

Legislative Assembly

Tuesday, the 7th December, 1971

The SPEAKER (Mr. Norton) took the Chair at 4.30 p.m., and read prayers.

BILLS (4): ASSENT

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

1. Companies Act Amendment Bill.
2. Bills of Sale Act Amendment Bill.
3. Traffic Act Amendment Bill.
4. Traffic Act Amendment Bill (No. 2).

QUESTIONS (10): ON NOTICE

1. UNDERGROUND WATER SUPPLIES

Desalination

Mr. W. A. MANNING, to the Minister for Water Supplies:

In view of the policy which refuses water from Wellington Dam for market gardens and some other purposes, will he advise concerning any recent developments in desalination which would economically allow the use of the available underground water on the site where it is found?

Mr. T. D. EVANS (for Mr. Jamieson) replied:

An economic method of desalination of groundwater for irrigation, in the quantity and in the context implied by the question, is unknown to officers of the Public Works Department.

2. EDUCATION

Official School Terms

Mr. BERTRAM, to the Minister for Education:

- (1) What are the official school terms for Government and independent schools for 1972?
- (2) Do these vary in any way, and, if so, how for schools in remote areas?

Mr. T. D. EVANS replied:

- (1) (a) Government schools—
7th February—12th May.
29th May—25th August.
11th September—15th December.
- (b) Independent schools—
School terms are determined by individual schools but the most common pattern is—
8th February—10th May.
30th May—23rd August.
12th September—4th December.

- (2) Government schools north of 26th parallel of latitude may with the approval of the Education Department vary school terms as follows—

14th February—19th May.

29th May—25th August.

11th September—15th December.

3. WANNEROO SHIRE

Letter re Fuel Selling

Mr. O'CONNOR, to the Minister representing the Minister for Local Government:

- (1) Did the Minister receive a letter from the Wannon Shire on 24th June, 1971 (reference 4199 File No. AL 13), re fuel selling in the shire area?
- (2) Has the Minister replied to this letter?
- (3) If not, when will a reply be forwarded?

Mr. TAYLOR replied:

- (1) No. A letter of that date, however, was addressed to the Secretary for Local Government.
- (2) No. But the Secretary for Local Government has written to the shire council seeking further information.
- (3) Answered by (2).

4. WORKERS' COMPENSATION FUND

Receipts and Payments

Mr. HARTREY, to the Minister for Labour:

- (1) In the period 1st December, 1970 to 1st December, 1971, what sums have been paid into the fund established under section 27(1) of the Workers' Compensation Act 1912-1970?
- (2) What is the present balance standing to the credit of the fund as at 1st December, 1971, and in what manner (if any) is it invested?
- (3) How much in the period 1st December, 1970 to 1st December, 1971 has been paid out to workers mentioned in paragraph (b) of section 27 (1) and how much under paragraphs (c) and (d)?
- (4) For what purposes were payments under paragraph (d) made and how much for each such purpose?

Mr. TAYLOR replied:

- (1) \$116,719.76.
- (2) \$110,959.82, of which an amount of \$51,607.83 is invested in the Rural and Industries Savings Bank, and an amount of \$33,704.28 is invested in a Rural and Industries Bank term deposit.

- (3) Section 27 (1), paragraph (b) \$1,557.20.
 Section 27 (1), paragraph (c) Nil.
 Section 27 (1), paragraph (d) \$94,958.86 being payments for carrying out the provisions of the Act.

- (4) General administrative costs, including—

Salaries \$66,808.42.

Rent \$10,423.00.

Printing and stationery \$2,139.59.

Long service leave \$4,182.32.

5. PATCH THEATRE

Government Financial Assistance

Mr. HUTCHINSON, to the Premier:

Will he ensure that negotiations are reopened with Patch Theatre Inc. with a view to the Government giving vitally needed advice and substantial financial assistance in the matter of securing a suitable site and launching a building fund so that the theatre's valuable contribution to the cultural life of the State can be fully resumed?

Mr. J. T. TONKIN replied:

Representatives of the Western Australian Arts Advisory Board have endeavoured for some months, without success, to make contact with Mr. Crann, the Director of Patch Theatre, to arrange a suitable time to discuss the theatre's future.

If the theatre desires further consideration of its case a detailed submission should be made through the board which will re-examine the matter and make its recommendation accordingly.

6. EDUCATION

Free School Books

Mr. HUTCHINSON, to the Minister for Education:

- (1) What is the cost to the Government for each of the last three years of free pupil text books?
 (2) What is the cost, for the same period, for the free issue of writing pads, exercise books and similar writing material?

Mr. T. D. EVANS replied:

- (1) The only free text books issued over the last three years have been to children of indigent parents.

