concerned as to what they should or should not do. That is definitely wrong. Therefore, I am very pleased that you made the stand you did on the question of privilege in relation to these matters.

Some idea of the statements that are to be made before the Royal Commission may be gained from those that have been reported in this evening's *Daily News*. I will now quote some of the remarks that were made before the Royal Commission today by Mr. O. J. Negus, Q.C., which are reported in the first paragraph on page 1 of that newspaper. They are as follows:—

> O. J. Negus, Q.C., (For the W.A. Turf Club and the Bloodhorse Breeders' Association of Australia) had insisted that Styants name the Big Three whose turnover exceeded £400,000 a year.
>
> There was derisive laughter from some at the hearing when Negus said he was going to suggest that the effect of building up a group of extremely powerful individuals—now law-abiding—could be the development of American gangster types.

> This group of extremely powerful individuals could number between three and six.

Those are strong words from a person who is an advocate before the inquiry. How much stronger they will get, and what other innuendoes and reflections are to be made before the inquiry is finished, it is hard for me to judge. I do not think any justice will be done by introducing an amendment to the legislation at this late stage.

Mr. Hawke: Mr. Negus even takes the party political line before the Royal Commission.

Mr. BRADY: There is no greater protector of the general public or of a witness than this very Parliament of ours. It should be the first to protect people who are called by the Royal Commission to give evidence.

Mr. Hawke: Provided they are reputable.

Mr. BRADY: Certain people have already made statements, yet the inquiry is proceeded with. That particular incident should be placed before this House when amendment of the Act is being considered. I might have been prepared to consider this Bill if it had not been introduced at a late stage. After much heat has been engendered; after a public meeting has been held; after statements reflecting on members of Parliament in this House or in another place have been made; and after a member—now a Minister of the Crown—had been present at the meeting in question, it is not right and proper for this House to deal now with the amendment to the Act. For that reason the Attorney-General should drop the matter. I doubt whether this is the opportune time to introduce this amending Bill.

There is another aspect along different lines that I must introduce during this debate: that is the question of the appointment of Royal Commissions. The Government has been elected to govern this State. If there are shortcomings in horse-racing, or if certain action should be taken to help the Turf Club and the racing fraternity, the Government itself should take the necessary steps.

What do we find? We find that a Royal Commission has been appointed—one to cost this State thousands of pounds—after the people have contributed towards paying the Government to govern the State. The new Government is in its first months of office; but already it has appointed a Royal Commission. I remember when the McLarty-Watts Government was in office it appointed many Royal Commissions; and in one year there were four or five.

Mr. Tonkin: It did not take any notice of the recommendations of the Royal Commissions, usually.

Mr. BRADY: There was a Royal Commissioner appointed to inquire into betting; but when the recommendations were made, they were not acted on. Nothing could be more negative on the part of a Government.

Mr. Brand: Why are you worrying, if you think we will not act on the recommendations of this Royal Commission?

Mr. BRADY: By appointing a Royal Commission at so early a stage in its term of office, it seems that the Government intends to govern the State through Royal Commissions, instead of doing so itself.

Mr. Brand: Before you go any further, can you tell me why your Government appointed a Royal Commission extending over two years to inquire into the railways?

Mr. BRADY: I protest at the action of the Government in appointing Royal Commissions for the purpose of doing the job of governing the State.

The SPEAKER: I hope the hon. member will relate his remarks to the Bill.

Mr. Brand: He cannot.

Mr. BRADY: I cannot see how this Royal Commission can help the Government. I hope the Government will not persist in appointing further Royal Commissions. Rather than introduce this Bill, the Government would have been better advised to extend the powers of the Royal Commission so that it could investigate all matters associated with gambling, the Turf Club, and the Trotting Association. Such action would have served us better than the Bill.

I do not think it is in the best interests of the State to have gambling; and the Government would have been better advised if it had inquired into that matter. At the same time, it could also inquire into the tie-up between the newspapers, the broadcasting stations, and the horse-racing interests.

The SPEAKER: The hon. member must relate those remarks to the Bill.

Mr. BRADY: I consider they have some relation to the Bill, because the inquiry undertaken by the Royal Commission is pretty extensive, but its powers are limited. This Bill seeks to give protection to people who may be called to give evidence. If such evidence is to be given before the Royal Commission, it should be given all possible information into all aspects of gambling, and not into a limited aspect. If that had been done, the Royal Commissioner would have been able to see the tie-up between the newspapers and the racing fraternity; the broadcasting stations and the racing fraternity; the breeders and owners' association, the Turf Club, and the bookmakers. At the conclusion, we might have been given a worthwhile report as to how gambling in all its ramifications could be reduced, and as to whether gambling was having any effect on the crime rate of this State.

I hope the Government will pay some regard to what I have said, and that the Attorney-General will consider whether it is advisable to introduce amendments to legislation which are already provided for in other legislation.

MR. NORTON (Gascoyne) [6.10]: Like the member for Guildford-Midland, I consider it is very inadvisable for the Government to introduce a Bill such as this when a Royal Commission is sitting. Such action always raises a contentious point, and people outside of this House are liable to misconstrue it. There was unnecessary haste on the part of the Government to rush in this measure, particularly in view of what the member for Subiaco said last Thursday. He pointed out quite clearly that the provisions in this Bill were covered by the Criminal Code. He stated that in his opinion all that this Bill sought to achieve was to tighten the existing position.

The hon. member quoted only sections 252 and 253 of the Criminal Code as his authority. As he said, those sections gave protection to the Royal Commissioners, whoever they might be, provided they were appointed under the authority of a statute of Her Majesty's Government or Governor in Council, or either House of Parliament. So the Royal Commission which has been appointed is given full protection under those two sections, as far as is necessary.

It is interesting to note that other than the Attorney-General and the member for Subiaco, no other member opposite has spoken on this measure. It is also interesting to note that neither of those two hon. members referred to two other sections of the Criminal Code which affect Royal Commissions. The member for Kalgoorlie has already mentioned one portion of section 124, but there are other sections which are also relevant. I refer to sections 127 and 128, which afford protection not only to witnesses, but also to persons referred to by witnesses. Should they be maligned, or should false evidence be given against them at the hearing, action can be taken. It is as well for me to read sections 127 and 128, because they have not been quoted.

Section 127, with the marginal note "False evidence before a Royal Commission," states as follows:—

> Any person who, in the course of an examination before a Royal Commission, knowingly gives a false answer to any lawful and relevant question put to him in the course of the examination is guilty of a crime, and is liable to imprisonment with hard labour for seven years.
>
> The offender cannot be arrested without warrant.
>
> A person cannot be convicted of the offence defined in this section upon the uncorroborated testimony of one witness.

From that it will be seen there is ample protection for witnesses. The evidence must be given by two people before a warrant of arrest can be issued. This section takes care of the witnesses completely.

Then section 128, under the marginal note of "Threatening witness before Royal Commission, etc." states—

> Any person who—
>
> (1) Threatens to do any injury, or cause any detriment of any kind to another, with intent to prevent or hinder that other person from giving evidence before any Royal Commission or on other public inquiry; or
>
> (2) Threatens, or in any way punishes, damnifies, or injures, or attempts to punish, damnify, or injure any other person for having given such evidence, or on account of the evidence which he has given, unless such evidence was given in bad faith;
>
> is guilty of a misdemeanour, and is liable to imprisonment with hard labour for two years.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. NORTON: I was quoting from the Criminal Code and endeavouring to show how it contained sufficient provisions to make it unnecessary for the present Bill to be brought before the House. One other section that I would like to quote is section 129. Whilst this is not indexed as actually referring to Royal Commissions it does, in my opinion, come within the category of a Royal Commission. The section states—

> Any person who, with intent to mislead any tribunal in any judicial proceeding—
>
> (1) Fabricates evidence by any means other than perjury or counselling or procuring the commission of perjury; or
>
> (2) knowingly makes use of such fabricated evidence;
>
> is guilty of a crime, and is liable to imprisonment with hard labour for seven years. The offender cannot be arrested without warrant.

The Bill before us seeks to give protection to judges, witnesses, and barristers. It has been shown, not only by me, but also by the member for Subiaco, that sections 352 and 353 of the Criminal Code give the necessary protection to Royal Commissioners and witnesses. This statement is borne out by the marginal note to section 352, because it states—

> Absolute protection; Privileges of Judges, witnesses and others in Courts of justice.

That covers some of the major parts of the Bill which deal with the defamation of a Royal Commissioner, or liability for defamation arising from any source—such as published reports of the evidence or the findings of the Royal Commission—whatsoever. When we turn to the other sections I was quoting—sections 127 and 128—we find they give to the witnesses protection from threats of any kind; and we find they protect outside people about whom untrue things may have been said.

These two sections provide protection both ways. If the Bill passes in its present form, persons outside of Royal Commissions will have no protection; only the persons who appear before tribunals, or who are otherwise connected with tribunals, will have protection. I consider that the Criminal Code gives all the protection that is needed to the people concerned; because, with section 129, which can be taken into consideration here, it prevents any person, who acts as a witness, from fabricating evidence and thus misleading the Commissioner—or, perhaps, the public—during a hearing.

Apparently we are the only State that considers it necessary to have such legislation. It was said that New South Wales had such an Act, but doubt has now been thrown by the member for East Perth upon that statement; because, when he spoke, he mentioned that the legislation had been repealed. I can see no reason for this State being the only one to have such an Act. For the reasons I have set out, therefore, it is my intention to oppose the Bill.

MR. W. HEGNEY (Mt. Hawthorn) [7.35]: I propose to express my opinion in regard to this matter and, as far as possible, I will not reiterate the arguments that have already been advanced by speakers on this side of the House. At the outset I must say that there is something subtle about the Bill; something sinister, strange, and ominous!

Why is the Bill brought here at this particular time? It is because the Government has decided to appoint a Royal Commission into betting. I suggest that if there were no betting inquiry, or any other inquiry in the offing, then in the calm atmosphere of our deliberations the provisions of the Bill could be debated, and every member of this House could be expected not to have any suspicions in regard to the purposes of the measure.

Let us for a moment look at the Act itself — the Royal Commissioners' Powers Act. In 1914 this legislation was amended; and it was not until 1956—42 years later—that it was found necessary to effect any further amendment. Numerous Royal Commissions have sat over a long period of years, and it has not been found necessary to alter the Act in the direction set out in the Bill before us.

I am one of the members who cannot be accused of being in any way connected with racing or betting. I just make that remark to indicate that I am looking at this question absolutely impartially. I want to find out, if I can, what is behind this move. Why the inordinate haste to have the measure passed at this stage? Why suspend Standing Orders to obtain the passage of the Bill?

I voted for the Betting Control Act, because, as I said when the measure was before the House four years ago, the Government either had to control the S.P. bookmakers, or the S.P. bookmakers would control the Government. That is the attitude I take. Although not a betting man, I believe that if a person wants to bet he should have the privilege to do so, without having to go furtively up lanes or dark passages.

Now the Government decides to initiate a Royal Commission. Well, that is its prerogative. The Government has been in office only a few months; and whether it is sidestepping its responsibilities remains to be seen. The Royal Commissioners' Powers Act was passed in 1902, and there was an amendment in 1956; and I repeat that if there were no inquiry in the offing, or in actual progress, I think the Assembly would look at things a little differently.

I give a new member of the House—the member for Subiaco—due credit for his sincerity in regard to what he said the other night. He indicated that there were certain provisions already on the statute book, and that the idea of this measure was simply to tighten up the position. I give him due credit for being sincere in making that statement. But I do not believe that the measure is necessary, or that it has been introduced just for the purpose of tightening up the position. I repeat that I think there is something subtle about the Bill, and something sinister behind the move. Why the necessity for this measure if there are already—as there have been for some years—similar provisions in the Criminal Code?

Did all the private members on the other side of the House know that the Bill was going to be introduced? Did they know its provisions? They can answer for themselves. I say it is wrong—although the Government is using its prerogative—to introduce, at this stage, a measure of this character. If the Government liked to postpone Parliament or the Assembly for another week, more time would elapse before the Bill would be finalised here and sent to another place.

If the Legislative Council decided to carry on with the Address-in-reply debate, and not suspend Standing Orders, the Royal Commission that is now in progress could well be over altogether before the Bill was disposed of; and it is obvious that

the reason for the Attorney-General introducing the measure is to have particular regard for the Royal Commission on Betting control.

I have read sufficient—I am looking at this entirely impartially—in the morning and evening newspapers, to know that the Royal Commission is going to be very unsavoury and very smelly before it is finished. I am surprised at any Government—and at the Attorney-General; a man of his capacity and experience—introducing a measure of this nature at this particular time. I do not know just exactly what is meant by the last clause of the Bill, which states that a person shall not, by writing or speech, use words calculated to bring a Royal Commission or a member thereof into disrepute. That is pretty wide.

We are dealing with the Bill now, and the argument has been adduced that a judge sitting in the Supreme Court is in an entirely different capacity from a member of a Royal Commission. For the reasons already stated, I quite agree. According to the Bill, all members of the legal fraternity and all witnesses will be protected; and it has been said—and not denied up to date—that any person who goes into the inquiry and says what he or she likes to say, will be protected to the fullest possible extent; and people can have their characters besmirched, but have no redress whatever. I am not standing for that at any time.

One has only to read the reports of the proceedings at the Commission to feel the atmosphere. We can smell what is going on; and we are asked, as a responsible Parliament, to lend ourselves to an amendment of this character when the Commission is already conducting its proceedings. I hope that the Legislative Assembly will not agree to the proposal of the Attorney-General.

I do not know whether the private members on the other side of the House had more cognisance of what was going on than did members on this side. It is up to the new members and the old members —the rank and file of the Liberal and Country parties—to indicate whether they had the opportunity of knowing what was to be in the Bill, and what provisions the Government decided to bring down for the consideration of the Assembly.

The Bill is absolutely unnecessary and uncalled for. If the Government decided to introduce an inquiry into betting control, it had every right to do so; and I have no objection to the holding of an inquiry into any matter if the Government decides to have an inquiry. But if the provisions in the Bill before us are already included in some statute, why paint the lily? I want that question answered.

What is the reason for this? Why is the Government in such an undue and terrible haste to have Standing Orders suspended and an important aspect, such as the Address-in-reply, put aside while a Bill of this nature is introduced? It is wrong. I appeal to the private members on the other side of the House. As far as I am concerned this matter is not political. The member for Subiaco can smile.

Mr. Court: We are all smiling.

Mr. W. HEGNEY: As far as I am concerned it is not political on our part. As I said in my opening remarks, I think there is something subtle about it. It is a very cute move, if it is not an astute one; and it is a strange move on the part of the Attorney-General, acting on behalf of the Government.

I have purposely confined myself to the provisions of the Bill without reiterating what a number of other members have already pointed out—the very essential difference between a judge of the Supreme Court and a Royal Commissioner. In one case there is a specific charge to be heard; in the other case anybody can go into the inquiry and, according to this Bill, say anything he likes, and there is no redress whatever.

There is already ample protection under the Criminal Code, and there is no necessity for a Bill of this nature. Therefore I hope it will be defeated. I understand that one or two members have said that they are prepared to agree to one clause but not to another. As far as I am concerned the lot will go out—hook, line, and sinker.

MR. HALL (Albany) [7.47]: I have much the same views as the member for Mt. Hawthorn—that the legislation before us is loaded and lopsided. If we peruse it carefully we see that protection is given to the legal fraternity, the Commissioner, and witnesses. If we look also at *The West Australian* of the 8th July, 1959, we see a heading which reads—

> Styants: Bets Inquiry Will Clear Names.

The article goes on to state—

> Betting Control Board members would welcome the investigations of the coming Royal Commission on betting as a chance to clear their names, Board Chairman H. H. Styants said yesterday.

Mr. Styants apparently thought it would be an opportunity to clear the Board's name of the smirch it has had for some time.

I suppose many members of this Chamber have had their characters besmirched at various times, but they have always had a chance to clear their names. This legislation will allow no reprisals at all. A witness will be able to go before the Commissioner and say what he likes about anybody, and the person affected will have no opportunity to defend himself. This evening, you, Mr. Speaker, referred to an article in *The West Australian*, and mentioned unparliamentary utterances. You

had a chance to defend members of this House; and at present that is the prerogative of any witness who is attacked by someone at an inquiry such as is at present being held.

Even Mr. Jamieson, who has been mentioned, had the protection of *The West Australian* in regard to the utterances of the Leader of the Opposition. They are different mediums of defence which would not be available if this measure were passed.

If anyone is brought before the Commission for any reason at all, anything can happen. We will find out as this Commission takes its course just how filthy this is. We have already seen that from the evidence so far. We will soon know why it was designed, and why it was appointed. That is all I intend to say, but I strongly oppose the legislation.

MR. FLETCHER (Fremantle) [7.50]: I oppose the Bill in its entirety; because, like the member for Mt. Hawthorn, I believe it has a sinister purpose. Unlike the hon. member I believe the move is a political one; and to me the amendments savour of lending an air of respectability to what, in my opinion, is an ulterior motive. This is a disreputable industry, if it can be called an industry.

Reference has been made to different sections of the Act, including section 352, 353, and so on. I do not wish to labour the various legal aspects, or point out where one section will contradict another. I believe that if a member on one side produced something, a member on the opposite side could produce something else to contradict it; and vice versa.

The member for Beeloo said it is significant that Sir George Ligertwood heard the Petrov case in the Federal sphere. Why I say that there is a sinister purpose behind this legislation is that what was achieved on a Federal basis, in an endeavour to besmirch our party and its leaders, is being attempted in this instance on a State basis. That is why I am suspicious of it; and in saying that, I am not casting any aspersions on Sir George Ligertwood's rectitude.

However, I believe that the Act, if amended by this Bill, could be used for such a purpose. Leading questions could be asked which could be used to the detriment of our party; and that is why I say it is significant that the very same man who was associated with this sort of thing on a Federal basis is now associated with it on a State basis.

Mr. Jamieson: He will probably get life membership of the Liberal Party for it.

Mr. FLETCHER: I say with all sincerity that where mud is thrown some of it sticks; and when it is thrown at our party the same applies. As our Deputy Leader pointed out, the other night he did not have the opportunity to reply.

We see headlines in the Press designed to catch the eye of the casual reader. Upon reading those headlines he would condemn our party without bothering to go into the matter more fully. The same sort of thing could happen before the Royal Commissioner if these amendments were agreed to. They give the right to any individual to submit evidence to the Royal Commissioner with absolute impunity. The Press can foster or build up the story of any pimps who like to go along and give evidence to the Commission. The newspapers could build up the story out of all proportion and create hostility towards our party.

Irrespective of whether the next election is in three years' time, or at an earlier date, I suspect that some of the evidence which is submitted to this Royal Commission if this Bill is agreed to, will be resurrected and used against us. All the dirty material aired at this Royal Commission will, I believe, be used in that way. With the member for Mt. Hawthorn, I believe it has a sinister purpose. Most Royal Commissions are for the purpose of whitewashing something or someone; in this case I do not think it will be used for whitewashing purposes, but merely for the purpose of slinging mud.

Mr. Graham: You can see what Negus is up to. He is already trying to impute motives to the previous Cabinet.

Mr. FLETCHER: In that regard I would like to mention one of the final paragraphs in today's issue of *The West Australian* which reported the proceedings before the Royal Commission. This paragraph reads—

> Did not the transferee or transferor of the business have to sign a statutory declaration that no price was paid for goodwill?—No. The Board was informed on one occasion that a large sum of money had passed under the counter. In this case we found later that both parties had lied.

The implication there is that a large sum of money had changed hands; and it is that sort of thing that will be brought forward, and questions asked on it, if this Bill is passed.

Questions were also asked regarding off-course totalisators. Cabinet decided on this issue and yet Mr. Negus asked, as reported in *The West Australian* of the 28th July, whether Cabinet's decision was not a cowardly one. He implied that the decision made by our Government, democratically elected in a democratic manner, was a cowardly one. If that is the sort of thing this Bill will protect, I will have no part of it; and I do not think any decent citizen on either side of the House should have any part of it.

Mr. Cornell: The decision on totalisators was made by the Betting Control Board and not by the Government.

Mr. FLETCHER: If the Bill is passed, and dirty things such as I have mentioned can be submitted in evidence, does anyone think an unbiased decision will be given? I say to members opposite that it is obvious if someone sympathetic towards the views they hold sat in judgment and gave a decision, after legislation such as this had been passed, it would be a biased one in favour of their party. On the other hand, if we on this side were able to obtain a legal brain who was partial to our way of thinking, and who sat in judgment, his decision could be to the detriment of members opposite. As a consequence, how can they possibly support such dangerous legislation?

Mr. Graham: Negus will get a knighthood out of this.

Mr. FLETCHER: There is another aspect. Who will do very nicely out of all this? I do not cast any reflection on any of the legal men in this Chamber; but there are many of the legal profession who will do very nicely out of this hearing. The Bill looks quite innocuous on the surface, but when one comes to analyse it it is a different matter. As it will be to our detriment, and I believe to the detriment of others, I oppose it.

Why hold an inquiry so that someone can tell us what we already know? We know already that betting is on a far better basis than it was before the Labour Government took office. The Hawke Government put it on a reasonably respectable basis, and reference has already been made to the back-alley type of betting that used to go on.

I say that the amendments before the House—and I said this at the outset—make it appear that the purpose is to clean the thing up. I claim that our Government cleaned up the racing trade. When it was on the basis of back lanes, when any child could sneak up and place a 5s. bet on a horse, it was operating to the detriment of the children and of Western Australia as a whole. I see no purpose for these amendments, and I am surprised that the Government should support them. Consequently I oppose the Bill in its entirety.

