

# Legislative Council

Wednesday, the 12th September, 1979

The PRESIDENT (the Hon. Clive Griffiths) took the Chair at 4.30 p.m., and read prayers.

## QUESTIONS

Questions were taken at this stage.

## LEAVE OF ABSENCE

On motion by the Hon. G. E. Masters, leave of absence for 12 consecutive sittings of the House granted to the Hon. R. G. Pike (Lower West) due to parliamentary business overseas.

## BILLS (2): INTRODUCTION AND FIRST READING

1. West Australian Trustee Executor and Agency Company, Limited, Act Amendment Bill.
2. The Perpetual Executors, Trustees, and Agency Company (W.A.), Limited, Act Amendment Bill.

Bills introduced, on motions by the Hon. I. G. Medcalf (Attorney General), and read a first time.

## BILLS (2): THIRD READING

1. Bush Fires Act Amendment Bill.  
Bill read a third time, on motion by the Hon. D. J. Wordsworth (Minister for Lands), and transmitted to the Assembly.
2. Wildlife Conservation Act Amendment Bill.

Bill read a third time, on motion by the Hon. I. G. Medcalf (Attorney General), and passed.

## POLICE ACT AMENDMENT BILL

### Second Reading

Debate resumed from the 29th August.

**THE HON. R. HETHERINGTON** (East Metropolitan) [4.45 p.m.]: The Opposition opposes the Bill.

When I was in London recently I read *The Guardian*, which is not well known for noting Australia. I saw a small paragraph indicating that two unionists had been arrested in Karratha. The names were not printed correctly, but they were

clear enough for me to realise that two known Communists, who were themselves popular and able in their unions, had been arrested. I hoped that there was some real reason for that, and it was not just a matter of confrontation. I just wondered what had gone on.

Certainly this State gained a great deal of rather unfortunate publicity over that event. As a matter of fact, I have just had brought to my attention an article from the Hong Kong *South China Morning Post* of the 16th July, 1979. I will not read it, members will be pleased to know. It does not throw a very happy light on our State. It seems to me that many of the things we were afraid of when the Police Act was amended in 1976 are coming to pass. Certainly it started a chain of events which caused the Prime Minister to intervene, and which caused the Government to bring down this amending legislation, which it obviously wants to have passed before the cases go before the magistrate later.

I do not intend, of course, to canvass the rights or wrongs of that situation. I will make some reference to it later when I suggest that it may prove that the Bill in fact will not do what it sets out to do, and that the incident at Karratha may prove to be against this proposed law as well as against the law as it exists now.

This amendment comes at a time when the Premier of this State has been making a series of statements at various openings and seminars about pressure groups and protestors. One headline reads, "Mindless protestors irk the Premier". He is quoted on the 25th August as saying—and I hope he was quoted accurately—

Locally, mysteriously financed pressure groups were trying to force governments into irrational decisions through high-powered arousal of emotions based on false evidence.

In relation to the current "suspension"—I think that is the "in-term" with the Government—of the Fremantle-Perth passenger service, the Premier said—

A powerful case had been mounted almost entirely on wrong information which had misinformed the public.

In a letter to the paper, the Premier said—

The marketing of protest is in sharp contrast to the kind of informed debate one would welcome as an aid to the democratic process.

Purveyors of protest build up confrontation on almost total disregard for truth.

I do not deny that many who support such protests on the basis of false information,

freely and sensationally published—are decent people.

It does not take an evil person to serve an evil purpose.

Those are fairly strong words. They seem to tell us that many of the protestors are either evil or dupes. It may be, of course, that some people are protesting on information they have obtained for themselves and not based on bias, but that does not seem to have occurred to the Premier.

In another statement the Premier said—

We would not be where we are now in terms of achievement if the philosophies of what I tend to see as irresponsible environmentalism had taken root 200 years ago.

He then goes on to talk about superstition.

It is interesting to hear the Premier of this State talking about democracy, which I have suggested previously we do not yet have in Western Australia. I will probably advert to that again before this session is over. It is nice to know the Premier has become so tender of democracy.

I would have thought one of the important aspects of a democratic system was the necessity that dissenting views be heard. I will cite corroboration of this. I will not cite it as a final authority, because I do not believe anyone is a final authority on anything. In my opinion, the strength of the conclusion depends on the strength of the argument. In corroboration of that statement I should like to point out that A. D. Lindsay (Lord Lindsay of Birker) in his book *The Essentials of Democracy*—and I am quoting from the preface to the second edition published by the Oxford Press in 1935—said that—

There are five essentials to democracy:

1. Discussion is fundamental to democracy.
2. Democracy requires an official and encouraged opposition.

Members will notice we have some of the pre-requisites of democracy. To continue—

3. The purpose of democratic machinery is to represent differences.
4. The principle of toleration is essential to it.
5. Democratic policies can only be successful in a democratic society and that means a society of democratic, non-political association.

There are other essentials to democracy, but these are some of them. One of the important aspects of democracy is that it requires machinery to represent differences.

At one stage it was thought that our parliamentary institutions were sufficient, because people had access to Parliament and could petition Parliament. However, with the great complexity of modern government this is no longer enough. It has always been argued that in a democratic community—in a liberal democracy; I am not talking about the so-called people's democracy; I am talking about liberal or so-called western democracies which we will have one day if we extend the franchise so that it is democratic; the kind of democracy to which members opposite give lip service—it is essential that we allow heretical views to be heard and to be heard freely. Free speech is a fundamental and inalienable right.

It is not possible morally to remove freedom of speech, even if it is removed by the law. This has some worrying connotations, because if we believe freedom of speech is an inalienable right, we can believe also that a law which removes that right is immoral. Anyone who believes in democracy must sooner or later face the hard question, "When is one morally justified in disobeying the law?" I am not advocating that people lightly disobey the law. On occasions in some countries people have been morally justified in disobeying the law.

I am not suggesting the people in Western Australia need to take the law into their own hands, because we still have some freedoms and we should try to keep them. This is, in fact, the very matter which is under attack at the present time.

Because of the complexity of our society, the complexity of government, and the limitations of the people who govern—our limitation here is that we cannot know and understand everything—it is essential that we get feedback from the community. It is essential that we should encourage interest groups to put forward their points of view. It is, however, essential also that we do not encourage tame-cat pressure groups which act in the way the Government wants them to act.

The importance of a protest may be judged in a number of ways. It can be judged by its effectiveness and by how much money is behind it. It can be judged by how much it uses the Press. At the moment the Premier is very critical of environmentalists. Many of these groups have no means of being heard other than publishing articles in the Press and going into the streets. The only means they have of putting forward their points of view is the occasional advertisement in the newspaper through obtaining donations from individual people for an advertisement.

This is the only way such groups can make themselves heard and try to drum up numbers. They try to get support. They agitate and make a noise. Of course, when this kind of action is successful, Governments do not like it; but it is not usually successful, because of their alleged false information. Usually the pressure group which is successful is one that has struck some real empathy with a section of the public. These people should not necessarily be criticised. Their arguments can certainly be criticised, but the people themselves should not necessarily be criticised.

I am not saying all Governments at all stages should bow to all pressure groups. Of course they should not. I would be the last person in the world to suggest that.

I am saying we should listen to the arguments put forward by these groups and they should be dealt with fairly. It is rather odd that, when Governments, with all the resources at their command, find they are losing the propaganda battle with pressure groups, they may try to suppress these groups. It is important in a democratic society that people be allowed to hold public meetings and marches through the streets.

Of course, it is important that, on occasions, such marches should be held immediately because a particular issue has arisen and the group wants to protest today, not tomorrow or next week.

As a matter of fact, it is convenient from the Government's point of view that this should happen. We see the protest boiling up and then it may dissipate. As a result, we realise that it was a flash in the pan and the protest was a safety valve. If the protest continues, we realise it has a sound basis.

For this reason it is correct that pressure groups should be allowed to march and meet in public places whenever possible, as long as they do not endanger the rest of the population. Some people in other places seem to think the Opposition is advocating mob rule. I am not advocating that. I am not advocating that all sorts of groups should take over the streets and rampage up and down as some of the fertile imaginations of the proponents of this Bill would have us believe. Of course I am not suggesting that and I do not expect that, if the section of the Police Act we are trying to amend today were repealed, we would have mobs taking over the streets in Perth or anywhere else in Western Australia. What emotional nonsense that is! That is simply drawing—I shall not say a "red herring"—a white herring, or some sort of herring, across the argument.

I am advocating the people should have the right of free speech. Freedom of speech is a basic, fundamental right, unless there is an immediate reason that it should be withdrawn temporarily.

In other words, I am invoking the doctrine derived from John Stuart Mill which the Americans call the "Doctrine of clear and present danger". People should always be allowed the right of free speech unless there is a clear, present, or immediate danger to law and order and people are physically in danger.

Of course, if people are endangered or if a riot is threatening, that has to be stopped. If people were to gather in front of Parliament House—and usually they do and members of the Opposition are normally there to welcome them because the people gathering usually have something to say and we think it is worth listening to them whether or not we agree—with the idea of doing a "Guy Fawkes" to blow up this place, I agree we would want to stop them. I do not think even members of Parliament should be subjected to that kind of threat; we should be safe from physical threat. When there is a clear position of danger it is important that the police, or anyone else who is in authority, should step in.

I am not preaching in favour of a riot; I am not preaching mob control. I am suggesting that if we had more faith in our democratic process and if we repealed the section of the Police Act which we are about to amend, we would be much better off. The State of Victoria seems to get by without these provisions, and Victoria is not known particularly for its riots. That State has had nasty moments, but usually the people have been controlled.

I do want to suggest—and I have heard it argued elsewhere by one or two members of the Liberal Party—that if an emotional issue arises whether it involves trade unionists, environmentalists, or whether it involves farmers or anybody else, where emotions are strong that is not the time when people should not be allowed to go out into the street. Of course, if they feel strongly about a matter they will go out into the streets. If we were to say that a spontaneous procession or meeting or protest which happens to cause people to feel strongly is illegal from the outset then we would be asking for trouble. The moment people take action as a result of a spontaneous process they will be breaking the law. Then, of course, they might as well be hanged for a sheep as for a lamb.

If this measure is passed I think the law itself might provoke lawlessness which might otherwise not take place. I cherish our democratic

institutions, and I will be saying more about them probably some time next week or the week after when another Bill comes before us in due course. Certainly, I will be talking more about democracy later in the session when I introduce some Bills of my own. Democracy is a subject that is dear to me. Because it is dear to me, and because I think democracy is important, I am always perturbed by anything that threatens the democratic process. As I have said previously—and I will probably say it again and again to try to get it through to some members who do not understand—sometimes the people who think they are defending our freedoms by over-reacting are, in fact, attacking them. I know it is not always deliberate and not as a result of improper motives, but sometimes those people play into the hands of other people whom they consider to be enemies by reacting and themselves exacerbating confrontation.

With those general remarks about democracy I want to say—and I was afraid it would happen and I remind the House once again that in my maiden speech I pleaded with the Government on this matter—that there should be more conciliation and less confrontation. There should be less use of the big stick and more discussion and mediation. It seems to me the Government has not been prepared to discuss and mediate. I know that sometimes members are afraid that if they follow that course people get worse. They clamp down on people who are already embittered because they fear for themselves. That is one of the things which makes the position worse, quite often, instead of better. As a matter of fact I had it pointed out to me that at one stage when student power was a big thing in Australia, at one university—and not in Western Australia where I think if we had any real student power movement there would have been over reaction—the vice chancellor put up with a great deal from the student power movement which was trying to take over.

On that occasion the vice chancellor put up with insults, and he bent over backwards in an attempt to prevent trouble. Ultimately, he gave the students all sorts of concessions, and the movement then fizzled out. It fizzled out because when the vice chancellor was confronted he used his powers carefully and with discrimination. He used his powers very wisely. Had he failed to use his powers in that way the situation would have been different, but he acted in a way which seemed to be sensible.

There are Acts on our Statute book which, at present, are used selectively by the police; Acts covering prostitution and gambling. I do not

approve of the fact; I believe that while the law is there it should not be enforced selectively. However, that does happen. I do not think that is a good thing and I have never thought it was a good thing that there should be Acts on the Statute book which can be enforced selectively; nor have I thought it a good thing that whether or not an Act is invoked, whether or not the law prosecutes or grants permission for anything, that power should be in the hands of one man. However conscientious, however able, or however decent a man might be, I have never believed that too much power should be put in his hands. If power is left in the hands of one man, his judgment may be astray.

I am prepared to say—although I have never attacked him and I am not really doing that now—as far as the present Commissioner of Police (Mr Leitch) is concerned, I think he has made some statements which are injudicious. However, whatever statements he makes, he does his duty. But, I do not think his decisions should be above appeal.

I do not want to use the argument *ad hominem*; I would use the same kind of argument whether we had an archangel in charge of the Police Force or in charge of the Government because we have to look not only at what applies now, but what may apply in the future. We have to look to what can happen under legislation which we put on the Statute book.

The Bill before us seeks to amend sections 2, 52, and 54B of the Police Act. In fact, it repeals section 54B introduced by the present Government in 1976, which seems to have been used selectively with respect to industrial disputes only. I am not sure it will remain that way; we can never be sure what will occur when an Act is used selectively.

When section 54B was first introduced the Opposition condemned it and regarded it as a bad law. Nothing that has happened since has changed the minds of members of the Opposition. We still think it is a bad law. We still think we were proved to be right, it is a bad law which was applied selectively. We do not even believe that a good law should be applied selectively—that would be bad—but a bad law applied selectively is worse. After all the brouhaha that has gone on I cannot see that the new section 54B is very much different from the section which it will replace. There are no real or major changes that I can see anywhere.

The following features are common to the present Act and proposed new section 54B: Firstly, there is no absolute right of free speech

and free assembly in public places. It is always a qualified right; a right that relies on the permission of one man. Secondly, to hold a public meeting, as defined, or a procession in a public place without consent is to commit an offence. Thirdly, consent must be forthcoming from a specified member of the Police Force; and, fourthly, there is no right of appeal to any judicial officer.

The law as it now stands is not good, and there has been a nationwide protest as a result of it. As a result of pressure from the public right across the nation, and as a consequence of the concern expressed even by Mr Malcolm Fraser, our confrontationist Prime Minister, the Government has been forced to give an undertaking—which was given by the Deputy Premier (Mr O'Neil)—that the Attorney General of the Commonwealth (Senator Durack) and the Attorney General of this State (the Hon. I. G. Medcalfe) would examine the existing law and bring forth a recommendation. When the document was finally produced after two months' examination it did not contain very much at all.

One member of my party said that his office girl could have got the document together in a couple of hours. I do not know whether that is true, but the member of my party seems to think so. Whether or not that is the case, our objection to this amendment is based on principle. People should not have to obtain the consent of the Commissioner of Police, or one of his officers, before they hold a public meeting or a march. Also it is quite wrong that there is no right of appeal.

I am well aware of the following words in the Bill—

The Commissioner of Police or an authorised officer shall not withhold permission for a public meeting or procession in respect of which due notice has been given under this section unless he has reasonable ground for apprehending that the proposed public meeting or procession may—

- (a) occasion serious public disorder, or damage to public or private property;
- (b) create a public nuisance;
- (c) give rise to an obstruction that is too great or too prolonged in the circumstances; or
- (d) place the safety of any person in jeopardy.

That is all very well, but I come back to the point that one must obtain the consent of the Commissioner of Police and if that consent is

refused then there is no right of appeal. Even if a mistake is made there is no right of appeal. People often go into the streets or hold public meetings, as defined, and they will be in breach of the law the moment they are informed by a police officer that they are so in breach. In other words, they have no rights.

I would argue that in a democracy in time of peace, or at any other time, the Commissioner of Police is a most important public figure. He must not be a person who is biased in any way. He is an important public figure and it is vital that he should be a person not only whom we can trust, but a person whom members of the public think they can trust. He should be seen to be trusted; he cannot be open to accusation of bias.

It is important that the public's faith in the Police Force is in no way shaken particularly through the power vested in any commissioner. If that has happened, then the whole of society is the worse for it.

Of course, the danger is that given new authorities, new commissioners, new Governments in the future, and it were desired to stamp out the essential freedoms of speech and assembly, it could be done under this legislation. I know that members of the present Government will probably tell me that the law will be administered in a beneficial and a sensible way, but I have never accepted arguments like that. Even if that were the case—and I am not saying that it necessarily is not the case—it would still be bad to leave too much power to the judgment of one person. I think that the unionists arrested at Karratha would be very sceptical that this is indeed the case.

The important thing is that nobody can guarantee how any future Government will behave. I can imagine worse Governments than the one we have here today.

The Hon. G. E. Masters: So can I.

The Hon. R. HETHERINGTON: Perhaps members opposite cannot imagine my imagining that, but I can. As I have said before, the present Government is tending to move towards putting too much power in the hands of centralised Government. This is not necessarily through any sinister motive—although sometimes when I hear the Premier's utterances I wonder about that—but probably for administrative convenience. Governments of all political persuasions have been known to do this, and it is a tendency we must watch very carefully in a modern mass society because if we are not careful administrative convenience will be allowed to override freedoms. The kind of law that could be

justified is pretty far removed from the law contained in the Bill now before the House.

As far as I can see there is no objection to a notification law of the general sort that now exists in other States—in South Australia, for example. There is need for law and order in advanced society, and members of my party have never argued that there is not. We have always argued that if our policies are followed we are more likely to achieve law and order than if some of the policies of the present Government are followed. It is important in our society to reduce the opportunity for conflict between organised groups; so it is very important that there should be an impartial Police Force which knows where its resources ought to be employed.

At present we do not have on our streets the kind of people who are to be found in some other democracies. We do not have on our streets the kind of people who can be found in Great Britain. We do not have on our streets extremist groups competing and quarrelling; and certainly we do not have on our streets people who believe in belting up other people—at least if they do, they keep quiet about it.

The Hon. W. R. Withers: Come on now, of course we have them! Maybe not as many as in other places, of course.

The Hon. R. HETHERINGTON: What I meant was that we do not have such people marching in public. They are always there, and I know that as well as the honourable member does. Given the right opportunity there is always the possibility that violence can flare up in our society. We do not want it to flare up.

I am arguing that this legislation is more likely to provoke violence than to stop it. I hope that the independent gentlemen of this House of Review will consider this point and consider it very carefully. I hope they will not just parrot the talk of mob rule that we heard from the members in another place.

If organisers of substantial public meetings or processions in public places were required to notify the authorities, and if it were competent for a judge to prohibit that which was proposed or impose conditions on applications being made based upon the prospect of an affray or serious breach of the peace, the legislation before us would have more sympathy from this side of the House.

There are the following major differences between the present section 54B and that which is proposed—

- (1) The present law relates to any procession, meeting or assembly, and by definition an assembly means a coming together of three or more persons for the common purpose of thereby making known to the public their views in relation to any matter, and a meeting is a coming together of the same number for the purpose of discussion of matters of public interest, or the expression of views of such matters which the public, or any section thereof, are invited or permitted to attend. Small gatherings for stipulated purposes were accordingly aimed at.

The proposed new section 54B is aimed at any procession or public meeting and the latter phrase is defined. A gathering is not a public meeting unless it is held for the purpose of communicating or expressing any view to, or of ascertaining the view of, the public or any section of the public or of demonstrating, as to any matter; and to which members of the public in general are invited to attend.

Both the requirements contained in proposed new section 54B must be met. Accordingly the legislation is proposed to govern only meetings which the public generally are requested to attend.

- (2) The present law aims at processions, meetings, and assemblies in any "street, thoroughfare, or public place". The present section 54B(1) contained no definition of the words in the phrase just quoted. The proposed new section 54B is directed at public meetings in public places or processions proceeding through any street or public place. A place shall not be taken to be a public place unless it is in or adjacent to and gives direct access to a street, and it is a place which is usually open or accessible to the public in general at all times.

This amendment seems to represent a quite insignificant alteration. It would also, of course, seem to include meetings in churches. However, I will not pursue that matter at the present moment.

- (3) Consent can presently be given by the Commissioner of Police only. Of course that situation is absurd. The Commissioner of Police is a busy man with very important responsibilities. If applications had been made in all circumstances where they were required under the existing absurdly restrictive law, then the Commissioner of Police would have had very limited time to perform his other important duties.

So it is now proposed—and if we are to have this kind of legislation perhaps quite sensibly proposed—that the necessary consent be given by the commissioner or a commissioned police officer delegated by him. So we will have a number of single people who can make decisions.

- (4) Applications must be made in writing but not pursuant to any particular form or at any particular time. The proposed new law requires that notice be given. It is not stipulated in terms that the notice be in writing, but it is required to contain certain information and that certainly assumes a written notice.

The detail which the notice must contain should be very carefully observed. Details must be given in particular of the time at which the public meeting or procession will convene and disband, and information as to the number of persons who will attend must be given along with a great deal more other information. This requirement will be apt to thwart any but the most determined people who want to hold a public meeting.

Those who want to call a rally of interested citizens to debate some matter of public moment will not be able to say how many are likely to attend or control those who do attend so as to make the meeting disband at some particular time. In a democracy matters do not work in that way, and nor should they.

I recall an occasion when there was some disorderly conduct in this Gallery, and a condition was made that the people could stay in the Gallery as long as a certain person would guarantee that they would behave themselves. The person approached said, "Well, I can talk to this group, but I cannot talk to that group that may be protesting. I cannot control them."

Of course, when a public meeting is called, it is not known how many people will attend, and a

person could not be sure that he would be able to control the meeting. We can put propositions before the police concerning what we think will be the case, but we cannot give them information as to who will be at a meeting.

If the Bill becomes law, the effect of the changes will be to reduce the circumstances in which the Statute is operative. However, it cannot be too greatly stressed that the changes do not answer any of the serious objections in principle which I outlined earlier.

Let me run through these matters again. There are constraints upon freedom of assembly and speech in public places; freedoms which I argue are essential in a modern mass democracy. We need to listen to the voice of the public. I am not arguing that we need to obey that voice, but we need to listen to it so we can hear what people are saying. We should hear their protests. Quite often actions are taken with the best interests in the world, but, as A. D. Lindsay says, "Only the wearer knows where the shoe pinches". If a law or some action of the Executive or some action of someone else adversely affects people, then those affected should be able to talk; they should be able to let off steam; they should be able to let people know that the shoe pinches them!

Those constraints on freedom of assembly and speech in public places exist unless some stipulated police officer grants a permit: no freedom of speech without a permit! I have heard people argue that this guarantees freedom of speech—as long as one has a permit!

I invite gentlemen opposite to think about this. What would they think of any commissar of the Soviet Union who said, "We have freedom of speech as long as you get a permit"? The argument is much the same.

The Hon. W. R. Withers: They would tell you what you can say though. We don't do that here.

The Hon. R. HETHERINGTON: I am beginning to wonder whether we are reaching the stage of telling people what they may say before they are branded as traitors, improper, or worse. As I mentioned earlier, I have been a little concerned about some of the remarks of the Premier and I wonder whether he is becoming a little paranoiac. Of course, he seems to have the new definition of the word "paranoia": it is "recognising what they are doing to me". Quite often he thinks that figments of his imagination are real.

The Hon. W. R. Withers: I am a believer in that—the Communist plot, and all. I give him my support on that.

The Hon. R. HETHERINGTON: I think Ben Chifley—a much wiser first Minister than many we have seen in this country—was right when he said, way back in the past when we were having a Communist scare again, “Wherever there is a fire you will find the Communists pouring oil on it.” Of course they are.

However, it is a good idea to try to find out the causes of the fire and not necessarily blame the Communists for everything that comes along. They may exacerbate situations but they do not necessarily cause them.

As a matter of fact, one of the strengths of the Communists in the union movement in the 1940s and 1950s was that they managed to seize and make their own the very real grievances of union members. I am very much aware of what went on in the 1940s. I knew very closely the secretary of a major branch of the AEU, which was one of the few unions not under Communist control. He was accused by the Communists of being a stooge of the bosses, and by the conservatives of being a tool of the Communists; but in fact, he was a democrat and he managed to keep his union free and democratic because he, too, was interested in the genuine grievances of the people he represented.

So, when we are talking about Communism one of the problems is that it is too easy if Communists espouse a cause to tar with the same brush everyone else who espouses that cause and accuse him of being a Communist when, quite often, the Communists have taken up a cause because it was a good cause in its own right and they wanted the credit for it.

When the Communist Party Dissolution Bill of the Menzies Government was floating around in 1951 I used to attack it. People used to say to me, “You are for the Communists, are you?” My answer was, “No, I am against them; that is why I am opposing this Bill. I think it will make martyrs of them and we will be the ultimate losers.”

It is very important that we keep our minds clear when we are dealing with protests, and when we see there are all sorts of people in the protest movement. We must not say that because some of them are people we do not like and some are there to exploit the situation, therefore it follows that the organisers of the protest or the majority at the protest are there to exploit the situation.

The last point in what started off to be a quick summary is that the Bill contains no right of judicial challenge to a decision not to grant a permit, or to grant it only on certain conditions. This is an important omission.

Even if we required people to seek a permit to hold a public meeting or a march, and the Commissioner of Police or his delegated officer refused to grant that permit on one of the four grounds set out in the Bill, he should be able to be taken before a magistrate or a judge and required to justify his refusal, just in case it was arbitrary and was not within the powers vested in him by the Act. If the Commissioner of Police had to do this, many people—including myself—would feel much happier about the legislation.

I still do not think the legislation should force people to give notice to the police before they march. Of course, it is desirable that they should give notice, if they have time. Certainly, if there were good relations between demonstrators and the police, compulsion would not be necessary. The Hon. Gordon Masters pointed out to me the other day that I was in a procession recently against the railways.