Payments have been:—

1968-69—\$11,468.

1969-70—\$7,514.

1970-71—\$27,548.

Many of the accounts for 1969-70 were not received until the following financial year.

- (2) Payments for all school stocks over the three year period were:—

1968-69—\$1,044,399.

1969-70—\$1,192,329.

1970-71—\$1,244,018.

The amount spent on individual items such as stationery cannot be determined readily.

7. ARTS ADVISORY BOARD

Theatre Representative

Mr. HUTCHINSON, to the Minister for Education:

Will he give consideration to having a representative of the world of theatre in Western Australia appointed to the Arts Advisory Board?

Mr. T. D. EVANS replied:

When the board was appointed by Cabinet in January, 1970, it was decided that, to preserve impartiality, those appointed to the board should serve as individuals and not as representatives of any particular field of the arts.

The Government is satisfied that the board as a whole has the knowledge and capacity adequately to cover all fields of culture in this State.

I might add that, in my view, this question should have been referred to the Premier.

8. PATCH THEATRE TOURING COMPANY

Performance at Country Schools

Mr. HUTCHINSON, to the Minister for Education:

Further to my speech on the Appropriation Bill (Consolidated Revenue Fund) regarding problems being faced by Patch Theatre Inc., will he ensure that negotiations are reopened with representatives of the theatre with a view to reversing the August decision to withdraw permission for the touring company of Patch to perform, by arrangement with administrators and teachers, at country schools?

Mr. T. D. EVANS replied:

It is not the intention of the Education Department to re-open discussions with Patch Theatre with a view to permitting it to present plays in country schools. The department has for many years followed a policy of allowing only one

organization in each of the performing arts, music, ballet and drama—to give performances during school time. The approved organization in the field of drama is the National Theatre. Any departure from the established policy would result in considerable disruption to school programmes which would be detrimental to the children's education.

9. WORKERS' COMPENSATION

Pneumoconiosis: Weekly Payments

Mr. HARTREY, to the Minister for Labour:

How many ex-miners who have been assessed by the pneumoconiosis medical board as suffering from pneumoconiosis with the additional classification "fit for light duties" have since 1st March, 1971, had their entitlement to weekly payments of workers' compensation reduced upon the assumption that a worker fit for light duties is to be deemed for that reason to be capable of earning the basic wage?

Mr. TAYLOR replied:

There have been three cases where weekly payments of workers' compensation have been adjusted in the circumstances outlined.

10. INDUSTRY (ADVANCES) ACT

Guarantees and Loans: 1959 to 1971

Mr. HARMAN, to the Minister for Development and Decentralisation:

What guarantees or loans were advanced or agreed to by the previous Government when in office from 2nd April, 1959 to 3rd March, 1971, in particular—

- (a) to whom were they made;
- (b) the amount in each case;
- (c) the purpose in each case?

Mr. GRAHAM replied:

On account of the very large number of guarantees of undertakings of many descriptions given by the previous Government, the Department of Development and Decentralisation has asked that this question be deferred until Thursday next to give it an opportunity to tabulate all the details.

QUESTIONS (4): WITHOUT NOTICE

1. ABATTOIRS

Trades and Labor Council and Farmers: Project

Mr. COURT, to the Attorney-General:

- (1) Has he seen the document which purports to be issued by the Trades and Labor Council of West-

ern Australia and the United Farmers & Graziers Association headed "proposed T.L.C. U.F.G.A. Co-operative Meat Sales," bearing a picture with the caption "Proposed Boyup Brook Site" and endorsed "Prospectus, 1971" together with the loose sheet headed "Notes," which is apparently being circulated in conjunction with the document referred to?

- (2) If so, does he consider it to be a document which complies with the requirements of the appropriate Statutes, including the Companies Act?
- (3) If not, what action is proposed in the matter in view of the serious view taken of prospectuses which do not conform to the statutory requirements?

Mr. T. D. EVANS replied:

I acknowledge notice of the question from the Deputy Leader of the Opposition, the answer to which is as follows:—

- (1) Yes.
- (2) and (3) The matter is being examined and I will report to the House in due course.

2. STATE SHIPPING SERVICE

Service to Darwin: Commonwealth Assistance

Mr. NALDER, to the Premier:

- (1) Has he any further information from the Prime Minister with reference to the approach he made on the State Shipping Service to Darwin?
- (2) Has the Government given any consideration to postponing the discontinuance of the service to Darwin on the 31st December, as was announced?

Mr. J. T. TONKIN replied:

- (1) and (2) It had been my intention, when questions on notice were concluded, to seek leave of the House to make a statement in relation to the resolution which was recently passed by this House to send a delegation comprising the Leader of the Opposition, the Leader of the Country Party, and myself to Canberra to make representations to the Prime Minister.