MR. WATTS (Stirling—Attorney-General—in reply) [8.1]: I think the flights of imagination to which members opposite have gone have exceeded anything I have ever heard in the confines of this Chamber. In no circumstances would any of them concede for one moment that there was anything but improper motives—to say the least of it improper motives—behind the introduction of this measure. I can assure the House and everybody else who is interested in this matter that there is only one motive behind the introduction of this measure, and that is the motive which I told the House when I asked for Standing Orders to be suspended; namely, that the Royal Commissioner, when appointed, had advised the Crown Prosecutor, who had been appointed as his assisting counsel, that in his view the state of the law in Western Australia in relation to Royal Commissions was very deficient, and that amendments to the Act were desirable.

Mr. Evans: It is a wonder that he did not make similar observations when he was a judge in South Australia.

Mr. WATTS: If the hon. member for Kalgoorlie will allow me to work out the reply I am endeavouring to make to a variety of observations that have been made in this Chamber in the last couple of sitting days, I shall doubtless reach the point to which he has just referred.

Mr. Cornell: Is the member for Kalgoorlie stating his own case or that of Mr. Hartley?

Mr. WATTS: I strongly suspect that the latter is the case, though I had no intention of voicing my thoughts with regard to it until the member for Mt. Marshall interjected.

Mr. Graham: What would be wrong with it?

Mr. WATTS: There would be nothing wrong with it. For heaven's sake, don't impute bad motives to everybody! Even the Leader of the Opposition is jocular; and while I am a poor hand at this sort of thing, I do not think I ought to be denied the little quip I had at the expense of the member for Kalgoorlie. That is all there was in the last series of remarks. I was about to go on to say that the Royal Commissioner expressed those views; and up to that time there had been no thought in connection with this particular commission for any amendment of the law at this stage.

I did indicate, in introducing the second reading, certain views I held myself in regard to some aspects of the Royal Commissioners' Powers Act, but that was not in the forefront at that time. There was no other reason for the introduction of this measure than the report received from the Chief Crown Prosecutor after his discussions and consultations with the Royal Commissioner, when that latter gentleman regarded the provisions of the Western Australian law as deficient, and suggested that they ought to be amended.

In consequence, as I said before, the matter was referred to the Solicitor-General who—and I am sure that nobody can impute dishonourable motives to him; least of all would the member for Eyre do so if he were here, because he had been associated with him for many years—confirmed in quite clear language the desirability for amending the existing law.

That is where we stand as far as the introduction of this measure goes. There was no other motive, and there is no other motive behind it than that expression of opinion and desire by the Royal Commissioner.

Mr. Graham: The little dictator.

Mr. WATTS: There have been imputations even against that gentleman; and I suppose there has been in South Australia no more distinguished and honourable a man than Sir George Ligertwood, who has but recently retired from the Supreme Court bench in that State, covered with years and with honour. To say for one moment that that honorable gentleman would have suggested, for some improper motive, that the law should be amended is, in my opinion, to impute to a man of the greatest honour something low and miserable which he would not contemplate for one second.

Mr. Jamieson: What about the Petrov inquiry?

Mr. WATTS: If the hon. member would examine the Petrov inquiry closely, he would find that the Royal Commissioner, Sir George Ligertwood, summed up the evidence placed before him in a fair and reasonable way.

Mr. Fletcher: To our detriment.

Mr. WATTS: Can that be helped, if it was to somebody's detriment? It has not been used, so far as I am concerned, in this Chamber, and it will not be used now. I will not discuss whether the report was to your detriment or not. It has nothing to do with this case, and in no circumstances will I refer to it in this Chamber. So it is not to your detriment as far as I am concerned.

Mr. Graham: Wouldn't there be politics involved in this Royal Commission?

Mr. WATTS: No. The Royal Commissioner has been appointed to inquire whether there is anything wrong with the betting industry in this State that ought not to be allowed. If there is, it should be the duty of every citizen to see that it is not allowed.

Mr. Graham: But don't protect every mongrel that makes utterances against the late Government!

Mr. WATTS: There are fewer mongrels in this world than the member for East Perth contemplates. The great majority of people are reasonable and decent.

Mr. Graham: It does not need many of them to besmirch character.

Mr. WATTS: If they do, it is possible for the person besmirched to give evidence in rebuttal of it, and it is possible for a man in that position to be ultimately charged with perjury. It is very unusual for a man or a woman on oath to go to the excesses that the member for East Perth wants to consider are commonplace, but which I do not think are so.

Mr. Graham: This Royal Commission had its birth in those extravagant utterances of Jamieson, and you know it.

Mr. WATTS: I know nothing of the kind. Those extravagant utterances were forgotten by me until they were referred to a few nights ago by the Leader of the Opposition.

Mr. Graham: The Premier put it in his policy speech.

Mr. WATTS: Of course he did; but it had nothing to do with the sub-strata of this Commission; and that is one of the reasons why I referred to the flights of imagination in which certain gentlemen opposite wanted to indulge.

It has been repeatedly said that there is no law like this in any of the Eastern States. I do not think the Leader of the Opposition was in the House at the conclusion of proceedings on Thursday last when, on a point of privilege, I corrected the member for East Perth in his assertion that the 1901 New South Wales Act had been repealed. It had been repealed and replaced, and is still on the statute book of New South Wales.

Mr. Tonkin: But it does not contain the provisions that you have in your Bill.

Mr. WATTS: Maybe not. I am referring to the matter in regard to witnesses. That was the point under discussion at that time, and that was the point on which I wished to make the correction. I would like to say at this stage that the major complaint which has been raised against this measure is what has been referred to as the protection afforded to witnesses. In dealing with this matter, the Leader of the Opposition said he had no objection to the protection to be afforded the Commissioner. He had slight objections—but got over them in a few words—to the protections proposed to be afforded to counsel appearing before the Commissioner.

Mr. Graham: We have seen Negus in action since then.

Mr. WATTS: But when it came to witnesses, he elaborated on that point considerably. When I introduced this measure, it was not to be supposed by me that I was obliged to anticipate all the lines of opposition that have been brought into this debate. Therefore, all I undertook to do at the time was to endeavour to make a factual explanation of what was intended by the Bill; and, preceding that, the introductory remarks on which I have dwelt at considerable length this evening, dealing with the request of the Royal Commissioner for amendments to the Act which justified the request for the suspension of Standing Orders. Therefore, I only referred to legislation in New South Wales and to an Act which was passed by the Commonwealth.

But now I can inform the House of legislation that has been in force in South Australia, known as the Royal Commissions Act, 1917, which says—

> A statement or disclosure made by any witness in answer to any question put to him by the Commissioner, or any of the Commissioners, shall not, except in proceedings for an offence against this Act, be admissible in evidence against him in any civil or criminal proceedings in any Court, and the Governor may make any regulations which may be necessary or convenient for carrying out any of the provisions of this Act for better effecting the objectives of this Act.

Mr. Graham: That is in answer to questions, not evidence in chief.

Mr. WATTS: It refers to the statement or disclosure made by any witness in answer to any question put to him.

Mr. Graham: By the Commissioner?

Mr. WATTS: Yes.

Mr. Graham: Not evidence in chief?

Mr. WATTS: As far as I am concerned, that is evidence in chief.

Mr. Guthrie: Evidence in chief is given in answer to questions.

Mr. Tonkin: In Royal Commissions you can give evidence without being asked questions.

Mr. W. Hegney: Why don't you get on with something else?

The SPEAKER: Order!

Mr. WATTS: I do not wish to get on with anything else; I propose to deal with these items seriatim. Sections 17 to 21 of the Evidence Act of Victoria read as follows:—

> No statement made by any person in answer to any question before any Commission empowered under the provisions of this Act or other like body, or person empowered under any other Act to summon witnesses shall be admissible in evidence in any proceedings, civil or criminal, against him, nor be made the ground of any prosecution action or suit against him and a certificate signed by the chairman of some board, commission or body or by the sole commissioner or by such person that such statement was made in answer to any such question or in the course of any inquiry before such board, commission, body or person shall be conclusive evidence that the same was so made.

When in 1949 Victoria wished to have a Royal Commission into certain aspects of the Communist Party, it provided by special legislation, Act No. 5366, for protection comparable to the protection proposed to be given by the Western Australian Bill in regard to that particular inquiry. The Evidence Act of 1956 of Tasmania provides in sections, 18 and 21 —that is dealing with witnesses again— as follows: —

> Every witness summoned to attend or appearing before the Commission shall have the same protection, and shall, in addition to the penalties provided by sections 16 and 17, be subject to the same liabilities in any civil or criminal proceedings, as a witness in any case tried in the Supreme Court.

That is very substantially the same as the provision in our own Bill. That is the Tasmanian legislation, which goes on also to provide for the issue of certificates as I have already referred to.

Section 372 of the Queensland Act provides absolute protection privileges to judges, witnesses, and others. A person does not incur any liability as for defamation by publishing, in the course of a proceeding held before or under the authority of any court of justice, or in the course of an inquiry made under the authority of a statute or under the authority of Her Majesty, or of the Governor in Council, or of either House of Parliament, any defamatory matter. The section is headed, "Absolute Protection Privilege of Judges, Witnesses and Others."

So it will be quite apparent that in one form or another the same sort of legislation has been in operation in the other States of the Commonwealth for varying periods of up to 40 years.

It is nothing extraordinary, therefore, knowing that he must have known what the law was in other States, that the Royal Commissioner should suggest that some amendment be made to our law which he regarded as deficient; and that is the reason, as I say again, why this legislation was drafted and why it is sought to pass it through this House as early as possible.

Mr. Graham: You told us last week that you didn't think the other States had it. Now you are giving that as justification for introducing this Bill.

Mr. WATTS: I told the Leader of the Opposition that I could give no assurance on that subject and that I only knew of New South Wales and the Commonwealth having it. That can be found in Hansard. I said I could give no assurance on that subject, when the Leader of the Opposition referred to the other States, because at that time I did not know the answer. By interjection, I said I could give no assurance on that subject except in regard to New South Wales and the Commonwealth.

Mr. Graham: Now you are saying all the other States have got it.

Mr. WATTS: I said nothing of the sort. I said that the Royal Commissioner would know the law in the other States and he said that our law was deficient.

Mr. Tonkin: To what South Australian Act do you refer?

Mr. Bovell: Tell him to read it in *Hansard*.

Mr. WATTS: According to my notes it is the Royal Commissions Act, 1917. The Leader of the Opposition, in the course of his remarks, indicated that no-one in Western Australia apparently had ever thought of this legislation or any legislation like it before. That is not correct, as the hon. gentleman himself, if his memory could have carried to that extent, might have known. On the 8th June, 1956, the Solicitor-General, dealing with various matters concerned with Royal Commissioners, signed a minute to the Minister for Justice, in which he said—

> Possible defects in the law relating to Royal Commissions and to their inquiries are as mentioned below:
>
> 7.—Protection of Witnesses.
>
> (a) No protection is afforded to a witness who wishes to refuse to answer a question on the ground that it might incriminate him or that it would be contrary to public policy to answer it. An instance of the first kind arose in the inquiry regarding Inspector Blight in 1952 (C.L.D. file 2927/52) when two witnesses before the Board of Inquiry under the Police Act were reluctant to give evidence which might incriminate them without a certificate under the provisions of secs. 11 and 13 of the Evidence Act.

That is one item to which he drew attention at that time. I will not read the whole of the minutes, because I do not wish to take up unlimited time. However, another point was as follows:—

> (b) An instance of the second kind (namely where an answer might be contrary to public policy) arose in connection with the present Royal Commission on Service Stations where the Commission desired confidential information supplied under the Prices Act, 1948, and it was considered contrary to public policy to make the information available.

He then goes on to deal with the question of contempt of commission, the publication of evidence, and various other defects in the law relating to Royal Commissions. That was, as I said, on the 8th June, 1956; and that minute was forwarded by the Minister for Justice, at that time—the member for Eyre—to the Premier.

Mr. W. Hegney: Didn't the member for Subiaco say that what is in the Bill is already the law.

Mr. WATTS: I will refer to the member for Subiaco later on. At the present time I am dealing with the point raised by the Leader of the Opposition because of his remarks that nobody had ever suggested previously that this law required amending—and I take it he meant nobody in a responsible, public position. I have just indicated quite clearly that just over three years ago there were representations made to the Minister for Justice who forwarded the papers on to the Premier, as he was then; and although nothing was done, the fact remains that three years ago at the very least—and there may have been earlier occasions for all I know—this matter had been brought to notice that some amendments to the law were desirable.

A great deal was said last night in regard to Mr. Jamieson. As I said a little earlier on, I had given the matter no thought for many weeks until last Thursday, because I was as disinclined as the Leader of the Opposition to believe, for one moment, that members of this House anywhere in respect of their opinion for or against any matter had been corrupted. I am still of the opinion that that is most unlikely, but I would say this in regard to the statements made by that person at the time, that they were made, as it happened, in the presence of a very responsible member of this House who told us of that fact on Thursday night last. I refer to the former Speaker, the member for Middle Swan.

He was present at the time those statements were made, and he was in a position to know, first-hand, just what had been said; and at that time, he was Speaker of this Assembly. I should say that there were actions that he could have taken at that time, as Speaker of this Assembly, to ensure that that person who made those statements in his presence and in the presence of other people could be brought to book. But no action of any kind was taken.

I am not going to impute any motive for that. I just state it as a fact that no action was taken in that regard at that time, although it could have been done either, I would suggest, by the then Speaker himself, or alternatively, by the Government itself under section 361 of the Criminal Code which reads—

> Any person who, not being a member of either House of Parliament, unlawfully publishes any false or scandalous defamatory matter touching the conduct of any member or members of either House of Parliament as such member or members, is guilty of a misdemeanour, and is liable to imprisonment with hard labour for two years, and to a fine of Five Hundred Pounds.

Mr. Jamieson: Parliament would be prorogued at that stage.

Mr. WATTS: In view of the fact that the Speaker of this Assembly was in a position, first-hand, to know what was said, and if the circumstances were as bad as they were pointed out on Thursday night, why were not proceedings taken against this person at that time? That is the question I want answered.

Mr. Graham: To give the daily Press something to talk about before polling day.

Mr. WATTS: That is a first-rate excuse. If the evidence which the previous Speaker had first-hand was correct, the processes of this House or the processes of the courts of this country were clearly open, and they were not taken advantage of. Therefore, as far as I am concerned now, I discount entirely and utterly all that has been said about Jamieson and the terrible things that are going to happen if he gets before the Royal Commission; because, if he dared to repeat the statements which I believe he has virtually withdrawn, it would afford those concerned an excellent opportunity to prove him the liar that, in all probability, he is; since, as I have already said, I refuse to accept the imputation that any member of this House has been corrupted in the manner suggested or implied in the speeches and remarks referred to in this House in recent days.

Mr. Hawke: It is a pity the present Premier did not say the same thing.

Mr. WATTS: It is as well to get to the bottom of it. If he desires to come forward and say these things, let us get to the bottom of it. What is the Royal Commission for but to get to the truth of what the position is in regard to betting and betting control in Western Australia?

Mr. Hawke: And control of horse-racing too.

Mr. WATTS: If he reports that it is good, no-one will be better pleased than I.

I am one of those who know very little about this game. I have not had the pleasure or misfortune—whichever it is—to take any active part at any time in this interesting sport, occupation, or industry—whichever the Leader of the Opposition cares to nominate it. I am therefore not, first-hand, in a position to be able to judge what is going on in this industry, occupation, or sport.

So far as I am concerned, if the Royal Commissioner comes forward and says, after he has delved into this question to the fullest extent possible and has got evidence from all sides as to what is transpiring, that it is of great benefit to Western Australia that the present law should continue as it is, or in some amended form, I shall be delighted.

If, on the other hand, he is able conclusively to prove, by means of the evidence taken before him, that the contrary is the case, while I shall not be glad, at least I shall be more knowledgeable about the subject than I am at the present time. And that, I think, is the position that members of this House want to be in because, on the one hand there is a lot of dissatisfaction with the present law; and, on the other hand, there is much satisfaction with it in certain quarters.

I say, however, without fear of contradiction, that there is a lot of dissatisfaction about the present situation in various places; and I think it is high time that the situation was cleared up, so that we may know exactly what is wrong or what is right with this industry and have that question answered, so that any doubts, on the one hand may be removed; and so that, on the other hand, those who are satisfied may have their satisfaction doubled. That is as I see the position.

Of course, it has been suggested that failure to give the protection to witnesses, as outlined in this Bill, would not keep away any decent witness; but I am convinced that it would. And here, not only I, but also the distinguished officers of the Crown Law Department, beg leave to differ in some respects from the member for Subiaco; because we do concede that from the point of view of the sections of the Criminal Code that he referred to there may be protection against criminal prosecution for defamation; but we must nevertheless distinguish between a criminal prosecution, which can result in a fine or imprisonment, and a civil action for defamation, which can result in a substantial sum of damages being awarded to the plaintiff, together with a substantial sum for costs as well, and in some aspects with different rules applying to it in so far as defamation is concerned.

We all agree that the protection afforded in civil actions for defamation is by no means satisfactory; but on the contrary it is in this State's law, from the point of view of hearings before a Royal Commissioner in particular, virtually altogether missing; and, in consequence, that is one of the reasons why the Royal Commissioner himself expressed the view that the law in this State was deficient and ought to be amended. So there is a very considerable distinction, in our opinion, to be drawn in this matter between the protection in criminal proceedings, which may be sufficient, and in civil proceedings, which we are satisfied is in every way deficient.

Not only is it desired to give the Royal Commissioner protection against that sort of thing—as well as the witnesses—but also for acts which he might do bona fide but in error: such, for example, as issuing a warrant for the arrest of a witness who did not turn up when informed that he had to—a warrant which might be issued in error, and which could land him in considerable trouble. He would have, at the present time, so far as I can gather from very careful inquiry into this matter, no protection at all in the event of an error of that kind arising.

Some remarks were made by the member from Kalgoorlie, to one only of which I propose to make reference. He was dealing with the question of the Attorney-General authorising the issue of a certificate, under which a witness who had testified truthfully under the provisions of sections 11 and 13 of the Evidence Act would be granted exemption from action subsequently, if the Commissioner was satisfied that he had given evidence properly.

The honourable member said, "if the Attorney-General thinks it expedient to authorise the certificate." I take exception to the use of the word "expedient." There is nothing in the Act about the Attorney-General finding it expedient to issue the certificate. The point I stressed when introducing the Bill was that it was considered that the issuing of a certificate of this kind should be examined by officers of the Crown Law Department before anything was done, in order that there should be no possibility of error in its issue.

It will not be, so long as I hold this office, if this question should arise during that time, however long or short it may be, any question of expediency. On the contrary, it will be a question of what is a just and reasonable thing to do in the circumstances, after having ascertained from the Commissioner, whoever he may be, and from the law officers of the Crown, just what their views are on a matter of that nature.

The member for Guildford-Midland made reference to the fact that the Royal Commissioner's terms of reference might not be wide enough to enable him to cover some aspects to which he referred. I can assure that hon. member that they are pretty wide. I believe it is possible, under the terms of reference, to examine every aspect of betting and betting control in Western Australia—not only in respect of betting on events in this State, but also in respect of events outside the State.

Mr. Hawke: Would you tell us whether they are sufficiently wide to allow him to investigate the management and control of horse-racing in this State? Because that is vital.

Mr. WATTS: I think that is definitely so. It was certainly my intention that that should be the situation, when I had the matter discussed some weeks ago; and there is no doubt in my mind that it would cover all those grounds which the Leader of the Opposition has mentioned, as well as those mentioned by the member for Guildford-Midland.

Mr. Hawke: If not, would the Government agree to widen the powers?

Mr. WATTS: The point I was coming to was that if they are found by the Commissioner to be in any way deficient for his purpose, I would have no hesitation in saying that they should be widened to enable those things to be brought in; because there is no reason, in my mind—and I am sure there is none in the mind of any other member of the Government—why they should be restricted in any way. They have been drafted with the intention of giving the Royal Commissioner the widest possible opportunity to investigate any aspects of this industry, or sport, which are brought before him; and I repeat that if it can be clearly shown that there is any deficiency, that can be rectified.

I think I have indicated sufficient to show that many of the statements that have been made during this debate have not been founded on very secure premises but have indeed, in many respects, been founded, as I said, on flights of imagination. I will go so far as to say I regret that, in view of all that has transpired, I did not see fit in the earlier stages to inform the House of the legislation in all the States. But I repeat that I was not of the opinion, at that time, that there was need to do so, because it did not appear to me that there was any substantial justification for the very considerable opposition which has been given to this measure. In fact—

The SPEAKER: The Attorney-General has five minutes to go.

Mr. WATTS: I fail to appreciate what it is that some hon. members opposite, who have made such strong references not only to the possibility regarding witnesses, but also the Commissioner himself, have to fear in regard to this matter. When I first entered into this debate a week ago, I would have suggested that the situation was perfectly clear that the Government wanted to get to the bottom of this business, to see whether it could be improved or not; and that the usual way to set about that and to dispose of any objections and arguments that might arise about these things was to have it inquired into openly, and with every facility, by a reputable Royal Commissioner of high standing.

So far as I know, that is what is being done. The Royal Commissioner, certainly, is of high standing; and I feel that nothing but good, so far as the social life of the people of this State is concerned, can come out of this inquiry. I have already expressed my view of how happy I shall be if one thing happens, or the other. I am convinced that the best thing that can be done is to investigate the position completely; and the passage of the Bill will ensure that the investigation can be completed and not hampered by restrictions on people who are afraid to answer questions for fear that they might get into trouble.

Mr. Graham: Have you evidence of that being the case in any prior Royal Commission?

Mr. WATTS: I understand that it has been the case in many Royal Commissions; and that is one of the reasons why legislation has been passed elsewhere in this regard; and why the Solicitor-General here, three years ago—if not before—made representations at that stage—

Mr. Hawke: On what point?

Mr. WATTS: That the law was deficient for the protection of witnesses and Commissioners.

Mr. Hawke: But on what points?

Mr. WATTS: I have already gone into some of them. I think I have dealt with all the valid points raised and some, also, of the invalid ones.

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

Ayes—23.