The Hon. G. E. Masters: That was the one you accidentally led, was it?

The Hon. R. HETHERINGTON: Yes.

The Hon. R. F. Cloughton: It was a march for the railways, not against them.

The Hon. R. HETHERINGTON: Yes; we were marching in support of the retention of the line.

The Hon. G. E. Masters: It was the week before that you were against the railways.

The Hon. R. HETHERINGTON: That march was well conducted and the police were of great assistance. They were friendly, as they so often are, and they helped us, as they so often do. At the end of that march, there was nothing but goodwill between the marchers and the police. As far as I am concerned, the more of that, the better; I am always happy to see that sort of situation.

The Hon. V. J. Ferry: Support the Bill, and you will get it.

The Hon. R. HETHERINGTON: I do not intend to support the Bill. We can achieve that situation without supporting the Bill; we would continue to get that situation even if the Bill were not passed.

I wonder how this proposed law will operate in practice. As I have mentioned before, at Karratha earlier this year certain union leaders were arrested for having allegedly contravened section 54B of the Act. They had gathered in an area which might not be a public place under the present law, but which was certainly adjacent and open to a street, and usually open or accessible to the public in general at all times.



They had publicised the meeting on the radio, which might well have been construed as an invitation to the public in general to attend. If it were so construed, the conduct of those at the meeting would be just as likely to give rise to their being prosecuted under the amended legislation, and just as likely to be convicted or not convicted as they would be under the present law.

Of course, the rally and march at Karratha were both peaceful and were held with a legitimate purpose; it was representative of the sort of conduct which must be permitted in a free society. The fact that such conduct apparently would be prescribed under the amended Police Act if the Bill becomes law serves to demonstrate that the Bill should not be passed.

I am hoping in fact that the Bill will not be passed. People may say to me, "But if the Bill is not passed, we will be left with the present Act, which you do not like. Why do you not try to improve it?"

If we do not pass the Bill we will be saying to the Government, "Take it back again. Do not produce these cosmetic changes; come forward with better amendments." The Government has committed itself to do this, and if we reject this Bill I would expect the Government to honour its commitment and come up with a new Bill.

If of course the independent members of this House of Review individually decide collectively to vote for the amendment and for the second reading of the Bill, I will then put amendments before them for their consideration. This does not mean I would not prefer that the Bill be withdrawn and recast. However, if the second reading is passed, members on this side will certainly be interested in trying to improve the Bill and do what we can to make it a better piece of legislation.

Another argument advanced for the retention of section 54B is that of 555 applications made under this section, only two have been refused. On the 16th September, 1977, permission for a meeting against the killing of baby seals, to be held outside the premises of a certain fur shop was refused, because the shop in question was not involved in the selling of seal fur.

The Hon. G. E. Masters: That was fair enough, was it not?

The Hon. R. HETHERINGTON: I do not know that it was.

The Hon. G. E. Masters: How would you feel if you were the owner of that fur shop?

The Hon. R. HETHERINGTON: Not very well at all. However, I wonder if we have here a

case of the Commissioner of Police refusing permission, not because of the various criteria laid down in the legislation, but on the merits of the case, because he had information that this was not the right thing to do. It is another step for the commissioner to decide on the merits of a case. This was a very narrow case, but the principle is important.

Of course we can understand how the owner of the fur shop would feel. However, I suggest to members that they must realise that here was introduced an unfortunate principle, where the commissioner, in refusing permission, did not use one of the four criteria, but decided on the merits of the case. There was no suggestion that I could see that there was going to be any danger to the public, or that the shop was going to have its windows broken; no threats were uttered and traffic was not going to be unduly disrupted. It was just something that the commissioner did not think was necessary.

If we allow protest and free speech we will sometimes have misinformation and, sometimes, deliberate lies told by people who are protesting. However, we cannot decide beforehand that the people who are protesting have a false case and therefore should not be allowed to protest; we cannot decide that they are deliberately lying and should not be granted a permit. We should not be able to refuse permission on the grounds that we do not like them or because we think they could be guilty of a heresy.

The Hon. I. G. Pratt: You have not really identified your stand on this case. The fur shop had nothing to do with the trade in baby seal fur. What would you have done?

The Hon. R. HETHERINGTON: I would have allowed the protest to go on.

The Hon. I. G. Pratt: You would have given these people no protection, despite the fact they were not engaged in selling baby seal fur?

The Hon. R. HETHERINGTON: Of course I would have given them protection. I would not have allowed them to be molested or manhandled. They could have published the fact they were not involved in the sale of baby seal fur. The shop owners might even have done some of the things members opposite should do, but so often fail to do when people assemble outside this Parliament to protest about a situation they feel is wrong; namely, go out and meet them and discuss the case with them. If we had more of that we would have less need for repressive legislation.

The Hon. R. F. Claughton: The shopkeeper might have received a lot of good publicity.

The Hon. R. HETHERINGTON: Indeed he might have.

Also, in January, 1979, application to protest against the sale of a second-hand motorcar was refused because a ruling had already been made on the matter.

One of the problems—I know it is a very real problem—is that in order to protect people from embarrassment, we must cut off rights of free speech, and it is very difficult to know where to draw the line. In the case of the protest against the killing of baby seals, the decision to refuse permission was a wrong one. If the Commissioner of Police considered the merits of the case—as he obviously did—he would also need to take into consideration the fact that the shopkeeper would receive a great deal of free publicity; he could have gone out and put his case to the protesters; the police would have been present to protect the shopkeeper. Probably, the protest would not have done the fur shop any harm. But that is not the issue. The issue is the right of people to protest, whether they are right or wrong.

The Hon. I. G. Pratt interjected.

The Hon. R. HETHERINGTON: The moment I say something like that, members opposite say that the individual is more important than the mob. I thought the people who were protesting were a series of individuals. They might have been protesting about something that concerns individuals. We do not think the individual is more important than the mob.

When we resume land to put through a freeway, the same people say that this is a sign of arbitrary and dictatorial Government. In this case we see the needs of the majority as having to override the rights of the individual. We try to set up very careful checks and balances to ensure that our actions will do the greatest good for the greatest number.

One of the troubles when people start talking about mobs—I prefer to talk about meetings and gatherings, as an unruly mob is something that has to be contained, while a meeting or gathering is not necessarily a mob—is that we hear a lot about the rights of individuals on one side and the rights of the majority on the other; but one of the important things in a democracy is that we allow the rights of minorities to be heard. This is something we have to guard so carefully that we may suffer some inconvenience.

The Hon. I. G. Pratt: You said they should be contained.

The Hon. R. HETHERINGTON: Under this Act, or under any other Act, a football crowd could become a mob.

The Hon. I. G. Pratt: I agree.

The Hon. R. HETHERINGTON: We do not stop people going to the football because of that, but we know that if the police begin to sense that something may go wrong they will bring in reinforcements and they will try to contain that trouble—and so they should. We do not argue that as some football crowds can turn into mobs—especially at finals games—we should not have football crowds.

The Hon. I. G. Pratt interjected.

The Hon. R. HETHERINGTON: I do not wish to indulge in cross-Chamber chatter. I make the point that democracy has to be very careful to protect the rights of the individual—which it does. After all, a democracy is based on the rights of the individual. A small-“i” liberal is one who by definition believes that an individual can grow only in freedom. He knows that in a society those freedoms must be contained, and so he has to maximise freedoms to allow the individual to grow. The honourable Gordon Masters would not disagree with me on that, but we do disagree on the application of that principle; that is what we are doing now.

What we have to decide is how best to apply that principle and how best the interests of the individual and the collectivity of individuals is guarded by the law. We have to decide on the best kind of laws to achieve this. I am arguing as I have argued before that this kind of law is not the best kind.

I believe that if people are treated responsibly they will usually act responsibly. If people are emotionally excited and are prepared to go out on the streets willy-nilly, it is better to make sure they have not broken the law once they get there before they start, because we are better able to control them then. I do not want to suppress people. I want to do something that will allow people to feel they can make responsible protest without their wanting unduly to interfere with other people. I hope that kind of responsibility will grow.

In the State of Victoria the people get by without such a law. In the State of South Australia people do not have to notify the police, but they may do so. That is quite a good idea.

We have to be careful all the time in a community which claims to be a democracy and with people who believe in individual liberty and with people who believe that we have to contain authority, because the thing that makes democracies better than authoritarian regimes is that when the leaders of a country make mistakes, people can tell them so; when leaders of a country

do not make mistakes people can tell them so, rightly or wrongly, so that the leaders can be accountable to the public. Accountability is one of the keystones of a liberal democracy and I want to keep it that way. I want to make sure that no one person is given the power—the onerous duty—of being the only person to decide whether or not people should have permission to march.

We must not mindlessly chant mob rule when it does not exist. We do not see very much mob rule in this community. I am suggesting that the Government might be making the situation worse. I hope members of the Liberal Party will think more carefully about the Bill. I am not grandstanding on this matter. I may be wrong, but I am advancing an argument which I believe in quite sincerely.

With the best motives in the world, many members opposite are mistaken; they should think more carefully. It is an important thing to point out to them that in a democracy we have to guard very carefully the rights of minorities. We should not always mindlessly chant the notion that the majority overrides the minority. We should not chant that the minority overrides the majority. There are reciprocal rights; there are individual rights; there are minority rights; there are majority rights which all have to be balanced and thought about.

At the same time, we have to allow every individual the maximum freedom so that his voice can be heard—singularly, collectively, or in groups of all kinds. I said this quite recently when I was at a meeting of the Country Women's Association. That association is an example of a fine pressure group. It does not go out into the streets, but it does a great deal of good. It makes its views known and puts pressure on Governments in all sorts of ways. I thoroughly approve of this.

I am not saying all pressure groups should be like the CWA. There is room for other types of groups; there is room for a whole range of them.

The Hon. W. R. Withers: And some with a male content.

The Hon R. HETHERINGTON: I am all for equality of the sexes. Sometimes we have males together and sometimes we have women together; sometimes we mix them and no doubt the honourable member and I would be happier in the latter situation.

People should get together and be heard. Governments are here to be responsive to the people. I am not arguing that that means we have government by Gallup poll. I hope no-one accuses me of advocating that, because I am not. The best

kinds of politicians are those who can listen and work out what is in the long-term interest of all sorts of people. The best kinds of politicians are those who are prepared to listen and not simply dismiss arguments because the people who are protesting are noisy, associated with the wrong kinds of people, saying the wrong kind of thing, using emotive arguments or any of the other things that are said about them.

I would feel happier about the people who accuse pressure groups of using emotive arguments if they did not so often use them themselves. But, of course, human beings are not just people who sit around indulging in rational Socratic discussions. Socrates is marvellous to read, but not always practical. Human beings are a combination of thought and emotions. Their emotional side is a most important aspect. Whenever I want to understand a certain situation, when possible, I go and have a look at it. If I want to understand something, I need an emotional understanding of it. This helps me cerebrally. If people want to be emotional, it does not mean that when they speak they are talking nonsense, and people are often emotional when they are protesting.

I think we should keep all these things in mind when we are considering the Bill. I cannot see that the Bill is very much better than the situation in the Act. It seems to me that by forcing anyone who does not ask for permission to hold a meeting under whatever circumstances into the situation where he or she is immediately breaking the law, is bringing about greater confrontation than if this were not the case.

I oppose the Bill on behalf of all members of the Labor Party. We shall vote against the second reading and I hope we can get members on the other side of the House to do likewise.

**THE HON. G. E. MASTERS** (West) [5.58 p.m.]: I am surprised at the stand taken by the Opposition with respect to the Bill. We have just heard a lengthy discourse from the honourable Mr Hetherington on behalf of the Opposition. The Government has brought the Bill to the House in all sincerity and with the genuine belief that it is the correct course to follow. It is a protection for the public rather than a means of denying them their rights.

The Hon. F. E. McKenzie: You said the same thing in 1976.

The Hon. G. E. MASTERS: I have only just started my speech; I will comment on that matter at a later stage.

There is no political mileage in the Labor Party's opposition to the Bill. Anyone with

common sense who examines this Bill will know it is a responsible measure. We can only believe that the Opposition seeks to gain mileage and get some Press coverage by opposing the Bill. However, there is no mileage to be gained. It could be that there are behind-the-scene pressures which are forcing the Opposition to take this stance.

The Hon. R. Hetherington: You are wrong on all counts so far.

The Hon. G. E. MASTERS: I say that because we are looking for some sensible reason behind the ALP's opposition to the Bill.

The Hon. R. F. Claughton: You know I do not tell lies, and I say you are wrong.

The Hon. G. E. MASTERS: Mr Hetherington used the word "grandstanding" in his speech. When we study the Opposition's stance, we must surely consider that it is grandstanding. I am convinced that that is all we have seen so far and I hope other ALP members can give a firm indication of why the Opposition is opposed to this Bill.

In 1976 we did introduce an amendment to the Police Act and the Opposition certainly opposed it. We introduced that measure with the best of intentions, firmly believing it would do the necessary job. It was challenged and there was an interpretation put on the Act which the Government did not believe should be there. Certainly we then reacted properly by re-considering the Act.

The Premier and the Deputy Premier made a decision that it should be studied by our Attorney General (Mr Medcalf) and the Federal Attorney General (Mr Durack)—two very responsible men. They have now redrafted some sections of the Act. Considering all the facts involved there can be no doubt at all in this case that they have acted most responsibly.

*Sitting suspended from 6.01 to 7.30 p.m.*

The Hon. G. E. MASTERS: Before the tea suspension I was pointing out that the Government had acted or reacted very properly, and that the Bill which has been drawn up by the Attorney General of this State and the Federal Attorney General is a very correct document which considers all the facts and obviously has been responsibly produced.

It is worth while to look at the events which led up to the introduction of this Bill into the House. In the northern areas a group of people flagrantly disobeyed the laws of this State. They intentionally set up the meeting which was very well organised by people who Mr Hetherington himself said were dedicated Communists and who

were therefore quite expert in this type of activity. There is no doubt that people such as they thrive on anarchy, disorder, and civil disobedience. For Mr Hetherington to suggest in any way that the cause of the disturbance was the Act itself is ridiculous. What caused the disturbance was the activities of those people who went out of their way to challenge the law. They challenged the law-keeping force in this State—that is, the Police Force—and they did it in a very determined and cold-blooded way.

In considering the events leading up to the introduction of the Bill, we should look at the Police Act as it has operated over the last 2½ or three years. It has stood the test over that period. It allowed the Commissioner of Police to permit at least 550 meetings. I think the figure given was 553. The Police Act enabled that number of processions and meetings to take place. In fact, only two were refused. I was staggered to hear Mr Hetherington suggest that one of those refused should have been permitted. Had he been in business or in any situation similar to that of the shopkeeper, he would have been very irate and concerned. So I think the action of the Commissioner of Police in refusing permission in that particular case was quite proper.

The point I am making is the legislation permitted almost everyone who applied to hold a meeting or a procession. There was never any denial of the rights of the public in this matter. It is fair enough to suggest that the public, the unions, and the groups involved over those 2½ years recognised the intent of the legislation and recognised what was intended by the Government; so they accepted the law and did not challenge it until this confrontation took place.

I was staggered and surprised to hear that when this challenge took place the Trades and Labor Council supported the move and in fact stood firmly behind those who organised it. I suggest the Australian Labor Party has done exactly the same. The challenge was definitely intended as a provocation. It was intended to increase the industrial unrest which was already evident in that area.

The Hon. R. Hetherington: Aren't you prejudging a case before the courts?

The Hon. G. E. MASTERS: Unless the honourable member wants to take a point of order—

The Hon. D. W. Cooley: Why weren't you arrested when you attended an illegal meeting?

The Hon. G. E. MASTERS: I expected Mr Cooley to have something to say about that. If he read the Act he would see that when the police

say it is an illegal meeting and the people leave immediately, no offence is committed.

The Hon. D. W. Cooley: You assembled—

The Hon. G. E. MASTERS: A number of ratepayers and other people were concerned and I went to the meeting.

The Hon. Lyla Elliott: You did not get the approval of the Commissioner of Police.

The Hon. G. E. MASTERS: I did not organise the meeting. I just rolled up.

The Hon. R. Hetherington: Just by accident?

The Hon. G. E. MASTERS: Yes, just by accident. Let us get back to the confrontation in the north. It was intended to inflame the industrial dispute which was already taking place and to upset meetings which were being held at the time to try to solve the problem.

The Hon. D. W. Cooley: Who intended that?

The Hon. G. E. MASTERS: Does the honourable member want me to name them? Mr Hetherington said they were two Communists.

The Hon. D. W. Cooley: Very bad!

The Hon. G. E. MASTERS: The honourable member is proud to support such people—people who are dedicated to destroying the economy and who are dedicated to anarchy.

Several members interjected.

The PRESIDENT: Order! I ask the honourable member to be careful about the area into which he strays with this particular piece of legislation. At this stage it will be sufficient for me to suggest to him that reference to the incident at Karratha should be avoided.

The Hon. G. E. MASTERS: Thank you, Sir. I am saying that the Government is showing good faith in bringing this legislation forward. It is recognising its responsibility to protect the vast majority of the citizens of this State who are law-abiding, while bearing in mind the rights of the individual. Surely the vast majority of the public going about their lawful business are entitled to do so without any sort of threat or intimidatory move. That is their basic right. We must strike a balance, and that is exactly what we are doing in this legislation. Members opposite want to give a free run. It is their right to think that way.

The Hon. R. Hetherington: I did not say that at all.

The Hon. G. E. MASTERS: It seemed to me that was what the honourable member said.

The Hon. R. Hetherington: Perhaps you should read what I said.

The Hon. G. E. MASTERS: I make the point that this legislation exists to protect the vast majority of the law-abiding public. We are part of that public and we have the basic right to go about our business or drive our cars without any interference. If people threaten that right, there must be some form of regulation. The less regulation the better, but there must be some form of regulation. We all acknowledge that.

Nevertheless, one wonders where the Opposition stands in this matter, whether it is supporting the vast majority of the public, bearing in mind their rights and privileges, or whether it is supporting certain elements which are active in breaking the laws of this land. I ask this question: When members of the Opposition oppose this Bill, are they supporting those elements?

The Hon. R. Hetherington: I made it clear what we are supporting.

The Hon. G. E. MASTERS: When they oppose this legislation they are threatening the vast majority of the public. Let us look at what this legislation does.

If Mr Marks, the infamous fellow who has probably done more to upset the economy of this State than any other single person—

The Hon. D. W. Cooley: He was a good soldier in the last war.

The Hon. G. E. MASTERS: He may have been.

The Hon. D. W. Cooley: He fought for his country.

The Hon. G. E. MASTERS: I am saying I am disappointed in his activities, as are the vast majority of the people of this State. If Mr Marks wanted to call a union meeting of union members in a public place, he could advertise it on television and radio, and distribute pamphlets around the metropolitan area. The meeting could take place on the Esplanade; it could be a meeting of 10 000 people, but it would not contravene the legislation we are looking at here.

The Hon. Lyla Elliott: He would have to get permission from the Commissioner of Police first.

The Hon. G. E. MASTERS: No, not if it were a private meeting in a public place.

The Hon. Lyla Elliott: How many private meetings are held on the Esplanade?

The Hon. G. E. MASTERS: I am suggesting that could be done. I am suggesting anyone who wants to organise a private meeting of union members on the Esplanade would come within the parameters of this Bill.

The Hon. Lyla Elliott: You have someone to keep out the public, do you?

The Hon. G. E. MASTERS: The honourable member has not read the Bill. Where union members are specifically invited, and not the public—

The Hon. D. W. Cooley: The Commissioner of Police has the say only in regard to a public meeting.

The Hon. G. E. MASTERS: It is a public meeting only if the public are invited.

The Hon. D. W. Cooley: Who says it is a public meeting?

The Hon. G. E. MASTERS: If it were advertised and the public of Western Australia were invited to a meeting on the Esplanade, then those present would be breaking the law. But if Mr Cooley were to hold a meeting of the Transport Workers' Union on the Esplanade tomorrow, he would not be breaking the law.

The Hon. R. Hetherington: What about a meeting of all the unions affiliated with the TLC; where do you put that?

The Hon. G. E. MASTERS: If it is a union meeting it will be acceptable.

The Hon. R. F. Claughton: Are you sure you have read the Bill?

The Hon. G. E. MASTERS: That is how I read it. If there were a private meeting of an organisation and only the members of that organisation were invited, and if Mr Cooley were to address them, it would be legal under this legislation.

Let us take Mr Carmichael, who has a reputation similar to that of Mr Marks. If he were to advertise a public meeting to take place in a private place—say, at the Subiaco Oval—even if 10 000 people were present, again it would be legal and he would not need a permit. So the Opposition can hardly say the legislation restricts the rights of the individual or the public.

A public meeting is a different thing. If a meeting to be held in a public place is advertised and the public are invited, a permit is needed. If anyone were organising a procession, he would need a permit, and I think that is perfectly reasonable. We could not have processions without some controls; hence the necessity for permits.

The legislation suggests a maximum of four days' notice may be required and that written application may not be necessary. Certainly it is written into the Bill that the Commissioner of Police can insist that four days' notice be given or written application be made, but it is not

essential, and I suggest the past performance of the commissioner and the police themselves indicates they would be reasonable.

If someone became upset tonight and proposed holding a procession tomorrow afternoon, it is possible that the Commissioner of Police would accept an application and issue a written permit.

The Hon. R. Hetherington: Do you mean if I got upset and called a public meeting immediately?

The Hon. G. E. MASTERS: I cannot hear the honourable member. I am pointing out that the Bill is flexible and reasonable. I suggest anyone holding a permit for a procession would be protected. Let us face it, the public are becoming fed up with some of these organised demonstrations and processions. It is possible those involved will need a little protection, and the necessity to obtain a permit provides the protection. The provision is to be commended.

The Hon. D. W. Cooley: If a meeting becomes unruly they are protected under section 54A.

The Hon. G. E. MASTERS: If Mr Cooley were holding a meeting or leading a march up St. George's Terrace and members of the public wanted to disrupt that meeting or throw things about, they would be breaking the law.

The Hon. D. W. Cooley: It is already in the Act.

The Hon. G. E. MASTERS: Okay, but does not Mr Cooley think it is a good idea?

The Hon. D. W. Cooley: Of course it is.

The Hon. G. E. MASTERS: Yes, that is what the permit is all about. Without a permit, how could the police protect such people?

The Hon. R. Hetherington: Are you saying the police would not protect them if they did not have a permit?

The Hon. G. E. MASTERS: I did not say that. I am saying if a permit were obtained the police would be there ready to offer protection. If they did not know the march was to be held, how could they be there to offer protection? Mr Hetherington said there are no constraints upon the police.

The Hon. R. Hetherington: I have not changed my mind.

The Hon. G. E. MASTERS: Well, I am disappointed, because I think the police suffer severe constraints in respect of the refusal of a permit. If the police refuse to issue a permit they may be challenged in the court.

The Hon. Lyla Elliott: You can imagine a lot of court cases occurring can't you?

The Hon. G. E. MASTERS: Do members opposite think the police would risk court action? They have acted reasonably in the past and I suggest they will continue to act reasonably. We have already been through the provisions in the Bill which set out the grounds on which the police may refuse to issue a permit. I think they are worth reading out again, because they are so important.

The Hon. R. Hetherington: We have all read them.

The Hon. G. E. MASTERS: Well, we will read them again. The first ground on which the police may refuse to grant a permit is if they consider the meeting or procession may occasion serious public disorder or damage to private property. Do not members opposite think where that sort of situation arises the police must act in the interests of the public?

The Hon. D. W. Cooley: They already have that power.

The Hon. G. E. MASTERS: Then why are members opposite opposing it? Do they think it is unnecessary, or do they disagree with it altogether? The second ground for refusing a permit is that the meeting or procession might create a public nuisance. The public have a perfect right to be protected at all times. The third ground is where the police consider the meeting or procession may give rise to an obstruction that is too great or too prolonged in the circumstances. What is unreasonable about that? Surely each of us would expect the police to act in such a situation. The fourth ground is that the meeting or procession may place the safety of any person in jeopardy. Once again, I suggest it is the duty of the police to protect the safety of everyone.

Those grounds are written into the Bill as guidance for the police. There is no doubt that the police cannot possibly refuse a permit on other grounds, and they would be very cautious about refusing a permit on the grounds I have read out. We all recognise that the police must have some sort of control because the public have a right to be protected. Therefore, it is necessary that the police be able to mobilise their forces to ensure this protection.

We have experienced quite a few disruptive demonstrations and processions, and surely the public should be protected and the traffic regulated and controlled. I do not see why the public should be inconvenienced in any way at all. The proposal of the Opposition is that permits should not be required for marches, but they should be allowed to be organised spontaneously.

That would mean Mr Hetherington or any other member of the Australian Labor Party or any member of another group could say, "We will have a march tomorrow morning on the Causeway at 8.30." Even if only 20 or 30 people turned up, chaos could be created.

The Hon. R. Hetherington: And they would be arrested.

The Hon. G. E. MASTERS: No, they would not be arrested.

The Hon. Lyla Elliott: Has this happened in New South Wales or South Australia?

The Hon. G. E. MASTERS: We are living in Western Australia, not New South Wales. Obviously a march such as I have suggested would be unusual; I would not for one minute expect any members of the Opposition to support such a thing. It would be a terrible thing to do. However, we are not talking about people as reasonable as some members of the Opposition; we are talking about extremist groups, some of which have been mentioned already. Certain people in the community would take advantage of the situation and create chaos and disruption. They thrive on it. That is unfortunate, but it is the reason that we must have regulations and laws such as this one.

The Hon. R. Hetherington: We do have other laws to deal with such situations.