In reply to the Leader of the Country Party I would point out that today I received a telegram from the Prime Minister in reply to a telegram I sent immediately after the resolution was carried

in this House, and that reply reads as follows:—

I refer to your telegram of 2 December 1971 concerning the State Shipping Service to Darwin. I would be prepared to meet you. The Hon. Sir David Brand, The Hon. C. D. Nalder to discuss this matter. I shall arrange for my private secretary to contact your office to arrange a mutually convenient time.

In view of this reply, Cabinet today considered the question as to whether we could, in the circumstances, defer the closing down of the shipping service to Darwin. We had previously announced that we would have to stop the service at the end of December.

Cabinet considered that in view of the possibility of some assistance being forthcoming from the Commonwealth it was desirable to keep the service running, even at some substantial loss to the State. We have decided to do so, hoping that, following our representations to the Prime Minister, there will be sufficient assistance to enable this service to continue running.

As a Government, we realise that, in the interests of the State, if it is at all possible, this service should not be curtailed. Strong representations have been made to the Government over a period since the proposed cessation of the service was announced. Information has been supplied indicating that a number of traders and firms in Western Australia would be adversely affected if the facility were no longer available. We are reluctant, of course, to see this trade pass to other States. We think, if at all possible, this service should be continued.

This offer of the Prime Minister to hear what we have to say, whilst giving no guarantee of any change of attitude, does at least leave the matter open and we feel, in the circumstances, the proper course for the Government to take is to carry the loss involved and enable the service to continue at least until the 31st March.

3. ABATTOIRS ACT AMENDMENT BILL

Proclamation

Mr. NALDER, to the Minister for Agriculture:

- (1) Can he advise when it is anticipated that the Abattoirs Act Amendment Bill will be proclaimed?

- (2) Will the board be able to implement immediately the provisions under the amending Act?
- (3) Is it correct that the board intends to accept stock for slaughter on a weight and grade basis?
- (4) Will this cover all slaughter stock—cattle, sheep, lambs, pigs, and goats?

Mr. H. D. EVANS replied:

I thank the Leader of the Country Party for adequate notice of this question, and apologise to him for not being present on Friday to give him an answer at that time. The answer is as follows:—

- (1) The Abattoirs Act Amendment Bill was assented to by the Governor on the 1st December, 1971, and will be proclaimed as soon as possible.
- (2) Yes.
- (3) Yes.
- (4) Initially this action will be limited to sheep.

4.

HOUSING

Mt. Magnet

Mr. COYNE, to the Minister for Housing:

- (1) Has the programme of upgrading State Housing Commission Homes in Mt. Magnet been completed? If not, would the Minister indicate what stage this project has reached?
- (2) Is it proposed that the rentals of these homes will be increased as a result of these renovations and improvements? If so, what is the anticipated increase?
- (3) Is it a fact that an officer of the Community Welfare Department has been inspecting these houses in Mt. Magnet with a view to purchase by the department for the housing of native families?

Mr. BICKERTON: replied:

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

- (1) No. Contract is 27 per cent. complete.
- (2) Yes. Anticipated increase \$1.80 per week.
- (3) Yes. The commission has vacant houses in Mt. Magnet, and the Native Welfare Department has inquired about the possibilities of purchase.

BILLS (2): RETURNED

1. Industrial Lands Development Authority Act Amendment Bill.
Bill returned from the Council without amendment.
2. Parliamentary Commissioner Bill.
Bill returned from the Council with amendments.

ADDRESS-IN-REPLY: SECOND DAY*Motion*

Debate resumed, from the 16th November, on the following motion by Mr. Moiler:—

That the following Address-in-Reply to His Excellency's Speech be agreed to:—

May it please Your Excellency: We the Legislative Assembly of the Parliament of the State of Western Australia in Parliament assembled, beg to express loyalty to our Most Gracious Sovereign, and to thank Your Excellency for the Speech you have been pleased to address to Parliament.

SIR DAVID BRAND (Greenough—Leader of the Opposition) [4.50 p.m.]: This is the second time we have had to deal with an Address-in-Reply this year, and as I spent some considerable time in the first instance, I shall follow the good example of His Excellency the Governor, and be reasonably brief. I have read his Speech again, to make sure I did not miss any important points, but I am left without a great deal about which to talk. However, I would like to make one or two comments on the rather important developments following the death of the previous Speaker. As His Excellency's Speech refers in the main to the death of the Speaker and the declaration of the opening of this session of Parliament, it seems to me this is an opportunity to make one or two comments on the Constitution, in which most of us are interested.