Mr. Bovell	Mr. W. A. Manning
Mr. Brand	Sir Ross McLarty
Mr. Burt	Mr. Nimmo
Mr. Cornell	Mr. O'Connor
Mr. Court	Mr. Oldfield
Mr. Craig	Mr. O'Neil
Mr. Crommelin	Mr. Owen
Mr. Grayden	Mr. Roberts
Mr. Guthrie	Mr. Watts
Dr. Henn	Mr. Wild
Mr. Lewis	Mr. I. W. Manning
Mr. Mann	*(Teller.)*

Noes—20.

Mr. Andrew	Mr. W. Hegney
Mr. Bickerton	Mr. Lawrence
Mr. Brady	Mr. Moir
Mr. Evans	Mr. Norton
Mr. Fletcher	Mr. Rhatigan
Mr. Graham	Mr. Rowberry
Mr. Hall	Mr. Sewell
Mr. Hawke	Mr. Toms
Mr. Heal	Mr. Tonkin
Mr. J. Hegney	Mr. May
	(Teller.)

Pairs.

Ayes.	Noes.
Mr. Nalder	Mr. Kelly
Mr. Perkins	Mr. Nulsen
Mr. Hutchinson	Mr. Jamieson

Majority for—3.

Question thus passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. Roberts) in the Chair; Mr. Watts (Attorney-General) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3—Sections 12-16 added:

Mr. TONKIN: When replying to the general debate, the Attorney-General sought to show that there existed in the various States legislation similar to the Bill before the Committee. However, that is not true. The South Australian Act contains only the provision relating to witnesses.

Mr. Watts: That is what I said.

Mr. TONKIN: There is no protection in that legislation for the Commissioner.

Mr. Watts: That is what I said.

Mr. TONKIN: The point made by the Attorney-General was that there was in existence in the various States, legislation covering this position, but the Western Australian legislation was deficient in this regard. However, the Western Australian legislation is not so deficient after all, because the only provision in the South Australian Act is the one dealing with witnesses, and that provision is contained in section 13 of that Act. I have looked in vain to find any protection for the Commissioner; any protection for the barristers; and any absolute privilege in regard to the publication of the evidence.

In no State can I find all the four provisions which the Attorney-General seeks to impose upon Western Australia with this Bill. The provisions were introduced in Commonwealth legislation for a specific purpose, but this blanket protection cannot be found in the legislation of any State. My complaint against absolute privilege is that it permits the person concerned to act maliciously and under false protection. We have to accept that there will be people who will act maliciously.

Members of Parliament can become Royal Commissioners; and I know of one man—a white-haired boy in the Liberal Party—who has aspired to become and who, one day, may become a member of Parliament; and he would then be eligible for appointment as a Royal Commissioner. This individual already has no regard for the truth, and is prepared to act maliciously. He is one called Ben Marshall, who is in the Attorney-General's office. Ben Marshall stood as the endorsed Liberal candidate for the last West Province by-election, and he made the statement publicly that Hawke had his back to the wall; that he had accepted £10,000 from the S.P. bookmakers; and he knew for a fact that Tonkin was interested in two S.P. shops.

I make this offer: If there is any person in Western Australia or out of it who can produce a tittle of evidence to show that I am interested in any S.P. shop anywhere in the world, I will resign my seat in Parliament and will not stand again.

Mr. Hawke: Especially to show that I got my £10,000.

Mr. TONKIN: Yet there is no doubt whatsoever that this endorsed Liberal Party candidate—and he used that statement only for political purposes—may one day enter Parliament. He could become a Royal Commissioner, and he would then be given this absolute protection to act maliciously.

Mr. Hawke: He may even have advised the Attorney-General on this Bill.

Mr. TONKIN: What we have to keep in mind is that if this power is granted to give absolute protection to this Royal Commissioner, it will apply to all Royal Commissioners in the future. I would not

mind in the least giving Sir George Ligertwood absolute privilege, because I am satisfied that he is a man of probity. His records prove that, and there would be no need to fear that he would act maliciously.

However, I would not say that the position would be the same in regard to all future Royal Commissioners. That is what I am concerned about. Every Royal Commissioner in the future, whether he acts maliciously or otherwise, will have absolute protection if this Bill is passed, and he will be able to do what he likes.

The evidence or his findings—no matter how malicious they may be—could be published with absolute privilege. If Mr. Ben Marshall became a Royal Commissioner, the sky would be the limit. Are we to give absolute privilege to a person such as that? Why should such privilege be extended to barristers and solicitors? I have searched the legislation of various States, and I cannot find in any Act any provision such as that.

I have a copy of the 1901 Act of New South Wales which was the one quoted to us by the Attorney-General as his example. There is no provision in that Act to give to barristers and solicitors absolute privilege; nor is there any provision in the 1923 Act which repealed the 1901 statute. Therefore, so far as I know, this special privilege for barristers and solicitors does not exist in any State. One has only to read this morning's paper or this evening's issue of the *Daily News* to realise what might happen with barristers and solicitors who will be able to do or say anything under absolute privilege. Why should that coverage be extended to them?

They are trained men, and they ought to be fully aware of the laws of evidence without such a privilege being extended to them. It might be quite safe today for members to take this risk. But the wheel will turn; make no mistake about it! I do not want any member placed in the position that he is at the mercy of some barrister or solicitor who may act maliciously; and there are some of those persons about.

When I endeavoured to take to book the person who spoke maliciously of me, he got out from under rather smartly and denied what he said, although I was prepared to produce a signed affidavit by a person who was present when he did say it. He said, "I would not say this from a platform; you do not do that sort of thing." That gentleman could, one day, become a member of Parliament; and, further, he could one day become a Royal Commissioner.

Mr. Hawke: Gentleman?

Mr. TONKIN: Are we to give such a person absolute privilege? Not so far as I am concerned! We have to keep in mind that this protection is denied to such people in other States—even in South Australia, whence Sir George Ligertwood comes. Therefore, why should we go to the limit just because this particular inquiry happens to come along?

That shows there is no justification to grant license to people who desire to act maliciously, and give them absolute privilege, which would extend to newspapers to publish what they said. That is another bad feature of this measure: that once absolute privilege is granted to a witness or a barrister, it is extended to the newspapers, despite the fact that the person concerned, on his own evidence, might be acting maliciously for political or other purposes.

Yet we are asked to sit here calmly and agree to extend absolute privilege to gentlemen of that type. It will not be done so long as I have breath in my body! There is the desire to assure that the relevant evidence is brought forward, as I think it should be; but I have had, unfortunately, personal experience of what can be said by malicious people; and it is not very pleasant, especially when one cannot do anything about it. Are we to permit that to go unchecked in this Parliament?

There are some very good reasons why this power has not previously been granted in the various States, because it is a risky power and a risky protection to hand out to people without any proper safeguard. Such protection would be quite safe if it were granted in the Supreme Court. If a man becomes a judge of the Supreme Court, he has been in the public eye for a long time, and the likelihood of his acting maliciously is very slight indeed—so slight as to be almost negligible.

In such circumstances there is no harm in having a law which gives absolute privilege to such a judge. But to go outside the court and give the same privilege to anybody who happens to find himself a Royal Commissioner is to go too far, because there are no safeguards. Taking the long view, and disregarding the immediate need of this Commission—and I do not concede the need exists—it would be unwise to extend absolute privilege to cover the Commissioner, barristers, witnesses, and the Press. The sky would be the limit in some instances.

We should consider this carefully, much as the Attorney-General might desire to meet the wishes of Sir George Ligertwood, who feels that the Commission might be restricted to some extent if absolute privilege is not extended. I think the price would be too high. It is possible that some hon. member here this evening could, quite innocently, find himself in a serious position, with no redress, because of this legislation. I strongly oppose the clause.

Mr. EVANS: I, too, oppose this clause. It is far too embracing in that it grants immunity to Royal Commissioners, barristers, and witnesses. This is the major

clause. I would refer members to subsection (1) of proposed new section 12. A judge of the Supreme Court is granted complete protection in any action he takes or statement he makes in the court, no matter if, in doing so, he transgresses the jurisdiction he has, provided he can prove he did not know, or have the means of knowing, that he lacked that jurisdiction. If this power were granted, the Commissioner—like a judge of the Supreme Court—would not be answerable either criminally or civilly for any action he took or statement he made.

A judge of the Supreme Court is protected, even though he may act maliciously; and we are asked to extend this privilege to all Royal Commissioners in the future, whether they are trained legal men or not. It would not be so bad if they were trained legal men—preferably judges —because they would be conscious of their responsibilities. But because laymen can be appointed to these positions to furnish a report desirable to a particular Government—and I say that with all respect for the Attorney-General—I hesitate to grant the immunity provided to a judge of the High Court.

Mr. HAWKE: When reading part of the South Australian law, the Attorney-General read a specific passage; that which applied to a limited protection for witnesses. He left me with the impression that the South Australian legislation contains some of the other provisions in this Bill. I do not say he did so deliberately.

Mr. Watts: I mentioned that you had no objection to the power for the Royal Commissioner.

Mr. HAWKE: It was clear from a perusal of the South Australian law, which the Deputy Leader of the Opposition obtained, that limited protection for witnesses was the only part of this Bill which finds a place in the South Australian legislation. It is strange that Sir George Ligertwood was able to persuade our Attorney-General so quickly that all the provisions in this Bill were necessary, but was not able to persuade the South Australian Government—even though he was a judge of the Supreme Court of Australia for many years—that legislation of this character should be passed. It seems that the Attorney-General accepted too easily all the suggestions made to him by Sir George Ligertwood—if indeed all the provisions in the Bill arose from those suggestions.

Would the Attorney-General agree to adding after the word "Commission" in line 10 on page 2 the words, "who is a judge of the Supreme Court," or "who is a judge of a Supreme Court?" I ask that because, the way the clause is worded, the protection it is proposed to give is to be given to every Royal Commissioner appointed in the future; it is not proposed only for Sir George Ligertwood. This part of the Bill, like those which immediately follow it, would be a permanent part of the legislation if Parliament agrees to it.

As was pointed out by the Deputy Leader of the Opposition, and as we all know from our practical experience, almost any person can be appointed as a Royal Commissioner. The Attorney-General was an Honorary Royal Commissioner, as were the present Minister for Railways, the member for West Perth, and the ex-member for North Perth. Should lines 10 to 13 of the Bill become law in their present wording, then every Royal Commissioner will in the future be given the same absolute measure of protection.

That is most undesirable. I would prefer to deal separately in Parliament with each Royal Commission as it is set up, and decide, once the personnel is known, whether the Commissioner or Commissioners are to be given this protection. From time to time Parliament would know whether it was desirable and advisable to give absolute protection to any Royal Commissioner or Commissioners.

I am prepared to give a Royal Commissioner full protection, provided he is or has been a judge of the Supreme Court, and has not been retired for any doubtful reason. I would ask the Attorney-General when replying, to give me some lead on this point.

During the second reading I placed some reservations and expressed substantial doubts about giving every barrister and solicitor the absolute protection under the Bill, when they appear before a Royal Commission. The proceedings which have already taken place before Sir George Ligertwood have confirmed my doubts and fears. One has only to read some of the questions asked by Mr. Negus to know how far a barrister with a particular type of mind will go to indulge in his own party political bias, and try to discredit the political party to which he is opposed. We all know that he is a red-hot Liberal.

Mr. Court: He seems to have got under your skin.

Mr. HAWKE: He has not got under my skin. I now regard him with considerable contempt.

Mr. Court: He is a very able legal practitioner.

Mr. HAWKE: I am not saying he is not. He may be the most brilliant lawyer in the State. However, brilliance is one thing; fair play, clean dealing, and decency are others. I am much more attracted to a lawyer who is not so brilliant, as long as he is fair and clean-minded, and plays the game.

Mr. Court: On what do you base your judgment of Mr. Negus?

The CHAIRMAN: I would suggest to the Leader of the Opposition that he confine his remarks to the clause and not debate the merits of Mr. Negus.

Mr. HAWKE: How can I elaborate this provision in the Bill unless I relate it to the conduct of a barrister who is already appearing before the Royal Commission? Surely that is relevant! It is the basis of my absolute opposition to this Bill. When one sees how this barrister has conducted himself before the Royal Commission already, one sees a very grave danger signal as to the lengths he is prepared to go, and as to the lengths he probably will go before the Commission has concluded its sittings. I say that none of this protection should be given to any barrister or solicitor.

During the second reading, I said enough to indicate that I would not have anything to do with giving absolute protection to witnesses. I would be prepared to give protection to reputable witnesses, to those who have a reasonable regard for truth and who have an honest approach to the problem; but no protection should be given to the other type. I am afraid that more than one of the other type will appear as witnesses before the Royal Commission.

Should this Bill become law and afford protection to all witnesses, then we will have quite a few undesirable types coming up as witnesses, and indulging in hearsay, in recounting rumours, in spreading slander and vilification. We know what a feast that will be to *The West Australian* in regard to the sensational headlines which it will publish. One knows how that newspaper will represent the party political line in this publicity.

During the second reading I opposed the portion of the clause at the bottom of the page and in relationship to Honorary Royal Commisioners, more than any others. I have said enough to indicate my very strong opposition to most of this clause. I hope the Attorney-General will agree to the insertion of the words I have suggested.

The CHAIRMAN: It is not the hon. member's intention at this stage to move for the insertion of those words?

Mr. HAWKE: No.

Mr. WATTS: The Leader of the Opposition has placed me in somewhat of a quandary, because I am perfectly satisfied that to incorporate the proposed amendment in the Bill will wreck the Bill. As I understand the situation, Sir George Ligertwood is no longer a judge of any court. In consequence, the phraseology which has been proposed will not do.

I do not understand why the hon. member proposes to exclude magistrates who may be appointed as Royal Commissioners, even if one could concede—which I do not at this stage—the desirability of excluding other types of Commissioners from protection. At this point of time I am not prepared to agree to his proposed amendment.

If one looks at the reprinted statutes of the Tasmanian legislation for 1956, one will find in Appendix B. in the Evidence Act, almost verbatim what is contained in this Bill in regard to Royal Commissioners and witnesses.

The Tasmanian section says that in the exercise of his duty the Commissioner shall have the same power of protection and immunity as a judge of the Supreme Court. The only thing missing from our Bill in that regard is the power. We do not propose to offer him the power of a judge of the Supreme Court, but only the protection and immunity.

Dealing with witnesses, the Tasmanian statute states that every witness summoned to appear before the Commission shall have the same protection; and shall, in addition to the penalties provided by sections 16 and 17, be subjected to the same liabilities in any civil or criminal proceedings as a witness in any case tried in the Supreme Court. But the effect is identical with the proposition contained in this Bill. Again I repeat that it is not foreign to Australian law that this protection should be given in one form or other; and is, as I said at the second reading, to be found in legislation in the various States.

I cannot agree with the Leader of the Opposition when he says that the reason why he objects to the provision about witnesses is that it is going to cover the undesirable persons to whom he made reference. He agrees there are many of the other types who will give evidence—men of honour and probity. He is going to say to these gentlemen, "You have no protection."

Mr. Hawke: They would not need any.

Mr. WATTS: Of course they would, if they gave evidence which might damage the character of somebody else and if what they said happened to be true! The Leader of the Opposition refuses protection to those who are decent and honourable men as well as the others.

Mr. Hawke: If you can draft a clause to differentiate between the two I will support you.

Mr. WATTS: It would give me the greatest of pleasure to agree with the Leader of the Opposition, but I cannot. I think it is far safer to take the risk of one or two persons who ought not to be helped, and make it easier for the decent, honest person who could be liable to trouble because he testified what he believed on sound grounds to be true but what might be of a damaging character to some other person. I propose to keep to the Bill.

Mr. GRAHAM: I am amazed at the obvious discomfiture of the Attorney-General in connection with this matter. But members will, first of all, recall that he pinned his faith on New South Wales and the Commonwealth legislation.

Mr. Watts: I did not pin my faith on anything, for they were quoted as the ones I looked into.

Mr. GRAHAM: Apparently that was sufficient.

Mr. Watts: I did not expect you to make such a mouthful of this.

Mr. GRAHAM: We have already said that the Commonwealth legislation was amended purely for party political considerations. The New South Wales legislation is not a 1901 Act, but a 1923 statute which we find is not as comprehensive as the Attorney-General would have us believe. That has been cast to one side, and he then seizes upon the South Australian Act, because that is apparently to be the answer. He is now quoting the position in Tasmania; and this is the first opportunity the Opposition has of checking it. What is the position in regard to South Australia, where there has been a Liberal Government for goodness knows how many years? The only protection with regard to a witness is when he is being questioned by the Royal Commissioner; not when he is submitting his evidence in chief.

There is no protection when he is being examined by counsel for any of the parties. One could say it is purely complementary to the immunity and protection which is given the Royal Commissioner. In other words, anything he says or writes in his report, and apparently any question he asks or answer which he receives, could be challenged in a court. That is all that is done in the State of South Australia.

From actual experience we have this person Negus, in brief newspaper reports, making allegations, in the form of a question, that the previous Government was cowardly in its approach to the betting question. Everybody knows except the mug public that Parliament agreed to the legislation. It was not only the Government itself. He makes those allegations —by way of questions—that the Government was playing up to a certain section of the community, and that is why it legalised off-course betting, and why it placed a ban on certain other activities of a less desirable nature.

This Royal Commission has only just commenced. When Mr. Negus gets into form, playing the game of party politics or personalities, where will it end? Are we to give complete dispensation to a person who apparently has no sense of public responsibility a license to indulge in these tactics?

Mr. Watts: Do you think you deserve a complete dispensation for all the things you say? Yet you have one.

Mr. GRAHAM: Parliamentary privilege is something we have. If the Attorney-General had paid attention to some of the quotes made by the Speaker earlier today he would not have made that interjection.

Mr. Watts: Yes he would have.

Mr. GRAHAM: Parliamentary privilege is virtually the basis for Parliament itself.

Mr. Watts: I would like you to read the last quotation the Speaker made.

Mr. GRAHAM: I remember it well. If the Attorney-General is fair with regard to this debate, he will remember that what is being said by members of the Opposition is in retaliation for an offence committed by other people; and surely we are entitled to hit back.

The performances of Mr. Negus have been such up to date, with promise of worse to come, that he and people of his ilk are not entitled to this complete immunity which is sought to be dispensed to them per medium of this Bill. With regard to witnesses, there is a person Jamieson, who said certain things some months ago, and we are able to quote that now because he said those things then; but he might well have been saying them in several weeks' time and other people might be saying things akin to them.

It is all very well for the Attorney-General to have a burst of conscience in connection with this matter; but from my memory and reading during the election campaign, the only substantive utterance in connection with this matter was contained in the policy speech of him who is now Premier. He promised the electors that, if returned as a government, his party would institute a top-level inquiry into the alleged graft and handouts in the s.p. betting field.

Mr. Brand: Wasn't that right? I make no accusations.

Mr. GRAHAM: See the position we have now reached! The Premier has admitted —because he cannot deny it—that the basis of this Royal Commission was the talk of bribes and handouts. In other words, he has been pushed around by persons of the calibre of Jamieson; and, having succeeded in winning his election by those methods, aided and abetted by the Press with due prominence in the right place and at the right times, he now seeks to give complete—and I underline that word—immunity to Jamieson and people of that nature.

This whole question is full of dynamite. The Royal Commission had its genesis in a desire, on the part of the Liberal Party, to inflict damage on the Labour Party; and if that cannot be done by evidence then, apparently—and we have had evidence of this already—it is to be done by certain learned counsel using or abusing their position by putting leading and misleading political questions to people appearing before the Royal Commission.

So I give the lie direct to the statement by the Attorney-General that members of the Opposition are imagining all sorts of things. We have given indications, with regard to both counsel and witnesses or

potential witnesses—persons capable of making these extreme statements—that our fears in connection with this matter of high principle are indeed well founded, and it would be foolish for responsible members of this Parliament to support legislation and place it permanently on the statute book merely for the sake of a little political skirmishing which is taking place at present.

I do not know how much party allegiance exists in connection with this measure. I asked, the other evening, whether any member of this Chamber, young or old, could give a single illustration of where a Royal Commissioner had been frustrated in the prosecution of his duty as a Royal Commissioner, or where there had been any unfavourable repercussions, or where Royal Commissioners had made complaints to the Government of the day. No such information was forthcoming. Notwithstanding that, and with certain safeguards, we say that a Royal Commissioner should be clothed with the widest powers and have the greatest protection, if he be a person of integrity, so that he may sift the evidence and arrive at the truth. But I think there is a qualification; that whereas a judge or magistrate has a particular issue to investigate and make a decision on, a Royal Commission is more or less a fishing expedition, looking hither and thither, and endeavouring to find something out.

In this particular instance we know there are rival groups of considerable power and affluence. We know that they are powerful and affluent because they have such eminent gentlemen to represent them; and because of that and the bitterness that can be engendered, we feel that a grave injustice can be done to many people. Why, after we have had illustrations of the abuse of privilege which exists now, should we be giving consideration to granting absolute immunity to people who are unworthy of it? I would say, finally, that perhaps the most important issue confronting Western Australia today apparently is—and for some months has been—the matter of horse-racing: a sport that is apparently dying because it attracts so few people.

If something sensational is uttered in reply to a leading question, or a deliberate statement is made, somewhat naturally that is very shortly prominently displayed in the Press; and it is going to open the floodgates entirely and enable the Press to feature it and to trim it in as attractive a manner as possible, with headlines and so on, so that whoever is done damage by an irresponsible person of the type of Jamieson, will have no hope of repairing the damage. In other words, his fair name and reputation will have gone for life and, in the case of a public man, that means, of course, that his public life is concluded. I repeat that a simple type of person—or an evil type of person—saying something that is hearsay or deliberately malicious, for a certain purpose, can have that effect. There have been people prepared to do all sorts of extreme things and to suffer all sorts of penalties for certain causes; and political causes would not be the least of them.