The Hon. G. E. MASTERS: All right; but I am suggesting that regulations need to be written into the Police Act. Let us refer to *Hansard* of the 30th November, 1976. Unfortunately Mr Dans is ill and unable to be present, but he made a most appropriate remark which is recorded at page 4679 of that *Hansard*. He said, "I am interested in protecting the rights of people, and what happens to people." That is a most appropriate remark.

The Hon. R. Hetherington: He has not changed his mind. He is opposed to this Bill.

The Hon. G. E. MASTERS: The Hon. J. Dolan, then Minister for Police, wrote to Mr R. M. Tremethick of the Australian Federation of Police Associations and Unions on the 30th March, 1972. The letter was tabled in the Assembly only recently, and I quote from it as follows—

As the Minister for Police in the Western Australian Government, I wish to inform you that my Government gives its Police Force the utmost encouragement to prevent demonstrations at which acts of violence and lawlessness could take place.

Then he said—

I can assure you that at all times our Police Force has the full support of the Government.

The Hon. V. J. Ferry: That is not what they are saying now.

The Hon. G. E. MASTERS: No, I would have expected the Opposition to have the same opinion today; the opposition of ALP members to this Bill indicates to me they think the regulations made under the Act are unreasonable; when in fact regulations and this Bill are only protecting the public.

The Hon. R. F. Claughton: What we want is the situation which applied during the Tonkin Government.

The Hon. G. E. MASTERS: Let me give some examples of the type of people about whom we are talking. Let us consider some of the people about whom we are worried—not the law-abiding public, but others who would disrupt society. Last year a dispute occurred at Fremantle in respect of the loading of sheep.

The Hon. D. W. Cooley: You should hang your heads in shame over that.

The Hon. G. E. MASTERS: That was an illegal demonstration. I am not suggesting the demonstration was unruly, but some people behaved in a manner which would cause the public concern. Certainly some banners were a source of concern. *The West Australian* of the 19th April, 1978, showed one of the signs carried in the demonstration. One read, "Scabs, how long can you tread water in concrete boots?" Incidentally, one or two Labor members were present at that demonstration, but I am not suggesting they supported that kind of activity.

Anyone who would go to so much trouble to prepare such a sign must be a pretty bad character. It was absolutely disgraceful. Unfortunately people like that become more and more involved in demonstrations.

There is just one example.

The Hon. R. F. Claughton: It is a pretty pathetic speech, actually.

The Hon. G. E. MASTERS: Maybe it is, but I am enjoying it.

Let me give another example of the type of people with whom we are dealing. I refer to a group called, "Save our Native Forests"; obviously many of its members are concerned and genuine people. However, some of the leaders quite recently broke the law by trespassing and preventing vehicles from moving about and carrying on their lawful work. That happened in a

country area, but they are just as likely to do it in the city.

The Hon. R. F. Claughton: That matter is probably *sub judice*.

The Hon. G. E. MASTERS: No, it is finished with.

The Hon. R. F. Claughton: They are appealing.

The Hon. G. E. MASTERS: Again, that is a group which the Labor Party actively supports. By its opposition to this Bill, the Labor Party is supporting that type of person and activity. Of course, we must have some form of regulation to control such people, and to control demonstrations of that nature. We would be irresponsible if we did not take some action.

Again, Mr Hetherington—and obviously other Opposition members—suggest there is nothing wrong with such activity. I wonder why they adopt that attitude. We have talked about demonstrations and processions in Perth. We saw Mr Hetherington marching with a group, as is his right. I am not criticising him for doing that. I understand something like 1 000 or 1 500 people were involved in that demonstration.

The Hon. R. Hetherington: Yes, about that number.

The Hon. G. E. MASTERS: It was quite a successful demonstration as far as he was concerned. However, I am pointing out that chaos would have been caused had a permit not been received. I see Mr Hetherington is nodding his head, so obviously he agrees with me. Under the proposal of the Opposition, it would not be necessary for a permit to be obtained, and some people in our community would not bother to obtain one.

The Hon. R. F. Claughton: They are sensible and responsible people.

The Hon. G. E. MASTERS: Absolutely, but some people would not bother to apply for a permit, but would purposely disrupt the public and interfere with traffic flow. That is the reason that permits must be applied for. If members opposite expect to obtain a permit in such conditions, why on earth are they opposing this Bill?

If we look again at the events leading up to the introduction of this Bill and consider the type of people with whom we are dealing, then we must ask how we would expect the police to be in a position to take control and to organise processions and assemblies if they are not aware of them? Obviously the police must be in a position to take control so that the public have the opportunity to go about their lawful business.



The Hon. R. F. Claughton: You would really prosper in an authoritarian State.

The Hon. G. E. MASTERS: Not at all. The present legislation contains no restrictions at all. The police have always acted properly and responsibly and have permitted demonstrations and processions.

The Hon. D. W. Cooley: Does this sort of thing happen in New South Wales and South Australia?

The Hon. G. E. MASTERS: I am not interested in those States. I am suggesting that some people in our community who are supported by members opposite are disruptive and break the law.

The Hon. R. Hetherington: I wonder whether Mr Marks and Mr Carmichael—

The Hon. G. E. MASTERS: I am not talking about Marks and Carmichael; I am talking about Mr Bartholomaeus, who happens to be a candidate for the seat of Mundaring.

The Hon. R. F. Claughton: A sensible and responsible person.

The Hon. G. C. MacKinnon: He doesn't even agree with your policy.

The Hon. G. E. MASTERS: Yes, he must be an embarrassment to the Labor Party.

The Hon. R. Thompson: They reckon he has a good chance of winning Mundaring.

The PRESIDENT: Order! I ask the member to confine his remarks to the contents of the Bill.

The Hon. G. E. MASTERS: I am glad everyone laughed at the interjection made by Mr Thompson.

We are talking about the events which led up to the introduction of this Bill. Although I cannot refer specifically to the events at Karratha, I would like to refer to an article which appeared in *The West Australian* on the 23rd August. I refer to comments made by the Secretary of the Trades and Labor Council (Mr Peter Cook) to demonstrate the support given by the Labor Party to people who are breaking the law.

Under the heading, "WA Assembly Law: More strife predicted", we find the following—

If convictions were recorded, the TLC would reimpose bans on the exports of commodities from WA.

The TLC would also consider another State-wide stoppage in protest if the charges were successful.

Mr Cook said there would be some form of protest on October 1 when the adjourned charges were heard.

I suggest again some people in the community back such activities. I am disappointed such an attitude persists, because people in responsible positions should be more responsible. It seems to me some groups in the community are determined to weaken the Police Force and to undermine its morale.

The Hon. D. W. Cooley: That is nonsense.

The Hon. G. E. MASTERS: I suggest some groups would break the law; and by opposing this Bill members opposite are encouraging them; they are suggesting the groups should break the law.

The Hon. D. W. Cooley: You said we are destroying the morale of the Police Force.

The Hon. G. E. MASTERS: Yes, members opposite will do that if they do not give the police the authority to act as they should. They are weakening the powers of the police.

The Hon. R. F. Claughton: We are proposing a system which has been tried and proved. That is all we are saying.

The Hon. G. E. MASTERS: I am interested in what is happening in this State. I am interested in the effects of the Bill, and the support we give to our Police Force as a group of responsible people. I am saying the attitude and the activities of the Opposition in some areas indicate the scare tactics they have used on this issue. I have in my hand a pamphlet which says, "These people may be gaoled . . ." That is a shocking document. It is a scare tactic. It shows two or three people standing outside a supermarket with a basket of groceries, a dog, and two or three children. It says people may be gaoled for doing that. Scare tactics in the extreme! The pamphlet is authorised by three Labor members of Parliament, including Mr Hetherington and Mr McKenzie. After Mr Hetherington's speech tonight, I am surprised he would use this sort of scurrilous material. No-one would have thought that Mr McKenzie would have stooped to this sort of thing. It is a low document. It is something which has been distributed, and is quite misleading.

The Hon. Lyla Elliott: You are short of material when you start using language like that.

The Hon. G. E. MASTERS: I agree that the Opposition is short of material when it uses that sort of material.

The Hon. R. F. Claughton: It is factual.

The Hon. G. E. MASTERS: It is not factual at all. It is totally misleading.

I have said there needs to be some regulation. There needs to be some control. There needs to be some recognition of the rights of the individual and the rights of the majority of the public.

I would like to quote from a book called "Democracy—the Issues of Law and Order". I have no doubt Mr Hetherington has read it. It is produced by the University Extension Service, and contains an article by Mr David K. Malcolm which is headed "The Supreme Court—Is It Relevant?" I would like to quote a comment made by Lord Denning, who is currently the Master of the Rolls in England. He is a highly respected gentleman.

The Hon. R. Thompson: He is a very conservative man.

The Hon. G. E. MASTERS: We are talking about common sense. I am sure Mr Thompson understands that.

Lord Denning said this—

By personal freedom I mean the freedom of every law-abiding citizen to think what he will, to say what he will and to go where he will on his lawful occasions without let or hindrance from any other person. Despite all the great changes that have come about in the other freedoms, this freedom has in our country remained intact. It must be matched, of course, with social security, by which I mean the peace and good order of the community in which we live. The freedom of the just man is worth little to him if he can be preyed upon by the murderer or thief.

Mr Malcolm makes the following comments about Lord Denning's remarks—

There are a number of things which come out of that statement. The freedom of which Lord Denning speaks is that of the law-abiding citizen, the just man going about his lawful occasions. This clearly involves a considerable regulation of freedom. It is this regulation which provides security and keeps the peace. Significantly in the Australian Constitution and the Constitution of the various States the powers of the Parliament to make laws are conferred in terms of making laws for the "peace, order and good government" of the community.

That is exactly what the Bill is all about.

The Hon. R. Hetherington: I do not agree with you there. I agree with everything they have said; but I think your interpretation is quite wrong.

The Hon. G. E. MASTERS: I am suggesting that puts the meaning and the intent of the Bill in a nutshell. It has long been the accepted practice and the responsibility of Governments to pass legislation for the safety of its citizens and the maintenance of good order and law in the community. In opposing this Bill, the Opposition

is opposing things which are very important to our community. It is supporting activities which could disrupt our way of life.

I support the Bill.

#### *CPA Delegates: Presence in Gallery*

**THE PRESIDENT** (the Hon. Clive Griffiths): Honourable members, I wish to direct your attention to the fact that I have invited several of the visiting delegates to the CPA Conference, which has just been held in Perth, to sit in my Gallery for the evening. On your behalf I would like to take the opportunity to welcome them to our Legislative Council. I trust that they have had an enjoyable few days since the Conference, and that they will enjoy the proceedings in our Parliament tonight.

#### *Debate Resumed*

**THE HON. LYLA ELLIOTT** (North-East Metropolitan) [8.06 p.m.]: I am absolutely astounded at the speech just made by the Hon. Gordon Masters. In effect, what he is saying, is that he is quite prepared to give the police the power to take away the civil liberties of the citizens of Western Australia without providing any just cause.

The Hon. W. R. Withers: He did not say that.

The Hon. I. G. Pratt: Complete fabrication.

The Hon. LYLA ELLIOTT: What the Hon. Gordon Masters was saying was that in his opinion the end justifies any means. He did not provide any justification. He provided a hypothetical situation. He talked in vague terms about groups in the community which are a threat. He did not name any of them. He said, in effect, we should give powers to the Commissioner of Police to take away the civil rights of the people of our community. He has not produced any evidence to support that.

The Hon. V. J. Ferry: Would you rather have political interference with the Police Force?

The Hon. LYLA ELLIOTT: Like all members of the Opposition, I oppose the Bill. It is window dressing, and does nothing to restore the fundamental human rights of freedom of speech and of assembly.

The history of the Court Government shows that it has a penchant for putting on the Statute book legislation which overnight could turn the State into a police State. In 1974 we had the Fuel, Energy and Power Resources Act Amendment Bill. In 1976 we had the Police Act Amendment

Bill. Earlier this year we had the Essential Foodstuffs and Commodities Bill.

Let us consider the history of the two main clauses of the Bill, which concern amendments to sections 52 and 54B of the Police Act. I will deal with section 52 first.

Until 1976, the wording of section 52 was almost the same as the current section 52(1). The marginal note read—

Regulations for preventing obstructions in the streets during public processions, etc.

It still reads that way. That section gave the Commissioner of Police power to make regulations and give directions for the route and pace to be observed by all vehicles, horses, and persons and for preventing obstruction of streets and thoroughfares by processions and marches. It dealt also with disturbance to church services and obstruction of regattas. The important thing to note about this provision is that the emphasis in both the marginal note and the contents of the original section 52 and the existing section 52(1) is not whether a procession could be held, but to ensure that each procession would be orderly and not cause obstruction.

In 1976, the Court Government changed that right of assembly. It took away that right, and provided that anyone organising an assembly or procession had to seek the permission of the Commissioner of Police. Of course, the existing subsections (2), (3), and (4) were written in at the same time.

In addition to forcing the persons who wished to hold a procession or meeting to obtain the approval of the Commissioner of Police, subsection (4) defined "assembly" or "meeting" as "three or more people".

I turn now to section 54B, the marginal of which note reads—

Offences relating to processions, meetings, etc.

From 1892 to 1970 section 54 of the Act contained the provision governing disorderly conduct. A person found guilty under that section could be fined or have a prison sentence imposed upon him. The Brandt Government was not satisfied with that, and in 1970 added section 54A dealing with disorderly assembly; and it introduced the principle of three or more persons constituting an assembly.

Section 54A also contained the principle that an offence could be committed not by actual misbehaviour, but if there were an assembly of three or more people and they gave nearby people the impression that there may be some disorderly

conduct. In those circumstances, the police could act and the persons could be fined \$500. I do not know why that section was added. Why was it necessary when we already had section 52 which dealt with persons who were disorderly in a public place? If that section applied to individuals, could it not apply to groups as well? This indicates the way the Liberal Party was beginning to regard meetings and assemblies.

In 1976, the same Bill which amended section 52 contained the addition of the obnoxious section 54B. Contrary to the Premier's statement in *The Western Australian* of the 25th June that the Labor Party did not object to the principle contained in that legislation, the Labor Party opposed strongly both the new sections. If members read *Hansard*, they will find that Labor speaker after Labor speaker attacked the legislation strongly. They said it was a basic threat to the human rights of freedom of speech and assembly.

I am pleased that I was one of those speakers. I would like to remind members of my opening comments on that occasion in 1976.

In opposing the Bill to insert section 54B I said—

I want to go on record as being strongly opposed to the Bill. I think it is outrageous . .

I want to deal in particular with the provision relating to the powers of the Commissioner of Police, and to place on record my strong objection to that specific part of the Bill under which the commissioner is authorised to grant permits for the holding of processions or public meetings.

I think it is disgraceful that a Bill with such far-reaching implications should be introduced so late in the session.

I might add that I was called on to speak at 12.35 a.m. I continued—

On reading the Bill, and on looking at the powers to be given to the Commissioner of Police, I believe it is a frightening and dangerous piece of legislation, and one which poses a threat to the freedom of speech and the freedom of assembly.

The Bill seeks to give to the Commissioner of Police powers which no one person should be given; and those powers apply not only to the metropolitan area but also to the whole State. The people in the North Province, at Kununurra, Halls Creek, Albany, and Kalgoorlie will be required to make application for a permit if they want to hold a procession or meeting. The Bill does not

distinguish between people in different parts of the State.

It was not until I reread that speech when I knew I was going to speak on this Bill tonight that I recalled the disgraceful and childish behaviour of members opposite at that time. Throughout my entire speech I had to put up with insulting comments, smart-aleck remarks, and other types of interjections. I might say that the interjections from the other side were led mainly by the then Minister for Education (Mr MacKinnon) who is now the Leader of the House. His behaviour was so bad that at one stage he had to apologise to the President. Not only did Mr MacKinnon interject, but many other members opposite interjected also. They sneered and made silly remarks. There was a constant stream of interjections on this serious matter which involves a threat to civil liberties. Of course, Mr Cooley had to suffer the same treatment.

The Hon. D. J. Wordsworth: Poor Mr Cooley!

The Hon. LYLA ELLIOTT: Mr Cooley referred to the possibility of the legislation being used against the unions. Members may recall that he was taken to task by the Minister handling the Bill (Mr Baxter) for propounding such a preposterous suggestion.

I shall quote some of Mr Baxter's comments which appear on page 4671 of *Hansard* of the 30th November, 1976. Talking about Mr Cooley, Mr Baxter said—

He went on to say that if six building labourers walked off a job and gathered in the street they could be apprehended under this measure. I have never heard so much rubbish in my life, because that is not what the Bill says.

The Hon. W. R. Withers: And it did not, either.

The Hon. N. E. Baxter: And it has not been used so.

The Hon. LYLA ELLIOTT: I am absolutely astounded to hear that interjection.

The Hon. W. R. Withers: Go back and explain how that could possibly apply.

The Hon. LYLA ELLIOTT: I shall just finish the quote, after which I shall deal with the interjection. To continue—

Those men could hold a meeting and neither the Commissioner of Police nor anyone else could interfere with them.

Surely the events which took place at Karratha on the 11th June this year proved Mr Cooley to be right and Mr Baxter to be wrong. The events of that day served to draw attention also to the

existence of the iniquitous provisions of the Police Act. These provisions which were inserted by the Court Government in 1976 brought down on that Government the wrath and ridicule of every responsible newspaper in the country.

When he was speaking, Mr Masters said he could not understand why the Opposition was opposing the Bill.

The Hon. G. E. Masters: I was horrified.

The Hon. LYLA ELLIOTT: I will give Mr Masters a few reasons that the Opposition is opposing this Bill. One of the reasons is that it does not alter the principle inserted in the Act by the Government in 1976 as a result of which there is no basic right of freedom of assembly or speech in certain circumstances unless one obtains permission from the Commissioner of Police.

The Hon. G. E. Masters: You can get a permit for a public meeting in a public place.

The Hon. LYLA ELLIOTT: A person who holds a public meeting in a public place must still obtain the approval of the Commissioner of Police for that meeting.

The Hon. G. E. Masters: That is correct.

The Hon. LYLA ELLIOTT: I am glad Mr Masters and I agree on that point.

The Hon. G. E. Masters: A permit must be obtained for a procession. The same situation applies.

The Hon. LYLA ELLIOTT: I do not want to become involved in an argument about *sub judice*. However, a meeting was held in Karratha on the 11th June last. It was held in a public place by certain trade unionists.

The Hon. G. E. Masters: Who knew very well what they were doing.

The Hon. W. R. Withers: They deliberately broke the law.

The Hon. LYLA ELLIOTT: These trade unionists were not causing an obstruction. They were holding a peaceful meeting about their own affairs.

The Hon. W. R. Withers: They broke the law.

The Hon. G. E. Masters: They deliberately challenged the police.

The Hon. F. E. McKenzie: What harm were they doing?

The Hon. G. E. Masters: You should not support law-breaking.

The Hon. LYLA ELLIOTT: I should like some of the comments made in editorials written at that time, and to which I have referred, to be recorded in *Hansard*.

*The Sydney Morning Herald* of the 14th June described the law and said, "If that is the law, it is ludicrous." Later in the editorial the comment was made, "But the West Australian legislation is far too broad. It should be rewritten to ensure that it does not unreasonably hinder any kind of public meeting. It is not a matter of making special provisions for unions—that would be abhorrent. It is a matter of providing sensible laws for all the people."

In *The Canberra Times* of the 14th June under an editorial headed, "A Law to Change", the Premier of Western Australia is quoted as saying, "There is only one law for all in Western Australia." The editorial then comments, "What nonsense! Sir Charles's Government was responsible for enacting the legislation under which the unionists were arrested." Later on the comment appears, "The terms of the charge brought against the men—of 'addressing an assembly of people in a public place without permission of the Police Commissioner, to wit a vacant allotment'—demonstrates graphically the stupidity and potential tyranny of the law concerned."

Several members interjected.

The Hon. R. Hetherington: Members opposite are so invincibly ignorant they cannot understand.

The Hon. LYLA ELLIOTT: In *The Adelaide Advertiser* of Thursday, the 14th June, under the heading, "Courting Trouble" the following comments were made—

The proposition that the sanctions of the criminal law should be visited on an orderly meeting of unionists, convened for a proper purpose, is outrageous.

In *The Age* of the 14th June under the heading, "Provocation by W.A. Police" the following comment was made—

The right of free assembly is a basic human right, and one that all Australians should be able to take for granted. In Western Australia that is no longer so.

The Hon. G. E. Masters: That is rubbish!

The Hon. F. E. McKenzie: It is not rubbish.

The Hon. LYLA ELLIOTT: I am just telling members what responsible editorial writers have said.

The Hon. G. E. Masters: You tell me of any one permit which has been refused.

The Hon. LYLA ELLIOTT: I am telling Mr Masters and other members of the Chamber the opinion of responsible editorial writers throughout Australia.

The final editorial to which I wish to refer appeared in *The Australian* of the 13th June. This newspaper is not noted for being particularly pro Labor or anti-Liberal. Under the heading, "It's a Bad Law" the following statement was made—

It makes virtually any gathering illegal. Under its terms, the only way three or more people can hold a discussion without a permit is to hide in a room, like dissidents in a fascist dictatorship.

The Hon. G. E. Masters: Are you talking about the Bill?

The Hon. LYLA ELLIOTT: No changes are made in the fundamental principle that permission must be obtained from the Commissioner of Police before a meeting can be held. However, the Government has been embarrassed about the provision that three or more people cannot hold a discussion in a public place, and is changing that.

The Hon. G. E. Masters: We are not embarrassed. You can organise a meeting down on the Esplanade for 1 000 people.

The Hon. LYLA ELLIOTT: The editorial writers to whom I have referred are well informed. Of course, the Government tried to save face. It realised that from one end of Australia to the other it was being made to look stupid, and that it was surpassing the ridicule heaped on the Bjelke-Petersen Government. It saw the sort of criticism which has been levelled at the Queensland Government being aimed at the Government of Western Australia. I did not believe we would ever reach that stage, but that is what was happening.

To save face, the Government placed full-page advertisements in newspapers throughout Australia. It spent thousands of dollars of taxpayers' money. To add insult to injury, not only was the Government using the taxpayers' money to save face and to defend its indefensible position, but it was also including untrue information in those advertisements.

An advertisement appeared in *The West Australian* of the 20th June under a photograph of the Deputy Premier (Mr O'Neil) which said, "Sections of the Union Movement are attempting to tell you that the W.A. Law on public assemblies is unfair". Then, in big, bold letters it said, "Other Australian States—and particularly the Labor State of New South Wales—have similar laws." That is just not true.

The Hon. W. R. Withers: What is incorrect?

The Hon. LYLA ELLIOTT: I will tell the honourable member what is not correct. The

statement that "Other Australian States, and particularly New South Wales, have similar laws" is totally incorrect. The only one which comes anywhere near it is the notorious State of Queensland. If members examine the laws of assembly of all the States in Australia—

The Hon. W. R. Withers: Tell us about the laws in New South Wales, particularly in regard to truckies.

The Hon. LYLA ELLIOTT: In Victoria there has never been an Act of Parliament requiring a permit for the holding of a public meeting. In South Australia a permit is not required for the holding of public meetings, street marches, and similar activities.

The Hon. G. C. MacKinnon: They may not require permission.

The Hon. LYLA ELLIOTT: Permission is not required from any Government authority. The Public Assemblies Act acknowledges the right of citizens to assemble, but it provides that persons conducting a public meeting should advise the police and the mayor of the local authority. If they do this, and if no objection is raised from either source, the organisers are immune from any action in respect of obstruction caused by a meeting.

The Hon. W. R. Withers: Isn't that equivalent to obtaining a permit?

The Hon. LYLA ELLIOTT: It is distinctly different.

The Hon. J. C. Tozer: They are required to get approval and give four days' notice.

The Hon. LYLA ELLIOTT: They are not required to get approval.

The Hon. W. R. Withers: Why are they required to tell them?

The Hon. LYLA ELLIOTT: They are required to tell the authorities so that if there is any trouble, or if an obstruction is created, they are immune if no objection has been raised; but if the authorities are not advised and obstruction is caused, they are not immune from the law.

The Hon. W. R. Withers: What about if there is an objection?

The Hon. LYLA ELLIOTT: If there is an objection they can proceed and they are not given immunity. But they do not have policemen rushing in with batons, breaking up the meeting.

The Hon. G. E. Masters: When does that happen? That is gross exaggeration.

The Hon. LYLA ELLIOTT: Members opposite are trying to tell me the situation in South Australia is the same as it is here and that is not

so. In New South Wales there is legislation similar to that in South Australia. In Tasmania there is no law which requires permits for public meetings. Under the Traffic Act permits do have to be obtained for street marches, but that does not apply to meetings. It applies only to marches in Launceston, Hobart, and one other town.

The Hon. D. J. Wordsworth: You could not march anywhere else.

The Hon. LYLA ELLIOTT: Queensland is the only State which has anything like this sort of legislation; but even in Brisbane in that State there are two designated venues where public meetings may be held without a permit. They may be held at Roma Street forum which can hold about 3 000 people and at Centenary Place which can hold about 2 500 people.

As I said when I commenced my speech, the Bill now before us does not restore the right which people had prior to 1976. A study of the Bill will show that people wishing to organise a procession or a rally must still seek permission from the Commissioner of Police. The commissioner still has power to refuse to issue a permit.

Irrespective of what Mr Masters said with regard to the reasons which have to be given for refusing a permit, one of those reasons is fairly broad. If the commissioner thinks that the procession may create a public nuisance, he can refuse to issue a permit. Why should the commissioner have the right to predetermine that something will create a public nuisance? In view of his recent comments on fines imposed on supporters of the Campaign for Native Forests, the commissioner could easily refuse a permit for any procession or public meeting organised by that group merely because he thinks it may create a public nuisance.