It is not necessary for me to recall the general debates which took place among the public generally about the constitutional crisis following the Speaker's death, because these were adequately covered by the Press.

It will be recalled that for many years the House of Assembly comprised 50 members, but following amendments we made it was recently increased by one to 51. We had in mind the solution of certain problems, such as deadlocks which developed in the House, but while we may have eliminated some problems, we have created another which seems to be of a more prominent nature. This only proves that in these matters no easy solution exists. A solution is easy enough in theory, but it does not work out in practice.

Following Mr. Toms' death the Government found itself without a majority and it seems the Premier's first thought was to get out of this House so he could get his breath back, as it were, and make up his mind as to the next move. It is fair to say that most of the members here and, indeed, a large number of the public thought that by virtue of its loss of majority the Government would be forced to a general election; but the Premier looked through the laws available to him and, having read the Constitution again and again, it occurred to him that a way out existed. We all know that the instructions laid down in the Constitution concerning the Governor indicate that, with one exception, the Governor should act on the advice of his Ministers; that is, the advice of Executive Council should be followed.

The Premier and his Ministers advised His Excellency the Governor that rather than assemble Parliament before a by-election could be held, he should prorogue Parliament and, indeed, prorogue it for five weeks. I can imagine the Premier as Leader of the Opposition or, indeed, as Deputy Leader of the Opposition, having a few words to say about a situation such as this if the positions had been reversed.

Mr. Court: It would have been more than a few words; it would have been a few days!

SIR DAVID BRAND: I am giving him the benefit of the doubt.

On other occasions the Government of the day has had a very narrow majority and has found itself in a position where it was likely the majority would disappear. Consequently, when in Government we took certain action to ensure that the Estimates were considered before two members resigned from this House to stand for the Commonwealth Parliament. I can well recall the hours of debate which followed, mainly in the form of a protest by the present Premier because we had lost, or were about to lose, our majority, and how wrong it was that such a situation should be allowed to continue. Actually there was no question of a situation developing in the House at that time whereby we would have insufficient numbers. It was just that for the time being when the House was out of session we would have had insufficient numbers.

However, a very different attitude was adopted by the Premier on this occasion—very different indeed. Having been in politics for 26 years I can readily understand that members are allowed to change their minds and opinions, maybe for good reasons. On this occasion paramount in the Premier's mind was the thought to get out of this House and remain out of it until such time as a by-election could be held. Having regard for the fact that the seat of Ascot is a blue-ribbon Labor

seat, he was backing a winner, although I will say something about the results of that election a little later.

The Premier was able to convince the Governor that the right thing to do was to prorogue Parliament. I am sure His Excellency had regard for the fact that he should act on the advice of his counsel, and so Sir Douglas decided to prorogue Parliament. I did my best to convince His Excellency that the right course to follow was to hold a general election. I was called in to discuss this matter with the Governor, and I am not being critical of his decision although I was certainly disappointed.

Nevertheless he made that decision, and I believe he made it following all the advice he could obtain from those expected to advise him. I have no doubt he had full regard for what the Premier had to say on the number of occasions he saw him and for what I had to say when he saw me. I must admit that when the decision was made I felt a little disappointed because I believed the Government had got itself into a position whereby, in the event of a general election, it would have been defeated. I am quite sure of this, because results of the by-election in Ascot proved it would be so.

The decision which the Governor made was extremely important, because it set a precedent—an awkward precedent—for Governors who follow. In the event of a death occurring in this House during this Parliament, it seems it will be necessary only for the Government, through the Premier, to approach the Governor and advise him to prorogue Parliament until such time as a by-election can be held to resolve the problem.

It is a matter of real interest and a serious question to consider what the Premier would have done had Ascot not been a blue-ribbon Labor seat but a seat which the Opposition could have won or, alternatively, a blue-ribbon Liberal or Country Party seat. One wonders, in those circumstances, whether the Premier would have advised the Governor to prorogue Parliament. Perhaps he would have taken a chance and recommended a general election should be held. Doubtless the Governor would have acted upon his advice.

For these reasons I wonder whether the time has come for an amendment to the Constitution to provide that in the event of a death in the House of Assembly a by-election should become automatic.

Mr. Graham: It is now, isn't it?

Sir DAVID BRAND: It becomes automatic only on the advice of the Government. The Government may well have advised the Governor to allow Parliament to meet. This would have brought about the defeat of the Government and doubtless, a general election would have followed.

Mr. Graham: Merely because of the death of a member and not because of any political circumstances?

Sir DAVID BRAND: What I am asking is: What would the Premier have done had the by-election been for a seat which one of the Opposition parties had a reasonable chance of winning?