I do not know whether the Attorney-General will pay some heed to what the Leader of the Opposition has said, and agree to progress being reported so that he and his officers and the Leader of the Opposition may give some consideration to the proposition put forward by the Leader of the Opposition. I ask all members, in regard to the other provisions of this clause, to think the matter over very seriously and search their consciences in connection with it. Whilst it may be good political fun at this moment, having some regard for high principle, is it the right and proper thing to agree to such provisions as are contained here?

Mr. W. HEGNEY: I move—

> That progress be reported and leave asked to sit again.

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

Ayes—20.

Mr. Andrew	Mr. W. Hegney
Mr. Bickerton	Mr. Lawrence
Mr. Brady	Mr. Moir
Mr. Evans	Mr. Norton
Mr. Fletcher	Mr. Rhatigan
Mr. Graham	Mr. Rowberry
Mr. Hall	Mr. Sewell
Mr. Hawke	Mr. Toms
Mr. Heal	Mr. Tonkin
Mr. J. Hegney	Mr. May
	(Teller.)

Noes—22.

Mr. Bovell	Mr. Mann
Mr. Brand	Mr. W. A. Manning
Mr. Burt	Sir Ross McLarty
Mr. Cornell	Mr. Nimmo
Mr. Court	Mr. O'Connor
Mr. Craig	Mr. Oldfield
Mr. Crommelin	Mr. O'Neil
Mr. Grayden	Mr. Owen
Mr. Guthrie	Mr. Watts
Dr. Henn	Mr. Wild
Mr. Lewis	Mr. I. W. Manning
	(Teller.)

Pairs.

Ayes.	Noes.
Mr. Kelly	Mr. Nalder
Mr. Nulsen	Mr. Perkins
Mr. Jamieson	Mr. Hutchinson

Majority against—2.

Motion thus negatived.

Mr. HAWKE: When he last spoke, the Attorney-General said that he was in a quandary because of a suggestion which I made to him regarding the first part of clause 3. In an endeavour to help him to get out of his quandary, I move an amendment—

> Page 2, line 10—Insert after the word "Commission" the words "who is or has been a Judge of a Supreme Court."

The Attorney-General expressed doubt as to whether we should in principle embrace an amendment of the kind suggested because it would rule out magistrates, and maybe other desirable people who would be neither judges nor magistrates. We could easily overcome that situation in the future. At present we are concerned with one Royal Commission which has already been set up by the Government, and which is currently investigating the questions which the Government has submitted to it for inquiry. Therefore the point which the Attorney-General raised about an amendment of this kind could be resolved in the future.

There is not the slightest need in this Bill to decide about something that we might want to do in the future. The amendment fully meets the existing situation because Sir George Ligertwood, who is the Royal Commissioner at present operating in this State, has been a member of the South Australian Supreme Court. Therefore the acceptance of this amendment would give him all the protection which he thinks he should have and which I think he should have. I trust the Attorney-General will accept the amendment and will ask the Committee to do the same.

Mr. WATTS: At the conclusion of my ruminations on the earlier proposition put forward by the Leader of the Opposition, which he still involves in this amendment, I said that I thought I had better stick to the Bill. I still think that is the position and so I hope the Committee will not agree to the amendment.

Mr. Hawke: Give us a reason!

Mr. TONKIN: The Attorney-General in his attitude has now shown quite clearly that he is making some provision for a set of circumstances such as I outlined was possible. He did not give a single reason as to why he could not accept the amendment; his explanation was that he thought he ought to stick to the Bill.

The purpose of this measure is undoubtedly to cover the existing situation; because it must be said, without fear of successful contradiction, that if this inquiry had not been current this Bill would not have been here at this time. We might have had a somewhat similar Bill later in this session, or next session; but had it not been for the Commission now sitting, it would not have been here at this time.

So the immediate need is to cover the current Royal Commission, and the amendment moved by the Leader of the Opposition meets that need. As the Attorney-General is not prepared to accept the amendment, it indicates that he wants to go further and ensure that in all future Commissions, irrespective of who may be the Royal Commissioner, he shall have absolute privilege. That shows up the game.

I would hope that if there are men of independent mind on the Government benches, they will realise that this is a fair proposition. It is to cover men such as Ben Marshall, who will say anything without the slightest justification, for political purposes. That is not a theoretical example, but something which actually occurred. There are other men of his type who will say certain things maliciously to obtain their ends. Are we to say that they shall have absolute privilege to say what they like to suit their own ends?

The Attorney-General will strengthen his case considerably if he accepts this amendment, because he loses nothing so far as this present inquiry is concerned. But if he insists on the Bill as printed, he indicates that he wants to set up a situation such as I have envisaged; namely, to give protection to anyone who may be appointed as a Royal Commissioner in the future, and who may act maliciously under such protection. I did not think I would ever see the day when the Attorney-General would agree to a proposition such as that.

We fear that the Bill represents an attempt to get on to the statutes a provision which could be used unfairly against innocent people without their having redress in the courts. If there is such a thing as British justice, this is where we have to take a hand. The appointment of a judge of the Supreme Court or a retired judge is already covered. The Bill, however, seeks to grant license to anyone in the future to act maliciously under protection.

Mr. GUTHRIE: I oppose this amendment because it is too vague and, with the utmost respect for the Leader of the Opposition, I say quite frankly that it has little meaning. He used the phrase "a Supreme Court." What is that? We know what the Supreme Court is. It means the Supreme Court of Western Australia. The words "Supreme Court" are not used as a general rule throughout the British Commonwealth. In some places the court is known as the High Court or by other names. Therefore, the amendment is limited by a vague expression for a start.

Firstly, it does not include a judge of the High Court of Australia if appointed to a Royal Commission. It does not include a judge of the Supreme Court, such as Mr. Justice Simpson, who came to this State to preside over the Amana inquiry. It does not include a district judge of the Supreme Court, such as Judge Curlewis who came to sit on an inquiry. It does not include all those judges who could possibly sit as Royal Commissioners.

Mr. Lawrence: Why do you refer to one as "a Supreme Court" and the other as "the Supreme Court"?

Mr. GUTHRIE: Because the term "Supreme Court" refers to the Supreme Court of Western Australia and no other, but the phrase "a Supreme Court" does not mean that. It could mean anything.

Mr. W. HEGNEY: We are indebted to the member for Subiaco for his remarks, and I think the Attorney-General might take his cue from him. The member for Subiaco was absent from the Chamber when the Attorney-General, in his reply to the second reading debate, indicated that officers of the Crown Law Department differed widely from the opinion expressed the other evening by the member for Subiaco.

Mr. Guthrie: I was not absent from the Chamber.

Mr. W. HEGNEY: The effect of the remarks made by the hon. member the other evening was that the Bill introduced by the Attorney-General was substantially the same as the existing law, and all the Bill sought to do was to tidy it up.

Mr. Guthrie: My remarks related to subsections (1) and (2) of proposed new section 12 only. I made no reference to the rest of the Bill.

Mr. W. HEGNEY: I thank the member for Subiaco again for the explanation he has made, with which I now propose to deal. The Attorney-General indicated that he was in doubt as to the meaning of the remarks made by the Leader of the Opposition.

Mr. May: He said he was embarrassed.

Mr. W. HEGNEY: Yes, embarrassed or confused to an extent. Soon after that, I think it was the member for East Perth who spoke for a short time. I now propose to move that we report progress and ask for leave to sit again, because the Attorney-General was in doubt as to the efficacy of the amendment moved by the Leader of the Opposition.

Let us study the latest remarks made by the member for Subiaco. It was only during the last five or six minutes that the Leader of the Opposition had the opportunity to draft what was considered a suitable amendment. He used the adjective "a", and he did not have the opportunity to draft a comprehensive amendment to cover all the contingencies visualised by the member for Subiaco. During the second reading of the debate I said I was opposed to the whole measure; yet, in the circumstances, I would now be prepared to support the amendment moved by the Leader of the Opposition.

The Committee should adjourn the debate to enable the Leader of the Opposition to take into account the remarks of the member for Subiaco, and give him the opportunity to place on the notice paper an amendment to meet the position about which he has spoken, and concerning which the Attorney-General had expressed embarrassment. I am not in order to move that progress be reported, but I hope some member will do so on my behalf.

Mr. HAWKE: We have just heard some piffling opposition from the member for Subiaco.

Mr. I. W. Manning: What about the member for Mt. Hawthorn?

Mr. HAWKE: There could be no other intepretation placed on the words, "A judge of a Supreme Court" than a judge of a Supreme Court. I wanted the Government to have the opportunity to appoint a judge from any State of Australia. When a Government is seeking a person, particularly a judge, to act as a Royal Commissioner to carry out an investigation in the State, it is nearly always found that local judges prefer not to act. That would apply to a Royal Commission such as that current here. There could be no shadow of doubt about the meaning of the words "a judge of a Supreme Court." I am sure the Attorney-General would not be in doubt.

Mr. Guthrie: It could be a judge of the Supreme Court of Burma.

Mr. HAWKE: If the Government thought he was a fit and proper person, he could be selected; but unless the Government was made up of people like the member for Subiaco, it would not choose a judge from the Supreme Court of Burma; it would choose one from Australia.

The member for Subiaco—if I might digress for a moment—must be the lawyer to whom a New Australian friend of mine went. This friend of mine came to me quite upset and asked me to introduce him to a one-armed lawyer. I asked him, "Why a one-armed lawyer?"; and he said, "I have been to a two-armed lawyer; and all he said was, 'On the one hand this, and on the other hand that.'"

The amendment I have moved will adequately meet the present situation, and that during the next several months. Does the Attorney-General oppose the amendment because I have moved it? If so, I am prepared to withdraw it, and allow a member on the other side of the House to move it.

Mr. Watts: It would make no difference.

Mr. HAWKE: The Attorney-General gave no reason for opposing the amendment. The member for Subiaco made the position of the Attorney-General worse by putting up a lot of nonsense which was supposed to be opposition to my amendment. The Attorney-General should reconsider the matter, because the Government will lose nothing by accepting my amendment. It has already appointed a former judge of the Supreme Court of Australia to be the Royal Commissioner to

inquire into betting. If the Government appointed a Royal Commission later and did not want to appoint a judge as Royal Commissioner—it might wish to appoint a magistrate or someone else—it could ask Parliament to give full protective powers to the person concerned. The amendment overcomes our objection to the granting of full power of protection to a person irrespective of his position in the community.

Mr. WATTS: If I accept this amendment I will put myself in the position, as the Leader of the Opposition says, of coming to Parliament again. The Government could not appoint anybody but a judge to be a Royal Commissioner and obtain the benefit of this Act. I know of no circumstances likely to arise at the moment; but these things happen, and the desire to appoint a Royal Commission may arise when Parliament is not sitting. I cannot see why it is necessary to restrict this at all. Governments do not appoint rogues to be Royal Commissioners. I will say without fear of contradiction that no such Royal Commission has been appointed. Even if a Select Committee is converted into a Royal Commission it is still at the discretion of the Government. The amendment contains unnecessary restrictions, and I must stick to the Bill.

Mr. BRADY: I am sorry to hear the Attorney-General express this attitude. After what the member for Subiaco said about the recent legal convention, I am surprised he is not on his feet supporting the Leader of the Opposition in the appointment of a member of the judiciary as a possible Royal Commissioner. The member for Subiaco will not deny that unless this amendment is approved a layman can be appointed as a Royal Commissioner, and this is a principle that the member for Subiaco decried the other night. In our way of life the law of the country forms one part, and the independent court another part of our jurisdiction. Judges are independent, and their decisions are also independent of political thinking.

If the member for Subiaco does not support the Leader of the Opposition, he will be helping to build up something which the other night he thought it was undesirable to encourage.

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

Ayes—20.

Mr. Andrew	Mr. W. Hegney
Mr. Bickerton	Mr. Lawrence
Mr. Brady	Mr. Moir
Mr. Evans	Mr. Norton
Mr. Fletcher	Mr. Rhatigan
Mr. Graham	Mr. Rowberry
Mr. Hall	Mr. Sewell
Mr. Hawke	Mr. Toms
Mr. Heal	Mr. Tonkin
Mr. J. Hegney	Mr. May

(Teller.)

Noes—22.

Mr. Bovell	Mr. Mann
Mr. Brand	Mr. W. A. Manning
Mr. Burt	Sir Ross McLarty
Mr. Cornell	Mr. Nimmo
Mr. Court	Mr. O'Connor
Mr. Craig	Mr. Oldfield
Mr. Crommelin	Mr. O'Neil
Mr. Grayden	Mr. Owen
Mr. Guthrie	Mr. Watts
Dr. Henn	Mr. Wild
Mr. Lewis	Mr. I. W. Manning

(Teller.)

Pairs.

Ayes.	Noes.
Mr. Kelly	Mr. Nalder
Mr. Nulsen	Mr. Perkins
Mr. Jamieson	Mr. Hutchinson

Majority against—2.

Amendment thus negatived.

Mr. TONKIN: As indicated earlier, I propose to move for the deletion of the whole of this provision from the clause, because I cannot accept a situation where absolute privilege is extended to anyone who happens to be appointed as a Royal Commissioner, even though he may be appointed as a result of his known special bias in certain directions. I move an amendment—

> Page 2—Delete subsection (1) of proposed new subsection 12 in lines 11 to 13.

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

Ayes—20.

Mr. Andrew	Mr. W. Hegney
Mr. Bickerton	Mr. Lawrence
Mr. Brady	Mr. Moir
Mr. Evans	Mr. Norton
Mr. Fletcher	Mr. Rhatigan
Mr. Graham	Mr. Rowberry
Mr. Hall	Mr. Sewell
Mr. Hawke	Mr. Toms
Mr. Heal	Mr. Tonkin
Mr. J. Hegney	Mr. May

(Teller.)

Noes—22.

Mr. Bovell	Mr. Mann
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Mr. Court	Mr. O'Connor
Mr. Craig	Mr. Oldfield
Mr. Crommelin	Mr. O'Neil
Mr. Grayden	Mr. Owen
Mr. Guthrie	Mr. Watts
Dr. Henn	Mr. Wild
Mr. Lewis	Mr. I. W. Manning

(Teller.)

Pairs.

Ayes.	Noes.
Mr. Kelly	Mr. Nalder
Mr. Nulsen	Mr. Perkins
Mr. Jamieson	Mr. Hutchinson

Majority against—2.

Amendment thus negatived.

The CHAIRMAN: The question is—

Mr. TONKIN: Mr. Chairman, in fairness to members I think you should give them a reasonable opportunity to get back to their seats.

The CHAIRMAN: Members had plenty of opportunity.

Mr. Brand: You were too busy talking.

Mr. TONKIN: Don't make statements without justification.

The CHAIRMAN: Order! The Deputy Leader of the Opposition will confine himself to clause 3 of this Bill.

Mr. TONKIN: Before I do so I think it is reasonable for me to suggest that you afford a reasonable opportunity to members to get to their seats. I did not tarry and was not talking, despite what the Premier had to say. I am opposed very strongly to subclause (2) of clause 3. The Attorney-General has not suggested any reason why this subclause should be included. I have not been able to find this in any other State legislation. I do not think the Attorney-General has either.

I am wondering where this suggestion came from. Probably it came from lawyers who support the Government. There is not the slightest justification for this provision. It will only encourage lawyers who want to take advantage of their position in an inquiry to go to all sorts of lengths in order to achieve their ends.

It would appear to me that a man is trained in law to enable him to elicit evidence and put questions to elicit such evidence. I would like to know in what way the present protection is insufficient for lawyers and solicitors who want to behave properly and fairly and not maliciously. If a lawyer wants to act maliciously he needs this protection. If he does not want to act maliciously, he does not need it, because there is ample protection already.

This provision cannot be found in any other State legislation; not even in that of Tasmania. What is the justification for it in connection with this instance, unless it is being specially sought by somebody with an ulterior motive? We should be told the reason, and it is incumbent on the Attorney-General to submit a strong reason why this Committee should support the provisions. The only conclusion to which we can come is that it is for a specific purpose—to give certain lawyers a Roman holiday. They are going to do well enough out of the Commission as it is. They will be well paid for the job and ought to take some risk if they will not act within the bounds of propriety. I hope the Committee will vote against this provision.

Mr. HAWKE: Mr. Chairman—

Mr. Tonkin: Aren't we going to get some sort of an answer?

Mr. HAWKE: I presume the Attorney-General is waiting to hear other speakers in opposition to this part of the clause. As I said earlier, the conduct already of one of the barristers who is appearing before the Royal Commission has been sufficient to create a great deal of misgiving and a great amount of doubt as to the granting of any protection whatsoever to barristers and solicitors who appear before Royal Commissions.

Obviously, the barrister to whom I am referring is as much concerned with trying to discredit public men as he is with any other purpose he might have at the Commission. Because of what he has already done and what he has already said before the Commission; and knowing his strong party political affiliations, I would not in any degree support this part of the clause, although I was, at the second reading stage, prepared to support it with some strong reservations.

I think there is much in what the Deputy Leader of the Opposition said; namely, that men trained in the law should not expect and certainly should not be given the special and total protection which is provided for them in this part of the Bill. It has to be remembered also that the barristers and solicitors who will appear before this Commission will be very highly-placed barristers and solicitors. That is all the more reason why this particular part of the Bill should be deleted.

A vital consideration, which has not been mentioned by any speaker in this debate—either during the second reading stage, or since—is that people who will be exposed to the sort of methods and tactics against which we are protesting will be innocent people and people who should have a first claim upon the consideration of members of Parliament, and certainly a prior claim over barristers and solicitors, some but not all of whom will use this Commission for all sorts of undesirable purposes. It has been suggested by the Attorney-General that innocent people in the community, who are slandered by any lawyer or witness appearing before the Commission, will have right of action at law in some circumstances; but I would remind him that long before they could take such action, the Press would have sensationally played up the vilification against them, with the result that the persons concerned would suffer tremendously before they could try to have absolute proof established.

We know that once a piece of misrepresentation, vilification, or lying rumour is started, it does a tremendous amount of damage; and it is doubtful whether it is ever caught up with absolutely. I trust the Committee will not agree to this part of the measure.

Mr. WATTS: Barristers and solicitors appearing before the Supreme Court or any other court of record are entitled to the privileges attendant upon that appearance according to the law. They are exempt, in those courts, from criminal or civil proceedings for defamation or anything else that they do in assisting the court. Is there any substantial reason why there should be any difference in the situation of those practitioners when appearing before a Royal Commission?

Mr. Hawke: There certainly is.

Mr. WATTS: I can see no reason whatever for it. The Deputy Leader of the Opposition says that in court they are present to assist in the adducing of evidence, and before a Royal Commission they are there to do the same thing—

Mr. Tonkin: They ought to be.

Mr. WATTS: They are there to do the same things as they do in the Supreme Court or in any other court of record in which they appear; and there is no reason why the same conditions should not apply to them and why they should not be untrammelled in the work they do before a Royal Commission for the purpose of ascertaining the facts in the matter being inquired into, in exactly the same way as in the work they do in the Supreme Court or other court of record.

Mr. Tonkin: Can you explain why it has not been done in the other States?

Mr. WATTS: I am not caring whether it has been done in the other States. We are entitled to do it here if we want to. I am expressing my own opinion I feel I want to do it and I therefore cannot agree to the amendment.

Mr. HAWKE: The Attorney-General is stretching the long bow to breaking point when he tries to lead us to believe that the situation before a Supreme Court is the same as that before a Royal Commission; because there is very little comparison at all. In the Supreme Court there is, firstly, an accused person—

Mr. Watts: Not in a civil action.

Mr. HAWKE: He is accused on a specific charge.

Mr. Watts: Not in a civil action.

Mr. HAWKE: In that case there is a specific claim by one party against another, and so the Attorney-General achieves nothing by that interjection. In the cases with which I was dealing there is an accused person specifically charged, on a charge of which he has adequate prior notice and on which he is able to instruct his barrister as to the defence which he will put forward immediately; yet before a Royal Commission no-one knows from day to day what is likely to happen. As the member for East Perth said earlier this evening, the proceedings of a Royal Commission are often in the nature of a fishing expedition. There is no accused person and no legal claim by one person against another; and it is completely illogical for the Attorney-General to try to compare on a practical basis the situation of persons in the Supreme Court with those before a Royal Commission.

The fact that the Attorney-General has been able to adduce only that flimsy argument in support of the retention of this part of the measure, indicates that there is no worth-while argument in favour of it and is an additional reason why this part of the measure should be defeated.

Mr. W. HEGNEY: I move an amendment—

> Page 2—Delete subsection (2) of proposed new section 12, lines 14 to 19.

As the Attorney-General is leaving the precincts, I must say I am astounded that he put up so specious an argument in trying to convince members that there is no difference between proceedings before a judge of the Supreme Court and those before a Royal Commissioner. As a layman, I can visualise a tremendous difference—inasmuch as in the first case the person concerned is charged with some offence, or there is some civil action, something specific.

In a Supreme Court action there is a distinct charge; there is something definite, concise, and conclusive. But with a Royal Commission the proceedings are entirely different, as most members here would realise. From a reading of the daily newspaper it appears, from the proceedings up to date, that before it is finished there will be something very smelly about the whole business, and I am sorry to think that there are members of the legal profession who will do things that will not add lustre or light to that noble calling.

From the Government's point of view this Royal Commission has a strong political tinge, and I have no doubt that the characters of some men will be impeached, besmirched, and clouded if this Bill is passed, and nobody will have the opportunity to defend his character. We all know that once a charge is made, whether it is true or false, a certain amount of that charge sticks and the person's character is affected. As Shakespeare has said—

> Who steals my purse steals trash, but he who filches from me my good name, robs me of that which not enriches him, and makes me poor indeed.

By innuendo, implication, and inference, improper motives will be imputed to certain individuals during the proceedings of the Royal Commission.

Mr. Graham: That has happened already.

Mr. W. HEGNEY: I am not going to be a party to passing this sort of legislation. It would allow anybody who wanted to vent his spleen or spit forth vilification and vituperation against a political party in this State to have complete immunity. I have no doubt there will be plenty of that before the proceedings finish.