The Hon. O. N. B. Oliver: Are you suggesting the commissioner is biased?

The Hon. LYLA ELLIOTT: Yes I am, frankly. I say a person in his position has no right to make a public comment on fines imposed on protestors. Therefore, he is biased. He is not biased on all issues, but that was an indication which should not have been given. One man should not have the right to stifle freedom of speech.

If the commissioner decides that a group will create a public nuisance, in his opinion, he will be able to stop a march by demonstrators protesting about our forests, or other matters. Under the provisions of this Bill the commissioner will be entitled to refuse permission to march. There is no right of appeal. Do not talk to me about civil law, and about taking an appeal through the courts, as Mr Masters indicated. That is absolute nonsense!

How many people have sufficient money to engage lawyers to conduct an appeal?

The Hon. G. E. Masters: I suggested they could take that course.

The Hon. LYLA ELLIOTT: If the Government were genuine in its concern for the rights of individuals, a right of appeal should have been written into this Bill. It is not there. If a group fails to get permission from the Commissioner of Police to hold a public meeting—it would not have to be a meeting which would cause an obstruction; it could be in a public place such as the Esplanade—that group, although otherwise law-abiding and holding the meeting in an orderly manner, will be liable to a fine of \$100 or one month's imprisonment for each person who participates.

The Hon. I. G. Pratt: In how many cases has this commissioner, whom you are accusing of being biased, done anything about it?

The Hon. LYLA ELLIOTT: I gave an instance of how a person's bias could influence his opinion in granting a permit.

The Hon. G. E. Masters: Do you think there should be no controls over anyone?

The Hon. LYLA ELLIOTT: I am not claiming the present commissioner would refuse to issue a permit. However, once this law is on the Statute book a commissioner in the future could use the law as he sees fit.

I am talking about the law in particular, rather than any person. It is dangerous to write such laws into the Statute book. This law will take away a basic right. I have read the comments published in the newspaper editorials which suggest that the Labor Party is not the only one opposed to this provision.

A person could attend a public meeting on the Esplanade to hear the views of other people, or to express his own views. He could be otherwise law-abiding but if he fails to get the permission of the Commissioner of Police he could be treated like a criminal. He could be arrested, fingerprinted, and put in gaol. Members opposite can laugh, but we were opposed to the insertion of section 54b in the Police Act in 1976. We told members opposite how that provision could be used, and that is how it has been used.

The Hon. G. E. Masters: Let us talk about some of the processions.

The Hon. R. Hetherington: You had your opportunity to speak; you are trying to get up again.

The Hon. G. E. Masters: I am not allowed to.

The Hon. R. Hetherington: That is something to be thankful for.

The Hon. LYLA ELLIOTT: At the very first session of the United Nations General Assembly, in 1946, it was stated—

Freedom of information is a fundamental human right and a touchstone of all freedoms to which the United Nations is consecrated.

Article 19 of the United Nations Declaration on Human Rights states—

Everyone has the right to freedom of opinion and expression. This right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

That includes public meetings and assemblies. This Bill perpetuates the offensive provisions contained in the 1976 amendment to the Act, and it contravenes article 19 of the United Nations Declaration on Human Rights. Therefore, I oppose the Bill.

**THE HON. D. W. COOLEY** (North-East Metropolitan) [8.37 p.m.]: The reason this Bill is now before the Legislative Council is well known to all of us. It is also well known that when section 54B was last before this Chamber in 1976, members acted in the same way as they are acting now. They did not listen to the good advice which was given to them at that time. Had they listened to that advice we would not have had the consequences of the insertion of that section.

The consequences of that legislation almost brought this nation to its knees. There was a national stoppage, and there was talk of a complete blockade of Western Australia. That was all because members opposite would not listen to our advice. I, together with other members of the Labor Party, advised members opposite that trouble could emanate from the Bill in 1976. At that time I expressed the view that the Bill struck at the heart of freedom of speech, and that is exactly what it did.

I commend the Government for having regard for the consequences of the 1976 legislation when it undertook a complete review of the respective Acts throughout Australia so that it could bring something to this Parliament which would be acceptable to all sections of the community. The Federal and State Attorneys General met and examined the respective laws with regard to assemblies.

All we got as a result of that conference was something which we already know.

The Bill is different in verbiage, but in actual principle it is very little different from the 1976 legislation. I daresay that if the same situation occurred at Karratha after a Bill of this nature is proclaimed persons who took part in a similar meeting could be arrested.

The Hon. W. R. Withers: In other words, if they break the law they can be arrested.

The Hon. D. W. COOLEY: Those two men—

The Hon. J. C. Tozer: Why do you say "two men"?

The Hon. D. W. COOLEY: The strike concerned the two men. They were doing their job as trade union officials and they were addressing people in a vacant paddock in a remote town. They were not disturbing anybody at all. There was a strike situation and they were doing their job. There was no demonstration.

The Hon. G. E. Masters: They could easily have asked permission the same as anybody else.

The Hon. D. W. COOLEY: If those men had committed such a terrible sin, they should have been arrested on the spot; but, they boarded a plane at Karratha on the same night and came to Perth where two detectives were waiting to arrest them.

That is the Government's idea of freedom of speech. I think members opposite have forgotten what freedom of speech is all about. For the benefit of members opposite, freedom of speech is the basis of democracy. If we do not have freedom of speech, we do not have democracy. Does Mr Withers believe that I want to see fascists walking through the streets of London or Sydney? Of course I do not. However, if their freedom of speech is taken away, the basic element of democracy is taken away. Mr Withers, and the member sitting alongside him, seem to see a Communist under every bed. When a Communist addresses a meeting they believe he should be arrested, like a common criminal.

Several members interjected.

The DEPUTY PRESIDENT: Order! Honourable members, there are far too many interjections. It will help the debate if the Hon. Don Cooley is allowed to continue.

The Hon. D. W. COOLEY: The unionists did not go to Karratha to create trouble. They went to service a members' meeting.

The Hon. G. E. Masters: Everyone else asks for permission.

The Hon. D. W. COOLEY: Dozens of meetings have been held in a similar manner. When the previous Bill was before this so-called House of Review in 1976, and we were reviewing

the legislation which had been sent here from the Legislative Assembly, I stated that under the provisions of that Bill if three or more unionists walked off a job and the shop steward took them out onto the footpath and addressed them he would commit an offence under the provisions of the Act.

I might say that only one member from the other side of this Chamber spoke to the second reading of that Bill and he was so ill-informed he believed that under any situation at all if permission was not granted for a meeting a person could take the matter to a judge and have the decision of the Commissioner of Police overturned. We all know that is not so.

I do not intend to discredit Mr Williams because I have a great respect for what he says in this Chamber, but those were his thoughts at that time.

The Hon. W. R. Withers: If the Commissioner of Police did not meet the requirements, that would be so, would it not?

The Hon. Lyla Elliott: No.

The Hon. D. W. COOLEY: I cannot see anything in the Bill that would allow a person to appeal to a judge to have the decision of the Commissioner of Police overturned.

The Hon. W. R. Withers: Well, who would overturn it?

The Hon. R. F. Claughton: Nobody—that is what we are saying.

The Hon. D. W. COOLEY: The Minister pooh-poohed the idea that this could happen. However, what I said might happen did happen. As I say, it brought about a national stoppage, and almost a blockade of the State.

We are opposed to giving the Commissioner of Police the power that would enable him to determine whether a public meeting should be held. He should not have this power without an avenue of appeal against his decision. We are rapidly coming to the situation where our right to freedom of speech will be denied.

I did not mind legislation being passed to give certain powers to certain people. However, it is wrong for such power to be vested in one person when it comes to freedom of speech. Certainly the Commissioner of Police can use his power in the way he thinks best. We should have the right of free assembly and the right to freedom of speech. This principle was brought home to me very strongly when the fisherman from Dongara issued a complaint against Mr MacKinnon, Miss McAleer, and Mr Tubby for holding an illegal meeting.



The Hon. G. C. MacKinnon: Just hold it a minute—

The Hon. D. W. COOLEY: He lodged a complaint. The Leader of the House should not interject—I am defending him.

The Hon. G. C. MacKinnon: That does not mean a thing. Anyone can lodge a complaint, but you still have to prove it.

The Hon. D. W. COOLEY: That shows how wide the provisions of the Act were. Who in this Chamber would want to deny Mr MacKinnon, Miss McAleer, or Mr Tubby the freedom of speech?

The Hon. G. C. MacKinnon: You are the most illogical man I know.

The Hon. D. W. COOLEY: If Mr MacKinnon called a public meeting, under the provisions of this legislation he would be committing an offence if the Commissioner of Police so determined. I believe that Mr MacKinnon has every right to call a public meeting in his electorate if he wishes to convey something to his electors. He should be able to do this without applying to the Commissioner of Police. It is most disgraceful that we should be placed in such situations.

In the same way Mr Masters and the Speaker from the Legislative Assembly were embarrassed when they were asked their names during an illegal assembly in the Hay Street Mall. Of course that is what it was, an illegal assembly, but the difference was that Mr Masters and the Speaker are members of the Liberal Party. These gentlemen did not even have their names taken. They were asked who they were, and I believe Mr Thompson said he was known to the police and so his name was not taken. I do not know how Mr Masters escaped!

At times when I have addressed meetings in Perth I have received a nasty letter from the Commissioner of Police telling me that I have done the wrong thing. However, the Speaker and Mr Masters held up billboards like those saying, "How low can Joe go?", their photographs appeared in *The Sunday Times* for everyone to see, and yet their names were not taken by the police. It seems to me that this is a case of one law for one and another law for others. I must point out, however, that I defend their right to demonstrate as they did.

I am sure we could reach a compromise if the Government would come even a little bit our way. Surely when a permit is refused the applicant has the right to an appeal. That would give some balance to the situation. If the Government would come that little bit towards us we would stop our objection to the measure.

We do not want to give the Commissioner of Police too much power. We know he must uphold the law, but he should be upholding the laws that we make here. He should not be interpreting the laws that we make. A dangerous situation will result if he does so. While we may have a good Commissioner of Police at the present time, the situation may change in the future.

Mr Deputy President, I am sure you will recall the actions that took place in Germany from 1933 to 1939. Those actions were said to be perfectly legal by the people who enforced the laws—the lawyers, the commissioners of police, the commissars, and the storm troopers. All these people acted within the laws of the German nation and they tore out the heart of democracy in that country. I am not suggesting that we are reaching that stage here, but we are giving individuals in high places too much power.

The Hon. G. C. MacKinnon: That statement you just made is not a statement of fact.

The Hon. R. F. Claughton: Are you saying they did not do anything illegal in Germany?

The Hon. G. C. MacKinnon: No, as a matter of fact, they did take illegal action.

The Hon. D. W. COOLEY: But they did it legally in our eyes.

The Hon. G. C. MacKinnon: No, illegally in the eyes of Germany. They broke the laws.

The Hon. D. W. COOLEY: I thought the enabling laws were fairly wide.

The Hon. G. C. MacKinnon: Hitler's bully boys broke the laws of Germany; they just were not apprehended, that is all.

The Hon. D. W. COOLEY: If we believe in the process of law and order, we must believe also that there should be a right of appeal in all matters of law. That is all we are asking for. If a person or group wants to hold a procession or a public meeting, and if permission is refused, that person or group should have the right of appeal to a judge or a magistrate. Mr Masters has asserted that one could hold a meeting on the esplanade with 10 000 people present and that is not a public meeting.

How would anyone get 10 000 people to attend if the public were not invited?

The Hon. A. A. Lewis: Mr Masters has to ask his friends to attend. It should be the same way with you—you would have 10 000 friends, wouldn't you?

The Hon. G. C. MacKinnon: No, I do not think so.

The Hon. A. A. Lewis: I think he would; he is a nice fellow really.

The Hon. D. W. COOLEY: The Executive of the Government makes a decision, and Government members sit back in their seats and accept it blandly. Government members make all sorts of statements—

The Hon. A. A. Lewis: Mr Cooley, that is unfair. I do not see you walking over to vote against your party at all. Some of us stand up for what we think. You cannot really generalise on this matter.

The Hon. D. W. COOLEY: It is a failure of members on both sides, Mr President, that we do not listen to each other sufficiently.

The Hon. A. A. Lewis: I agree.

The Hon. D. W. COOLEY: Perhaps if we were prepared to listen to each other a little more we would not have so many conflicts. I said earlier that if the Government had listened to me in 1976 we would not have had a national stoppage. I forewarned that there would be trouble over this matter.

Mr Masters told us that without this legislation I could get 1 000 people to march with me across the Causeway at 8.30 a.m. tomorrow, and nobody could do anything about it. If Mr Masters had studied this Bill and our proposals in conjunction with the parent Act, as we have done, he would know this is not so. Section 54A defines a disorderly assembly as—

54A. (1) A disorderly assembly is an assembly of three or more persons who assemble in such a manner or who so conduct themselves when they are assembled as to give persons in the neighbourhood of the assembly reasonable grounds to apprehend that the persons so assembled—

(a) will disturb the peace; or

Of course we would be disturbing the peace if we held up the traffic. The section continues—

(b) will by that assembly needlessly provoke other persons to disturb the peace.

If we marched across the Causeway all the motorists may either run over us or jump out of their cars and so they would be provoked into disturbing the peace. So the provisions of section 54A are wide enough to prevent any disorderly conduct which may be the result of a meeting. That section was on the Statute book when these two men were arrested in Karratha. They were not arrested for disturbing the peace because it was a peaceful meeting; there was no violence.

The Hon. O. N. B. Oliver: They moved into a private conference which you well know about.

The Hon. D. W. COOLEY: The men were not arrested for that. They were arrested for addressing an assembly of people in a vacant paddock in Karratha. The charge did not relate to their entering the Industrial Commission.

The Hon. O. N. B. Oliver: No, but do you think they may have in any way incited people to go into a private conference? Being a responsible union leader, and a very successful one—

The Hon. D. W. COOLEY: What private conference is the honourable member referring to?

The Hon. O. N. B. Oliver: The conference that was taking place on that day.

The Hon. D. W. COOLEY: A number of matters associated with this Bill need consideration, but I will deal with them in the Committee stage.

A person who makes an application to hold a meeting must state the date of that meeting or procession—that is fair enough—the time at which the public meeting or procession will convene, and the time at which it will disband.

Members who have had experience in these matters would know the difficulty of complying with these provisions. If I were to call a union meeting tomorrow in a public place or in any other place, how could I tell the Commissioner of Police what time it would finish?

The Hon. Lyla Elliott: Or how many would attend.

The Hon. D. W. COOLEY: That is right; not only would I need to inform the Commissioner of Police the time the meeting would disband, but also I would have to tell him the place in which it was to be held or the route it would follow, an estimate of the number of persons participating and the purpose of the meeting or procession. Why should its purpose be stated? If it is stated, why should the commissioner be allowed to determine that that meeting should not be held?

If the people convening the meeting were aggrieved by this provision surely they should have the right of appeal to a judge. If the judge said, "No, the meeting shall not be held because it is likely to create a disturbance of the peace" we would be satisfied.

Miss Elliott pointed out that the applicant would need to give an estimate of the number of people likely to participate in the public meeting or procession. Goodness only knows how that provision could be complied with. It is quite

ludicrous to ask people to provide that sort of information.

This Bill still imposes constraints on the freedom of speech inherent in the existing Act. In fact, the new section 54B will be very little different from the section 54B we passed in 1976. While it is on the Statute book similar trouble will arise in the future as created the circumstances which brought this amending Bill to the Parliament.

I ask members of this House of Review to take heed of good advice. If they do not listen to that advice and act upon it now they will be making a terrible mistake. They made a mistake the last time a Bill of this nature was before the House and I am afraid if they do not do something about this Bill now they will be making another grievous error.

**THE HON. F. E. McKENZIE** (East Metropolitan) [9.03 p.m.]: I join my colleagues on this side in opposing the Bill. This legislation in fact is a cosmetic dressing of the existing section 54B and the Government has advanced no real grounds to justify these changes. The same situation will apply in the future in that the legislation may be used selectively. The legislation was on the Statute book for three years when, suddenly, the Commissioner of Police moved in and decided to use the powers of arrest contained in the Act many hours after a meeting took place at Karratha.

Members have mentioned that in 1976, the Government's attention was drawn to the restrictions on freedom of speech the legislation would impose upon the people if it were allowed to pass. I wish to draw members' attention to an editorial which appeared in *The Age* on or about the 15th June this year under the heading, "Provocation by WA police". It clearly outlines the position which obtained at that time. It states as follows—

The right of free assembly is a basic human right, and one that all Australians should be able to take for granted. In Western Australia that is no longer so. With singular crassness the State police have arrested and charged nine union officials under the Police Act for "addressing an assembly of people in a public place" without the permission of the Police Commissioner. Never mind that the public place in question was a vacant site in the remote mining town of Karratha, that the meeting was quiet and peaceful, and that the union officials were there on legitimate union business—to talk to striking union members. They did not have

written approval for the meeting; and under Section 54B of the act that is necessary.

I interpolate to point out that the same position will apply if this Bill passes into law; permission will still be necessary. The editorial continues—

Accordingly, for this trifling offence, the officials now face a fine of \$100 each or a month in jail.

Unionists around Australia have reacted to the arrests with predictable and justifiable anger. There is now talk of union reprisals, a possible union boycott against Western Australia, and a possible national strike of metal workers. The strong union reaction is understandable, given the repressive and inflammatory nature of the section of the Police Act under which the nine were charged. The section led to protests when it was amended in 1976. By invoking it now for the first time, the police have opened up the State, and perhaps the nation, to a period of industrial turmoil that could have been nipped in the bud by a single phone call from the WA Premier, Sir Charles Court.

If Sir Charles is sensible, he will see to it that the police charges are promptly struck out and that no similar action is taken in the future. Although there is little chance of his doing so, he ought also to see to it that Section 54B is removed from the statute book. It is an unpleasant, unnecessary and provocative piece of legislation. By invoking it now, the WA police and Sir Charles Court's Government are inviting trouble on a grand scale. They may not mind being thought illiberal; but they are also being inept, playing straight into the hands of the communist trade union leader Mr Laurie Carmichael.

**The Hon. G. C. MacKinnon:** What did they mean by that last phrase?

**The Hon. F. E. McKENZIE:** Mr MacKinnon will have to ask the editor that question. However, he should have known that by moving in on the trade unionists at Karratha, confrontation would result. I am sure the Government was aiming to get the public onside. After all, a couple of Communists were involved. However, the Government's ploy backfired. And what did the Premier do? He could not get on a plane fast enough to get out of the State. He wandered over to Israel because he was afraid to stay here and face the music.

Several members interjected.

**The Hon. F. E. McKENZIE:** Of course, the Deputy Premier could not act in his place.

The Hon. A. A. Lewis: This is most unlike you, Mr McKenzie.

The Hon. G. C. MacKinnon: That is quite out of character.

Several members interjected.

The Hon. F. E. McKENZIE: It seems to me the only thing the Government is concerned about is moving in on trade unionists, particularly when Communists are involved.

I refer now to an article which appears in tonight's issue of the *Daily News* reporting the comments of Jewish Nazi hunter Simon Wiesenthal. The Government could not care less about any Nazis who may be in the country; all it is concerned about is hounding the trade unionists. The article states as follows—

Jewish nazi-hunter Simon Wiesenthal says there may be "several hundred" former nazis living in Australia.

But attempts to track them down would be useless because the Australian government would not co-operate with his agents, he says.

Of course it will not! However, when it comes to arresting some of its own people, the Government cannot move in fast enough. We all know what occurred at Karratha and how that backfired on the Government. Unfortunately, this issue created industrial turmoil in Australia; it dislocated the entire country.

The Hon. G. E. Masters: That was the intention, was it not?

The Hon. F. E. McKENZIE: Mr Masters knows full well that was not the case. The Government thought it was on a winner. Apparently, the Government had a hotline to the Commissioner of Police and said, "This is it!" This law has been on the Statute book since 1976 and it has been broken on numerous occasions. I have broken it myself when I was involved with a trade union, and I was never arrested. It is a bad law, and should be broken. Bad laws must be broken because that is the only way they can be changed.

The Hon. G. E. Masters: Who decides which is a bad law? You, Mr McKenzie?

The Hon. F. E. McKENZIE: It is a matter of judgment. What this Government ought to be doing at this time is bringing forward a Bill of rights to provide people with freedom of speech. However, we are never likely to see that.

The Hon. Neil McNeill: This is most unlike you. You must be keeping bad company.

The Hon. F. E. McKENZIE: I have not been keeping bad company; I am deeply concerned

about my freedom and my right to speak. I have been involved in many demonstrations and I will continue to be so involved because I feel that is one way a person can tell the Government that it is on the wrong path, or that there is an unfair law or something of that nature. Members know full well I took part in the procession to save the railways. I took part because I felt it was one way of showing the Government the people of Western Australia did not want to lose this railway.

The Hon. T. Knight: You did not carry out an unlawful act on that occasion. However, you are now advocating breaking the law, which is quite irresponsible.

The Hon. F. E. McKENZIE: No, I did not break the law on that occasion because permission was sought and granted for the procession. However, even if it had not been granted, I would have been involved because the issue was so important.

I refer now to an article which appeared in *The Australian* of the 16th June, 1979, written by Robert Bennett, who is in charge of *The Australian* journalists in this State. The article states as follows—

Is WA becoming a police State—or merely a State of jest? . . .

While the organisers needed police permission for the Sunday corner, it seems a loose arrangement has been made. But are such assemblies more provocative than the one in the Pilbara, which is the usual way unions hold meetings there?

The police say permission for the Karratha meeting would have been granted if sought.

It is therefore difficult to reconcile police action with what really amounts to red tape.

Other questions have also been raised. Why did the police invoke an Act that had never been used in such a manner in the three years it has been in force, and why was there a delay in the arrest of the unionists?

If police were concerned with the meeting, one would have thought they would have attempted to disperse it on the spot and not waited five hours to arrest two men 1600 kilometres from the scene and almost a day before starting to round up others who participated in the gathering.

When one looks at the way the arrests were carried out, the whole thing looks sinister. They did not take place at the time of the meeting. The normal thing to do would have been to issue summonses. However, unionists were arrested as they stepped from a plane, hundreds of kilometres

from the scene of the meeting. Then, the next day, it was revealed that more than just the two Communist unionists were involved and more unionists were arrested. I suppose the Commissioner of Police thought he had to save face.

The Hon. O. N. B. Oliver: How would you know at the airport that they might not be going interstate?

The Hon. F. E. McKENZIE: One of them may not have been. Was the whole thing so bad that it was necessary for people to be arrested? We had union officials talking to a group of unionists in the normal way in which these meetings are held. What was so bad about it?

The Hon. G. E. Masters: They usually apply for a permit.

The Hon. F. E. McKENZIE: The law should not have been a law. The provision should not be in this Bill now. The Hon. Mr Cooley pointed out that in section 54A there is ample provision to take action against people who disturb the peace. Why should people need to seek permission for a march?

The Hon. G. E. Masters: There was no trouble until someone went out to make some trouble.

The Hon. F. E. McKENZIE: What trouble was being caused? We do not need this law. If such a law is needed surely it could be more conciliatory. The changes to this Act are purely cosmetic. I have broken the law on a number of occasions since 1976, and I guarantee there have been a number of other members who have done likewise. What about the street corner meetings in the old days? We did not need to seek permission then. However, now we have to seek permission from the Commissioner of Police or his authorised officer. This cosmetic measure is not needed. The Government should not bring down something which is only half a Bill and which can be used selectively by the commissioner without there being a right of appeal to a magistrate.

The Hon. G. E. Masters: He is in control of traffic and the like; surely he is the obvious fellow.

The Hon. F. E. McKENZIE: Surely there should be a right of appeal.

The Hon. G. E. Masters: What is the point of that? The police are in control of looking after public welfare and traffic.

The Hon. F. E. McKENZIE: People organising processions know there are dozens of provisions in the Police Act that cause them to seek permission. Why do we need this one?

The Hon. T. Knight: Mr Cooley pointed out that there have been only two occasions when permission has been refused, so what is your point?

The Hon. F. E. McKENZIE: Why should there be a need to ask for permission? The problem with the members on the other side of the House is that they do not understand what is involved in industrial disputation; they are not involved in it. Quite often union leaders have to call meetings quickly; not to cause trouble, but to prevent it.

The Hon. G. E. Masters: They would have been very disappointed if they had not got that response.

Several members interjected.

The PRÉSIDENT: Order! Honourable members know that interjections are out of order and that they are allowed to speak only once to the second reading of a Bill. I direct their attention to the Hon. F. E. McKenzie.

The Hon. F. E. McKENZIE: I am opposed to this Bill, which is merely a cosmetic dressing of previous provisions. On the last occasion this Act was amended we predicted there would be problems. The same situation applies to this Bill and so I join with my colleagues in opposing it.

THE HON. GRACE VAUGHAN (South-East Metropolitan) [9.19 p.m.]: I join with other members of the Opposition in opposing this Bill, which has been brought in as a result of a disastrous public relations exercise which did not come off. It cost the Government about \$21 000, I understand, to advertise throughout Australia in some sort of an attempt to save face. It was not only in other States of Australia that the newspapers criticised and condemned the Bill, which was introduced and finally selectively used in a way that brought about disastrous consequences, but it was also criticised all over the world.

We have heard from other countries. When I travelled overseas recently there were still people saying, "What on earth are they doing in that State of yours back in Australia in that they need to pass over to the Commissioner of Police power to decide as to what processions and meetings can be held?"