Mr. Graham: Presumably it would have taken the same course of action.

Sir DAVID BRAND: The reason for asking this question is that the Governor accepted the Premier's advice. In the face of discussion from members on both sides of the House, varying public opinion, and opinions expressed by leader writers in the Press it was open for the Premier and his Ministers to advise the Governor to call a general election. There was nothing to stop him.

Mr. J. T. Tonkin: There are instances on record in the Western Australian Parliament where the Governor was advised by the Government of the day to hold a general election and the advice was not taken.

Sir DAVID BRAND: I would have been prepared to take the risk. What will happen in the future if a member who occupies a seat which favours the Opposition should die and, in view of the narrow majority, it is quite clear a change of Government would result from the Opposition's winning that seat? In these circumstances I cannot see that the Premier would recommend to the Governor that a by-election be held. He would weigh in the balance, as is his right, whether he should recommend that the Governor call a general election. In other words, he would probably take the chance.

Mr. Bickerton: If it were a seat that favoured your side of the House it would be one you already hold.

Sir DAVID BRAND: No.

Mr. Bickerton: Of course it would be.

Sir DAVID BRAND: Some seats can favour one side or the other, depending on the swing of the pendulum. The Government well knows this applies to some of the seats it holds.

Mr. Bertram: The Leader of the Opposition said, "a blue-ribbon seat."

Sir DAVID BRAND: I am referring to a seat which could be won by our side of the House. No-one can deny this possibility. I have no doubt the Premier would consider such a position very carefully. The point I make is that an awkward precedent has been set. It seems that Executive Council may recommend to the Governor to prorogue Parliament for whatever time is necessary for a by-election to be held or, on the other hand, to call a general election and take a chance.

Mr. T. D. Evans: Would the Leader of the Opposition have acted differently had the situation been reversed?

Mr. Williams: That is a suppositious question.

Sir DAVID BRAND: It is not a question of asking me what I would have done. I am talking about what was done and the position which has been created for the future so far as the Parliament and Constitution of this State are concerned. For these reasons I think it would be a good idea to give some thought to amending the Constitution to allow for the position of a Legislative Assembly with 26 members in Government and 25 members in Opposition. In these circumstances perhaps we should amend the Constitution to provide for an automatic by-election. In any event it certainly ought to be considered.

Mr. J. T. Tonkin: This is a change of attitude on your part. With regard to the earlier instance to which you have referred you would not hold a by-election.

Sir DAVID BRAND: There was no need to hold a by-election.

Mr. J. T. Tonkin: You left the districts unrepresented for six months and would not hold a by-election to allow people to elect their representatives.

Sir DAVID BRAND: They were well represented.

Mr. J. T. Tonkin: By somebody else.

Sir DAVID BRAND: By members of the Upper House, I should imagine. That is not the point at all. So far as the recent by-election is concerned, the electorate of Ascot was without representation for five weeks.

Mr. J. T. Tonkin: In your case it was six months, if I remember correctly.

Sir DAVID BRAND: No it was not.

Mr. J. T. Tonkin: How many months was it? It was at least a five-month period.

Sir DAVID BRAND: It may have been for five months. Nevertheless, Parliament was not sitting and I do not think the two situations are comparable.

The point I make is that the decision rests with the Premier as to whether he will advise the Governor to call a general election, if the position does not favour him, or a by-election if the position does favour him. I consider we should be forthright and give deep thought to amending the Constitution in view of the inconvenience and embarrassment caused. No-one can deny the trouble occasioned to the Government and the Opposition through the five-week prorogation. Such an amendment could well resolve the problems and bring about a lessening in the delay occasioned by calling for a by-election.

Criticism is being directed at our side of the House—particularly the Liberal Party—for not offering to provide a Speaker. Professor Geoffrey Sawyer said he was very disappointed with both parties for not resolving the problem by offering a Speaker. I want to make it quite clear to the public that to my knowledge the Premier never asked us to provide a Speaker. I am not suggesting we would have provided one in any case. However, the point is that he did not make the approach, because he knew very well that to invite a Speaker from this side of the House would be a rather dubious move. The Government would have had to carry on for a five-week period with a Speaker from this side of the House and, having regard for the controversial legislation listed on the notice paper at that time, I do not think this would have been a wise decision. Certainly not much progress would have been made.

Mr. T. D. Evans: The Government would have had a clear majority.

Sir DAVID BRAND: Perhaps, but I can understand the Government not making that kind of arrangement. In similar circumstances I personally would not have been inclined to invite the Opposition to fill the Chair, because I can see that many problems could develop in such a situation. It would not matter whether we had discussed the Budget, the Address-in-Reply, or even some of the smaller Bills because, under these circumstances, very little could have been dealt with satisfactorily, quite apart from the fact that each Bill has to pass through both Houses which, again, constitutes a problem.