I am astounded and amazed, and if it were not so serious I would be highly amused, at the effort of the Attorney-General, with all his legal knowledge and ability, and his vast experience in this Parliament, trying to get the Committee to believe that the proceedings in a

Supreme Court and before a Royal Commission are identical. I ask members to accept the amendment because it will be an indication to the legal profession that they should act in accordance with equity and decency during the proceedings before a Royal Commission.

Mr. EVANS: Like the member for Mt. Hawthorn, I support the deletion of this subsection because I believe the provisions in the Bill are sinister and subtle and really objectionable. No one can convince me that the proceedings in a Supreme Court and a Royal Commission are the same, or are sufficiently identical for us to allow the same immunity and protection to be given.

We know that in a Court hearing there is a person in the dock and the Judge in a Court always rules supreme. Counsel in any Court are never allowed to forget that the person in the dock is innocent until he is proved guilty. That fact is embedded very deeply in the bones of counsel appearing at Court proceedings. But what do we find at a Royal Commission hearing? Firstly, the person being charged, or the person being slandered, need not necessarily be in attendance and the Judge, who rules supreme in Court proceedings, may not feel inclined to remind counsel that the person being accused or slandered is innocent until he is proved guilty.

As I understand it a Royal Commission is a court of inquiry and its findings cannot prove that someone is guilty of an offence; if it did, that would constitute a contempt of Court. To support that, I would quote from an article on Royal Commissions by J. D. Holmes, Q.C. in the *Australian Law Journal* of the 19th August, 1955. In that journal the contention is made and supported that any Royal Commission that sets forth to hear evidence on any offence which is punishable by the ordinary courts of law is guilty of a serious contempt of Court. Knowing the Attorney-General as I do, I would say that he would never be a party to having a Royal Commissioner branded as an agent responsible for a serious breach, and therefore guilty of contempt of Court.

So no-one can say that, in this instance, counsel should be given the same protection as they enjoy when appearing in the Supreme Court. During the last few days we have read Press reports on the proceedings of the current Royal Commission inquiring into various ambits of betting. I have been amazed at what I have read of the antics of the counsel who is appearing for the W.A. Turf Club and the W.A. Breeders' Association.

Whilst reading through some notes I discovered what a certain counsel said when addressing a jury in the Supreme Court. He made certain remarks in reply to his fellow counsel who had painted a black and degrading picture about a person in the Court in order that he could retrieve his situation. Before quoting those remarks, let me point out to the Chamber what were some of the verbal antics of Mr. O. J. Negus, Q.C. He has endeavoured, in every way, to browbeat the witness at present appearing before the Royal Commission. If he were questioning a witness who was not of the calibre of the one who is appearing at the moment, I am quite sure that he would be successful in his efforts.

Therefore, such a situation could happen before a Royal Commission where a learned, cunning member of the legal fraternity could slander and malign an innocent person who gave evidence before such Royal Commission, or even an innocent person who was not present at such proceedings. Those people so maligned or slandered would have no right of reply whatsoever. The following is something which I wish to quote to members of the Chamber at this stage. This interpretation of "slander" was made by counsel addressing a jury. I have already explained why the counsel made such an address. The quotation is as follows:—

> Slander, gentlemen, like a boa constrictor of gigantic size and immeasurable proportions, wraps the coil of its unwieldy body about its unfortunate victim and, heedless of the shrieks of agony that come from the utmost depths of its victim's soul, loud and reverberating as the night thunder that rolls in the heavens, it finally breaks its unlucky neck upon the iron wheel of public opinion, forcing him first to desperation then to madness, and finally crushing him in the hideous jaws of mortal death.

I do not venture to say that that picture of gloom would be the one that could be painted appropriately in every instance. However, I suggest that slander to the extreme could be described in such terms, and I am not prepared to support any measure that will grant to counsel an advantage over people appearing before the Royal Commission itself or to slander any person who may be absent from the Royal Commission.

Mr. TONKIN: Initially, it was clear that the Attorney-General did not intend to reply to the opposition that was raised to this portion of the Bill.

Mr. W. Hegney: He couldn't.

Mr. TONKIN: Finally, when he was pressed to say something, I submit that he treated the Committee contemptuously. He gave no reason other than the extremely wide one that he wanted to do it. I have yet to learn that an adequate reason for doing something is because a certain individual wants to do it. We are not here to pander to the whims and fancies of the Attorney-General simply because he wants to take a certain line of action. We are entitled to have reasons submitted to us to justify the action of the Attorney-General.

Mr. Watts: You are just taking text from context.

Mr. TONKIN: The mere fact that the Attorney-General wants to do it is no justification for our agreeing to what he wants to do, but that is precisely the position in which he has placed the Committee. Early in the discussion on the second reading of the Bill, the Attorney-General felt that it was incumbent upon him to indicate that there was in existence in other parts of Australia somewhat similar legislation. However, when he is faced with the situation that no such legislation can be found except on the Commonwealth statutes, he says he is not interested in what they do elsewhere. We are to do it in Western Australia because the Attorney-General wants to do it. That is the only reason the Attorney-General has given.

However, I suggest there are other reasons which he keeps to himself. One is that he is a lawyer and he wants to do something to advantage lawyers, but he would not say that here. He simply says he wants to do it. Is that a reason why we should aid and abet him? It is very significant that in the other States of Australia, including South Australia—whence Sir George Ligertwood comes—there is no attempt to give this blanket protection to lawyers and solicitors.

The Attorney-General attempted to draw an analogy between a Royal Commission and the Supreme Court. That makes me laugh!

Mr. Bovell: Why don't you laugh? It would be quite a change.

Mr. TONKIN: In the Supreme Court it is possible for lawyers to browbeat a witness and they attempt to do so where they are subject to the discipline of the court. They are confined to eliciting evidence and are not allowed to put leading questions. However, in a Royal Commission, especially if the Royal Commissioner is not a judge, the solicitor can take charge of the proceedings, and I have seen that happen where inexperienced Royal Commissioners have been presiding and have been uncertain of their ground. What a fine situation that would be!

Under this Bill we would give them absolute privilege to act maliciously and in circumstances which would not be permitted if they appeared in a Supreme Court. There is not the slightest justification for treating a barrister or solicitor appearing before a Royal Commission other than the way he would be treated if he appeared before a Supreme Court.

Is it fair to ask the Committee to agree to that, merely because the Attorney-General wants to do it? That is the only reason we are given. We must agree to this, even though it does not apply in any other State. Is that the pattern we must follow? No argument has been adduced in support of it except that the Attorney-General wants it. That will be fine publicity for this deliberative Assembly! It puts me in mind of a poem which refers to "Dumb Driven Cattle". That could truthfully be applied to us if we are to carry this because the Attorney-General wants it.

Mr. Graham: There are some queer-looking cows over there.

Mr. TONKIN: I am satisfied the longer we live the more we will learn.

Mr. Bovell: That is a profound statement.

Mr. TONKIN: But I did not think I would live long enough to hear us being asked to do something merely because the Minister in charge wanted it. No attempt is made to show its advantages or disadvantages. The people would be entitled to rise up and clamour for a change in the order if we follow the whim of a Minister who submits no argument other than that he wants to do something. We all want to do certain things, but I do not think we would come to Parliament and give as our reason the fact that we wanted to do them.

I cannot agree to this proposition. It would be too bad if there were something that required to be done urgently, and the Attorney-General did not want to do it. How would we get on then? Is he so much in control of the Government and its members? No argument can be advanced in favour of it, because a lawyer is a trained man—a man of experience—and if he is selected to take a case in the Royal Commission, we can depend on it that he is a man of considerable experience.

Unless it is intended to give him license to do things he should not, he has ample protection under the law now. He can ask questions to get the evidence he requires. He has the terms of reference, and understands them better than the witness. He knows the course things should follow. If he is honest, he does not need protection; he would only need it if he wanted to act maliciously.

Mr. FLETCHER: I oppose the amendments in their entirety. The Attorney-General has not submitted any argument.

Mr. Hawke: Therefore there cannot be any.

Mr. FLETCHER: Exactly! Being a new member, I thought he might be able to pick holes in the arguments I submitted. It is argued that the Supreme Court gives protection, but for the most part only criminal charges finish up in the Supreme Court. This is not a criminal matter, and yet we propose to give certain people protection. There is nothing of a criminal nature about a Royal Commission, but the protection it is proposed to afford

creates such a situation. People do not go to the races, because they cannot afford 14s.

The CHAIRMAN: I suggest the hon. member confine his remarks to subsection (2) of proposed new section 12.

Mr. FLETCHER: Witnesses do not need to tell us what we already know. Whether or not there is any malicious purpose behind the Government's move, that is the result which flows from it. A juryman can be charged, and I claim there is a parallel, because our party, if not on trial on this occasion, will be as a result of the amendment. We cannot challenge any person as we could a juryman, if we did not like him. Yet anyone can come along under the cloak of protection and make all the exaggerated statements he likes to our detriment. Accordingly, I oppose the clause.

Mr. ROWBERRY: I ask the Attorney-General to relate the relevancy between action taken in any court of law, and action taken before a Royal Commission. In a court, a specific charge is laid, evidence is led, and that evidence must be relevant to the charge. I have conducted numerous cases, and in every instance the tribunal has insisted on a charge being laid and on the evidence being relevant.

The member for Subiaco mentioned the question of relevancy, but he skated over the point, and nothing further has been said about it. That is the stumbling-block in this clause, and that is why I am opposed to it. I had a recent experience which showed the difference between action in a court and action before a Royal Commission. I was at home during the weekend and observed numerous vehicles parked beside bicycles. Under the Traffic Act bicycles are classed as vehicles, and those were cases of double parking I saw.

The CHAIRMAN (Mr. Roberts): We are dealing with subsection (2) of proposed section 12.

Mr. ROWBERRY: I am putting forward the question of relevancy.

The CHAIRMAN (Mr. Roberts): I do not consider that the position of bicycles and cars on roads has any relevance to the proposed section.

Mr. ROWBERRY: If you will permit me, I shall relate the relevancy between the bicycles and double parking. Had a charge been laid against a motorist for double parking it might have been suggested to the court that I make recommendations to the road board that parking of bicycles be set at certain places, and all bicycles be parked therein. Therefore a motorist parking alongside a bicycle was morally in the right, but legally he was wrong. There is an essential difference between the action before a Royal Commission and action before a court of law.

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

Ayes—20.

Mr. Andrew	Mr. W. Hegney
Mr. Bickerton	Mr. Lawrence
Mr. Brady	Mr. Moir
Mr. Evans	Mr. Norton
Mr. Fletcher	Mr. Rhatigan
Mr. Graham	Mr. Rowberry
Mr. Hall	Mr. Sewell
Mr. Hawke	Mr. Toms
Mr. Heal	Mr. Tonkin
Mr. J. Hegney	Mr. May

(Teller.)

Noes—22.

Mr. Bovell	Mr. Mann
Mr. Brand	Mr. W. A. Manning
Mr. Burt	Sir Ross McLarty
Mr. Cornell	Mr. Nimmo
Mr. Court	Mr. O'Connor
Mr. Craig	Mr. Oldfield
Mr. Crommelin	Mr. O'Neil
Mr. Grayden	Mr. Owen
Mr. Guthrie	Mr. Watts
Dr. Henn	Mr. Wild
Mr. Lewis	Mr. I. W. Manning

(Teller.)

Pairs.

Ayes.	Noes.
Mr. Kelly	Mr. Nalder
Mr. Nulsen	Mr. Perkins
Mr. Jamieson	Mr. Hutchinson

Majority against—2.

Amendment thus negatived.

Mr. J. HEGNEY: I move—

That progress be reported and leave asked to sit again.

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

Ayes—20.

Mr. Andrew	Mr. W. Hegney
Mr. Bickerton	Mr. Lawrence
Mr. Brady	Mr. Moir
Mr. Evans	Mr. Norton
Mr. Fletcher	Mr. Rhatigan
Mr. Graham	Mr. Rowberry
Mr. Hall	Mr. Sewell
Mr. Hawke	Mr. Toms
Mr. Heal	Mr. Tonkin
Mr. J. Hegney	Mr. May

(Teller.)

Noes—22.

Mr. Bovell	Mr. Mann
Mr. Brand	Mr. W. A. Manning
Mr. Burt	Sir Ross McLarty
Mr. Cornell	Mr. Nimmo
Mr. Court	Mr. O'Connor
Mr. Craig	Mr. Oldfield
Mr. Crommelin	Mr. O'Neil
Mr. Grayden	Mr. Owen
Mr. Guthrie	Mr. Watts
Dr. Henn	Mr. Wild
Mr. Lewis	Mr. I. W. Manning

(Teller.)

Pairs.

Ayes.	Noes.
Mr. Kelly	Mr. Nalder
Mr. Nulsen	Mr. Perkins
Mr. Jamieson	Mr. Hutchinson

Majority against—2.

Motion thus negatived.

Mr. TONKIN: I move an amendment—

Page 2—Delete subsection (3) of proposed new section 12 in lines 20 to 26.

This provision in the Bill is to give absolute privilege to witnesses in order to encourage those who might not otherwise

come forward to do so. It is felt that in the interests of this inquiry that ought to be done. That could be so. However, I suggest that the price we pay is too high. We would subject innocent people to the possibility—and in some cases, the probability—that they would be maligned before the Royal Commission without their knowledge until the damage was done.

When the damage was done, they could seek an opportunity of appearing before the Commission to try to explain the matter away; but we are all familiar with what happens. Usually the people who hear the complaint in the first instance are not there to hear the explanation. That happens frequently with regard to newspapers. A statement is made which is incorrect, and the paper subsequently makes a correction. However, not everybody who saw the incorrect statement sees the corrected one; and people are under a wrong impression, which is created deliberately in some cases.

[*The Deputy Chairman (Mr. Crommelin) took the Chair.*]

I have here a journal which the member for Kalgoorlie has passed to me. It is entitled *The Australian Law Journal*, and it is Vol. 29, of the 19th August, 1955. I think the Attorney-General would do well to read it, because it contains a number of papers which were submitted by judges and eminent lawyers on the subject of Royal Commissions. There is a pertinent submission which I propose to read. This submission was made by Mr. D. I. Menzies, Q.C., of Victoria.

Mr. Hawke: I do not like his surname much.

Mr. TONKIN: It reads as follows:—

> Of course, there may be objections in particular cases to the appointment of even such Commissioners. I would like to read to you what was said by the anonymous contributor to the *Law Review* to which I referred earlier. There he made a plea that Commissions of Inquiry, such as the one that had been appointed to investigate the universities, did afford the most effective and unexceptional method of providing information for useful legislation. He said: "We are not insensible that such Commissions may be abused; they may be issued on occasions which do not justify them—they may be granted for political ends to persons unworthy of compliments—they may be made the instruments of impertinent interference with rights that are strictly private—they may be sent abroad not to inquire in good faith, but to find materials for unjust accusations. All these things may happen, as no doubt some have happened, for history affords too many instances of power abused, of essential and beneficial prerogatives perverted to serve a sinister object. But we may hope that the checks upon such aberrations are now sufficiently effective to relieve us from much anxiety. No Government would venture to advise a Commission to enquire on matters which the public have no right to know." It may well be that those whose duty it is to decide whether a Commission is to be appointed or not should certainly keep in mind advice of that sort so that there will not be a too reckless use of a power which is itself beneficial and which can unquestionably do harm.

The point I am making in reading this is just what we have been saying all the evening: that the provisions of this Bill are to apply to all Royal Commissions. Some Royal Commissions could be appointed for a sinister motive. Here is the opinion of a legal man of some standing, talking to other legal men in an authoritative way, and confirming the fears we have expressed.

In view of the fact that these cases do happen, this absolute privilege will take away the protection we have against people who will act maliciously. If this Bill is passed, we will be saying to the people who will act maliciously, "Go ahead and do it with immunity." That is the proposition which the Government submits to us through this Bill, to which we seriously object.

Without mentioning any names, we have had an indication of what witnesses will say to achieve certain purposes. There was a meeting at Belmont attended by the then Speaker. Persons took the platform there who had a motive to serve. They were not particular as to what they said. I have already spoken of an instance where somebody dragged me in for political purposes and said something which was entirely untrue, without thinking that I would hear about it in half an hour. This person got out from under as soon as challenged.

I did not receive an apology, but the poison was spread for political purposes. That gentleman could go to the Commission as a witness and repeat the same things. He could say that somebody had told him something and the reason why he said it was that somebody told him. No doubt that would be the explanation given. And we have to sit by and see it happen and give the absolute privilege to do it. Would members feel complacent if they were so concerned? I can recall the Minister for Industrial Development calling in the police because someone issued a photograph of him during the election.

Mr. Court: What has that to do with the Royal Commission?

Mr. TONKIN: It has a lot to do with this.

Mr. Court: You will be battling to tie it up.

Mr. TONKIN: Will I? Watch me! So far as I was concerned, it was not the circulation of a portrait, but a lying statement made by a Liberal candidate in order to gain success at the election; and it is possible that that person could go to the Commission, with this protection—he dare not do so without it, in view of what has taken place already, because I sought legal advice and found that without corroborative witnesses it was a risky proposition, as he denied having said it. There is no comparison between the harm done to me and the harm done to the Minister for Industrial Development.

Mr. Court: I scored more votes in the finish.

Mr. TONKIN: You felt very concerned about it at the time and you can imagine how concerned I felt. At all events, this gentleman could go to the Royal Commission and recount a lot of hearsay, and I would have to take it. I submit that that is unreasonable and unfair; and I think the reason why the Legislatures of other States have not seen fit to grant this absolute privilege is that people would have the right to act maliciously under it. I hope that in this matter of witnesses, where anybody could come along, and where some people will possibly lie without thinking they are doing wrong, the Committee will reject the provision. I have met people who will deliberately lie without compunction, and without considering the harm it might do to others; and I remind the Committee that where hearsay evidence is admitted before a Royal Commission such people have an open go under protection such as this.

A deliberative assembly such as this ought not to countenance such conduct. In my view there will be sufficient witnesses prepared to stand up to what they have to say, without inviting people to go in and take a lot of risks; because they can plead justification if they speak the truth. In those circumstances they are in no danger of action for libel or slander. A witness who acts maliciously should not expect protection, yet we are asked to give it to him.

There may have been cases of perjury arising from Royal Commissions, but I have not heard of any; and it would be difficult to prove, when hearsay evidence is admitted. There is no justification for extending this absolute privilege in the way that the Attorney-General desires.

Mr. WATTS: I suppose this aspect of the matter has been the most discussed of any in the debate on the measure so far. In every State in Australia there has been inserted into the law related to these inquiries a provision for the protection of witnesses. In Tasmania the provision is almost identical in wording, and certainly identical in effect, with that contained in this measure. Therefore there would appear, quite apart from any views which we on this side may hold on this matter, to have been found sufficient justification, in other parts of Australia, for some measure of protection to be afforded witnesses before inquiries such as this. And for some reason which is not apparent to me, the law in Tasmania has become very similar to that which is proposed in the Bill; and I think, as I said, identical in effect in regard to witnesses.

I do not think I should attempt to reiterate the many arguments already adduced in support of this proposal in the Bill; but I will conclude by saying once more that, just as in the same way it is better that half a dozen guilty men go free than that one innocent man be punished—at least I think that is what most people believe—so we must bear in mind that unless some protection as this is placed in the Bill reputable persons desiring to give evidence—which however true it may be may have reference to the character or activities of some other person—cannot guarantee themselves to be safe from proceedings such as have been referred to. Despite what has been said, there is the gravest doubt as to whether their position is in any way secure, without amendment to this law. In fact, I am satisfied that civilly they have little or no protection, and therefore I am not prepared to drop this proposal.

Mr. Graham: Was this recommended by Sir George Ligertwood?

Mr. WATTS: The situation was, as I pointed out, that he had a discussion with the Chief Crown Prosecutor, when he went to Adelaide for the purpose of discussing these problems with him, and the Chief Crown Prosecutor's report, when he came back, was that this protection of witnesses was required.

Mr. EVANS: I have before me an article dealing with justice meted out at the Old Bailey in London, and it is very interesting to note that the symbol of British justice is a figure standing on the dome on the top of the Old Bailey holding a sword in one hand and a pair of evenly-balanced scales in the other. That symbol has become known as one depicting a fair deal for everyone in a court of British law.

Mr. Graham: Under this they will have a dagger in both hands.

Mr. EVANS: On reading a Bill such as this, one would be excused for imagining that the symbol of British justice had changed, and that the pair of scales had been taken away and another sword added; that symbol would depict the type of justice that would be meted out if this legislation saw the light of print in the statutes of this State. If, on the other hand, the sword was to be taken away and replaced with a second pair of scales, one side would be heavily overloaded; and, of course, this Bill is overloaded with political conspiracy.

It is sinister and subtle, and apparently the remarks that have been made about this legislation have not penetrated the dark cells of the minds of those who are privileged temporarily to occupy the Government bench in this Chamber. One of the basic palladiums of courtroom procedure is that when a jury is present the judge tells the jury that he deals with points of law and the jury deals with points of fact. Where does the jury gain such facts? From the testimony given by witnesses who are subject to a set and strict form of courtroom discipline.

But Royal Commissions can admit hearsay evidence. The Commissioner can refuse to accept it, but there is always the danger that it can be admitted; and, if it is admitted, there is no resemblance to the discipline applied in court procedure. As the member for Subiaco said the other night, not only must justice be done but it must also appear to be done. In a provision such as this, there is no appearance of justice being done, and I will not be a supporter of anything such as that.

Mr. HAWKE: No doubt if this part of the Bill becomes law some, if not all, of those who spoke at the racecourse meeting a few months ago will appear as witnesses. I think one can get a line on the thinking of at least some members of the Government in connection with this Bill, and particularly this part of it, by the conduct of one of the present Ministers at that meeting. There, some of those who will appear as witnesses if this Bill becomes law, but who would not appear otherwise, vilified many members of Parliament and possibly, as the Attorney-General suggested, all members of Parliament.