This Bill has certainly removed some of the ridiculous sections which were criticised by the Opposition in 1976. I refer to the definition of "assembly", which meant that ordinary little meetings of people could be seen as being those for which permission had to be obtained. So the Government has done some slight recalling of petty and ridiculous sections. But it has not done anything to alter the basic principle which has

been violated. This principle is that the police are there to see that there is order and that the laws are observed. They are not there to make the laws.

This particular Bill, by the provisions that were introduced in 1976, in fact gives the police a right to overrule the people. The people are the ones who say what shall be seen as being conducive to the benefit of society. The Commissioner of Police is appointed to deploy his resources—his policemen and women and vehicles—in a way that will facilitate the people in society having their wishes carried out. This is obvious in many of the laws of other States in Australia, in that they have put the onus on the people to approach the police and notify them that they are going to have a procession or public meeting and therefore they are letting the police know that they can make certain arrangements.

The way in which the Western Australian Government has changed the Police Act this year—as it did in 1976—is to put the onus on the police and not on the people. The people should be able to say, "We want to have a demonstration because this is a democratic way of showing we do not approve of certain things happening in our society. This is what we are going to do." The police will then be notified and will look up their book and say, "Sorry, but on that day we cannot allow you to have a procession, because another group is doing the same thing, perhaps in a different part of the city and on a different route, but we will have to deploy so many policemen and vehicles to see that the demonstrators themselves are protected and that there is plenty of room for the access of ambulances and fire brigade vehicles." Notification is all that is necessary.

The Hon. O. N. B. Oliver: Under those situations you have explained, how does the appeal situation operate which your party is proposing, when there is the conflict of two people protesting at one time?

The Hon. GRACE VAUGHAN: As I was saying, having notified the police, the police are in the position to deploy their forces.

The ridiculous part of the Act, as amended in 1976, was the provision with respect to very small groups of people—anything above three people. There ought to be a definition of when it is necessary for people to notify the police that they are going to have a procession or meeting; that is, that the meeting is to be of a certain size and so there is a need to notify the police or to say that it is only a small meeting and it is to be held in an unused carpark on the weekend and in that case it is not necessary to apply. Where there is going to

be a need for some deployment of the Police Force and where there is going to be some possibility of obstruction during a march, it would be wise to notify the police of what is going to happen.

But we have the reverse situation in Western Australia. The Government has said the police will have to give a permit for every application that is made for a public meeting or procession. It is a very fine but important distinction. The South Australian Government has very carefully included this distinction in its legislation; that is, that there is to be notification to the police that a procession and public meeting of a certain size is to be held so that the police may object. The situation would have to be rationalised in this way if there were to be too much use made of the Police Force on the one day, when two groups were wanting to use a certain area and only one group could be catered for.

The principle obtains that the people are saying, "We are going to do this", and the police are replying, "Sorry, it is not possible on that day." The people can then object. If the people who have applied will not listen to the reason the police have given, the police can make an objection. But, again, the people who have applied can then go straight to a court and say, "We want this objection quashed." The onus is on the people to show that they have the right to demonstrate for a certain purpose. The Police Force is only the machinery that keeps law and order and stops obstructions; it is not the decision-maker.

This Bill has gone some slight way towards changing the ridiculous aspects of the Act but has not done anything about the provision which nullifies democratic principles. The Government is saying that the Commissioner of Police can decide on the value or worth of what people are demonstrating about. It is written in the Bill that the Government has placed before us. The last time a similar Bill came to this Chamber in 1976, members on this side of the House for many hours in the early part of the morning tried to beat some sense into the Government by saying, "Look at what is written. It is no good saying what you intend; you have to consider what is written." The same situation exists with this Bill.

The Bill states that the Commissioner of Police or his authorised officer shall not withhold permission for a public meeting or procession in respect of which due notice has been given, unless he has reasonable grounds. What are reasonable grounds? It is purely a biased idea of the commissioner himself. The grounds are not set down in the Bill. If the commissioner has powers under other laws in regard to the obstruction of

traffic and disorderly conduct, there is no need for this provision to be included in the Bill.

The only need is to notify the police that this will occur so that they can make arrangements to ensure that there will be no obstructions. We have heard the question—by way of interjection because there has been one speaker only to the second reading—“Why object to asking for permission? All they had to do was ask for permission”. That is a lot of nonsense because hundreds of meetings which could be shown to be illegal have been held since the Act was changed in 1976. It is ridiculous to say that, because with other members of the community I have taken part in meetings which were held without the permission of the commissioner. So that is a ridiculous argument to present.

I note there is no provision for an appeal. The only thing that can be done is for some civil action to be taken by persons who have been refused permission by the commissioner or his authorised officers. Some legal opinion says that this can be overcome by a writ of mandamus being obtained which directs the commissioner to grant a permit. However, this is a very cumbersome and expensive business and of course it takes time; before it is heard by the court then the time for the meeting or procession has passed.

The *Hansards* of 1976 show that the opposition repeatedly asked the Minister in charge of the Bill what would happen in the case of a spontaneous march. As Mr McKenzie has pointed out, this often happens in regard to union matters when a dispute flares up. A meeting is held and the unions decide they should march to Parliament House or to some point where they can voice their protest and by their marching demonstrate how strongly they feel about the situation. In the report of the Attorney General—which resulted from the very poor public relations that had been engendered as a result of the actions in Western Australia and the arrest of the unionists—it is stated as follows—

With regard to processions, which arise spontaneously out of meetings of workers called to discuss an industrial dispute, Police Commissioner Wedd (the immediate predecessor of the present Commissioner) was prepared, at least as from October, 1973, to take no punitive action, provided that the union officers telephoned him as soon as it became apparent that a march would take place. This gave him opportunity to deploy his policemen as the occasion required. Otherwise, the regulation was applied as one would expect. In the latter half of 1977, Police Commissioner Leitch made it known

that he was not prepared to continue the dispensation which Commissioner Wedd had extended to the spontaneous union march.

So the Attorney General saw that a commissioner's discretion could be used. Now it is simply a matter of Commissioner Leitch's opinion—his personal opinion. He is well known for his voicing of his own personal opinion—in a pretty limited and biased way too—about many things ranging from the “yellow peril from the north” to how much the Wagerup people should be fined for their efforts to protect our environment. The commissioner is to be able to use his own judgment as to the values of processions and public meetings. This is a very dangerous thing and one which we ought to reject out of hand.

In fact the Government is repeating the mistake it made in 1976. Members of the Government are again to be held up to ridicule before the rest of Australia and the rest of the world because of their attitude in not accepting that it is the people who decide the content and the value of the procession and meetings. Properly it is the commissioner who decides the form of the meeting or procession. He may say that certain streets may be used and that certain precautions must be taken; that people must march with only four abreast in the street or stipulate other such terms and conditions. One can understand that because it is police business to ensure that the roads are not obstructed and that there are sufficient policemen to protect the demonstrators and the observers from any sort of violence or attempted violence.

The protection of people is certainly their business, but, it is not their business to decide the value of and the purposes of the demonstrations. I just wanted to bring the debate back to the basic principles of this Act; to condemn the Bill; and, to say that the amendments the Opposition will introduce in the Committee stage should be seriously considered by the Government.

**THE HON. O. N. B. OLIVER** (West) [9.37 p.m.]: I am rather disappointed that the Opposition has not in any way convinced me that I should not support the Bill.

The Hon. R. Hetherington: We did not set out to do that.

The Hon. O. N. B. OLIVER: No doubt there are speakers to follow. This is a fairly straightforward situation. I have read the *Hansards* of 1976 and it is true that Mr Cooley said that strikes are about the right to assemble. I refuse this completely. Since March, 1977, 533 applications for assembly have been made, of

which only two have been refused. Those two applications were refused on good grounds. One was concerning a demonstration with respect to the sale of seal fur. It was to be held outside a shop which was in no way connected with seals. Throughout the period there has been no refusal of an application from trade unions, the Trades and Labor Council or the Australian Labor Party.

The Hon. Grace Vaughan: There have been hundreds held.

The Hon. O. N. B. OLIVER: On the 29th May the Seamens Union—at three hours' notice—received approval via telex from the Commissioner of Police to hold a meeting. I would have thought that following the Karratha incident the Opposition would dwell on the importance of the legislation and the undertakings given by the Government.

The Hon. Grace Vaughan: They are not worth a crumplet.

The Hon. O. N. B. OLIVER: I would have thought that the Opposition would be pleased to note the delegation of authority by the commissioner and the headway which has been achieved in this respect.

It is a disappointment to us in this House to note that the Opposition—representing the ALP—condoned the actions of two people who set out to disrupt law and order and provoke a confrontation with the law.

The Hon. R. Hetherington: You provoke a challenge to law and order. Get it right.

The Hon. O. N. B. OLIVER: This is what it is all about. I refer to the day that a strike was held in Karratha; it was on the 11th June, and *The West Australian*, having no knowledge of this occurrence, ran an article which said—

Speakers' corner adds life to Esplanade

The success of the first of the Perth City Council's speakers' corners on the Esplanade yesterday augurs well for the Hyde Park-type of public forum becoming a permanent part of the city's life.

There were hecklers; the leader of the Australian Democrats spoke; and a representative of the FOR spoke. One speaker took a lectern to put across his controversial point of view in typical Hyde Park style. Members here have witnessed this in Hyde Park, at the Domain, and on the Yarra bank.

The Hon. F. E. McKenzie: Did they have permission?

The Hon. O. N. B. OLIVER: I would presume the PCC in promoting the speakers' corner applied for permission. I am not sure though.

(83)

The Hon. N. F. Moore: They did.

The Hon. O. N. B. OLIVER: The interesting point is that this was orchestrated. This is evident because at the time a conference was being held in Broome by the Labor Party and Federal Leader of the Opposition was present.

I quote from *The West Australian* of the 12th June, 1979 as follows—

The Leader of the Opposition, Mr Hayden, yesterday criticised the industrial relations record of companies involved in the Pilbara iron-ore industry.

Is that not a provocative statement made on the day of a compulsory conference—a day on which the union and employers were meeting? Mr Cooley and Mr McKenzie are well versed in the nature of these meetings. However, I will say those honourable gentlemen would not behave in this manner. They would not go out of their way to provoke a confrontation. They would not address a gathering of people—as the two people did—knowingly breaking the law and then incite those people to move into a private room where a conference was being held. I ask them to refute that. I am quite certain they would not take that sort of action. They are very close to the same sentiments of their previous Leader, a Premier of this State (the Hon. John Tonkin).

I would like to quote the following extract—

I am sworn to uphold the law whether good or bad. We would soon be in a very serious position—little short of anarchy—if people were allowed to choose those laws which they would obey and those they would not.

The Hon. G. W. Berry: Who said that?

The Hon. O. N. B. OLIVER: John Tonkin said that in 1971 as Labor Premier of Western Australia. The point I wish to emphasise is that when one is in Government one needs to be responsible; that is what government is all about.

As to the role of the Commissioner of Police, let us examine the way in which the legislation will operate. The commissioner must agree to requests for permission or give reasons for his refusal. Therefore, requests are normally granted. The grounds for refusal are quite clear. They are that the proposed public meeting or procession may—

- (a) occasion serious public disorder, or damage to public or private property;
- (b) create a public nuisance;
- (c) give rise to an obstruction that is too great or too prolonged in the circumstances; or



- (d) place the safety of any person in jeopardy.

The Police Force in this State is responsible for administering our laws, and if the Commissioner of Police thinks those circumstances may arise, I believe he must refuse permission. If people proceed against the commissioner's decision, they will break the law. Perhaps they can come to some arrangement by giving undertakings about the conduct of the meeting or agreeing to hold it on another day. No doubt it is subject to consultation. According to the record, consultation must have taken place, because 530 public meetings have been held in Perth, many of which we have witnessed in the grounds of Parliament House, under the "rent-a-crowd" system.

The Hon. F. E. McKenzie: And in 100 times as many cases permission was not given.

The Hon. O. N. B. OLIVER: Perhaps the commissioner was using some discretion outside the Act. In that case, the Opposition must be more than pleased with the actions of the Commissioner of Police.

I turn to the events which followed the incidents at Karratha. On the day on which the charges were heard, every State in Australia except Tasmania was brought to its knees. I ask: Why not Tasmania?

The Hon. F. E. McKenzie: Does Tasmania have a law like this?

The Hon. O. N. B. OLIVER: It has a law. The reason there was not a stoppage in Tasmania is that within 14 days a State election was to be held. Throughout the rest of the Commonwealth there was a national stoppage.

The Hon. F. E. McKenzie: On what date was the State election in Tasmania?

The Hon. O. N. B. OLIVER: I am not certain of the exact date but it was within 14 or 21 days of that stoppage.

The Hon. F. E. McKenzie: I think it was after that.

The Hon. O. N. B. OLIVER: At the time I was in Sydney and Melbourne and everywhere I went I met people who were disadvantaged by the stoppage. People involved in shipping incurred great losses. Vessels were tied up in every port in Australia except Hobart, Launceston, and perhaps Burnie. All the people I met during that national stoppage said, "Please convey to your Government in Western Australia our congratulations on the stand it is taking in this matter." It was very heartening to move around Australia and hear that sort of comment from a

cross-section of the community; not only business people but a wide cross-section of the public.

I believe the Government should be congratulated. An undertaking was given and it is being implemented in this Bill.

**THE HON. J. C. TOZER (North) [9.50 p.m.]**: Earlier in the debate the Hon. Fred McKenzie referred to page four of tonight's *Daily News*. He conveniently passed over page two, and I will read part of an article which appears on that page. The headline is "Union warning to 'sew up WA'" and it is under the by-line of Chris Travers in Melbourne. The article reads—

Unionists charged under the controversial assembly laws would "sew Western Australia up as tight as a drum" if they were convicted.

Mr Jack Marks, assistant state secretary of the Amalgamated Metal Workers' Union, told the ACTU Congress today that unionists could not accept fines and would go to gaol.

"And on that day (October 1) we will sew Western Australia up as tight as a drum," he said.

The Congress was told that if Mr Marks or any other unionist charged under the Western Australian Police Act for addressing union meetings was convicted, under the amendment, bans would be placed on key West Australian exports and stop-work meetings would be organised.

The resolution, passed by the Congress, attacked the Western Australian Police Act.

"The Act not merely denies basic civil liberties to the citizens of Western Australia, but is a blatant attack on the rights of unionists to meet in order to discuss union matters," the resolution states.

Jack Marks, in making those comments at the ACTU Congress, would have been laughing his head off because the whole issue has gone far beyond his wildest dreams.

As Bill Withers told Laurie Carmichael when he was talking to him on television, Carmichael and Marks achieved their objective that day in Karratha because they disrupted my part of the country, the Pilbara, and of course they practically brought the nation to a halt, as other speakers have explained.

Some funny things went on that day. Certain Opposition speakers tended to laugh when people such as Gordon Masters told them that the police were "conned" into the actions they took. Two men went to the police superintendent on the day of these arrests. They did not go to the station officer where one would normally expect them to

go in regard to a local matter. These men went to the district office and spoke to the superintendent. The superintendent had the good sense to invite his inspector to join him in the discussion.

These men went to speak about a permit for an assembly, and they then ignored the advice given to them. They set about holding a meeting and they marched to the Industrial Commission conference which was set up for the purpose of resolving a major strike.

The people involved in that meeting were well aware that they were breaking the law. They forced the police officers into the position of having to act. The police officers had no alternative.

The marchers finished up on the steps of the municipal chambers; one speaker boasted that they were breaking the law, and he invited others—

The PRESIDENT: Order! I said earlier that I thought members should refrain from referring to the Karratha incident in the terms that the honourable member is now doing. I ask him to refrain from that line of discussion.

The Hon. J. C. TOZER: Thank you, Mr President. I think it is very important to note that probably a dozen or 20 members have spoken on this subject. I rather had the feeling that most of them had not followed your instructions, too closely Sir. However, I will.

The PRESIDENT: Order! In my opinion while I have been in the Chair the other members have not traversed the area that you are beginning to traverse.

The Hon. J. C. TOZER: This was a very peaceful event. It was rather interesting that after the conference broke down, Commissioner Halliwell personally visited the police station to congratulate the officers on the excellent manner in which they had conducted themselves during the events of that day.

The Hon. D. W. Cooley: He also said there was no disturbance.

The Hon. J. C. TOZER: I agree; it was a very peaceful event. To the best of my knowledge nothing untoward happened. It may be of interest to Mr Cooley and others to know that my office overlooks the site of the events of that day. The point that arose clearly out of the general activities of that day was the great resentment that the local trade unionists had for the fact that wittingly or unwittingly they had permitted themselves to be associated with this Carmichael-Marks involvement. It was a matter of great

distress to them that such a result followed the day's events.

Strangely enough, these events built up in the minds of the local unionists the feeling that they did not want their State representatives around the place. When Mr Peter Cook of the Trades and Labor Council arrived, he was almost not accepted. The local fellows had a resentment in regard to these people who could only be described as disrupters from the outside.

I really doubt that the right to march or to conduct meetings in the streets or public places is one which is given absolutely in any place in the world which has a properly developed system of law.

Mr Peter Cook of the TLC and others—including Opposition members tonight—referred to the subject of human rights. Mr Cook on one occasion cited Article 20 of the United Nations Universal Declaration of Human Rights which provides for "the right to freedom and peaceful assembly and association", but he neglected to mention the qualifications that obtain.

Article 29(2) of the same declaration states—

In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights of freedom of others and of making the just requirements of morality, public order and the general welfare in a democratic society.

I believe the Bill before us ensures just that for the public of Western Australia.

We hear the cry, "The streets belong to the people." If that simply means people can go onto the streets and feel free to command the streets for their own purpose when and if they please, then clearly the streets do not belong to the people, and nor should they.

The Hon. D. W. Cooley: You didn't object when they blocked Greenmount.

The Hon. J. C. TOZER: It is essential that we have a provision for the preservation of public order, and in this respect we need the type of clauses in the Bill before us tonight. If in fact we are going to contain the possibility of violence or anything untoward happening in the streets, it is essential we have such safeguards.

The Hon. F. E. McKenzie: They are already there in present section 54B.

The Hon. J. C. TOZER: It has been suggested that the Government has not really changed the state of affairs existing in present section 54B. In

fact two major changes have been made—which Mr Masters has already described—in relation to public places and public meetings. I will not go over those again.

Of course, a change has been made also in relation to the delegation of responsibilities. It is an obvious and logical change for an area such as the Pilbara and the North Province, generally, because it might not be easy for the commissioner always to be able to give his consent. By enabling him to delegate his authority, we know someone with authority will always be available.

In all Australian jurisdictions it is an offence to obstruct the street and, in some cases, public places. Also in all jurisdictions the police have the power to arrest without warrant persons found to be committing any offence. Any meeting in the streets of any Australian city which causes obstruction and is held without the knowledge and approval of the authority concerned, certainly attracts the intervention of the police. If the police order the removal of an obstruction and their order is not obeyed, then arrests are likely.

I refer now to the question of the right of appeal to a court. The decision regarding whether a procession or meeting shall be held is one which should properly be taken by those who are appointed by Parliament to maintain law and order; that is, the Commissioner of Police or his delegated officers, or the Minister for Police. If we load this responsibility onto judges and magistrates—that is, the responsibility of the exercise of statutory discretions involved in government—we burden them unfairly and turn them into glorified bureaucrats.

Referring to this question, the leading article in *The West Australian* of the 23rd August said—

It would be silly for the police to have to go to a magistrate to argue that a westward procession down Murray Street at 5pm on a Friday might be disruptive.

I think it is even more important to consider the matter of ministerial responsibility to the Parliament. If a particular decision is made by a judge or magistrate, how can the Minister be held accountable?

Other speakers tonight have not emphasised sufficiently the question of the spelt-out reasons given in the Bill that the commissioner or delegated officer can refuse to grant authority for a meeting or march. The conditions are quite stringent, and in fact there is no way the police can withhold permission if it is at all reasonable that an assembly or march be held.

I would like to repeat a comment made by the Minister for Police and Traffic, who is responsible

for this Bill. He said this legislation is not designed to meet the needs or the welfare of trade unions at all; it is designed to protect the rights of the community as a whole, including those of trade unions. The legislation is not designed to attack trade union meetings, but it is not designed to protect trade union meetings any more than it is designed to look after the welfare of the whole of the community.

I believe the action the Government has taken is proof of the sincerity with which it has approached this issue. It has been prepared to amend existing legislation when it has been found desirable to do so.

I support the second reading.

**THE HON. R. F. CLAUGHTON** (North Metropolitan) [10.08 p.m.]: I would have thought members of this Chamber would have common ground in respect of the principles underlying the democratic system in which we all say we believe. All members would assert that there are significant differences between the Labor Party and the Liberal Party so far as political philosophy is concerned; that is a separate issue. I have always asserted that as a member of the democratic socialist Labor Party I am a democrat first and socialist second. In other words, I would uphold democratic principles if they were under attack even by my own party.

It is with that argument I would ask members on the Government benches to take a closer account of their attitude towards this Bill. It is the ground on which our first speaker (Mr Hetherington) was arguing: the first principle of a democratic parliamentary system. We can argue at great length about the rights and wrongs of the Karratha incident, and we would adopt differing party stances in respect of it.

We should be able to see separately from those sorts of things the broader principles which are necessary to maintain our society in good democratic health. I am saddened at what I have heard from members on the Government side. Mr Lewis by interjection said that members in his party had argued against matters proposed by his Government. This issue is one against which I would have felt the arguments would be strongest and in fact would have prevailed to prevent this legislation coming again before this Parliament in the terms in which it has.

There is no question that if we all agree that freedom of speech and assembly are two of the basic principles of a democratic society, then that is the standard by which this legislation should be judged. If we were adherents of a police state philosophy, we would judge the value of

legislation such as this by the extent to which the police had control.

I would have thought the police state standard would have been abhorrent to all of us—not just members on my side of the Chamber—and that the philosophy of freedom of speech and assembly would be common between us, quite separate from any party political stances and ideologies we may hold. Our system works only within those parameters. We all believe in a two-party parliamentary system, and that system can operate only as long as those democratic principles are upheld and defended to the utmost by all parties.

This piece of legislation in which the right to speak and assemble is controlled by the police offends that basic principle. It removes the right of an individual or group to speak and assemble in the way people should be able to do. It is not at all in accord with those freedoms that the Commissioner of Police, or even one of the persons to whom he delegates these powers, should be able to decide who should speak or whether the causes people are espousing are the ones which should be heard. Yet that is the principle embodied in this legislation.

Surely members opposite can see that as clearly as members on my side. I do not pretend that all the wisdom in contained on my side of the House; I do not think I have ever espoused that point of view. However, it is somewhat odd that our small band in this Chamber should be the ones defending these principles and that we do not hear similar concern being expressed by members on the Government side.

There is very little we on this side can do with our numbers to prevent the Government from taking the course it apparently is bent upon taking. However, the Government could be made to change its mind if there were sufficient non-executive members of the Government who were prepared to voice their concern, rather than take a quiescent interest in proceedings. Government members should not simply sit on their benches and not listen to the debate; they should not read other material which interests them or hold other conversations while this important matter is being discussed.

The Hon. N. F. Moore: You should wake up a few of your own members.

The Hon. R. F. CLAUGHTON: At least my colleagues have taken part in the debate.

The Hon. N. F. Moore: You are talking about us not listening to you.

The Hon. G. C. MacKinnon: You are trying to indicate that your people pay attention all the

time and we do not, and that is fallacious. You are also trying to indicate that your people are always present in the Chamber, while Government members are not, and that also is fallacious.

The Hon. R. F. CLAUGHTON: Mr President, at least I have gained the attention of members opposite, which I feel was rather low before I made those remarks.

The Hon. G. C. MacKinnon: That was obviously your fault, not ours.

The Hon. R. F. CLAUGHTON: The Minister is making his usual derogatory remarks, which do him no justice.

The Hon. G. C. MacKinnon: You were the one making the derogatory remarks.

The Hon. R. F. CLAUGHTON: I am very pleased the Minister is showing some interest in the debate. Certainly, we have heard very little from members who sit behind him, and what we have heard did not touch on the basic principles towards which the Opposition has tried to direct this debate tonight.

Our opposition to this legislation is not a matter of the Australian Labor Party being anti-police, or wanting mobs on the street; our record in the past clearly demonstrates that.

We have said—and we will reaffirm that statement in the amendments we will be moving in the Committee stage in an attempt to change the Government's legislation—that the situation which applied during the Tonkin Government when people did not need to obtain permission from the police to hold a public meeting and when it was sufficient to give notification of that meeting was the sensible way to handle this matter.

As other members have indicated, there are several pieces of legislation which allow for control of people on the streets; in fact, Mr Tozer mentioned this matter just a moment ago. Sufficient has been said from our side to indicate that the Labor Party is as concerned as the Government about the harmonious operation of the community. The commonly-used term is "law and order" although the way some people use that term brings it into ill-repute. There is no dispute from our side that the police need sufficient powers to allow for social harmony.

For other members, such as Mr Tozer to make remarks about mobs on the street is quite inappropriate in this context. I do not know how many members on this side must tell the House that the Australian Labor Party is not proposing

such a situation for it to be understood by Mr Tozer. That is not the case at all.

There are provisions in existing Acts of Parliament and in the Police Act itself to allow control of crowds on the street.

I can think of other events which take place which should cause more concern to the Government than this area of legislation. For example, a gentleman who has been assaulted five or six times approached me yesterday and said he has been unable to obtain protection from the police. He is in a serious situation, and has reached the stage where he feels he might have to leave the State or even the country in order to achieve protection for himself and his family. That is not a matter of mobs on the street; this concerns an individual in our community who has approached the police and found they were not able to afford him the ordinary protection he might have expected.