Professor Sawyer was quoted as being a leading authority on these matters. He made a comment which I will never be able to understand when he said he was surprised the Opposition did not say at once it would provide a Speaker until the by-election. He also said there was no question of the Governor's legal power to prorogue Parliament. I do not think that question was raised. However, he went on to say that had Parliament been two years old it may have been a different matter. I really cannot understand that line of thought and I do not think anyone else can.

Mr. J. T. Tonkin: I can.

Sir DAVID BRAND: The Premier may, but to my mind it makes no difference at all whether the Parliament is one year or two years old.

Mr. O'Connor: It would be interesting to see the attitude if it were to happen in two years' time.

Sir DAVID BRAND: If the advice given by the Government to the Governor after two years in office is that a general election should be called, surely it would be right to call a general election after one

year. I really cannot see Professor Sawyer's reasoning. As a result of this many people were misled in their opinions over the Opposition not providing a Speaker.

All this is past history now but there hangs over the Parliament the threat of a similar decision being made by the Governor on the advice of the Government. This will be a matter of great responsibility for him and I think one newspaper said that the Governor is sitting in a hot seat. It would be a very real responsibility for him to decide whether to prorogue Parliament to allow a by-election to be held or to call a general election.

Mr. Graham: Supposing there had been a general election and members were returned in the same numbers as they are now. Let us imagine another death. Would you suggest that three months after a general election there should be another general election in the same circumstances?

Sir DAVID BRAND: Of course, if Parliament is sitting.

Mr. Graham: There could be a dozen general elections in three years.

Mr. Williams: That is another suppositional question.

Sir DAVID BRAND: On the other hand, there would be as many by-elections as were necessary to fill the various vacancies.

Mr. Graham: That is a different matter from an election for the whole of the State.

Sir DAVID BRAND: Not at all. All I am suggesting is that an amendment should be made to the Constitution under these circumstances so that a by-election rather than a general election is automatically called. I consider this matter should be given deep consideration.

Mr. Graham: By the way, I have just checked the figures which show you allowed the electorates which had been represented by Mr. W. L. Grayden and Mr. H. A. Leslie to go for a period of 20 weeks without representation because you would not hold a by-election.

Sir DAVID BRAND: That is quite right. A general election was coming up in February or March.

Mr. O'Neil: What the Deputy Premier has said gives strength to the argument that by-elections should be automatic.

Sir DAVID BRAND: The electorates in question were vacant until the general election. A great deal of money was saved in this way. It was not the first time that a real delay had occurred before holding a by-election after the death or resignation of a member.

Mr. Graham: Anyhow, I am pleased to see the Leader of the Opposition is looking so well after that unfortunate incident last week.

Sir DAVID BRAND: I am very pleased the Deputy Premier is giving some consideration in this debate to my health. I thank him for his kindly thought.

Mr. Graham: It was meant sincerely.

Mr. Williams: That is because of the friendly treatment he received in Bunbury on Saturday night.

Sir DAVID BRAND: The by-election at Ascot resulted in the election of the member for Ascot. I offer him my congratulations. I believe the campaign was a clean fight and, as far as I know, free of personalities. I hope that for as long as the member for Ascot is here he will find Parliament personally satisfying and will be able to carry out the work he had in mind for his party and the State when he was elected. I do not think the honourable member has as yet made his maiden speech. I hope we will hear him before the end of this session.

Mr. Graham: Today could be the day.

Sir DAVID BRAND: A 10 per cent. swing in an electorate such as Ascot is a very marked swing, particularly in a period of eight or nine months. If the Premier had been frank about it, I think he would have expressed surprise at the result of the by-election and the swing that took place. He said it was insignificant, but I think we need to draw a long bow to say a 10 per cent. swing in this particular electorate is insignificant.

Mr. J. T. Tonkin: By how much did the Liberal Party come up?

Mr. O'Connor: Quite a bit—20 per cent.

Sir DAVID BRAND: In any case, there was a swing and it could not have been any great satisfaction to the Premier or his Ministers that such a swing took place.

Mr. J. T. Tonkin: I think the new member won by more than the Leader of the Opposition won his seat in the general elections.

Sir DAVID BRAND: That has nothing at all to do with it. That does not worry me in the slightest. The Labor Party has Buckley's hope of ever winning Greenough.

Mr. J. T. Tonkin: We won it once, you know.

Sir DAVID BRAND: Yes, through a set of circumstances—through packing the electorate with men with shovels in time to put them on the roll. There is no prospect of the Labor Party winning the seat for a few more years.