There were two members of Parliament present at the gathering when these potential witnesses were vilifying members of Parliament. One was the member for Middle Swan—then the Speaker—who stood up and defended members against this vilification, and the other member present at the meeting is now a member of the Government.

Mr. J. Hegney: The Minister for Health and the Minister in another place were there.

Mr. HAWKE: That could be so.

Mr. J. Hegney: That is right.

Mr. HAWKE: But the Minister to whom I am referring, instead of having the courage and decency to stand up and defend members of Parliament, stood up and curried favour with those who were vilifying them.

Mr. Graham: That is the rotten mob that form this Government.

Mr. HAWKE: I am not talking about the mob; I am talking about this one Minister.

Mr. Evans: He typifies the rest.

Mr. HAWKE: So it is fairly easy to see why there is all the protection in the world set out in the Bill for the type of person who stood up at that meeting and vilified members of Parliament.

Obviously, at least the Minister to whom I have just referred is out to encourage this type of person to appear before the Royal Commission as a witness. He is out to promote the vilification of members of Parliament indulged in by these persons at the meeting in question. The fact that he curried favour with them and thereby encouraged them is proof that he would be 100 per cent. in favour of the provisions of the Bill and particularly the provision we are now discussing.

The current Royal Commission will obtain all the evidence it requires from reputable witnesses. That is all the evidence it should look for and obtain. If the Royal Commission has to rely on the evidence of disreputable witnesses—persons who will tell lies deliberately and who will spread vicious rumours, the Commission should never have been brought into existence. That is another strong argument why witnesses appearing before this Royal Commission should not be given the protection that this part of the Bill proposes to give to them.

Let us not agree to something which will turn this Royal Commission into a muck-raking inquiry. After all said and done, we know what the Royal Commission will inquire into, and it has plenty of ground to cover. Some people seem to have the idea that the witnesses appearing before the Royal Commission will only be giving evidence on S.P. betting; but I am inclined to think that if the terms of reference are as wide as the Attorney-General has suggested this afternoon, witnesses will come before the Royal Commission to give evidence on the management and control of racing.

All kinds of rumours float around as to what happens on a racecourse when a horse runs first today and last tomorrow. I can imagine what people would think if Herb Elliott ran first today and last tomorrow if there were nothing physically wrong with him when he ran last. So, if it is a question of bribery and corruption and dishonest practices by off-course bookmakers that is to be inquired into, it could equally be the same with on-course bookmakers and with some jockeys, trainers, and even some owners.

Mr. Graham: And with some members of the committee.

Mr. HAWKE: As I said some nights ago, the interests of those who wager on the course are not the same as the interests of the bookmakers on the course. When the punters win, the bookmakers

lose. So for the information of all those who may not be aware of it, there is more than one facet of this inquiry. There is more than one possibility of undesirable features being raised at this Royal Commission if witnesses are to be given all the privileges and all the protection contained in this part of the Bill.

The rumours will be just as bad against the stewards of the W.A. Turf Club and the W.A. Trotting Association and most other people associated with racing and trotting as they will be against the off-course bookmakers. So for the protection of everyone concerned we do not want to encourage this muck-raking, hearsay type of evidence which will be given by some witnesses if they are, in advance, given some guarantee of legal protection.

At the races the other day there was a warm favourite on which punters had wagered a great deal of money. The bookmakers stood to lose a lot of money if this horse won; and when the starter released the barrier this horse was well behind it, and facing the wrong way. So one can imagine how a witness of the type of those who spoke at this meeting held near the racecourse could describe that happening. Therefore, we should not take action in this Parliament to encourage a type of witness who would be a menace to those against whom he may have a grudge or grievance.

We should encourage only those witnesses of good repute, of reliability, and of decency to appear before the Royal Commission, and leave it to the Royal Commissioner to obtain all the evidence he desires from that type of person. Therefore, without a shadow of doubt, this part of the Bill should be wiped out.

Mr. EVANS: You have had an extremely gruelling task, Mr. Deputy Chairman, and therefore I move—

That progress be reported and leave asked to sit again.

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

Ayes—20.

Mr. Andrew	Mr. W. Hegney
Mr. Bickerton	Mr. Lawrence
Mr. Brady	Mr. Moir
Mr. Evans	Mr. Norton
Mr. Fletcher	Mr. Rhatigan
Mr. Graham	Mr. Rowberry
Mr. Hall	Mr. Sewell
Mr. Hawke	Mr. Toms
Mr. Heal	Mr. Tonkin
Mr. J. Hegney	Mr. May

(Teller.)

Noes—22.

Mr. Bovell	Mr. W. A. Manning
Mr. Brand	Sir Ross McLarty
Mr. Burt	Mr. Nimmo
Mr. Cornell	Mr. O'Connor
Mr. Court	Mr. Oldfield
Mr. Craig	Mr. O'Neil
Mr. Grayden	Mr. Owen
Mr. Guthrie	Mr. Roberts
Dr. Henn	Mr. Watts
Mr. Lewis	Mr. Wild
Mr. Mann	Mr. I. W. Manning

(Teller.)

Pairs.

Ayes.	Noes.
Mr. Kelly	Mr. Nalder
Mr. Nulsen	Mr. Perkins
Mr. Jamieson	Mr. Hutchinson

Majority against—2.

Motion thus negatived.

Mr. TONKIN: All the evening we have endeavoured to say there is a big difference between the type of inquiry held by a Royal Commission, and that held in the Supreme Court. That is why we suggested that the protection accorded to judges, lawyers, and witnesses in the Supreme Court should not be extended to a Royal Commission. We have not made much progress in impressing on members on the other side that Royal Commissions can be held for political purposes. We are fearful that witnesses with one aim will go before this Commission and take a line that could be detrimental to a number of people who would have no redress. The witness would have complete protection. In order to illustrate how these Commissions can be political and appointed for a specific purpose I propose to quote from *The Australian Law Journal*, Volume 29, of the 19th August, 1955, a letter written by Chief Justice W. A. Irvine, in response to a request that one of the judges be permitted to sit as a Royal Commissioner. It reads as follows:—

Judges' Chambers,
Melbourne,
14th August, 1923.

My dear Attorney-General,

After full consideration I have decided that I cannot accede to the request of the Government to invite one of my colleagues to act as a Royal Commissioner to inquire into the charges made in connection with the Warrnambool breakwater. I have come to this conclusion after consultation with, and the full concurrence of, all the Judges of the Supreme Court. As this decision involves a refusal to comply with the expressed desire of the Government, I think it is necessary that I should state fully the reasons which compel me to take this course. The duty of His Majesty's Judges is to hear and determine issues of fact and of law arising between the King and a subject, or between subject and subject presented in a form enabling judgment to be passed upon them, and when passed to be enforced by process of law. There begins and ends the function of the Judiciary. It is mainly due to the fact that, in modern times at least, the Judges in all British communities have, except in rare cases, confined themselves to this function, that they have attained, and still retain, the confidence of the people. Parliament, supported by a wise public opinion,

has jealously guarded the Bench from the danger of being drawn into the region of political controversy. Nor is this salutary tradition confined to matters of an actual or direct political character, but it extends to informal inquiries, which, though presenting on their face some features of a judicial character, result in no enforceable judgment, but only in findings of fact which are not conclusive and expressions of opinion which are likely to become the subject of political debate. The subject-matter of the Commission proposed in this case involves charges both of departmental inefficiency and of corruption in the Public Service. The inquiry must, in its very nature, extend beyond the investigation of any particular charge of bribery against any named person or persons. If it could be limited to such a charge it may be the subject of judicial determination in the Criminal Court; until it is so limited it cannot strictly become the subject of judicial determination at all. Even assuming that the Judges might, where a public necessity demands it, be asked to deal with questions of fact of a purely non-political colour, it seems to me impossible to frame any Commission which could in this case disentangle such issues from subjects of parliamentary controversy, whether such controversy turned upon suspicions of corruption or allegations of administrative incapacity. Having stated these reasons for the course taken, I desire to add that my colleagues and myself are conscious that only weighty considerations would be sufficient to justify us in declining to comply with the request contained in your letter.

I have the honour to be,

Yours truly,

(Sgd.) W. H. Irvine,
Chief Justice.

There is proof of the attitude of responsible people when called upon to do a job which could put them in a position where they would find it extremely difficult to follow a course which could not subsequently be assailed because of bias or political controversy. Knowing the dangers of Royal Commissioners in that respect, these judges declined to act even though requested to do so by the Government.

Here is an inquiry which meets exactly the same objections raised by the judge in this letter—a matter which could become one of strong, political controversy, not only now but subsequently when the findings are issued. There is all the more reason why we should retain as many of the protective influences that we can to ensure that the inquiry will not get out of hand.

We have had an example of what some people will say to suit their own ends, and we should not encourage such persons to come forward in this inquiry in the knowledge that they have absolute privilege and can say what they like. It will not make for a sound inquiry or for proper findings. We should encourage reliable witnesses to give honestly what they know about facts which have come into their possession. This Bill extends absolute protection which will no doubt be availed of by some individuals who otherwise would not be prepared to face the music. We will get the worst type of testimony, the only purpose of which will be to create trouble and throw mud.

I suggest the Committee will be well advised to restrict to the absolute minimum any protection in an inquiry of this type in the interests of justice, because the blanket protection will encourage the wrong type of people to take advantage of the mode of expression to which I refer.

Mr. EVANS: I would ask the Attorney-General to say, when he replies, whether he can recall a successful prosecution in a case where perjury was committed, resulting from evidence given before a Royal Commission. As far as I have been able to ascertain, there has not been any successful prosecution. I would refer particularly to the wording of section 124 of the Criminal Code, which has been quoted several times.

The successful prosecution of a perjury case in a Supreme Court is entirely different, because of the distinct difference in the rules covering the giving of evidence. In the Supreme Court a strict form of discipline is observed and facts are demanded. Hearsay is disallowed. On the other hand, before a Royal Commission hearsay evidence can be admitted alongside facts.

Mr. GUTHRIE: This portion of the clause is the most misunderstood. Much has been said about court proceedings and proceedings before a Royal Commission. One of the big distinctions, which is material to a consideration of this clause, is that a plaintiff in a civil proceeding, or the Crown in a criminal proceeding, can summon a witness to give evidence, and that person is the witness of the counsel or party calling him. He cannot be cross-examined by the person who summoned him before the Court, unless that person obtains a certificate from the tribunal that the witness is to be treated as a hostile witness.

For all practical purposes the plaintiff or counsel will be able to obtain such a certificate if it can be shown that the witness has gone back on some statement he made. A person who calls a witness can only lead him in his evidence, and he is bound by that evidence. Consequently that person will only call witnesses to give favourable evidence.

Turning to the Royal Commissioners' Powers Act, of which this Bill will be merely an addendum if passed, it is provided under section 2 that it shall be lawful for any Royal Commissioner appointed by the Governor to summon in writing any person. In other words, the Royal Commissioner can compel any person to come before him.

Then under section 3, when such a person is summoned, he is commanded and compelled to answer any questions that are put to him. He is not in the same position as a witness in ordinary court proceedings. He can only be treated as a hostile witness if the court certifies to that effect.

Mr. Tonkin: He has to answer questions put to him.

Mr. GUTHRIE: No. Counsel for the plaintiff cannot cross-examine the witness.

Mr. Tonkin: The witness must answer questions put to him.

Mr. GUTHRIE: He must not answer leading questions. He would be stopped in a civil or criminal proceeding, if counsel were to ask leading questions. That is one of the basic rules of court procedure.

Mr. Tonkin: But he is bound to answer the questions.

Mr. GUTHRIE: That is not so. Counsel is not entitled to put the questions; so how can the witness answer? Counsel can only put a question which is not leading.

Mr. Tonkin: He is bound to answer the questions which the judge allows.

Mr. GUTHRIE: But the judge will not allow such questions. The foundation is not there; so how can one erect the walls? Counsel cannot ask leading questions, and he must accept the answers given.

Mr. W. Hegney: There is a big difference between the two.

Mr. GUTHRIE: The hon. member should not put words into my mouth and use them in another way. Let me explain the difference in the section. People can be compelled to appear before the Royal Commission, and can be compelled under a maximum penalty of £500 to answer any question put to them. The provision under discussion refers only to a witness who is summoned; in other words, a person who is summoned under section 2 of the principal Act by the Royal Commissioner himself, but not by any party. It does not cover persons who volunteer to give evidence. The Royal Commissioner has to be specific in the first instance whether the person has germane evidence to give.

Section 2 of the Act states that it shall be lawful for any Royal Commissioner appointed, or to be appointed, by the Governor, to summon by writing under the hand of the chairman of the commission, any person whose evidence shall in the judgment of the commission be material to the subject-matter of the inquiry, to attend. Before a summons can be issued the Royal Commissioner has to be satisfied that the evidence will be material to the subject-matter. It is only to such a person that this clause gives protection. It does not protect the person who volunteers.

Mr. Tonkin: Are you sure of that?

Mr. GUTHRIE: I am reading the words in the clause.

Mr. Hawke: You had better read the previous paragraph.

Mr. GUTHRIE: That does not refer to witnesses. It refers to a barrister or solicitor, and every person authorised by the Commissioner to appear before him. The latter refers to advocates.

Mr. Watts: It was meant to cover a case where an advocate appeared, such as the one in which Mr. Styants was permitted to appear before this Commission.

Mr. GUTHRIE: A witness does not appear before a Commission. The only people who appear before a court or a Commission are the people who sit at the bar and appear before it. In other words, the person who appears is an advocate. The witness goes into the witness box and does not appear before the Commission. In addition to getting protection, a witness who is summoned to appear before a court is subject to all the liabilities to which a witness in the Supreme Court would be subjected. If the gentleman whose name has been mentioned so often comes before the Commission, he gets no protection under the clause.

Mr. HAWKE: What the member for Subiaco has said makes no difference to my attitude. The Royal Commissioner could easily summon witnesses who would be unreliable. In fact, that is the type of witness he would be most likely to summon.

Mr. Watts: Why most likely?

Mr. HAWKE: Because the unreliable witness would be a witness whose name would be floating around because he thought So-and-So did this, So-and-So thought something, and So-and-So accepted something. His name would be prominent. For instance, the Royal Commissioner is probably already aware that a public meeting was held on the racecourse some months ago and certain persons talked about bribes and all the rest of it. Therefore, that would be the type of witness whom the Royal Commissioner could easily order to appear before him.

So the fact that a witness is called upon by the Commissioner to appear, does not mean in any shape or form that the witness so summoned would be a reputable and reliable witness. I should think that in those instances it would be the other way about. I rise mainly to draw the attention of the Attorney-General to the

fact that I have carefully read the terms of reference of the current Royal Commission, and my reading as a layman leads me to believe that the point I raised is not covered in these terms of reference. The terms of reference as I understand them are restricted to betting on race-horses and trotting-horses. Therefore, I would be grateful to the Attorney-General if he would inquire into the important point I raised.

Mr. Watts: I will do so.

Mr. TONKIN: The member for Subiaco has given this matter a new twist. I have been under the impression—rightly or wrongly—that it was intended by the Minister to give absolute privilege to all witnesses. My reasoning was that any witness who appeared before a Royal Commissioner was summoned to do so. My understanding is that if a man wants to give voluntary evidence, he writes in and says so. The Commissioner considers whether he wants to hear that evidence; and if he does, he summons the witness to appear on a certain day. Therefore, all witnesses would, in fact, be summoned.

Mr. Guthrie: What if the Turf Club wanted to put in a witness of its own and the Royal Commissioner would not issue a summons? Do you suggest the Turf Club would not have the right to put a witness before the Commission?

Mr. TONKIN: Not without telling the Commissioner beforehand. Otherwise, how would the witness know when to come forward and give evidence?

Mr. Guthrie: Counsel would ask the Commissioner when he would hear him.

Mr. TONKIN: We will hear what the Attorney-General has to say as to whether some witnesses are protected and some are not. The argument advanced as to why we need this protection is that if we do not have it some witnesses will not come forward and give evidence. Those people who come forward and give evidence are not going to be protected anyhow. It will only protect those who are summoned.

I suggest that if there are some reluctant witnesses whom the Commissioner would like to call, all he has to do is to summon them and they have to come forward whether protected or not. We cannot have it both ways. If we want this power to encourage people to come forward, who otherwise would not do so, and they are not protected because they are giving their evidence voluntarily, how are we going to encourage them?

The member for Subiaco says that if any person voluntarily gives evidence and is not summoned he is not protected. How are we going to encourage a person to give evidence if the people who are summoned are protected?

Mr. Watts: I think the two statements could be matched together.

Mr. TONKIN: I will be interested to hear them matched, because, at the present time, they are at considerable variance. No inducement has to be given by way of absolute privilege. The Commissioner can say he wants a certain witness to appear and that witness is summoned. He then has to answer questions put to him. On the other hand, if this Bill is introduced in order to encourage people who would not otherwise come forward, it is no protection at all, because the member for Subiaco says that the man who volunteers to give evidence would not be protected. It is just confusion worse confounded. Before a vote is taken, I would like to hear the Attorney-General say whether that is his opinion.

Mr. WATTS: I think this matter has really resolved itself into one of procedure. As I understand the situation, anybody who wants to give evidence before this Royal Commission—I think it is the practice which is generally followed—goes to the secretary of the Commission and states along what lines his evidence will be. Subsequently arrangements are made for him to appear before the Commission to give evidence if the Commissioner thinks his evidence has relevancy to the inquiry.

Mr. J. Hegney: Does he have to submit it in writing?

Mr. WATTS: I understand that practice is followed, but I do not want to commit myself. It seems to me, therefore, the Commissioner will finally determine who is going to be called before him; and, if he wants him to get the protection contained in this Bill, as I understand the position, he will issue a summons.

Mr. Hawke: What a mix-up!

Mr. WATTS: If he does not issue the summons, I agree that this paragraph does not apply; but, like the member for Melville to a great extent, in the circumstances of the procedure, as I understand it will be adopted in this case, I cannot see the witness being there without a summons, although it might be possible if the Commissioner agreed on those lines. As I understand it, it is a matter of presentation to the secretary of the Commission and reference to the Commissioner, with a decision as to when the witness will be called. I think it is a reasonably general course; and, although I have not had much experience of Royal Commissions, I know that strange people sometimes offer evidence by letter, but are not called. I recollect that occurring two or three years ago—at least in one instance.

I therefore think the two things can be matched together to make sense out of this paragraph, despite the divergence of opinion that has been expressed. I think also that some of us have lost sight of

the fact in regard to this condition—it is the mainspring of this debate—that the Royal Commissioner is a man of vast experience in determining the credibility of witnesses. That is a thing which judges of the Supreme Court can do—if nobody else can—and they are reasonably good at it in every case; and in some instances very good. I think it is unlikely that persons whose evidence appears to have no background except hearsay are likely to be given credence by the Commissioner.

Mr. HAWKE: The remarks of the member for Subiaco have caused the Bill to take a nosedive. Before dealing with the position of witnesses who are summoned and those not summoned, who appear, I would suggest to the Attorney-General that subsection (2) of proposed new section 12 should be clarified in regard to the wording "other person authorised by a Royal Commission to appear."

Mr. Watts: We have passed that.

Mr. HAWKE: Yes, and I am not suggesting that the Attorney-General do anything about it at the moment; but earlier in the debate someone suggested that the words "a judge of the Supreme Court" could not have any proper legal meaning. If that is so—I do not agree that it is—these words in subsection (2) of proposed new section 12 could have several meanings.

It seems to me that this question should be cleared up and the words made to mean clearly what the Attorney-General tells us they are meant to mean. The member for Subiaco said that the only persons to receive privilege and protection as witnesses before the Royal Commission will be those summoned to appear. I understand that Mr. Styants, the Chairman of the Betting Control Board, volunteered to appear; and so, on the reasoning of the member for Subiaco, he has no protection at all within the terms of this Bill; yet the Royal Commissioner, having heard of the speakers at the racecourse meeting which has been mentioned, might think they could make useful information available; and, as they probably would not volunteer to give evidence in the circumstances, they would probably try to reach a situation where they would be summoned to appear before the Commission; and when that happened all the protection proposed to be established by the Bill, in law and in fact, would be available to them.

According to the member for Subiaco, and we have to take some notice of him, there are two sets of witnesses, who receive different treatment: the voluntary witness, who I think would be the best type but who would have no privilege or protection; and the summoned witness with all the privilege and protection set out in the Bill. It does not make sense.

Mr. EVANS: The member for Subiaco made a differentiation between the types of witnesses who would come forward—the volunteers and those summoned. He said the volunteers would not be summoned and, therefore, the protection would not be applicable to them.

Mr. Watts: I do not think he said anything of the kind.

Mr. EVANS: He said that if they were not summoned the protection would not be afforded to them.

Mr. Watts: That is not what you said a moment ago.

Mr. EVANS: The member for Subiaco stated that a witness who was not summoned—and that would include those coming voluntarily—would have no protection afforded him under these provisions. When the Attorney-General was speaking, he said he believed it was the general practice of this Royal Commission that witnesses—and even those who wished to give evidence would ask permission to do so—would be required to submit their evidence in writing so that the Commissioner could peruse it.

Mr. Watts: Probably.

Mr. EVANS: Yes; and if the Commissioner thought the evidence would be interesting or beneficial to the Commission he would summon those witnesses. In other words this measure, on that understanding, would play into the hands of an unscrupulous Commissioner in the future, because he could afford such protection to certain people only. He could refuse to hear the evidence of a good, solid witness and could refuse him protection. The Commissioner need not necessarily summon the witness to appear—

Mr. Watts: If he tried those tricks Executive Council would soon put an end to his Commission.

Mr. EVANS: What if the Executive Council of the day did not desire to do so?

Mr. GUTHRIE: As I mentioned earlier, the Royal Commissioner only summons witnesses whom he considers can give relevant evidence. He determines in advance whether that is so; and if he got a statement from a person who wanted to deal with scandalous or irrelevant matters, he would not issue the summons. That is provided for under section 2 of the Royal Commissioners' Powers Act, 1902.