The Hon. I. G. Pratt: That is all the more reason to make sure demonstrations in the streets take place in an orderly fashion.

The Hon. R. F. CLAUGHTON: This person cannot go out on the street because he fears he may be assaulted again. That is a serious situation. If we were debating that sort of question, of course I would be in support of any proposals which could overcome the problem. If we have a problem with law and order, it is at that level, not at the level of marches, demonstrations, or public meetings.

About the time of the Karratha incident, I had to go down to the city in the late afternoon when people were starting to make their way home and the streets were blocked. There was a march in the city. From what I heard from members on the Government side tonight, I would have thought that the Commissioner of Police would not be asked to permit a march at that time. However, that was an authorised march, with a pipe band, going through the streets of Perth in the late afternoon. The traffic was blocked down towards the Causeway. On that occasion, the group assembled on the Esplanade. The traffic was delayed for block after block. When we say that the application of this law is extremely selective, it is incidents like that which affirm our view.

In a remote country town an incident blew up. It caused a reaction right across Australia. It was the subject of comment overseas. It placed this State in an extremely bad light.

The proposals are objectionable if they are judged against the standard of what is considered normally to be the basic principles of democracy.

There is no alternative for members on our side but to oppose the proposals before us.

I have been asked to convey the views of the Council for Civil Liberties on this matter. In fact, their views are closely parallel to those that have been expressed by my party tonight. The council says that section 62 of the Criminal Code, which is more commonly known as the riot Act, and other legislation dealing with assembly make the present proposals unnecessary.

The council claims the Bill is objectionable because there is no right of appeal against the decision of the Commissioner of Police or his delegate. It claims there should be a system of advice to the police so that they are aware of proposals for demonstrations or marches. All that should be required is notification so that the police are in a position to take necessary action to control any problems that may arise. It is suggested that this could be done in terms similar to the South Australian legislation.

The other point made by the council is that the re-enacted section 54B is a mirror of the existing section 54B. There is no doubt that the authors of the amending Bill have plagiarised the plot that was written into section 54B. The re-enacted section makes no basic change to the existing section. It does concede that the new section provides that a union can meet outside the work site.

The council drew my attention to what is known as the speakers' corner on the Esplanade. Perhaps Mr Masters might be interested in the effect of the existing section 54B and its interpretation by the Commissioner of Police. It is difficult to understand how that interpretation could be changed greatly by the new section. The speakers' corner is an activity arranged by the Perth City Council for the 150th Anniversary year. It is designed to encourage people to go to the Esplanade and to give their views on whatever topics they choose—to set up their soapboxes and speak.

The criticism about the matter relates to the role of the commissioner as outlined in the *Sunday Independent* of the 2nd September. That indicates that the police have taped speeches and taken names and addresses and notes of speech topics at those sessions on the Esplanade. Naturally people have felt intimidated by these activities. They seem to be unnecessary.

The activities are approved by the Perth City Council. The city council has its own by-laws which allow the activity to be controlled, as it is conducted on council property.

One could be speaking or listening there, and a policeman could come and take one's name. Perhaps one might see a person taking photographs and using a tape recorder to record what is being said. That sort of action could be intimidating to people. They would have no idea in what way those recordings may later be used against them.

The Council for Civil Liberties would not argue with the presence of police at the speakers' corner if they stood back and were there just in case anything untoward should happen. There is no record of anything untoward happening to this date.

I think I should read the comments of the commissioner as they appear in the newspaper article: I know that Mr Masters and Mr Withers are very much against Communists. They made that perfectly clear tonight.

The Hon. W. R. Withers: I am against anybody who tries to destroy our society.

The Hon. R. F. CLAUGHTON: I assume they would not be enamoured of the IRA, as with the rest of us, because of the very serious and distressing events that recently took place. The trouble is, of course, once one starts taking action against the groups that one dislikes, that makes for a very unsettled community situation. Nobody should be able to say, "I dislike that person. I dislike the way he parts his hair, or the way he speaks, or the things he speaks about. Therefore, I do not think he should be allowed to speak."

It is not an easy thing to protect and maintain a democracy. What we value about democracy is its openness. Once the openness is lost, it is no longer a democracy. That means we have to be tolerant of differing points of view, even if they are radically different and we find them quite unpalatable. We cannot have a free and open society unless we are able to tolerate those sorts of things. There is no way that an individual or group should be able to point the finger and say, "That person is banned. He is taboo. He cannot take part in this society." If we do that, we lose the thing we say we value so much.

While I can quite easily see that Mr Masters and Mr Withers are not very fond of that organisation, would they have grouped its members with the Friends of the Railways? I doubt very much whether they would have done so, but let us consider what the Commissioner of Police had to say. I quote from the *Sunday Independent* of the 2nd September, as follows—

The Commissioner for Police, Mr Owen Leitch, said there was nothing sinister about names being taken and they were taken so

that a report could be compiled for the district officer.

"We have to ensure that the speakers aren't harrassed and we took their names to make sure they were the right people and not people such as the IRA, PLO or other radical political groups," he said.

"Not everybody believes in the ideology of the speaker and not everybody is communist, Ananda Marga, PLO, IRA or Friends of the Railways. There is always people opposed to each other and the police are caught in the middle trying to keep the peace.

"If we weren't there then some of these so-called democrats would probably get their noses punched."

That quote shows the sort of thinking of the commissioner has expressed on more than one occasion. The Labor Party in this Parliament has raised objections to those expressions on more than one occasion.

The Hon. W. R. Withers: Are you saying his expressions of opinion are unreasonable?

The Hon. R. F. CLAUGHTON: Of course! It is not for the commissioner to choose who shall speak or who is unacceptable. It is his job to keep the peace. If there were in fact a fracas, that would be the time for the commissioner to act, but simply the fact of those people being there and speaking is not cause for offensive action by the police.

The Hon. W. R. Withers: He has not threatened anyone.

The Hon. R. F. CLAUGHTON: Does Mr Withers not think that it is threatening or intimidating to ordinary citizens to see their speeches being recorded and to have the police take their names?

The Hon. W. R. Withers: If I wanted to speak to a group, the more who taped me the happier I would be.

The Hon. R. F. CLAUGHTON: I am surprised that Mr Withers is so insensitive to the feelings of ordinary citizens. Most people do find those things intimidating. I have been active in public life for quite a few years now and I find it intimidating and threatening for the police to take my name.

The Hon. W. R. Withers: I do not think that with the quality of your speeches they would bother.

The Hon. R. F. CLAUGHTON: It does not help the debate for Mr Withers to be facetious about this. I would hope he would be serious. I have heard his interjections across the Chamber

tonight. He has had so much to say yet he has not been on his feet to make an actual speech. Mr Withers seems to be satisfied with making sniping comments across the floor of the House.

The Council for Civil Liberties is concerned about this Bill. It is not inclined to continue to make use of the Speaker's Corner until more reasonable arrangements can be arrived at with the Commissioner of Police. The council will consider its attitude towards the continuance of the activity at its next council meeting.

If there were some right of appeal to a judge or magistrate perhaps the objections to what has taken place might be reduced. Certainly it is not acceptable that what has happened should continue. People should feel free to get up and talk without being intimidated in this way. They should be able to speak quite openly about what they believe. I would hope, now that the matter has been brought to light, the Government might see that better arrangements should be arrived at in consultation with the Perth City Council.

I think all that can be said on this matter has already been said tonight. Amendments will be proposed from this side of the House during the Committee stage. I would hope that this second opportunity the members of the Government will have will be used by them to reconsider the views which have been expressed tonight.

While members opposite may feel that the Government has sincerely tried to do its best to protect the community—and I give them credit for that—I ask that they have another think about it. The pendulum has swung too far towards an authoritarian police-style of law and order and too far away from what should be the basic principles of freedom of speech and assemblies. I oppose the Bill.

**THE HON. I. G. PRATT** (Lower West) [10.36 p.m.]: We should be grateful to Mr Cloughton and Mr Hetherington for providing us with the reasons for the necessity for this Bill. Mr Cloughton told us about the good old days of the earlier part of this decade when there was no need to get approval for marches. He said it was a more sensible way to approach these matters.

Mr Hetherington told us that mobs must be controlled.

**The PRESIDENT:** Order! There is far too much audible conversation and the *Hansard* reporter must be having difficulty hearing Mr Pratt's speech.

**The Hon. I. G. PRATT:** Mr Hetherington went on to say that if crowds get out of control we should bring in the police to control them. This was exactly the situation if we look at the earlier

years of this decade when in fact we had marches—without permission—through the streets. I think members will recall the incident I have in mind. There was no protection available in those days when a particular group of marchers decided to turn on a young pregnant lady in a Jaguar car purely and simply because she was driving a Jaguar. They pushed and bounced the car and it was a most frightening situation. I do not see that it was at all funny!

**The Hon. Neil McNeill:** It was Mr Cooley and Mr McKenzie who laughed.

**The Hon. I. G. PRATT:** It does not reflect very well on them. Members may also remember the situation that existed in those times when the police did take action. Their efforts to take control were resisted. There were a great many accusations of police brutality.

#### *Point of Order*

**The Hon. D. W. COOLEY:** I think when members address themselves to the Chair they should be compelled to back up any statements such as that with evidence. The honourable member is obviously not stating the facts.

**The Hon. W. R. Withers:** You never worry about that.

**The PRESIDENT:** Order! Would the honourable member tell me what is the point of order?

**The Hon. D. W. COOLEY:** Such incidents did not occur in that demonstration.

**The Hon. G. C. MacKinnon:** What is the Standing Order?

**The PRESIDENT:** Order! I will ask the questions. I would like to know the point of order. If the honourable member would quickly explain I will allow him to say something, but otherwise there is no point of order.

**The Hon. D. W. COOLEY:** I cannot cite the exact Standing Order; but I would expect that when a member is speaking he should speak the truth. There were no unruly scenes.

**The PRESIDENT:** Order! If the Chair was expected to determine that members stuck to the facts there would be very few speeches made in this Parliament. There is no point of order.

#### *Debate Resumed*

**The Hon. I. G. PRATT:** I am telling the truth. I do not make a habit of doing anything else. If the member who took exception to what I said had listened, he would have known I was talking about demonstrations during that period. I do not

know which particular demonstration he is bragging about taking part in.

In those days we found it was virtually impossible to get a prosecution to stand. Although many people were charged, we found, as a result of the disarray and brawling which went on when the police were endeavouring to make arrests, it was almost impossible to get conclusive evidence that the people arrested were the ones committing the disturbances.

This proved conclusively that there was a need for action to be taken and for changes to be made to the law so that people who wilfully inconvenienced others and who resisted arrest when the police tried to take action to control the mob could be brought into line and action could be taken against them.

The people who say that was an ideal situation and should not have been changed should stand up and be counted. If that is what they believe, they should stand up and identify themselves, because the general feeling of the people of Western Australia at the time was against that sort of situation and I believe the feeling would be the same today.

I express my appreciation to the members who raised those two subjects which justify completely the provisions contained in the Bill.

**THE HON. V. J. FERRY** (South-West) [10.42 p.m.]: I offer my full support to the Bill before the House. I am concerned about the attitude towards the law, and particularly towards law and order. During the course of the debate tonight one member of the Labor Party said that if a law is bad it should be broken. I suppose one could suggest that a house-breaker considers the law is bad if he is apprehended and I suppose a rapist, if he is apprehended, could claim that the law is bad. What is a bad law?

**The Hon. Lyla Elliott**: Do you think the people in Germany should have obeyed Hitler's laws? Answer that one.

**The Hon. V. J. FERRY**: The member who has just interjected has had the privilege of making her speech and I intend now to make mine.

**The Hon. D. W. Cooley** interjected.

**The Hon. V. J. FERRY**: I am concerned about the attitude towards the law and that is an example of the Labor Party throwing in red herrings which are quite unrelated to the Bill we are considering.

There are law makers and law breakers. Mr McKenzie has suggested tonight he would break a law if it was bad.

**The Hon. F. E. McKenzie**: Are you suggesting section 54B is a bad law?

**The Hon. V. J. FERRY**: I am suggesting the member said he would break a law if he thought it was bad. An assertion has been made in the Press that a Labor Party candidate for a seat in Parliament is proud of that situation. He is proud that he has broken the law and was charged for an offence. I am referring to a sit-in which occurred at Alcoa at Wagerup.

**The Hon. G. E. Masters**: He said he might do it again.

**The Hon. V. J. FERRY**: According to the Press cuttings, this man was convicted and fined for that offence, because he considered the law was bad.

If that is the attitude of the Labor Party, where does it stand in relation to law and order? Are members opposite going to thumb their noses at the laws of this country? **The Hon. John Tonkin** had the right idea. He was the Leader of the Labor Party and he was quoted tonight by the Hon. O. N. B. Oliver as saying that he upholds the law of the land and if it needs altering there are processes through which it can be altered. Let us not have anarchy. That is what Labor Party members are supporting, as are some Labor Party candidates for seats in this Parliament.

**The Hon. F. E. McKenzie**: Do you agree with what Mr Tonkin said, that once a law is shown to be bad, action should be taken to change it?

**The Hon. V. J. FERRY**: If a law is shown to be bad I believe it should be changed by the due process of law. I support that philosophy and so should members opposite.

We have more opportunities for expression of opinion in this State, in my opinion, than people anywhere else in the world. Certainly we have more opportunities for expression of opinion here than I have experienced in other parts of the world.

The Labor Party is taking a wrong view with respect to this legislation. If it expects the people of Western Australia to support it in its view, it will be very much mistaken, because Mr and Mrs Average Western Australia respect law and order. They want to go about their own business without being interrupted and disrupted by elements which wish to thrust their own ideas on the rest of the community. That is what this law is about. The provisions in the Bill are designed to protect people who are going about their lawful business so that they are not disrupted by people who act in an unlawful manner.



It has been suggested that Western Australia is becoming a police state. I believe that in fact the reverse is happening. The amendments to the Police Act contained in the Bill will ensure that we do not have a police state. It will give freedom to people, provided they abide by the ordinary rules which are laid down so that people may enjoy life.

If we were to have any other system, we could be accused of having a police state. The Government of the State of Western Australia is the only State Government in Australia that does not interfere in any shape or form with police supervision. The situation should stay that way.

The Hon. R. Hetherington: I think other States have statutory commissioners.

The Hon. V. J. FERRY: The police are charged with maintaining law and order in this State. They are responsible to the Minister of the Crown for the time being. There is no room for anyone else to have this jurisdiction or authority.

The Hon. F. E. McKenzie: Not even the Parliament?

The Hon. V. J. FERRY: The Parliament can change the law, as it is doing now, to meet a situation and the police can act in compliance with the Statutes we write. I do not want interference with the Statutes by people outside this Parliament. That is what the Labor Party wants. It wants the laws to be changed to suit the whim of somebody who has no responsibility to Parliament.

The Hon. Neil McNeill: This Parliament cannot dismiss a commissioner. It is not like South Australia.

The Hon. V. J. FERRY: I agree with the member who has just interjected.

It has been mentioned that we need to have provisions so that certain groups can be kept apart. This is very necessary if we wish to maintain law and order. If there is a likelihood of any number of groups coming together with the risk that the even tenor of the community will be upset, surely the police, in their wisdom, have the right to say what the rules are. I suggest prevention is better than cure.

During the course of this debate tonight I have heard the suggestion that until a fracas occurs or physical violence takes place the police should not take action. Surely in the interests of maintaining law and order prevention is the best course to take. If we can prevent a thief entering a home, is that not the best way of tackling the matter rather than waiting until he gets into the house and causes damage?

I cannot understand the attitude the Labor Party has taken to this Bill or to the way in which we should maintain law and order in the community. I do not believe the majority of Western Australians support the view of members opposite. I certainly do not.

I support the Bill.

**THE HON. G. C. MacKINNON** (South-West—Leader of the House) [10.48 p.m.]: May I first of all thank members for their contributions to the debate. It has been extremely interesting and most illuminating. This debate has illustrated the huge chasm which exists between the views of the political parties of this country, and which does not exist between the citizens of the country. However, I may be wrong about that and history may prove me wrong. The political parties in this State view matters such as this from totally different ends of the telescope.

During the debate tonight the whole accent of the approach taken by members opposite has been on the fact that a protester, or anyone who fits into that category, has the inalienable right to protest virtually at any moment and almost unconditionally.

On the other hand, we believe the ordinary law-abiding, tax-paying citizen has the right to be protected in every possible circumstance. Listening to the speeches made tonight, it has been brought home to me that these are the two opposing views we take.

Like other members here, I have a traditional family history. I consider that the long struggle for an elected system of government has resulted in a tremendous victory because protests become regulated; that secret process known as an election was evolved; and the handing over of authority from the group that loses to the group that wins was possible without recourse to firearms, bloodshed, or conflict! That is the product of our history, and tonight we have heard espoused the proposition that we should turn back the clock; that we should allow marches in the street as a right; that we should allow protests in the street as a right; and that we should allow street corner rambunctious meetings as a right, and yet, to my mind all these things will lead inevitably to conflict and, indeed, to civil war. That situation is to be avoided at all costs. Do not let anyone rush in and say that is the sort of costs Hitler put down, or some similar rubbish. However, the cost should be to give up a little freedom. The legislative processes naturally are predicated when we give up some freedoms to gain greater freedoms.

Mr Tozer was absolutely right when he said that no other place in the world has an unrestricted right to march, to protest, or to hold meetings in the street. I have never heard of any place where that applies; it does not apply in any State of Australia.

Civil wars are occurring in other countries. All sorts of things are happening, and there is no doubt whatsoever that times have changed. There was the situation which occurred when Mr Tonkin was in government, which was mentioned and about which everybody knows. Everybody knew that the then Commissioner of Police (Mr Wedd) accepted a certain procedure, which was that someone from Trades Hall, or a union officer, would ring him and advise him what was to happen. He would ask, "would you mind doing so and so?" Of course, everything was quite right.

The Commissioner of Police has to be able to locate his forces in the proper places. He has to know where to put his police officers in order to prevent trouble, instead of having to take action after the trouble occurs. Everyone knew that was the way it worked. However, two events occurred. Firstly, the holder of office of commissioner changed and Mr Leitch was not prepared to accept that sort of proposition. Secondly, it was subsequently found that the regulations under the Traffic Act were *ultra vires* anyway, so something had to be done, and it was done.

We found another phenomenon emerging. Instead of the individual protestors we saw when I first came to Parliament, and whom Mr Baxter would remember from those days, now a society is formed when anything which the Government puts forward is against the principles of certain individuals. There are societies to save the native forests and to stop wood chipping, and there is the FOR. Those societies have constitutions.

The Hon. Lyla Elliott: Do you think they should be treated as criminals?

The Hon. G. C. MacKINNON: No, I do not. I have always had great difficulty in explaining matters to the honourable member. However, there is a great difference between the way opposition is organised now and what happened in the past. These societies include people who study the law, and who use it. They look for loopholes and they create the type of situations about which Mr Tozer was telling us.

Mr Tozer was in the area concerned, and he knows the people. I was there a few days after the event, and I was talking to a chap who was attending a dinner with Mr Hayden during which one fellow said in front of Mr Hayden, and in front of other witnesses, "I have to go now

because I have to take part in an illegal act this afternoon, and we might be arrested."

The Hon. Lyla Elliott: I find that hard to believe.

The Hon. G. C. MacKINNON: The honourable member can ask perfectly honourable men who are not in the habit of telling lies. Mr Hayden heard the statement because the chap who told me spoke to Mr Hayden about it.

The Hon. Lyla Elliott: I will speak to Mr Hayden.

The Hon. G. C. MacKINNON: The honourable member should do that.

The Hon. Neil McNeill: It might not have been coincidence that it occurred while Mr Hayden was in that place.

The Hon. G. C. MacKINNON: That is an intelligent comment.

The Hon. Lyla Elliott: Are you blaming Mr Hayden?

The Hon. Neil McNeill: No.

The Hon. G. C. MacKINNON: According to the gentleman who was talking to me, Mr Hayden's reaction was very much to his credit.

The Hon. Neil McNeill: Members opposite would know that many people would like to embarrass Mr Hayden.

The Hon. Lyla Elliott: Certainly not from this side.

The Hon. G. C. MacKINNON: The subjects of the comment were not of Mr Hayden's political persuasion; they were a lot further to the left than Mr Hayden is ever likely to be.

These things today are becoming the pattern and it breaks my heart to hear honourable men like Mr McKenzie falling for the line. He should read his speech in *Hansard* next week because, mark my words, I believe implicitly what the fellow told me in the north. What Mr Hayden said was greatly to his credit. That will give members opposite a rough idea of what he said.

There is a necessity to have laws to safeguard the welfare of the ordinary individual. As is the case with most laws, we find errors as we go along and we do the best we can to keep up with changing conditions. I think I have outlined some of those changes.

Concern has been expressed about the arrests causing the trouble. Let us be honest. The arrests may have been the catalyst which allowed the trade union movement to cause the trouble.

The Hon. R. F. Cloughton: No, it was the law.

The Hon. G. C. MacKINNON: The law did nothing of the sort. Mr Hetherington is fully aware of that because he said other States have statutory commissioners. Those were his words, by which he meant that he was fully aware that there are other States where the Government does not interfere. That makes it quite clear to me that Mr Hetherington is fully aware of the situation.

The first the Government knew about the arrests at Karratha was after they were made. I was one of those sitting in a room when we were told. We did not instruct the Commissioner of Police.

The comment by Mr Hetherington makes it crystal clear to me that he is aware of that; and other States are in that situation. Also, we do not instruct the Commissioner of Police to drop charges or anything else. The day we start doing that, Mr Cooley, Mr McKenzie, Mr Claughton, Miss Elliott, and the rest of them can get up and talk about a police state because that is what we will then have; but not before we start doing that. That was known to many people, but not very few stood up and said it. It must have been known to many reporters, and none of them said it either. It was bruited far and wide, and denied by no one except the Government, that the Government had ordered the arrests. Indeed, it was almost implied here tonight—

The Hon. D. W. Cooley: Do not point at me. I did not say that.

#### *Point of Order*

The Hon. Lyla ELLIOTT: I rise on a point of order, Mr President. In view of the pending court action, I feel quite certain the remarks of the Leader of the House are *sub judice*.

The PRESIDENT: I do not consider they are at this stage. There is no point of order. I have already ruled that members should refrain from referring to the Karratha incident. I do not consider the Leader of the House is referring to it at this stage.

#### *Debate Resumed*

The Hon. G. C. MacKINNON: Thank you, Sir. I am referring to the attitude expressed in the Press, not only in this State, but also in other States—

The Hon. Lyla Elliott: What is the illegal meeting you are talking about which people said they were going to attend? That was not the Karratha meeting.

The Hon. G. C. MacKINNON: I am talking about what was said in the newspapers after that.

It was implied that the Government had ordered the arrests, and that the Government had the right and the power to order and should have ordered that the charges be dropped. There is no doubt that that was bruited far and wide, and there was no evidence on which that inference could be made. I am suggesting it was implied tonight that that is what happened and that everyone ought to know it did not happen. Sitting over there this evening in the person of Mr Ron Thompson is a man who was a Minister for Police under a Labor Government. Had he been asked whether it could be done he would have said it could not be done with the statutory commissioner we have.

The Hon. F. E. McKenzie: What do you do with a man like the commissioner who held the whole nation to ransom?

The Hon. G. C. MacKINNON: The whole nation was held to ransom because of the union movement's sympathy with two men—Carmichael and Marks. Mr Leitch did not hold the nation to ransom. Mr Leitch saw a job to be done and he did it, and that is all there was to it.

I noted that time and time again these totally opposite points of view were put. They are not opposed points of view, but totally opposite points of view. We are looking at the same thing—freedom of speech and the rights of the individual—from totally opposite points of view, and that alarms me.

The Hon. R. Hetherington: I do not think you should use the word "totally". You are too fond of it.

The Hon. G. C. MacKINNON: That is the way it struck me. I accept that each of us believes he is looking for the same end. I do not even know that is true after what was said tonight. Let us take for instance a march of protest against a shopkeeper because it is inferred he is doing something which in fact he is not doing; the idea that that is somehow all right alarms me. The idea that the shopkeeper could protest his innocence and be automatically believed shows an attitude so naive that it is incredible. The suggestion that he could even go out and speak to those protesters who are emotionally charged up, and say, "I have furs, but I do not sell seals", amazes me.

The gentleman who made the comment apparently has never had to deal with mobs, and certainly not with mobs which are emotionally charged. He had better learn how to do so if he hopes to be a Minister one day. If one has ever had to deal with a mob one knows that sort of

situation is just not on. So it is absolutely wrong to allow protests to take place about something which is not true.

Mention was made of a football crowd and the police. Of course the police are there. That fits into the total law about which we have been talking. Notice is given of the event; the place and numbers attending are known; and the fact that there will be two opposing sides and people will be worked up is known. The whole range of things is known so that the Commissioner of Police can deploy his forces. He knows from which directions the traffic will come.

The Hon. O. N. B. Oliver: That is not even a public place.

The Hon. G. C. MacKINNON: No, but the matter was mentioned by Mr Hetherington. This situation fits right into the category for which the law caters. If every friendly march and so on fitted into that category the job of the police would be easy. I happen to believe the police are extremely important to our total way of life and I think we have an obligation to make their job easier. One of the things which alarm me is that there is a tendency to think we ought to make their job harder and place restrictions on them. That is discussed in many papers and articles.

The Hon. R. F. Cloughton: There is no way their job can be made easy.

The Hon. G. C. MacKINNON: But there is no reason for us to make it impossible. If people can protest at a moment's notice without notification, we make it impossible for the police to control traffic, the people, and many other aspects. I know the job is difficult, but I do not see why it should be made impossible. Yet members on the other side seem to be hell-bent on trying to make it impossible.