Mr. Graham: Somebody got a scare earlier this year.

Sir DAVID BRAND: No, I did not. A two-to-one majority is not bad. How many votes did the Labor candidate receive?

Mr. Graham: Far more than you thought he would.

Sir DAVID BRAND: I would like to raise another matter before I resume my seat. There are many subjects which could be discussed and I hope private members will take advantage of the Address-in-Reply debate to raise such problems as they should raise on behalf of their electorates and the State. Other general debates are available to us—not only on the Estimates but also on the Loan Estimates.

I would like to make the point that I believe the Parliament of this State should give very serious consideration to the likelihood of further problems developing because of the death or resignation of a member. The present situation is not satisfactory in any shape or form. I believe it is intended to conclude Parliament within a few days, the Government having had to set aside a large number of Bills and all of us being under real pressure because, in spite of what the Premier has said, no-one wishes to be here at Christmas time. I am sure it can be said that the Opposition has been very co-operative in helping the Premier to get through so well so far.

In the last few days much has been said and written about a motion which was moved in this House by my deputy leader. The motion had been on the notice paper for many weeks. Everyone knew of the importance and the controversial nature of the motion. Unfortunately, I was not able to hear the Deputy Leader of the Opposition speak to his motion, but I understand it was a speech of some importance which made history in many ways. It referred to the plan which we, as a Government, had arranged for the Pilbara. It referred to the many problems which developed in endeavouring to carry out that plan, and I believe reference was made to the fact that the new Government has had its problems in endeavouring to reach finality and make decisions on the iron ore deposits in the Pilbara.

The value of the Pilbara deposits is of great significance to this State. With the granting to companies of leases, temporary leases, and rights to mine in this area, and with development along the right lines and the adoption of marketing techniques to take advantage of world markets, a great iron ore industry could be carried on for many years ahead with profit and satisfaction to the companies concerned.

As mentioned in the speech of the Deputy Leader of the Opposition, many difficulties developed around two personalities—Mr. Hancock and Mr. Wright. It is not for me to go into the pros and cons of the matter, because so much has already been said. In fact, I think all the points that need to be covered, for the time being, at least, have been covered. Through the Press and through Parlia-

ment, the Deputy Leader of the Opposition endeavoured to explain to the public points of the plan we had in mind and our objectives. He tried to clarify the difficulties, as we saw them, resulting from the differences which developed between us, as a Government, and Hancock and Wright. In doing so, he revealed that those difficulties were such that from time to time we were placed in an embarrassing and difficult position, and we could report very little progress regarding the final decisions which had to be made.

The Deputy Leader of the Opposition referred to the Mafia-like tactics of these two people—a statement which hit the headlines, as, of course, it would—but it seemed to me that the public had to be told through this Parliament, taking advantage of the privileges we enjoy and which have belonged to this type of Parliament for hundreds of years. I think we must recognise that this privilege was provided in order that the powerful and the rich could not intimidate in any way people who wished to express to the public frankly and boldly the facts of controversies and negotiations.

It therefore seemed to me that this controversy should be thoroughly examined because of the psychiatric report to which the Deputy Leader of the Opposition referred in his speech, if for no other reason. I am not sure whether the report was made at long distance or how it was obtained, but it was a report on the Deputy Leader of the Opposition which had been obtained by Mr. Hancock. I feel that as members of Parliament we should deplore such action and take steps to deter people from feeling free to have such reports made and used publicly and in their businesses. Mr. Hancock states the report is on his file, but it seems to me to be very significant that he has also stated he does not know how it came on his file. This in itself is surely a point which would raise some doubt and suspicion.

Even though there is disagreement in such an important issue as the development of the Pilbara, it is a great pity that a Minister of the Crown should have felt such a shadow and threat hanging over him. Although not very much was said until such time as he made it public, the Deputy Leader of the Opposition was aware that such a report existed.

Since the speech was made, it has been stated that moves would be made to appoint a Royal Commission or to bring Mr. Hancock to the Bar of the House for questioning. I have said publicly that I do not believe anything worth while could be achieved by bringing Mr. Hancock to the Bar of this House. I think in similar circumstances people could be brought to the House in numbers from time to time. I have always considered there would need

to be some prospect of justice being done and some good reason for Parliament to call a citizen to the Bar of the House. There would need to be evidence that a reasonable conclusion, and not more confusion, would be reached.

I think anyone who was called before this Parliament would be expected to give evidence, and the Parliament would be treated more or less as a court of justice. However, this Parliament is different from the Federal Parliament, and it would be difficult for us to arrive at a sound decision.