Mr. Hawke: What about reading the section of the Act concerned?

Mr. GUTHRIE: I read it before. The Commissioner has to determine that the evidence is material and relevant, and then he issues a summons. If he feels a person can give relevant evidence, that person gets protection if he appears before the Commission. Whether these people will get before the Commission in any other way, I cannot say.

Mr. EVANS: I have read section 2 of the Royal Commissioners' Powers Act and I fail to find the provision whereby a Commissioner is required to find out whether any evidence is relevant. But it says that it shall be lawful for any Royal Commissioner appointed by the Governor to summon any person whose evidence shall in the judgment of the Commission be material to the subject matter of the inquiry. It does not say that such evidence shall be relevant. The evidence has only to come within the terms of reference. It could be scurrilous evidence, but the chairman could still accept it. There is no provision to stop him from accepting evidence which is not relevant.

Mr. HAWKE: I think this position as between one class of witness and another class of witness should be cleared up without any shadow of doubt.

Mr. Watts: It is clear now.

Mr. HAWKE: The member for Subiaco emphasised his conviction and told us there is no doubt about it. The point he makes is that the volunteer witness will have no privilege or protection from this Bill; whereas the compulsory witness will have all the privilege and all the protection. Surely that is not a fair proposition! Surely witnesses should be treated alike. I think the Attorney-General would agree to that principle.

Mr. Watts: Yes; but I suggest that there will be no volunteer witnesses actually, because if their evidence is to be accepted they should be summoned.

Mr. HAWKE: If the Attorney-General would give us that assurance—

Mr. Watts: I am not prepared to give an absolute assurance without speaking to the Commissioner, or at least his secretary. That is what I understand to be the position.

Mr. HAWKE: I suggest we should report progress so that the Attorney-General can clear up the matter with the Commissioner and advise us tomorrow.

Mr. Watts: There will be plenty of time to clear up the point.

Mr. HEAL:: I move—

That progress be reported.

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

Ayes—20.

Mr. Andrew	Mr. W. Hegney
Mr. Bickerton	Mr. Lawrence
Mr. Brady	Mr. Moir
Mr. Evans	Mr. Norton
Mr. Fletcher	Mr. Rhatigan
Mr. Graham	Mr. Rowberry
Mr. Hall	Mr. Sewell
Mr. Hawke	Mr. Toms
Mr. Heal	Mr. Tonkin
Mr. J. Hegney	Mr. May

(Teller.)

Noes—22.

Mr. Bovell	Mr. Mann
Mr. Brand	Mr. W. A. Manning
Mr. Burt	Sir Ross McLarty
Mr. Cornell	Mr. Nimmo
Mr. Court	Mr. O'Connor
Mr. Craig	Mr. Oldfield
Mr. Crommelin	Mr. O'Neil
Mr. Grayden	Mr. Owen
Mr. Guthrie	Mr. Watts
Dr. Henn	Mr. Wild
Mr. Lewis	Mr. I. W. Manning

(Teller.)

Pairs.

Ayes.	Noes.
Mr. Kelly	Mr. Nalder
Mr. Nulsen	Mr. Perkins
Mr. Jamieson	Mr. Hutchinson

Majority against—2.

Motion thus negatived.

[The Chairman (Mr. Roberts) resumed the Chair.]

Mr. J. HEGNEY: I oppose subsection (3). The Attorney-General has said that the Royal Commission will investigate all aspects of racing. Apart from those who are associated directly with racing there will be others who will want to give evidence from the social point of view. There may be representatives of churches and others who want to express an opinion on the moral aspects of racing, and they will undoubtedly make a contribution for the benefit of the Commission. But these people will be voluntary witnesses and they should be given some protection and covered in regard to any liability.

However, the witness who wishes to give evidence voluntarily on a certain aspect of the subject under inquiry will have no protection under this proposed new subsection. It is not a fair proposition to distinguish between two types of witnesses who will appear before the Royal Commission. A great deal of hearsay evidence could be given on this question. If one had taken a tape recording of all that was said in the Belmont Hall a short time ago, one would have heard a discussion on the W.A. Turf Club, the off-course bookmakers, the on-course bookmakers, and the Breeders' Owners' and Trainers' Association. One would have had sufficient evidence on which to make a decision in regard to the present inquiry.

If many of the hangers-on associated with racing were to give evidence, their testimony could not be relied upon, because I think they would say anything; and witnesses of that type should not be protected. However, it would be a different position altogether in relation to those witnesses who wished to appear before the Royal Commission to give evidence on racing as a sport. Therefore, I do not think the Committee should agree to the provision contained in this amendment to the Act.

Mr. W. HEGNEY: I support wholeheartedly the remarks of the previous speaker. I am not satisfied with the

explanation, or the lack of explanation, by the Attorney-General on this proposed new subsection. We heard the member for Subiaco who spoke in contradistinction to the Attorney-General, and who indicated that there was a vast difference between the proceedings of the Supreme Court and a Royal Commission. There we have expressed by members of the legal fraternity two opinions that are as far apart as the poles.

The Attorney-General is all at sea as to what this proposed new subsection means and yet the member for Subiaco has submitted that only witnesses who are summoned will appear before the current Royal Commission.

Although the provisions of the Bill, if passed, will apply to future Royal Commissions, emphasis is placed on the present Royal Commission. Therefore, I consider that the Bill has been introduced for a purpose, and it is not a proper purpose. What does the member for Subiaco mean by a summoned witness? I am not sure of what kind of witness the Chairman of the Betting Control Board would be, but he is the first witness. If the Royal Commissioner or his secretary wrote to Mr. Styants indicating that he would be obliged to attend at a certain place at a certain time that would be tantamount to a direction to Mr. Styants to attend before the Royal Commission.

Then there could be voluntary witnesses. Most of these witnesses would appear to give evidence in favour of the W.A. Turf Club and on-course bookmakers; and there would be other witnesses who would be pushing the barrow, as it were, of the off-course bookmakers. If these witnesses expressed a desire to give evidence before the Royal Commission, and the secretary to the Royal Commissioner sent them a note to appear at a certain time, they would, more or less, have been summoned to attend before that Royal Commission.

I think it was the Attorney-General who said that a judge of the Supreme Court would have a vast knowledge of the law and the rules of evidence, and he would be able to decide whether a witness was a scandal-monger or a reliable person. A witness who intended to appear before the Royal Commission could make a summary of the evidence he proposed to submit, and a judge of the Supreme Court or anybody else who was appointed from outside the State to act as Royal Commissioner would have no knowledge of the substance or the reliability of such a witness until such person proceeded to give his evidence. However, under this part of the Bill such a witness would be entitled to protection.

On the other hand, according to the member for Subiaco, a solicitor could interview a witness who desired to give evidence, and the Royal Commissioner might rule that the witness could appear before him in two or three days' time. He might not be summoned, and he would be a voluntary witness and would have no protection, whereas the witness who was summoned to appear would have complete protection. I believe that if any person appeared before the present inquiry, whether he was desirous of furthering the interests of the W.A. Turf Club, the Breeders, Owners and Trainers' Association, or any other association connected with racing, such a witness, through his counsel, would submit evidence in a reasonable way for the benefit of the Commissioner.

So far as I am concerned, no witness should be protected for anything he says before a Royal Commission. In this case, where there is likelihood of quite a bit of dirty linen being washed, witnesses would think twice about making untruthful or scurrilous statements if this protection were not granted to them. Therefore, I hope the Committee will not agree to subsection (3) of proposed new section 12.

Mr. TONKIN: The more one reads the Bill and listens to discussion on it, the more one becomes aware of the anomalies in it. We are told definitely there will be two classes of witnesses: one class when summoned will be protected; and the other, if not summoned, will not be protected. Later the Bill protects anybody who publishes the report of the proceedings. So we have the farcical situation of a witness who volunteers evidence not being protected in so far as the evidence he gives is not in answer to questions, while that part of his evidence which is in answer to questions submitted to him by the lawyers will be privileged so far as that evidence is concerned. But the report of the proceedings which will be the report of the evidence of a volunteer witness will be a privileged document, and the newspapers publishing extracts from that report will also be privileged.

So we have the Gilbertian situation that the volunteer witness is not protected with regard to his evidence, but that full protection is accorded to the publication of the evidence by the newspapers. As the law stands at present, if a person leaves himself open to action for slander or libel by his statements then any newspaper publishing what he says runs the same risk. It does not make sense to me, and the Government should have another look at that point.

Mr. Watts: Where is this?

Mr. TONKIN: I refer the Attorney-General to proposed new section 13 on page 3. In that report will be the evidence of volunteer witnesses, as there will be the evidence of witnesses who are summoned. The volunteer witness personally is liable to a charge and an action against him, but those responsible for publishing to the world what he says have a complete cover.

Mr. Watts: Only the agents of the Crown are being protected.

Mr. TONKIN: The newspapers are not agents of the Crown. The Attorney-General cannot tell me that absolute privilege carries on to the person publishing the document. In Parliament there is absolute privilege so far as what we say is concerned.

Mr. Watts: The proposed new section is specific.

Mr. TONKIN: With regard to publication; that is providing absolute privilege for the publication of the proceedings of the Commission.

Mr. Watts: I do not see why agents of the Crown and Ministers should be liable for publishing a report which it is their duty to publish.

Mr. TONKIN: According to Halsbury's Laws of England, if the House of Commons requests a printer outside to publish something which it has a perfect right to ask to have published, and the printer publishes it, he has no protection simply because the House of Commons has asked him to publish it. He must satisfy himself that in the publication he is not contravening the law. Mark that; the fact that the House of Commons has asked him to publish it is no protection. The Crown can authorise the publication of evidence from a person who is not protected in the giving of it, but the Crown will be protected in the publication of the evidence; and then any newspaper which decides to publish extracts from that privileged document will have the privilege extended to it. So the newspaper can be publishing information under no threat of legal action, yet the person who gave the evidence in the first place is liable to action.

If the Attorney-General disagrees with my contention that the privilege carries on to the newspaper, I would like him to quote his authority. If my contention is right, then it is a strange thing that the people who are doing the most damage—because the publication of the evidence would be the worst feature—would have no action against them; but the person who gave the evidence in the first place would be liable for action for damages. I think it is probably intended, as it was in other States, and I quote from the Tasmanian Evidence Act, 1910, which says—

> Every witness summoned to attend or appearing before the Commission shall have the same protection.

So Tasmania covers both positions. In addition to the penalties provided by sections 16 and 17, the witnesses shall be liable in any civil or criminal proceeding as witnesses in the Supreme Court. It is obviously intended to cover all witnesses. I think that should be the position. If I were to show a preference, I would definitely show it towards a person who volunteered evidence, rather than to a person who stayed away until he was given an assurance that he would be protected. The latter is more likely to give evidence based on hearsay.

The CHAIRMAN: The hon. member's time has expired.

Mr. EVANS: The provisions in the clause are so far-reaching in their consequences that one need only refer to yesterday's *Daily News* to see the pernicious effect of the powers in the provisions. If the privilege were extended to witnesses, and a witness were to make a mud-slinging statement he would be protected if prosecuted in a criminal or civil court for making such a statement.

However, the Press would be at liberty to capitalise on such a statement and to make sensational headlines out of it; and, as often happens, the popular Press would be able to give false impressions.

Mr. Graham: Who said it was the popular Press?

Mr. EVANS: It is popular with some sections of the public. It is dangerous to give that privilege to the witnesses, as well as to the Press. This point has not been given its rightful place in the debate on this measure. I am opposed to the privilege being extended to witnesses

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

Ayes—20.	
Mr. Andrew	Mr. Lawrence
Mr. Bickerton	Mr. May
Mr. Brady	Mr. Moir
Mr. Evans	Mr. Norton
Mr. Fletcher	Mr. Rhatigan
Mr. Hall	Mr. Rowberry
Mr. Hawke	Mr. Sewell
Mr. Heal	Mr. Toms
Mr. J. Hegney	Mr. Tonkin
Mr. W. Hegney	Mr. Graham
	(Teller.)

Noes—22.	
Mr. Bovell	Mr. Mann
Mr. Brand	Mr. W. A. Manning
Mr. Burt	Sir Ross McLarty
Mr. Cornell	Mr. Nimmo
Mr. Court	Mr. O'Connor
Mr. Craig	Mr. Oldfield
Mr. Crommelin	Mr. O'Neil
Mr. Grayden	Mr. Owen
Mr. Guthrie	Mr. Watts
Dr. Henn	Mr. Wild
Mr. Lewis	Mr. I. W. Manning
	(Teller.)

Pairs.	
Ayes.	Noes.
Mr. Kelly	Mr. Nalder
Mr. Nulsen	Mr. Perkins
Mr. Jamieson	Mr. Hutchinson

Majority against—2.

Amendment thus negatived.

Mr. EVANS: This clause enables a Royal Commissioner—or where the Commission comprises more than one member, the Chairman—with the written consent of the Attorney-General to grant a certificate, similar to the one which can be granted under section 11 of

the Evidence Act, to any witness who states that he is loth to answer a question on the grounds that the answer will tend to incriminate him.

My opposition to the clause is that section 11 of the Evidence Act states that the provision contained therein shall be limited to judges and police or resident magistrates. Justices of the peace are not empowered to issue such a certificate. However, in the Bill before us a Royal Commissioner, or the Chairman of a Commission, with the approval of the Attorney-General will be empowered to grant a certificate.

I believe the danger is inherent even though it may be a latent danger. I mentioned earlier that this certificate could be signed with expediency by the Attorney-General. That position could be occupied in the future by a person whether he was an attorney or a Minister for Justice. If a Commission were established for sinister or political purposes, it would be only a matter of expediency for the Minister or the Attorney-General to issue the certificate, because it would then make it much simpler for the Commission to obtain the evidence it wanted from a certain type of witness.

That is the danger contained in this particular provision of the Bill. It is in contrast to section 11 of the Act which states that the provision for giving a certificate is limited, and that a justice of the peace has no right to issue such a certificate even though he feels the issue of a certificate in a certain situation may be warranted. A Commissioner need not necessarily be a legal man, and he may not know as much law as a justice, yet he will have the right to issue a certificate with the written consent of the Attorney-General.

I believe the Attorney-General has already mentioned that in a case where the Commissioner requested the issue of a certificate, he would have the matter examined by the Crown Law Department. I would be happy if that were the procedure, but the subsection does not make it an obligation on the Attorney-General to have such request examined by his own legal officers. Those are the main reasons why I oppose this subsection.

Mr. GRAHAM: I would like some information from the Attorney-General in regard to subsection 15 on page 3. My reading of that subsection leads me to believe that it is possible for a barrister or a solicitor only to represent a person; whereas we are all aware that for the most part the barristers and solicitors at the present Royal Commission are representing bodies or associations.

Mr. Watts: The Interpretation Act provides that the word "person" includes corporations.

Mr. GRAHAM: I accept that as a matter of clarification. In subsection 16 (e) on page 4 of the Bill it will be seen that a lot of steps are proposed to prevent persons from interfering with the course of duty of the Royal Commissioner. I have no objection to this protection whilst the Royal Commission is sitting—that is, during the time the Royal Commissioner holds his Commission—but there appears to be no limit to the protection. Would it mean that if the Royal Commission sits in 1959, and in 1960 or 1961 a citizen of the community is able to discover from his own knowledge or from the passage of events that the Royal Commissioner was, to use common language, "up a pole" in respect of certain findings, that he then incurs the displeasure of the law? You, Mr. Chairman, and certainly some of the senior members of this Committee, will recall that there was a Royal Commission into certain activities in connection with the Captain Stirling Hotel when, from my recollections, certain emphatic denials were made; but with the demise of a certain gentleman the opposite was found to be the truth. If a newspaper published or a person at a public meeting said what he thought about a Royal Commission for coming to an obviously wrong conclusion, would that paper or person be guilty of bringing the Royal Commissioner into disrepute?

Mr. Watts: His Royal Commission ceases when he hands in his report to His Excellency the Governor.

Mr. GRAHAM: I would like to see added the words "before the return of the Commission." If the Attorney-General, who is a legal man, can assure me without any shadow of doubt that the power to take action against a person obtained only so long as the Commission remained in existence, I would be satisfied; but if the displeasure of the law for criticising the findings of a report of a Royal Commission, notwithstanding additional evidence that may become available, is to last for ever and a day, I could not agree to it.

Mr. Watts: It is my opinion that your fears are groundless.

Mr. GRAHAM: Whilst I have great confidence in the Attorney-General, as a general rule, I am uncertain in this connection and wonder if he will give an assurance that if this measure is passed by this Chamber he will, between now and when it is debated in the Legislative Council, have the matter checked to see whether it means what I am afraid it might mean. If he finds that to be so, will he have the measure moulded in order to achieve the object I am certain he and I seek to achieve?

Mr. Watts: I do not mind giving that undertaking.

Mr. TONKIN: I would like clarification regarding proposed new section 15, because it would mean nothing in the case of an unprivileged witness, as he would have no protection with regard to questions he answered without being directed to answer them. If he refused to answer the question and was directed to answer it, whether privileged or unprivileged, he would have special protection in regard to that question; but in regard to other questions, where he was not directed to answer, he would not be privileged, and would have no protection.

That suggests two types of witnesses: one, the witnesses examined or cross-examined by lawyers present, and who are protected; and the other, the voluntary witnesses who are expected to answer questions, but who would be in trouble if anybody proceeded against them, because they have no privilege.

Mr. WATTS: I should have thought by now that the position here would be as clear as it was under subsection (3) of proposed new section 12. As I said, I did not see as clearly as did the hon. member, the distinction between what he called the privileged and unprivileged witnesses, particularly in the case of the present Royal Commission, because of the methods adopted of requiring potential witnesses to present the Commissioner with an idea in writing, of the evidence proposed to be given, so that he may be informed of it beforehand. I anticipated that, if called upon by the Commissioner following such a submission of evidence, if this provision became law they would all be summoned. And so, as I see it—although at the moment I would not guarantee that, as I would like first to speak to the Commissioner or his secretary, I have nevertheless since read the advertisement that appeared in the Press—I am more satisfied than ever that that will be the position.

If that is so, the difficulty that the hon. member saw in this case will not arise; because the parent Act provided, in short, that the Commissioner should ask the questions. This proposed new section clears up the question of barristers or counsel assisting the Commission or representing interested parties, having the right to ask questions. It also provides that witnesses examined or cross-examined shall have the same protection, if my interpretation is correct, as the earlier provision gave.

I have been advised that a member of this Chamber proposes later to move an amendment to limit the duration of this Act to the 31st December, 1960; and I am prepared, if that amendment is moved, to accept it in order that the legislation for the time being may have a limited life and Parliament may determine at a subsequent session what should be done with it. I do that because I am convinced that the proceedings under this legislation will be thoroughly satisfactory and that none of the fears entertained, whether bona fide or by flights of imagination, are justified. I hope the Deputy Leader of the Opposition will be satisfied with the explanation I have tried to give in regard to the provision and the intention which I have recently expressed in regard to the amendment proposed to be moved.

Mr. ANDREW: As I said earlier during the debate, I think paragraph (e) of proposed new section 16 should be amended by adding after the word "words" in line 1 on page 4 the words "or do any other action." On page 59 of the evidence of the Royal Commission on Trotting, held in 1946, there is proof that a person can influence a Commission or a witness by means other than words. There the witness was Mr. R. N. Percival and the transcript reads—

> Was he reimbursed expenses for going to New Zealand on this particular trip only or, in addition, his expenses for going to America?—I think he was reimbursed for the trip to America as well.
>
> Was that trip undertaken on association business?—Yes.
>
> The Commissioner: I noticed a nod from a gentleman at the end of the table, to the witness. I do not know what it meant.
>
> Mr. Walsh: That was Mr. Stratton.
>
> The Commissioner: Then I ask Mr. Stratton to take a seat where he cannot see the witness. Mr. Stratton will sit right out of sight of the witness.
>
> By Mr. Walsh: Did you know, prior to that indication from Mr. Stratton, whether Mr. Stratton went to America on association business?—I knew he was going on association business.

Because of what has already happened at a Royal Commission, the words I mentioned should be put into the Bill. I move an amendment—

> Page 4, line 1—After the word "words" insert the words, "or do any other act."

Mr. Watts: I will not oppose the amendment.

Mr. TONKIN: While I agree with the desire of the member for Victoria Park, I cannot subscribe to the amendment. A person could wipe his face with his handkerchief.

Mr. Watts: It has to be an act calculated to do something.

Mr. TONKIN: Who is going to judge what is "any other act"? This is too loose, but I will agree that it is in keeping with the rest of the legislation; it is not out of place in the Bill, because it is a lot of rubbish. This will be difficult to interpret and

anybody would be at the mercy of some whimsical Commissioner. I am surprised at the Attorney-General agreeing to it so readily. It must have been because of his anxiety to get something done.

Mr. Watts: Don't get more humorous than you need.

Amendment put and passed.

New Section 17:

Mr. WATTS: I move an amendment—

Page 4—Add at the end of Clause 3 the following to stand as Section 17:—

Ss. 12 to 16 both inclusive deemed retroactive.

17. Sections twelve to sixteen both inclusive of this Act shall be deemed to have had effect as from the twentieth day of July, One thousand nine hundred and fifty-nine.

That date is eight days ago and was the day on which the Commissioner started his sittings. A desire has been expressed, in view of the fact that before the Bill can become an Act part of the inquiry will obviously have proceeded, the provisions of the Bill should apply to the extent mentioned retrospectively; namely, to the 20th July when the first sitting was held.

Mr. TONKIN: It looks as if Mr. Negus must have had some indication that this was coming forward. I rather marvelled at the risk he appeared to be running without this protection, and it looks as if he was guaranteed ahead that this would be passed. Perhaps the Attorney-General will tell us if that is so.

Mr. Watts: He has not been told by me, nor has anyone else.