The Hon. R. F. Cloughton: That is untrue and it does not befit the Minister to say that.

The Hon. Lyla Elliott: How come they do not have these problems in other States without this sort of law? They don't have these problems in South Australia or New South Wales.

The Hon. G. C. MacKINNON: We are in an ideal position to be picked off. We have a remote area, and emotions were running high. It was an ideal situation for us to be picked off. Mr McKenzie was absolutely right when he quoted the remark that Mr Leitch had played into Mr Carmichael's hands. What Mr McKenzie said, in other words, is that Mr Carmichael and Mr Marks had set us up and we had fallen for it. It was the old sting bit. I am just recapitulating what Mr McKenzie said.

The Hon. F. E. McKenzie: You have twisted it around the wrong way.

The Hon. G. C. MacKINNON: I learn from one group.

Most of the rest of the speeches were not even variations on a theme because Mr Hetherington had already said most of what other Opposition speakers said and they did not add anything to it.

I want to thank Mr Tozer and Mr Ferry for their comments. I thought a very good point arose from something Mr Ferry said. We live in a fairly complicated society, and so it is absolutely necessary that we know the rules. We know that if we walk down the street we will not run into a group of people whose point of view is different from ours.

I repeat: I thank members for their comments and the interest they have shown in the Bill. I commend the Bill to the House.

Question put and a division taken with the following result—

#### Ayes 19

Hon. G. W. Berry	Hon. I. G. Medcalf
Hon. V. J. Ferry	Hon. N. F. Moore
Hon. H. W. Gayfer	Hon. O. N. B. Oliver
Hon. T. Knight	Hon. W. M. Piesse
Hon. A. A. Lewis	Hon. I. G. Pratt
Hon. G. C. MacKinnon	Hon. J. C. Tozer
Hon. Margaret McAleer	Hon. R. J. L. Williams,
Hon. T. McNeil	Hon. W. R. Withers
Hon. N. McNeill	Hon. D. J. Wordsworth
	Hon. G. E. Masters

(Teller)

#### Noes 7

Hon. D. W. Cooley	Hon. F. E. McKenzie
Hon. Lyla Elliott	Hon. Grace Vaughan
Hon. R. Hetherington	Hon. R. F. Cloughton
Hon. R. T. Leeson	

(Teller)

#### Pairs

Ayes	Noes
Hon. N. E. Baxter	Hon. R. H. C. Stubbs
Hon. R. G. Pike	Hon. D. K. Dans

Question thus passed.

Bill read a second time.

#### In Committee

The Chairman of Committees (the Hon. V. J. Ferry) in the Chair; the Hon. G. C. MacKinnon (Leader of the House) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Section 52 amended—

The Hon. R. HETHERINGTON: I wish to move the first amendment standing in the name of the Hon. D. K. Dans on the notice paper. I move an amendment—

Page 3, lines 25 to 27—Delete the words "such directions as may seem expedient to him to give effect to those instructions" and

substitute the passage "directions to give effect to those instructions, but no such direction shall be given for the purpose of frustrating the operation of section fifty-four B of this Act".

In order to explain what the Opposition is trying to do, it will be necessary for me to refer to an earlier part of this clause, and also to a later part of the Bill. It is proposed to amend subsection (1) of section 52. This subsection gives the Commissioner of Police the power to make directions on a whole range of matters which I will not detail. However, he can make directions in regard to processions, meetings, sporting functions, and so on. The last words of paragraph (a) of this clause of the Bill are as follows—

—but no such instruction shall be given for the purpose of frustrating the operation of section fifty-four B of this Act";

This means that the Commissioner of Police has no discretion to go outside proposed new section 54B. We do not object to that.

Our amendment seeks to amend paragraph (b) of the clause which is to substitute three new subsections. Section 52(2) of the parent Act reads as follows—

(2) Directions or regulations given or made under subsection (1) of this section may impose upon the persons organising or taking part in any procession, meeting, or assembly such conditions as appear to the Commissioner of Police necessary for the preservation of public order including conditions prohibiting persons from entering any public place specified in those directions or regulations.

We believe that the passage we wish to substitute is an improvement on the amendment contained in the Bill. Obviously the Commissioner of Police cannot give detailed instructions when he cannot be present and under conditions which he cannot foresee.

The proposal in the Bill is to insert a new subsection (2) as follows—

(2) A member of the Police Force acting in accordance with instructions given under subsection (1) of this section may give such directions as may seem expedient to him to give effect to those instructions.

It appears that this provision would give a police officer or a commissioned officer who is actually at a meeting or a procession the power to issue instructions which may seem to him to be expedient but which may, in fact, go beyond the instructions given by the Commissioner of Police.

Therefore, we are proposing to write into the proposed subsection some kind of restriction on the Commissioner of Police. It will not make any difference to the intent of the measure. It is merely a safeguard which will make people happier because they will know the man on the spot does not have any discretion to give instructions beyond the operation of section 54B of the Act.

It is a simple amendment and it is not terribly controversial. It merely proposes to write in an additional safeguard.

The Hon. G. C. MacKINNON: I hope the Committee does not agree with the amendment. The commissioner is bound by the Act as it is written, and it is no good changing the measure to read that he shall be bound by the Act, bound by the Act, bound by the Act!

The Hon. R. HETHERINGTON: I think the section concerned refers not to the commissioner, but to another member of the Police Force.

The Hon. G. C. MacKinnon: The result is much the same.

The Hon. R. HETHERINGTON: I wish the Government would accept the amendment, it would not do any harm, even if the Government thinks it will do no good.

Amendment put and negated.

Clause put and passed.

Clause 4: Section 54B repealed and re-enacted with amendments—

The Hon. R. HETHERINGTON: I move an amendment—

Page 4, line 33—Delete the word "shall" and substitute the word "may".

The Hon. G. C. MacKINNON: If this amendment were accepted the measure would be similar to the South Australian legislation. People need not apply for permission to march; but on the other hand they may apply for a permit. In that case there is a risk—I am not worried about protestors taking risks, but I am concerned about the risk they impose on others—that two groups might propose to march at the same time, and one receives permission and the other does not.

The two groups could meet head on in the middle of the street without the police being prepared for it. It would make the task of the police more difficult, and would put at risk people who should not be put at risk. We all ought to know the rules of the business, and people who want to march should be clear about the rules. If they want to continue their protests from one election to the next, they should abide by the rules just as we abide by our rules.

The Hon. R. HETHERINGTON: I suppose I do not really need to explain the amendment, because the Leader of the House has done that for me.

This amendment will alter the nature of the Government's measure; it will make it similar to the South Australian legislation. I do not envisage that most people would not give notice and would not apply for a permit. It would be in the interests of large marches and meetings to apply for permits, and most people who organise these things are sensible and would want to have a permit. However, the amendment does mean that one could hold a quick march or meeting if it were deemed necessary.

The proposition has worked quite well in South Australia and other States. The marchers and the police in South Australia mostly have co-operated well, although there have been times when that was not so. I believe if we accept this amendment we will achieve voluntary co-operation, and protestors and the police will have a happier relationship.

If the amendment were accepted and I were proved wrong, I would have to reconsider the situation. However, it would be a good idea to agree to the amendment to give people a choice. I cannot imagine that the majority of marchers would choose not to obtain a permit. Anybody organising a large march would want a permit to make the march more effective. If I may refer again to the FOR march through the City of Perth—of which I accidentally happened to be more or less at the head—the value of the exercise was that it was orderly, and the police organised and assisted the marchers.

It would be wrong for organisers of a march of that size not to notify the police, because it is extremely difficult to negotiate a large number of people through the city without police co-operation. The marchers would immediately fall foul of the law and would have to be stopped.

I do not think our views are as divergent as the Leader of the House seemed to think earlier; we simply differ in our methods.

I often think this measure will merely provoke confrontation, and if it means some people can use the measure to achieve confrontation for their own ends, and set up the Government, it might be better to have the whole situation more flexible.

I would ask the Committee to pass the amendment; certainly I would ask members seriously to consider it.

The Hon. G. C. MacKINNON: Again I find myself in agreement with a point made by Mr Hetherington, but again I find myself differing

entirely from his conclusions. We are in a Catch 22 situation; I agree with him that responsible people would undoubtedly apply for a permit, but the trouble is that mischievous people would not. Confrontation could be created. Mr Hetherington says confrontation will be created if the amendment is not passed, and we say if the amendment is passed mischievous protestors could create confrontation.

Again, I do not agree that we are gaining the same ends by different routes, and that methods do not matter. Methods matter totally in this world.

I believe implicitly that we must know the rules of the game, and we know the rules of the game if everyone must apply. That is the simplest way out; it eliminates at least one decision which must be made.

The Hon. GRACE VAUGHAN: The Minister said that one needs only to know the rules and therefore one then knows the methods, and that we all reach the same ends. I would hate to think the sort of end the Minister is envisaging is the same as mine, because the methods he would employ would certainly get us to very different ends.

The Hon. G. C. MacKINNON: I agree with you completely; we are miles apart.

The Hon. GRACE VAUGHAN: The whole thrust of the Opposition's questioning of this Bill is that we believe the boot should be on the other foot. Sure, let us have rules and let us know the procedure we are going to adopt. But let it not be the sort of procedure which enables a servant of the State to be telling us in what way we shall operate as members of a democratic society.

If we know there is likely to be need for police supervision of a meeting or procession—due to the keeping of order, the non-obstruction of roadways and so on—the Commissioner of Police, having been notified, should take such action as he would deem to be necessary by notifying those people who want to take part in the procession or demonstration that it would not be feasible for it to take place on that day, for a variety of reasons.

However, what is obviously in the mind of the Government, as expressed by the Minister, is that these demonstrators are a nuisance and that people who want to conduct a public meeting are bucking the system and are making it inconvenient for the Government. The Minister and the Government are not seeing it as an essential part of a democratic society that people should be demanding that there be processions and meetings. If they are not doing that, democracy is dead. This is the thing the Minister

will not seem to get into his thinking. He seems to have the negative approach that we must wait for the Commissioner of Police to say, "No"; that the public must apply for a permit.

The boot should be on the other foot. The public should notify the police that they are going to do a certain thing on a certain day. Only then should the police say—not out of any value judgment but simply based on what is feasible or practical—that it would not be feasible or practical to hold the demonstration or procession on that day because St. George's Terrace is to be dug up, or somebody else wants to march on that day, or the policemen's picnic is to be held on that day, or for whatever reason. The police should deal only with practicalities, and not with values. That is where we are at odds with the Government.

The Hon. G. C. MacKINNON: I wish members opposite would not try to have the best of all worlds. For the first 25 minutes of his speech during the second reading debate, Mr Hetherington tried to prove to us that we did not have a democratic society. I listened to him, and I remained unconvinced.

The Hon. R. Hetherington: I said, "democratic system".

The Hon. G. C. MacKINNON: I have never believed we have anything but an elected, representative system, but Mr Hetherington devoted a great deal of time to his philosophy.

Now, Mrs Vaughan stands and in 10 minutes confirms that indeed we have a democratic society. Members opposite cannot have it both ways. I agree with Mrs Vaughan that we are miles apart. I did not believe a thing she said. Maybe—disastrously—in the long run she will be right.

I do not see any situation in which the community—"community" means every man, woman and child in this State—should ask Commissioner Leitch if a certain group of people should be allowed to march; that to me is rubbish. If a small section of the community asked him for permission to march, he should be able to say, "No, you will inconvenience that other big section or that other small section." I think the rights of those people not wanting to protest are more important than those who do.

If these other people want to protest, let them go out to a cow paddock and protest to their hearts' content—provided they pay a farmer for the hire of his paddock. They should not protest in the streets; that upsets too many people.

The Hon. R. F. CLAUGHTON: It is typical of the Minister that he tries to give the impression

there is some division in the views held by members on this side; there is no difference of opinion.

The Hon. G. C. MacKINNON: There is a difference. Mr Hetherington said quite clearly we do not have a democratic society, and Mrs Vaughan said we did.

The Hon. R. F. CLAUGHTON: The Minister should read Mr Hetherington's speech; if he does he will see Mr Hetherington said nothing of the sort. He spent a lot of time talking about the general principles of a democratic system and referred to the fact that the system as it applied in this legislature was less than perfect. However, he did not say we did not have a democratic system. Those remarks of the Minister were a complete waste of time, and had nothing to do with the debate.

There is no difference of opinion between the views held by members on our side. Quite obviously, of course, there is a very solid front—in more ways than one—on the part of Ministers and members behind them. It is a pity they will not concede the value in the amendment moved by the Opposition, because it is an essential element in the change we are seeking to the legislation. It is only one word, but there is a vast area of difference between "shall" and "may". It is the change of this word which will allow what should be the unchallenged right of the community to express its views freely and in public to be enshrined in legislation.

The Minister made all sorts of allegations about what may prevail on the streets if this amendment is agreed to; however, of course, his remarks had nothing to do with the real world outside. We know that if a group of people tried to march through the streets of Perth at a busy time, there would be difficulties and, whether or not permission was sought, the police very quickly would be on the spot to take control.

We are simply asking that what should be the unchallenged right of citizens of this State—whether they form a majority or a minority—should be permitted to be expressed.

Their views, although unpopular at one time, in so many cases can in time become the majority view. The example which is freshest in our minds is the Vietnam moratorium marches. I very much doubt whether, if the current Commissioner of Police had been in control at that time, and had been granted powers contained in the existing Police Act, those people would have been allowed to march in the way they did:

The minority view when the debate first started became accepted across the Australian continent. The nation was grateful to pull out of that affair.

Unless minority groups are able to express their views, the opportunity to express a different point of view is restricted. That restriction can be caused by simple things such as not having a few dollars to undertake printing of leaflets or advertising. Certainly minority groups do not have access to public funds to the extent of the Government in respect of the Karratha affair. A sum of \$21 000 was spent in that instance. The Government used public funds to put its point of view across.

Minority groups do not have access to public funds. It is of little value to say that they can express their views at election time, because views are not formed instantaneously. They take a long time to be understood by the public. Complicated issues may be of vital importance to the community in the long term.

It is essential that we give to dissenting groups the right to operate in order to maintain the democratic health of our community. That is in the interests of all of us.

It is not difficult to understand the move by this Government to clamp down on dissent. Its reaction would be no different from that of any other government in similar circumstances.

The small change proposed is an essential step towards bringing in the subsequent changes we have on the notice paper.

The Minister mentioned the chance of two groups wanting to march on the same day. Other amendments we have proposed take account of that. Obviously two competing groups could not take to the streets at the same time. The Labor Party is aware of that, and it has proposed amendments to deal with that. I hope the Committee accepts the amendment that has been moved.

The Hon. R. HETHERINGTON: The Minister has misrepresented what I was supposed to have said in the first half hour of my speech. I have an advantage over him. I was not listening to my speech as I made it, but I have had the opportunity to read it since.

I said that we had some of the attributes of democracy in Western Australia. We may have more attributes than we lack; but I say we do not have a full democracy as far as our electoral system is concerned. I am concerned to assert that.

I also said I thought as far as the role of pressure groups in democracy was concerned, the

Premier did not seem to understand them very well, and he had something to learn. That is the case. I go along with what the leader said, but then I depart from him: yes, things are done differently today. There is no doubt about that. Our society is different. Our cities are bigger; the bureaucracy is larger. I am not using "bureaucracy" in a pejorative sense. There is a multiplicity of decisions. As one multiplies the decision-making and the people to make the decisions, one multiplies the occasions for making decisions.

I am wondering what definition the leader will provide in a moment. I will wait for it.

The Government is very large. Because of increasing secrecy and increasing expertise in the Public Service—I am not decrying that; it is one of those inevitable things that happen—people are becoming increasingly frustrated.

The CHAIRMAN: Order! I direct the attention of the honourable member to the fact that we are debating the deletion of the word "shall." Would he confine his remarks to the motion before the Chair?

The Hon. R. HETHERINGTON: I am sorry. I would not have followed this line had the Minister not made reference to what I was alleged to have said.

The CHAIRMAN: There has been a great deal of latitude on both sides. I think we should return to the amendment before the Chair.

The Hon. R. HETHERINGTON: As far as the deletion of the word "shall" and its ultimate replacement by the word "may" is concerned, I view the role of pressure groups differently. They should be encouraged. They are necessary. They need to be encouraged to be responsible. We can do this by giving them discretion and allowing them the right to speak. They have a most important role to play in the community. Therefore I claim that this is a good amendment. Despite the things the Minister said and the things I was alleged to have said, the amendment should be supported.

The Hon. LYLA ELLIOTT: I want to ask the Minister a question. He mentioned that the protestors could go out in the cow paddock and have their meetings. Some people may think he is being facetious; but I think he is serious. Therefore I would like him to define what proposed new section 54B(1)(a)(ii) means.

The CHAIRMAN: I ask the member to confine her remarks to the motion before the Chair. We are dealing with the deletion of the word "shall".



The Hon. LYLA ELLIOTT: I will ask the question after you put the amendment, Mr Chairman.

Amendment put and a division taken with the following result—

Ayes 7	
Hon. D. W. Cooley	Hon. F. E. McKenzie
Hon. Lyla Elliott	Hon. Grace Vaughan
Hon. R. Hetherington	Hon. R. F. Cloughton
Hon. R. T. Leeson	(Teller)

Noes 18	
Hon. G. W. Berry	Hon. N. F. Moore
Hon. H. W. Gayfer	Hon. O. N. B. Oliver
Hon. T. Knight	Hon. W. M. Piesse
Hon. A. A. Lewis	Hon. I. G. Pratt
Hon. G. C. MacKinnon	Hon. J. C. Tozer
Hon. Margaret McAleer	Hon. R. J. L. Williams
Hon. T. McNeil	Hon. W. R. Withers
Hon. N. McNeill	Hon. D. J. Wordsworth
Hon. I. G. Medcalf	Hon. G. E. Masters
	(Teller)

Pairs	
Ayes	Noes
Hon. R. H. C. Stubbs	Hon. N. E. Baxter.
Hon. D. K. Dans	Hon. R. G. Pike

Amendment thus negatived.

The Hon. LYLA ELLIOTT: I would like the Minister to define proposed new subsection (1) (ii) relating to what is a public place. It states that a place shall not be taken to be a public place unless it is a place which is usually open or accessible to the public in general at all times. Does that refer only to parks and ovals and the Esplanade or does it include public halls?

The Hon. I. G. MEDCALF: This is written in a negative form. It means the public in general as distinct from any particular section of the public. A hall would not usually be open or accessible at all times; nor would the WACA ground, a scout hall, an RSL hall, or a church hall. The Esplanade would be open and accessible to the public at all times.

The Hon. R. HETHERINGTON: What about the Town Hall?

The Hon. I. G. MEDCALF: No; that would not be included. Very few halls, if any, are accessible at all times—not even churches.

The Hon. Lyla Elliott: Even an oval?

The Hon. I. G. MEDCALF: A football oval which is enclosed is not a public place. The Subiaco football ground is not, the WACA is not, and the East Fremantle Oval is not. No oval could be considered unless it was open, say without a fence all around it.

The Hon. R. HETHERINGTON: I move an amendment—

Page 5, lines 2 and 3—Delete the words “requesting that a permit be issued under this section in respect”.

There is no need to spend much time on this as we have already debated the issue in one way or another for quite some time. This amendment would simply mean that although the commissioner had to be notified of an impending march or meeting, he would not have to be asked for permission. He would then have to take other action if he wanted to refuse permission. This would preserve the freedom of people to notify him and go their way. I ask members to support this amendment.

The Hon. G. C. MacKINNON: For obvious reasons the Government simply cannot accept this amendment. A permit has to be issued under this section in respect of a public meeting or procession or both. The commissioner has to say, “Okay”. This is a sort of continuation of the argument about the words “shall” or “may”. I hope the Committee will not agree to the amendment.

Amendment put and a division taken with the following result—

Ayes 7	
Hon. D. W. Cooley	Hon. F. E. McKenzie
Hon. Lyla Elliott	Hon. Grace Vaughan
Hon. R. Hetherington	Hon. R. F. Cloughton
Hon. R. T. Leeson	(Teller)

Noes 18	
Hon. G. W. Berry	Hon. N. F. Moore
Hon. H. W. Gayfer	Hon. O. N. B. Oliver
Hon. T. Knight	Hon. W. M. Piesse
Hon. A. A. Lewis	Hon. I. G. Pratt
Hon. G. C. MacKinnon	Hon. J. C. Tozer
Hon. Margaret McAleer	Hon. R. J. L. Williams
Hon. T. McNeil	Hon. W. R. Withers
Hon. N. McNeill	Hon. D. J. Wordsworth
Hon. I. G. Medcalf	Hon. G. E. Masters
	(Teller)

Pairs	
Ayes	Noes
Hon. R. H. C. Stubbs	Hon. N. E. Baxter
Hon. D. K. Dans	Hon. R. G. Pike

Amendment thus negatived.

The Hon. R. HETHERINGTON: I move an amendment—

Page 5, line 6—Add after the word “information” the words “and proposals”.

It seems to the Opposition that people cannot always give firm information, but they can give information about some matters and they can tell the commissioner of their proposals about others. I do not intend to pursue this, but I thought I would give the Leader of the House the opportunity to accept an amendment. I will see what he does with it.

The Hon. G. C. MacKINNON: It would be ludicrous to expect us to accept an amendment on the grounds put forward by the member. He is fully aware that it is really just a proposal for the sake of a proposal, otherwise he would not have treated it in this way. We do not accept the amendment.

Amendment put and negatived.

The Hon. R. HETHERINGTON: As the other amendments on the notice paper are consequential on the amendments which have been defeated, I do not intend to move them. However, I move an amendment—

Page 7, line 20—Insert after subsection (5) the following new subsections to stand as subsections (6), (7), and (8)—

(6) Where permission for a public meeting or procession is withheld under subsection (5) of this section, the Commissioner of Police or an authorised officer shall—

- (a) set forth the grounds upon which permission is withheld;
- (b) serve upon the person or body proposing to hold the public meeting or procession a copy of the grounds upon which permission is withheld; and
- (c) give notice at least two days before the date of the proposed public meeting or procession that permission is withheld—

(i) in a newspaper circulating generally throughout the State; or

(ii) in such other manner as to ensure as far as reasonably practicable that prior to the proposed public meeting or procession, it will come to the attention of those who intend to participate in the proposed public meeting or procession.

(7) Where permission has been withheld under subsection (5) of this section—

- (a) the person or body proposing to hold the public meeting or procession may apply to a stipendiary magistrate for an order that a permit be granted;

(b) the magistrate may upon hearing such an application, dispense with formal procedures and

(i) if he is not satisfied that sufficient grounds have been established for permission to be withheld, grant a permit, with or without a variation of the proposals contained in the notice of the public meeting or procession; or

(ii) uphold the grounds upon which permission has been withheld.

(8) Where two or more notices are given under subsection (2) of this section in respect of the same public meeting or procession—

(a) only one of those notices shall be valid and effective for the purposes of this section, and

(b) the Commissioner of Police or an authorised officer shall determine finally and conclusively which of the notices is valid and effective for the purposes of this section.

Before I deal with the main body of the amendment, perhaps I could draw the attention of members to proposed new subsection (8) which may appear to be inconsistent with the other proposed new subsections, because it gives the commissioner or an officer power to do something without the right of appeal. We are assuming, of course, that if two people applied, it would be a case of first-come first-served and this is more or less a formality.

The Labor Party takes the matters contained in the amendment very seriously. We believe the decision should not merely be left in the hands of one man. I said this during the second reading debate and I have mentioned it on other occasions tonight. Therefore, I do not intend to deal with the matter at any great length, because I am sure the Leader of the House and members generally are aware of my argument.

We believe men—even commissioners—can make mistakes and there should be the right of appeal to a judicial officer if people who have been refused permission wish to appeal. The commissioner should be asked to state on which of the grounds set out in the Act he has refused permission, if he does so. If the people who wish to hold a meeting feel the grounds given by the

commissioner are inadequate, they should be able to bring the matter before a magistrate for a final decision so that it is examined by two people. In that way we would have an inbuilt system of checks and balances which is also part of democracy and a notion which came from Montesquieu and which has been handed down to us through the Westminster system.

We could well include it here and in this way improve the Bill. It would add a little more democratic flavour than it has at the present time and I therefore commend this amendment to the Minister and this Chamber and hope that the Minister will see fit to accept it because it is sensible. Even the Minister should accept that this is an eminently reasonable amendment.

The Hon. O. N. B. OLIVER: How do you see the practicalities of a stipendiary magistrate assessing—

The Hon. R. HETHERINGTON: The commissioner would outline his reasons and the appellants would outline their reasons and the stipendiary magistrate would decide whether the commissioner's reasons were sufficient and within his powers under the Act; as would be the case in any other appeal. This would not be difficult. I cannot imagine any magistrate lightly overthrowing a commissioner's decision. We must remember that, like Homer, everyone nods, and were the provision to be included, any police officer would ensure his decision was correct.

There is much to commend the amendment.

The Hon. W. R. WITHERS: We have not had much time in which to consider the amendment. However I would ask the same question posed by Mr Oliver. The amendment reads okay, but it would not be practical. The amendment is requesting at least two days' notice in writing for the reasons for the refusal of a permit for a meeting. Then an application is to be made to a stipendiary magistrate requesting that he dispense with all formalities and reconsider the situation. This should allow the group wishing to hold the meeting time in which to advertise that the meeting is still on. However if we consider the practicalities of the position—and this is the point Mr Oliver was trying to make—that a meeting is to be held on a Monday morning and the notice must be given two days' beforehand, that would mean that the magistrate would have to consider the matter on Saturday or Sunday. This would not be practical. This amendment has been conceived in quite a hurry and would not be practical. Therefore it cannot be considered.