Mr. Hawke: How do you know?

Mr. TONKIN: This is not the type of legislation that we generally approve of here; and it will be bad luck if, through some mischance, this Bill does not pass. However, I suppose it is not unreasonable to extend the provision to cover everybody in connection with the Commission. As soon as I read the report in the paper I thought that the person concerned must have felt that he was on pretty good ground because of the liberty he appeared to be taking. As the Committee has already agreed that we should extend protection to a number of people, some of whom are at present unknown, it is not unreasonable to cover everybody connected with the Commission.

Mr. HAWKE: The objection I have is that it proposes to date back for some period prior to the actual passing of the law protection which is contained within this proposed law.

Mr. Watts: Actually to the date on which the Commissioner held his first sitting.

Mr. HAWKE: That is the purpose of it. It could well be that one or more people who have appeared before the Commission have broken the law and have thereby exposed themselves to action under the existing law. Now the Attorney-General asks Parliament to put that position right which means that Parliament could take away from some person in the community any legal right of reparation which that person has had, and will have up to the time this retrospective provision becomes the law of the State.

I think we all know that Parliaments in British countries have always been reluctant to agree to retrospective legislation. It is true that instances can be cited where such legislation has been passed, but only to meet special circumstances. Apart from that objection, I have the other one which is related to the two classes of witnesses. For instance, it could be that Mr. Negus has exposed himself to some action that a person in the community could take against him under the existing law. It could be that Mr. Styants has exposed himself to some action under the existing law.

By approving of this proposed retrospective provision we take away from the person who might have an action against Mr. Negus such right of action, but we leave with the person who might have an action against Mr. Styants under existing law a right to proceed with such action and to have it finalised. I mention Mr. Styants particularly because in newspaper reports of the proceedings held today Mr. Styants did not want to answer a question that was put to him. He based his refusal on the fact that the Act under which he operates as Chairman of the Betting Control Board gave him no right to disclose the requested information. The Commissioner, in effect, directed him to make the information available and he did so.

It could be that the persons about whom the information was disclosed would have an action at law against Mr. Styants for disclosing information which should have remained confidential with him as Chairman of the Betting Control Board. So as a voluntary witness—which I understand Mr. Styants to be—he would have no protection whatsoever from this proposed retrospective provision; whereas Mr. Negus, if he has broken the law in any way so far, would be fully protected against his unlawful actions by the passing of this retrospective provision.

There is need for the Attorney-General to clear up absolutely the doubt which exists in regard to protection which shall be given to witnesses—not only summoned witnesses, but also any who may come forward voluntarily to give evidence; and I think Mr. Styants might be regarded as having already done that.

As was said by other speakers on this side of the Chamber previously, either all witnesses should have privilege or protection, or none should have it. If, as the Attorney-General suggested earlier, all of them—technically, at any rate—are summoned witnesses, then it could be held good in law that all witnesses will be on the same footing.

Mr. Watts: It will hold good in practice in this case.

Mr. HAWKE: I hope it will hold good in law as well as in practice, and I hope the Attorney-General will give us a clear-cut assurance on that during today's sitting of the Committee.

Mr. W. HEGNEY: I am not going to support this proposed new section. I have a vivid recollection of the members of the Government, when they were sitting in opposition on this side of the Chamber, opposing vigorously the legislation introduced by the then Labour Government to amend certain sections of the Workers' Compensation Act—provisions which would bestow some benefit on the injured workers. The members of the Opposition at that time fought tooth and nail against the passing of those provisions and took steps to have them defeated in another place. Yet we have the Attorney-General introducing a new clause in this proposed legislation to insert a retrospective provision. I intend to oppose it. This legislation is not designed specifically for the current Royal Commission on betting and on racing.

Mr. Watts: Would it not be silly to have half the Bill covered and half not? That is what you are trying to do.

Mr. W. HEGNEY: The Attorney-General can make his explanation and I am going to make mine. When the members of the Government wish to protect somebody it is prepared to introduce retrospective legislation. However, when we introduced a Bill when we were on that side of the Chamber to have a provision made retrospective in a social piece of legislation which would have benefited some injured workers, the members of the Opposition at that time were extremely prominent in having such legislation defeated.

Why is there any need now to have this provision made retrospective to the 20th July? The Attorney-General says there will be some witnesses protected and some witnesses who will not be protected. The Leader of the Opposition has said that if this provision is passed and it is shown that Mr. Styants is a voluntary witness and the Bill passes through another place—which I hope it will not—there will be further examination of the nature to which we have already objected and Mr. Styants will not have any protection.

Mr. Watts: It looks as if he will not unless you agree with this provision.

Mr. W. HEGNEY: My attitude towards the legislation is hostile and has been right from the beginning, and I am not going to be a party to extending it any further. The Attorney-General says that this shall have effect as from the 20th day of July, 1959. The Bill does not deal exclusively with the present Royal Commission. It deals with an amendment to the Royal Commissioners' Powers Act.

Mr. Watts: Exactly.

Mr. W. HEGNEY: Yet, for some purpose —and I am not satisfied that it is a legitimate purpose—there is an effort being made to protect barristers and solicitors who appear before the Royal Commission, and now there is another effort to make retrospective a provision to protect those who have already appeared before the Royal Commission. If this provision is defeated it might make those who have already prominently appeared before the Royal Commission think twice before speaking again and reaching such low depths.

Mr. EVANS: Like the previous speaker, I am not prepared to support the amendment, and particularly at this stage of the Committee. I have been given the impression that the Attorney-General has given an understanding to another member of this Chamber that he will accept an amendment which will make this valid only until the end of December, 1960. It would therefore seem to me that if this new provision were included in the legislation we would have to bear in mind that the Attorney-General gave an assurance earlier that this legislation was to deal not only with the current Royal Commission but also with future Royal Commissions.

It would seem there is a highly suspicious and sinister motive behind this and that the sole purpose of introducing the legislation is to protect certain people who will appear before this Royal Commission and no other Commission. I would say that the statement made by the Attorney-General that it applied not only to this Commission but to others is a blind. I oppose the amendment.

Mr. WATTS: The member for Kalgoorlie is getting too fond of these adjectives. I suggest he get some facts into his head before he accuses people of sinister motives. I have no sinister motive in this matter; and so far as I am concerned, the Bill has been introduced only for the reasons I have given during the debate. To suggest that I had some sinister motive, because I was prepared to accept an amendment if moved for this Bill to cease unless renewed on the 31st December, 1960, is not only objectionable to me but utterly without foundation. So the hon. member should at least have more foundation for the use of his adjectives if he must use them. It is a frequent occurrence in this Chamber, as the hon. member will know when he has been here

longer, that many a Bill has expired on a given date and is renewed time and again, sometimes with amendment and sometimes without.

I suggested to the member for Melville that I was going to accept this amendment, because I thought some of the fears expressed might be bona fide, while others were flights of imagination. I was prepared for the matter to come before Parliament to see whether those fears were groundless or otherwise. That is the position as far as I am concerned, and I would suggest that the member for Kalgoorlie be more careful of his adjectives in future.

Mr. GRAHAM: It is a rare occasion for the Attorney-General to display heat during the course of debates.

Mr. Hawke: He is Minister for Electricity.

Mr. GRAHAM: Like those who have preceded me on this matter from this side of the House, my honest conviction is that if persons—and I have in mind particularly a person called Negus—have been going to excesses, which undoubtedly he has, with very little credit to himself or his profession; and if he has committed breaches that could have certain repercussions against him, I do not think he is entitled to a protection to be post-dated to suit his convenience.

It has already been indicated that he has, in the form of questions, impugned the honesty of the late Government—that the Hawke Government was playing up to certain sections of the public; and that it displayed cowardice in a certain course of action it took. We only have the newspapers as a guide to what transpired, and we have not seen the transcript of what actually took place, but it could be that there were some most misleading questions put to Mr. Styants during the time Mr. Negus has been asking these questions.

If he has done that, and done it with deliberate motive—and there is no question about it—why should we extend any leniency or generosity towards him? If Parliament decides there should be a certain procedure in the matter of Royal Commissions, all well and good; but is this person entitled to take unto himself a license to traduce us, who were Ministers of the Crown up to some four months ago? Should we go out of our way to oblige him by passing legislation to meet a situation that occurred before the Bill saw the light of day in this Parliament? It is not fair and reasonable.

It would be poetic justice if it were possible to sustain a case against Mr. Negus, and nobody would clap and cheer more vigorously than I if that were the position. I have the same feelings as the member for Kalgoorlie. To me it is now transparently clear—even if the Attorney-General is not the person responsible for it, but an unwilling and unwitting victim of circumstances—that the prime purpose of the Government is to see that the present Royal Commission from the day it commenced to the day it concludes its hearing enjoys privileges not previously enjoyed by any Royal Commission in the history of Western Australia.

When I say Royal Commission, I mean the Commissioner, the counsel, witnesses, and all associated with it. The indication of an acceptance of a further amendment that this special dispensation can continue until some time next year—whether it continues beyond that is of little concern—shows that the primary consideration is that all that is contained in the Bill shall have full power and effect for the life of this Royal Commission with the objective—and this is unmistakable, because it was included in the policy speech of the present Premier—of blackening certain people while the accusers escape with the least inconvenience to themselves. It was a wrong moment, therefore, for the Attorney-General to give vent to his feelings and to deliver the homily he did to the member for Kalgoorlie—even if he has deserved it on other occasions, which I do not admit. In my opinion what the member for Kalgoorlie said with regard to the measure and its application to this particular Royal Commission is perfectly correct.

Mr. Watts: I would say you are talking absolute rubbish.

Mr. GRAHAM: It is obvious that the concern is the starting point of the Royal Commission, and the date of its conclusion some time in the future, not very far ahead. Neither the Attorney-General nor anybody else could hazard a guess as to whether Parliament would agree to an extension of the extraordinary powers and protection contained in this Bill.

It was necessary for me or for somebody else to point out what I definitely and emphatically think is correct. The member for Kalgoorlie is comparatively new in this House. I repeat that in my honest opinion, after quite a few years in this Parliament, he is entitled to draw the conclusion which he did.

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

Ayes—22.

Mr. Bovell	Mr. I. W. Manning
Mr. Brand	Mr. W. A. Manning
Mr. Burt	Sir Ross McLarty
Mr. Cornell	Mr. Nimmo
Mr. Court	Mr. O'Connor
Mr. Craig	Mr. Oldfield
Mr. Grayden	Mr. O'Neil
Mr. Guthrie	Mr. Owen
Mr. Henn	Mr. Watts
Mr. Lewis	Mr. Wild
Mr. Mann	Mr. Crommelin
	(Teller.)

Noes—20.

Mr. Andrew	Mr. W. Hegney
Mr. Bickerton	Mr. Lawrence
Mr. Brady	Mr. Moir
Mr. Evans	Mr. Norton
Mr. Fletcher	Mr. Rhatigan
Mr. Graham	Mr. Rowberry
Mr. Hall	Mr. Sewell
Mr. Hawke	Mr. Toms
Mr. Heal	Mr. Tonkin
Mr. J. Hegney	Mr. May
	(Teller.)

Pairs.	
Ayes.	Noes.
Mr. Nalder	Mr. Kelly
Mr. Perkins	Mr. Nulsen
Mr. Hutchinson	Mr. Jamieson

Majority for—2.

Amendment thus passed; the clause, as amended, agreed to.

New Clause 4:

Mr. OLDFIELD: I move an amendment—

Page 4—Insert the following to stand as clause 4:—

This Act shall remain in operation until the thirty-first day of December, 1960, and no longer.

I do so mainly for the reasons outlined by the Attorney-General when he spoke earlier this evening. I realise what could happen at some future time if the provisions in the Bill did not have a limited life. We know that in the past Select Committees have been turned into Honorary Royal Commissions, and the members of the latter can become malicious. In the interests of the public and of justice and truth, there should be limited life to these provisions.

New clause put and passed.

Title put and passed.

Bill reported with amendments and the report adopted.

Third Reading.

MR. WATTS (Stirling—Attorney-General) [2.18]: I move—

That the Bill be now read a third time.

MR. HAWKE (Northam) [2.19]: Unfortunately, you, Mr. Speaker, were not able to hear the debate which took place during the Committee stages. However, I would say that members of the Opposition have strongly criticised some portions of the Bill, particularly those regarded by the Attorney-General as the more important ones.

The Committee has decided to limit the operation of the provisions in the Bill for a period. The limitation now included in the Bill makes it reasonably certain that only one Commission will operate under the provisions of the proposed new law.

We all know this Royal Commission is investigating questions and problems which are of a type to encourage rumours. In fact, we know—and you know too, Mr. Speaker—that many rumours in connection with the problem have already circulated in Western Australia. We know that our morning newspaper, *The West Australian*, gave tremendous publicity to these rumours before the election took place on the 21st March last. We know the rumours and the subject-matter were given a publicity far beyond their deserts and mainly, if not entirely, for party political purposes.

I think that probably the present Premier resisted the pressures which were in all likelihood put upon him to talk this sort of stuff during the election campaign, but finally he gave way and did add his weight to the circulation of the rumours to which I have referred and consequently played a part with Jamieson, *The West Australian*, and others in giving these rumours greater circulation.

Mr. Graham: A great bunch put together.

Mr. HAWKE: During the Committee stages I asked the Attorney-General whether he considered the terms of reference given by the Government to the Commissioner were sufficiently wide to allow a searching inquiry to be made into the actual management and control of horse-racing—both gallops and trots—in Western Australia. I sought that information because rumours—as bad as and even worse than those circulated in the community in regard to off-course betting—have from time to time been circulated in relation to the control and management of actual horse-racing and trotting in this State.

Sir Ross McLarty: The member for East Perth told us something about that.

Mr. HAWKE: He did, in passing, mention it. The Attorney-General is under the impression that the terms of reference are sufficiently wide to cover the phase of the problem which I brought forward. However, he has undertaken to inquire into the matter. He has also given an assurance that so far as he is concerned as a member of the Government he will move to have the terms of reference widened to cover the problem I have mentioned, if, on investigation, he finds the present terms of reference are not wide enough.

It became known in debate on the Bill today that there is considerable doubt as to whether it does not set up a separate class of witness. One class could receive full privilege and full protection under this proposed new law; and the other class, no privilege and no protection at all. The Attorney-General has undertaken to inquire closely into that and has given it as his opinion that all witnesses will, in fact, be summoned witnesses.

I think the debate at the second reading stage and—more particularly—in the Committee stages brought out a great deal of information which had not been imagined prior to the debates taking place; and I am sure the Attorney-General would agree that many vital points were raised which need inquiry and clarification. The fact that the Attorney-General and members of the Government have accepted a limitation in regard to the period during which the proposed new law will operate is, I think, reasonable proof of some doubts and some fears which have now been created in their minds as a result of the debates which have

taken place, and as a result of the special points which were raised by those who took part in the discussions.

We, on this side of the House, oppose the third reading of the Bill because we consider it contains some provisions which are obnoxious and some provisions which we feel, in practice, will be detrimental; and which will give special privilege and special protection to certain persons and, by doing so, will immediately expose for vilification, innocent persons in this community. I think it is well known that too many people in this community, as in every community, prefer to believe evil rather than good about a person. There are too many people of that type in the community.

Once any witness comes before this Commission and makes an insinuation or allegation, even though he is not able to support it with one shred of reliable evidence and his insinuation or allegation is published in the newspapers—as it would be under banner headlines—many people in the community will immediately accept and embrace that and begin to think ill of the person against whom the allegation or insinuation is made.

A lie of that kind, once developed, is never really caught up with in regard to people in the community who have read it initially and in regard to those who have accepted it. So the innocent person in the community who suffers injury as a result of an insinuation or allegation of that kind will be well behind scratch in regard to any effort he may make subsequently to put right with the community the wrong which has been done to him.

This Royal Commission, unfortunately, will to some extent be a fishing expedition; and some of the fishing activities adopted by some witnesses—a minority I should hope—before the Commission, and by some of the barristers and solicitors—also a minority, I hope and believe—will be of an unsavoury character; and I think the ultimate result of the operations of the Commission will be of little or no value to anybody.

Mr. Andrew: A lot of money is being spent.

Mr. HAWKE: The Premier is justified in the setting up of this Commission on the ground that he gave a promise to the electors that he would set it up. I quite agree that having made the promise he is bound to keep it; and I could only wish he was as enthusiastic about keeping some of his other promises, including the one that he would fire nobody. During the election campaign, I said on behalf of our Government and party at that time that we would set up a searching Royal Commission of investigation, into any allegations of corruption or bribery, provided somebody would come forward and submit some evidence.

Of course nobody came forward with evidence to justify setting up a commission, but the Government rushed in with this Royal Commission, without any evidence or fact to justify it. I understood from an interjection by the Attorney-General, while the member for Mt. Hawthorn was speaking, that he thinks the Commission will last many months.

Mr. Watts. I have no idea and did not intend to imply that.

Mr. HAWKE: It was in connection with the amendment which the member for Mt. Lawley proposed to move to limit the operation of the legislation to the end of December, 1960. The Commission will be tremendously costly. The Attorney-General said the Government would not pay the barristers and solicitors engaged by outside organisations or individuals; but it will pay for the legal representation of the Turf Club because, following the practice initiated by our Government, it is paying regularly to the Turf Club a subsidy to enable it to continue.

Mr. Watts: It will not cost the Government any more.

Mr. HAWKE: It may or may not. The Turf Club, having to have expensive legal representation before the Commission, will be worse off financially, and representations might easily be made to the Government on that basis; and the Government might find that it is told that additional finance is needed by the club to enable it to pay for that representation. I have no idea what Mr. Negus's services will cost the Turf Club.

Mr. Graham: It will be too much, at any rate.

Mr. HAWKE: I presume he will be paid so much per word; and if the words he has already used before the Commission are an example of what he will do in the months ahead, his account will be colossal, and the Government may receive a special request for an additional subsidy for the Turf Club. But that will be for the Government to decide at that time.

The total costs of the Royal Commission will be terrific, and the legal costs alone will be very large. The final result of the inquiry will be that the lawyers have done mighty well and the Government will still have the problems which exist at present. In my opinion the Royal Commissioner will say that so much is wagered on racehorses in betting shops away from the course, and that if so much could be channelled to the racecourses the racing clubs would be so much better off, and so on.

The SPEAKER: Order! The Leader of the Opposition must confine himself to the Bill, and the question of money paid to the racing clubs does not come within its ambit.

Mr. HAWKE: It comes well within the ambit of the Royal Commission and its terms of reference; and the Bill has been

brought to Parliament to protect the Commission and those who appear before it. The amendment moved by the member for Mt. Lawley makes it almost certain that this is the only Royal Commission that will operate under the proposed new provisions. In any event the Government will not find any easy way out of its problems in regard to betting and racing by obtaining approval for this measure. The legislation will solve none of those problems and the Government will still have to meet them.

In conclusion, I suggest that the Government should not wash its hands of these problems, as they will remain; and it should set about giving serious consideration to the decisions it will have to make to resolve them.

MR. WATTS (Stirling—Attorney-General—in reply) [2.37]: I do not for a moment agree with the Leader of the Opposition that the provision for the termination of the legislation on the 31st December, 1960, is a suggestion or admission that the law will not be extended to any other Royal Commission. Had he recollected more clearly what I said about the amendment when I first mentioned it to the House, he would have realised that I was only making what I thought was a reasonable concession in the light of the fears expressed by members opposite—in my opinion some bona fide and some flights of the imagination. But as it had been the practice in other instances to enable Bills containing new principles—even the very Act which has given rise to some of this Royal Commission at any rate—to be limited as to their term in the first place when they are put on the statute book, so as to allow any changes found necessary to be made, that course was agreed to. It is my belief that this legislation when passed will be entirely satisfactory; and that when it is brought up for renewal, probably next session, while I certainly would not say there would be no possibility of its being amended, I am convinced its life will be extended.

It is true that during the debate I told the Leader of the Opposition that I will have the terms of reference examined so as to answer, to the best of my ability, the questions he raised in that regard. But I doubt now whether it would be possible to have it done today—today being Wednesday—in time to present the hon. gentleman with the information this afternoon. The same remark applies to the arrangement I made with him that I would have further consideration given to the question of the so-called two types of witnesses; but I will do what I can to have the answers brought here later in this day of sitting.

Other than that the Leader of the Opposition has merely reiterated, to a large extent, many of the things that he said on the second reading, and at other stages of the Bill's somewhat slow progress through this Assembly. I think that with the few exceptions I have referred to, most of what he has said has already been dealt with one way or another, and I propose to ask the House to carry the third reading.

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

Ayes—23.

Mr. Bovell	Mr. W. A. Manning
Mr. Brand	Sir Ross McLarty
Mr. Burt	Mr. Nimmo
Mr. Cornell	Mr. O'Connor
Mr. Court	Mr. Oldfield
Mr. Craig	Mr. O'Neil
Mr. Crommelin	Mr. Owen
Mr. Grayden	Mr. Roberts
Mr. Guthrie	Mr. Watts
Dr. Henn	Mr. Wild
Mr. Lewis	Mr. I. W. Manning
Mr. Mann	*(Teller.)*

Noes—20.

Mr. Andrew	Mr. W. Hegney
Mr. Bickerton	Mr. Lawrence
Mr. Brady	Mr. Moir
Mr. Evans	Mr. Norton
Mr. Fletcher	Mr. Rhatigan
Mr. Graham	Mr. Rowberry
Mr. Hall	Mr. Sewell
Mr. Hawke	Mr. Toms
Mr. Heal	Mr. Tonkin
Mr. J. Hegney	Mr. May
	(Teller.)

Pairs.

Ayes.	Noes.
Mr. Nalder	Mr. Kelly
Mr. Perkins	Mr. Nulsen
Mr. Hutchinson	Mr. Jamieson

Majority for—3.

Question thus passed.

Bill read a third time and transmitted to the Council.

House adjourned at 2.45 a.m., Wednesday.

Legislative Council

Wednesday, the 29th July, 1959

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