The Hon. G. C. MacKINNON: The points made by Mr Withers are quite valid but

consideration should be given to another matter. The thinking behind the amendment is based on a false premise; that is, that great difficulties exist in obtaining a permit to march. Of course, no difficulties do exist. During the tenure of several commissioners no trouble has been experienced. That is not the reason for the amendment. As Mr Tozer knows better than anyone else, the situation which arose was purely and simply a result of manipulation. It had nothing to do with any trouble experienced in obtaining a permit for a march.

Two days earlier a permit for a march in the same area had been obtained without any trouble at all. Over the last several years 535 permits, or a figure of that nature, were granted and only one or two were refused.

The Hon. R. Hetherington: There were 553.

The Hon. O. N. B. OLIVER: On the 29th May a permit for a march in Port Hedland was granted to the Seamen's Union on three hours' notice.

The Hon. G. C. MacKINNON: There were no problems there. The commissioner may wish to refuse a request because he has, on the day in question, two marches and a football final and his men are already deployed. After all, the police are there to protect the people and the marchers themselves and people who may wish to put on a countershow. If the applicant is granted an appeal by the magistrate it is of no use if the police officers cannot be in attendance. So it is really a matter for the Commissioner of Police to consider. I think the answer was provided in another place. If the Liberal Party and the Labor Party wish to march on the same day, to whom would the commissioner grant the permit? Would he toss a coin?

The Hon. R. Hetherington: It should be granted to the one who requested first. They would not arrive simultaneously.

The Hon. G. C. MacKINNON: They could, so how could that be decided? Mr Withers has put forward very good reasons showing that this is not practical. Permits to march are very simple to obtain. There is no doubt about that. The Government is bending over backwards with regard to the whole Bill to make the position more clear.

The Hon. LYLA ELLIOTT: I wish to clarify two points to which Mr Oliver made reference and to which the Minister also referred; that is, that the Seamen's Union obtained permission to march in three hours. I am holding a Press cutting from *The West Australian* of the 14th June under the heading, "Union said police were approached". It states—

The Amalgamated Metal Workers and the Shipwrights' workers official said yesterday they had made two approaches . . .

### *Point of Order*

The Hon. G. C. MacKINNON: This particular question is dealing with a case that has not been determined.

The CHAIRMAN: I was about to question the validity of that. The honourable member is quoting what I believe has a direct relationship to a judicial determination which is being held.

The Hon. LYLA ELLIOTT: Very well. I will not continue reading it but I must point out that the Minister has given further indication of the fact that it is all right for the Liberal Party and Liberal speakers to express an opinion but he is now stifling my answer to the lies which have been told.

### *Committee Resumed*

The Hon. R. F. CLAUGHTON: The Minister changes his views as he changes his seats. I remember very well debates in this Chamber when the Minister was sitting on this side. He and his colleagues asserted very strongly their belief in the right of appeal and now we see it is treated in a very flippant manner with respect to this very important matter.

Quite obviously a situation will arise where the provisions as set out in this amendment could not be implemented. An example was given by a previous speaker concerning a march that can arise spontaneously. The police were approached and permission was granted for the march. If that permission had been refused there would have been no way available for an approach under the procedure set out in the proposed amendment, and the event would have passed before the application could get under way. In that case, the seamen would have been marching illegally.

The proposals put forward by the Government are of such a nature that they are likely to cause provocation. The genesis of confrontation is in this legislation. There will be no difficulty where a written request is made to the relevant authority, but we are talking about the circumstances where a spontaneous demonstration arises. The Government has indicated that only on few occasions is approval refused. I do not understand the reluctance on the part of the Government to include this provision. It would not cause any inconvenience because it would not be called into use very often.

For the satisfaction of those people who will be disadvantaged by not having permission granted, we should include a procedure by which they can be satisfied, or through which they can explain their point of view and have the issue brought before an independent person. They would then be much more contented with the decision. In the situation set out in the Bill all they would get would be a bald refusal, and they would feel antagonistic towards the Police Force.

I thought the Government would have been anxious to incorporate this type of machinery which would prevent an undesirable situation arising. Surely our role should be one of promoting social harmony instead of social discord. The amendment proposed by Mr Hetherington is a step towards ensuring that social harmony was the rule.

The Hon. LYLA ELLIOTT: I endeavoured earlier to quote from a newspaper article, but a point of order was taken on me. Since then I have had time to think about the matter and in view of the fact that the article was published in *The West Australian* following the court appearance of the trade unionists on the 12th June, and in view of the fact that the newspaper was not charged with contempt of court, I fail to see why I should have been sat down for quoting the statement which appeared in the paper. If the paper was not in contempt of court, my quoting of a section of the report should not be considered to be out of order.

The CHAIRMAN: In order to be consistent with the attitude adopted by the President earlier in the sitting, I feel that the quotation from the newspaper has a direct bearing on the judicial situation of the present case. Therefore, I believe that under parliamentary practice it is desirable that that line of reasoning not be upset. I suggest the honourable member confine her remarks to the amendment.

The Hon. LYLA ELLIOTT: I wish the presiding officers has been consistent with Mr Oliver and the Minister.

The CHAIRMAN: Order! The question is that the passage be inserted.

The Hon. D. W. COOLEY: After all that has been said by Government members, particularly Mr Masters by way of a speech, yourself, Mr Chairman, by way of a speech, and by, Mr Withers by way of interjection, I thought the Government would have been in favour of this amendment.

The Hon. W. R. Withers: I did not interject; I gave reasons.

The Hon. D. W. COOLEY: If the Commissioner of Police refuses to give approval for a public meeting, those people who apply should have the right to go to law and have the matter determined. I am worried that the Act is to be amended principally because of the actions of the Commissioner of Police.

The Hon. G. C. MacKinnon: That is not true.

The Hon. D. W. COOLEY: If Commissioner Wedd had been in charge these chaps would not have been arrested.

The Hon. G. C. MacKinnon: That is not true either; that is not the situation.

The Hon. D. W. COOLEY: Commissioner Leitch has admitted he has a different attitude from that of Commissioner Wedd.

The Hon. G. C. MacKinnon: But that has nothing to do with it; it was the manipulation of the situation.

The Hon. D. W. COOLEY: I say that is not so. There is a danger if someone does not have the right to be looking over the shoulder of the commissioner with respect to his rights in this matter. The Government has clearly stated that it will not interfere with the Commissioner of Police.

The Hon. G. C. MacKinnon: That is right.

The Hon. D. W. COOLEY: The Bill states that the Commissioner of Police, or an authorised officer, shall not withhold permission for a public meeting or procession in respect of which due notice has been given unless he has reasonable grounds for apprehending that the proposed meeting may interfere with the rights of individuals. Who will determine whether he has reasonable grounds? Himself, alone.

The Hon. R. J. L. Williams: No, a person can go to a court and issue a writ.

The Hon. D. W. COOLEY: I do not accept the situation that a writ has to be issued. The purpose of the meeting might be lost before the applicant got to the court. A writ cannot be issued straightaway.

The Hon. Neil McNeill: What makes the honourable member think that a magistrate could do it quicker?

The Hon. D. W. COOLEY: He would be more readily available. I believe the Bill gives too much power to the Commissioner of Police. I know from personal experience that the present commissioner has a different approach to the question of public meetings and public processions from that of past commissioners; I have been told by past commissioners, by way of letters. We found that by going to the Commissioner of Police, or to the

officer in charge of traffic, and giving reasonable notice, he would have policemen present to see us on our way. That avoided confrontation in the street with policemen blocking the way.

But that is not the attitude of this commissioner.

The Hon. G. C. MacKinnon: Tell me again how many applications this commissioner has refused.

The Hon. R. Hetherington: Two.

The Hon. D. W. COOLEY: That is another point I would like to make. If he refuses so few, what is wrong with the few he does refuse being determined by a magistrate?

The Hon. G. C. MacKinnon: I have already told you about that.

The Hon. D. W. COOLEY: I do not denigrate Commissioner Leitch. I do not know him but I have the greatest respect for the police from the commissioner down to the most junior constable.

The Hon. I. G. Pratt: You don't share Miss Elliott's views then?

The Hon. D. W. COOLEY: I do not know her views. I respect the police and I have brought my children up to respect the police in every regard. It worries me when I see the commissioner making political statements and saying there is something wrong with Communism and this, that, and the other thing. I do not think under those circumstances he should have the right to determine that a procession of the Communist Party should not be held through the streets of Fremantle or Perth. Members of the Communist Party are citizens of this country. There is no ban or legal bar against Communism at this time and if Communists want to hold a procession they should be able to do so. But having regard to the statements made by Mr Leitch and this legislation, I do not think he would give them permission, and if he does not give them permission I think they have a right to go to law on appeal. I repeat that if the Government believes so much in law and order there is nothing wrong with people going to law if they are aggrieved in respect of a particular application.

The Hon. GRACE VAUGHAN: I want to clear up some of the points that have come out in this Committee discussion. It seems quite obvious that the Minister is doing what the Minister handling the 1976 Bill did; that is, saying, "But that is not the intent; this will not happen." We are dealing with the words in the Bill which will become part of the Act. They say the Commissioner of Police has the right, without being answerable to anybody, to decide to

withhold permission. The fact that this has not happened before does not mean it could not happen in the future. It does not mean that the next commissioner or even this commissioner if he takes a dislike to other sections of the community—he has already taken a dislike to a few—will not be biased in his decision-making. He is human; he has his own biases, prejudices, likes, and dislikes.

The Hon. G. C. MacKinnon: Nothing will convince you. You have this totally by the wrong end. You just do not understand it. The trouble was about manipulation by two people. It has nothing to do with the law.

The Hon. GRACE VAUGHAN: I know the Government is reactionary and conservative but surely it does not introduce Bills completely in a reaction to public criticism. It is blatantly saying, "We are only doing this as a face-saving measure because it was alleged there was some manipulation, which of course is to be denied categorically." That is the Government's excuse. Are we making laws for the future in a knee-jerk reaction to something that happened at Karratha? Will this be part of an Act which will obtain whether or not Karratha is still on the face of the earth?

The Hon. G. C. MacKinnon: We are trying to alter the situation so that it cannot be manipulated.

The Hon. GRACE VAUGHAN: This is the law we are making and for which we in this Chamber are responsible. The Minister cannot understand that what the words say is the way in which the law will be implemented, and the words say the Commissioner of Police has the right to withhold permission if he wants to. He does not have to be answerable to anybody.

The Hon. G. C. MacKinnon: He does. He cannot withhold permission.

The Hon. GRACE VAUGHAN: Who will tell him he cannot? The Bill does not say anything about his being unable to withhold permission. Will he be sacked if he withholds permission without reasonable grounds for doing so? Who will do that? Not the Premier, because he will not interfere with the machinery of the Police Department.

The Hon. G. C. MacKinnon: It is hopeless trying to explain it to you.

The Hon. GRACE VAUGHAN: It is hopeless trying to make the Minister understand sense. I am sure that in his heart the Attorney General agrees with me that what is written in the law is what is implemented, and that is the way it should be; but the Minister does not want to see it that

way. If we go to the extent of passing this infamous Bill, at least the Government might try to redeem what has been done by allowing some sort of appeal; but it has made no attempt to provide for any appeal from a decision made by a servant of the State in regard to whether or not a procession or meeting can be held. This of course reflects the Government's attitude which has been enunciated very clearly by the Minister. He sees public meetings, processions, and demonstrations, as being pathological or diseased.

The Hon. G. C. MacKinnon: You ought to give up social work and take to writing fairy stories.

The Hon. GRACE VAUGHAN: He says the most important thing is that the rest of the community should not be disadvantaged by the procession, as though the whole of Perth will be standing on the footpaths being disadvantaged. In fact, there are usually fewer people on the footpaths than in the processions.

The Hon. G. C. MacKinnon: Most people think processions are entertaining.

The Hon. GRACE VAUGHAN: The Government thinks people should wait until the next election. That is an elitist attitude. What right has the Minister to say people should not protest?

The Hon. G. C. MacKinnon: None at all.

The Hon. GRACE VAUGHAN: Of course not. Neither he nor the commissioner, nor anybody else has the right to say whether or not people can protest. That is anti-democratic. All the Minister is concerned about is that people should go along like morons and automatons to the ballot box to put in their votes. He does not believe people should have any say between elections; and some sections of the community should not have a say in elections in any case, according to the Government.

Our amendment attempts to give some semblance of a democratic right to the people by saying the Commissioner of Police shall be answerable to somebody if he withholds permission for a procession, a public meeting, or whatever it may be.

Of course it is very difficult to frame an amendment that is contingent on the passage of another amendment. Even if the Government can find something technically incorrect with this amendment, if it could at least accept the principle of some sort of appeal, it would overcome this drastic problem of giving away democracy to a particular servant of the State who has himself admitted to certain biases.

Let us take the situation of two applications for permits being received for the one day. Is the Commissioner of Police likely to grant permission to the Communist Party to hold a procession through the streets of Perth or is he likely to grant permission to the Liberal Party? I know which one he would choose.

The Hon. W. R. Withers: This amendment would not suit your requirements.

The Hon. GRACE VAUGHAN: What would happen if the conservationists who have already incurred his displeasure at Wagerup should apply to hold a meeting? This provision contains an inbuilt right for the Commissioner of Police to exercise his bias and prejudice. That is very dangerous in a democratic community. We should most certainly have the protection of a right of appeal.

The Government ought to hang its head in shame that it has introduced this legislation. However, it would never be able to raise its head again if there were no appeal from such an iniquitous imposition on a democratic society.

The Hon. R. HETHERINGTON: I find it very difficult to follow the reasoning of the Leader of the House. In my speech I said that of 555 applications, two have been rejected, and the Leader of the House and I had a little debate across the Chamber as to whether they were rejected properly or not. My view is that it would have been more democratic if appeals had been permitted to go to a magistrate in those cases. Even the rejection of one application is important. It may be the very decision that people wish to appeal against.

I would have thought the mere fact it is so easy to obtain permission to hold a procession would be in favour of the amendment. Because permission is usually given now, that does not stop a new Commissioner of Police or a new Government from behaving differently.

I could not understand the interjection of the Leader of the House when he said that the reason for the introduction of the Bill was manipulation. Even if we accept this to be true—so what? In the future when this legislation is being interpreted, people will not say, "The Act means so-and-so because it was brought in for a certain reason." If we considered the reasons for the introduction of the Constitution of Australia, interpretations of the High Court would be quite different from what they are today.

It may be that the next Commissioner of Police will be unreasonable. We are never quite sure of the way in which people appointed to statutory authorities will behave. How could anyone believe

that a magistrate would not be reasonable if the Commissioner of Police could put reasoned arguments before him? Our amendment is merely to provide a safeguard in case things go wrong. It is possible that an application may be refused by the commissioner for the wrong motives, and if that happens, it is desirable to have an appeal provision in the Bill. For this reason I believe the Leader of the House should rethink his position and accept the amendment.

The Hon. D. W. COOLEY: Members may recall that during my second reading speech I referred to the Hon. John Williams' remarks on the Police Act Amendment Bill of 1976. I would like now to inform Mr Williams that in his absence I said I had the greatest respect for his opinion, and that I enjoy hearing him speak. In 1976 Mr Williams said—

If the Commissioner of Police has an objection to a certain meeting, has not anyone the right of appeal to a court of law to object? Deny that! Deny that they cannot say they disagree with the commissioner's ruling and that a court of law would not decide whether or not the meeting was unlawful.

That was quite dramatically said, and I might say that apart from the Minister, Mr Williams was the only Government member to contribute to the second reading debate. Later on he said—

My learned colleague, the Hon. I. G. Medcalf, is not in the Chamber at the moment to tell me I am wrong, but my understanding is that a person could apply to a judge in chambers, and he could adjudicate within 24 hours.

The Attorney-General was not in the Chamber at that time. I wonder whether we could now seek his opinion. Would an appeal be available quickly at little expense and with few formalities as suggested by the Hon. John Williams?

The Hon. I. G. MEDCALF: I am quite satisfied that if the commissioner does not make his decision on one of the grounds specified in the legislation, a right of proceeding through a court would be available. The proceeding would be by way of a request for a declaration from the court or by a writ of *mandamus*. I believe a proceeding would be open to anyone who believed the commissioner did not exercise his judgment upon reasonable grounds. The commissioner is bound to make his decision in favour of the assembly or procession unless he has reasonable grounds for believing that one of the four situations referred to in the Bill applies.

I do not believe the commissioner has any other choice in the matter. This is the only measure in Australia which lays down actual grounds and requires the commissioner to grant an application unless he has reasonable grounds for believing certain things. I believe he could be challenged on this basis.

I believe also that if the correct procedures are not followed, the matter probably would be open to attack through the office of the Parliamentary Commissioner for Administrative Investigations.

Amendment put and a division taken with the following result—

Ayes 7	
Hon. D. W. Cooley	Hon. F. E. McKenzie
Hon. Lyla Elliott	Hon. Grace Vaughan
Hon. R. Hetherington	Hon. R. F. Cloughton
Hon. R. T. Leeson	(Teller)
Noes 17	
Hon. G. W. Berry	Hon. O. N. B. Oliver
Hon. H. W. Gayfer	Hon. W. M. Piesse
Hon. T. Knight	Hon. I. G. Pratt
Hon. A. A. Lewis	Hon. J. C. Tozer
Hon. G. C. MacKinnon	Hon. R. J. L. Williams
Hon. Margaret McAleer	Hon. W. R. Withers
Hon. N. McNeill	Hon. D. J. Wordsworth
Hon. I. G. Medcalf	Hon. G. E. Masters
Hon. N. F. Moore	(Teller)

Pairs	
Ayes	Noes
Hon. R. H. C. Stubbs	Hon. N. E. Baxter
Hon. D. K. Dans	Hon. R. G. Pike

Amendment thus negatived.

Clause put and a division taken with the following result—

Ayes 17	
Hon. G. W. Berry	Hon. O. N. B. Oliver
Hon. H. W. Gayfer	Hon. W. M. Piesse
Hon. T. Knight	Hon. I. G. Pratt
Hon. A. A. Lewis	Hon. J. C. Tozer
Hon. G. C. MacKinnon	Hon. R. J. L. Williams
Hon. Margaret McAleer	Hon. W. R. Withers
Hon. N. McNeill	Hon. D. J. Wordsworth
Hon. I. G. Medcalf	Hon. G. E. Masters
Hon. N. F. Moore	(Teller)
Noes 7	
Hon. D. W. Cooley	Hon. F. E. McKenzie
Hon. Lyla Elliott	Hon. Grace Vaughan
Hon. R. Hetherington	Hon. R. F. Cloughton
Hon. R. T. Leeson	(Teller)

Pairs	
Ayes	Noes
Hon. N. E. Baxter	Hon. R. H. C. Stubbs
Hon. R. G. Pike	Hon. D. K. Dans

Clause thus passed.

Title—

The Hon. I. G. MEDCALF: I wish to correct a statement made earlier. It was suggested the Federal Attorney General and I had taken two months to complete our review of the law of public assembly; in fact, the time taken was

approximately five weeks, and we were aided by a number of very learned assistants and officers.

It was said that one ALP member had an office girl who could have done the job in 2½ hours. I would be very grateful to know her name and address. She is obviously extremely capable and no doubt helps the member concerned in the preparation of his speeches. Such a brilliant girl could be of great use to the Government.

Title put and passed.

### Report

Bill reported, without amendment, and the report adopted.

### BILLS (5): ASSENT

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

1. Trade Descriptions and False Advertisements Act Amendment Bill.
2. Health Education Council Act Amendment Bill.
3. Margarine Act Amendment Bill.
4. Iron Ore (Hamersley Range) Agreement Act Amendment Bill.
5. Western Australian Marine Act Amendment Bill.

### ADJOURNMENT OF THE HOUSE

THE HON. G. C. MacKINNON (South-West—Leader of the House) [1.02 a.m.]: I move—

That the House do now adjourn.

### Parliament House Car Park: Theft of Footballs from Car

THE HON. I. G. PRATT (Lower West) [1.03 a.m.]: I apologise for detaining the House at this late hour; however, I have something to say which needs to be said tonight, and I hope members will bear with me.

Those of my colleagues who know me fairly well will know that in what I might regard as my "spare time" I coach a junior football team, the Armadale under-12s, and have done so for the last two seasons. I coach the boys between 4.00 p.m. and 5.00 p.m. on Mondays and Fridays, which is the only time I can fit them in. This year they have won their way through to the first semi-final, to be played on Saturday morning, and tomorrow is the last training session for the boys before they play in the semi-final.



Last night when I went to my vehicle to drive home I noticed that the rear window of my station wagon had been wound down, and looking inside, I saw that the three footballs I use to train these lads with and the pump had been stolen. I understand other articles were taken from the car park; members of the Press lost things from their vehicles.

I believe I should publicly express my feelings about this incident. The people who decided to steal these footballs from my car were not stealing from me but from a group of 11-year-old boys, and I hope there is some way this can be got through to them.

I wish to express my disgust for their action. I have just been told that something has happened in the car park tonight which may lead to the recovery of the stolen articles; I sincerely hope that is the case. I will need to borrow footballs to enable me to complete the last training night with the boys; it should never had been necessary for me to do so.

Once again, I express my disgust that people should act in this manner.

Question put and passed.

*House adjourned at 1.05 a.m. (Thursday)*

## QUESTIONS ON NOTICE

### EDUCATION DEPARTMENT

#### *New Headquarters*

194. The Hon. F. E. McKENZIE, to the Leader of the House representing the Treasurer:

- (1) Would the Minister advise the total amount of funds the Superannuation Board has made available to the Education Department for the building of its new headquarters at East Perth?
- (2) Was the award amount of \$10 000 to the successful architects and designers paid by the Superannuation Board or the Education Department?
- (3) What section of an Act or regulation allows the Superannuation Board to advance funds for—
  - (a) the building of the headquarters; and
  - (b) the payment of the award?

The Hon. G. C. MacKINNON replied:

- (1) No funds have been made available by the Superannuation Board to the Education Department for the building. The building will be constructed and owned by the Superannuation Board, leased to the Government, and occupied by the Education Department.
- (2) The Superannuation Board.
- (3) (a) Subsection (c) of section 25.
  - (b) The amount of the award paid to the successful architect will be included in the architect's costs and will therefore form part of the capital cost of the building which will be covered in rental charged by the board.

### EDUCATION ACT

#### *Regulations: Misconduct*

195. The Hon. R. HETHERINGTON, to the Minister for Lands representing the Minister for Education:

- (1) Is it the intention of the Minister for Education to make subregulation (1) (f) of the new regulation 134, gazetted on

the 17th August, 1979, the subject of a separate regulation so that inefficiency or incompetence will no longer be labelled misconduct?

- (2) If this is the Minister's intention, when may we expect the new regulation to be gazetted?

The Hon. D. J. WORDSWORTH replied:

- (1) and (2) It is intended that inefficiency or incompetence will be the subject of a separate regulation which is presently being drafted.

### FISHERIES

#### *Transport: Regulations*

196. The Hon. F. E. McKENZIE, to the Minister for Lands representing the Minister for Health:

- (1) Do the meat transport regulations 1969, also apply to the conveyance of fish?
- (2) If not, will the Minister advise the title of the regulations applying, and the *Government Gazette* in which they were so published?

The Hon. D. J. WORDSWORTH replied:

- (1) No.
- (2) There are no regulations in effect.

### EDUCATION: SCHOOL BUSES

#### *Physically Handicapped Children*

197. The Hon. R. HETHERINGTON, to the Minister for Lands representing the Minister for Education:

- (1) Is the Minister aware that the buses provided for physically handicapped children have no access provisions so that children of up to 57 kilos—9 stone—in weight have to be lifted up the steps of the bus by the bus driver or a parent—usually the mother?
- (2) Will the Minister inquire about the possibility of having access provisions incorporated into these buses, and give me early advice about the results of his inquiries?

The Hon. D. J. WORDSWORTH replied:

- (1) Drivers of buses carrying physically handicapped children are paid a special allowance for lifting the children on and off the vehicle. In addition, an aide travels on each bus to assist the driver.
- (2) This matter has been examined and the department has no plans to change the present procedures.

### FISHERIES

#### *Transport: Regulations*

198. The Hon. F. E. McKENZIE, to the Minister for Lands representing the Minister for Health:

- (1) Is the Minister aware that a document titled 'Proposed New Health Department Regulations for the Transport of Fish' is causing concern among professional fishermen because some of the provisions appear unnecessary, unreasonable and harsh to them?
- (2) Has the effect of these proposed regulations been discussed with the Fisheries and Wildlife Department or any of the associations representing the fishermen?
- (3) If not, will the Minister give an assurance that discussions will take place with the Fisheries and Wildlife Department and the associations concerned, if requested prior to the regulations being gazetted?

(4) Is it the intention of the Public Health Department to gazette the new regulation?

(5) If so, could the Minister give an approximate date on when this is likely to be effected?

The Hon. D. J. WORDSWORTH replied:

- (1) Yes.
- (2) Yes.
- (3) Not applicable.
- (4) No decision has been made. The regulations are still in draft form.
- (5) Not applicable.

### EDUCATION: HIGH SCHOOL

#### *Belmont*

199. The Hon. R. HETHERINGTON, to the Minister for Lands representing the Minister for Education:

Bearing in mind the recommendations of the Schools Commission for cuts in funds for capital expenditure, can the Minister assure me that the rebuilding of Belmont High School will begin in 1980?

The Hon. D. J. WORDSWORTH replied:

Yes.