The other move, as I have already mentioned, was for a Royal Commission. During my parliamentary life, when I have been in authority I have resisted calls for Royal Commissions not because I believed they were not warranted, but because I believe Royal Commissions do not achieve a great deal except in very special circumstances. They cost a lot of money and tend to prolong the confusion and doubts; and so many of them never arrive at a worth-while conclusion.

However, so far as this issue is concerned, I am convinced that this is one instance which calls for some sort of inquiry. I realise that the remaining planned sitting time of Parliament is quite short, and any moves for the appointment of a Select Committee or some other inquiry would simply take up the time of Parliament and take us further towards Christmas. I do not think a good decision would result. Therefore, in view of the significance of this matter and its seriousness to the community, and the operation of the parliamentary system, we are of the opinion that it is desirable that an inquiry should be held by an appropriate authority, especially in respect of the unauthorised psychiatric report which is not only unethical and unfair, but also casts a shadow over all reputable practitioners.

I would like to emphasise this point. I believe the Australian Medical Association should take a very serious view—and no doubt it does—of the fact that any practitioner should become involved in providing such a report. Statements of the opinions of a number of practitioners have appeared in the Press, and they have certainly deplored the action as being unethical. Some have claimed that no worth-while report could be made from a distance.

Therefore, I would ask the Premier to give very serious consideration to the points that have been made in respect of this issue—and no-one can deny the seriousness of the situation—and seriously to consider setting up some form of inquiry in order that at least one section of this controversy may be cleared up. I refer particularly to the psychiatric report; even if the inquiry was limited to that report I am sure the public and the Parliament would be relieved to know that these

tactics will not become something we can expect in future in relation to the Houses of Parliament of Western Australia.

Mr. Graham: Would you agree to the widening of the investigation to cover the question as to whether a Minister threatened overseas investors if they so much as talked to Hancock and Wright?

MR. BRYCE (Ascot) [5.34 p.m.]: I believe the topic which has been emphasised by the Leader of the Opposition is the most relevant topic for me to discuss in my initial remarks. I am particularly pleased that he referred to the need for this Parliament to have a close look at the Constitution because I believe that certain other aspects—not exactly the same aspects—should also be reviewed.

My entry into this Parliament as the member for Ascot was the consequence of the sudden and untimely death of one of the Parliament's most respected and popular members. Since my arrival I have discovered that it will be as difficult to follow a man of the political stature of Merv Toms in the parliamentary context as it is proving to be in the constituency aspect of a member's work. Particularly in the Bayswater section of the Ascot electorate in which Merv Toms had a most distinguished and long career in local government, mention of his name is always associated with automatic expressions of sincerity, integrity, and great loyalty.

Merv Toms' concern for people and his wonderful humanitarian instincts in my opinion made it inevitable that he would be attracted to the Australian Labor Party which he served as unselfishly as he served the interests of the people he represented at both local government and State Government levels. The hallmark of his sincerity was the unannounced manner in which he achieved the alleviation of so many of the problems of his constituents. It is always difficult to succeed a man of his quality and personality; but I have made the point to many of my colleagues on this side of the House that because of the efficiency with which Merv Toms approached his electoral affairs and constituency matters he made it easier than I would have believed possible for me to assume the responsibilities of member for Ascot in his stead.

Following the change of Government earlier this year, the election of Merv Toms to the position of Speaker of this House was a very popular move. From the sentiments already expressed by the leaders of the three political parties in this Chamber, it is obvious that he fulfilled this difficult role with remarkable fairness and impartiality.

The sudden death of the Speaker of this House on the 8th October, only halfway through the first session of this the twenty-seventh Parliament, precipitated a political

crisis to which the Leader of the Opposition has already referred; a crisis of proportions not readily known in Western Australia. The general election earlier this year produced a change of Government after 12 years. After the election of the Speaker from the Government side, the numbers in this Chamber were as finely balanced as they can possibly be. Consequently, a single death on the Government side produced a perilous situation.

The Governor's decision to prorogue the Parliament to permit a by-election to be held in Ascot became the subject of a rather acrimonious debate. Naturally, members opposite were eager to have a second general election within nine months; and, just as naturally I think, the Government was not. Irrespective of attitudes coloured by vested interests, I believe the Governor's decision was fair and correct.

The by-election campaign which ensued was, according to most pundits, perhaps the most keenly fought by-election for some time. I think this was to be expected because the stakes were particularly high. Without delivering a rehash of the issues which dominated the campaign, I would say the people of Ascot found it hard to accept that the eight-month-old Labor Government, after only 2½ months in Parliament, could be legitimately held responsible for the economic and social weaknesses which were attributed to the Government at that point of time. A considerable majority of the electors in the Ascot district ultimately agreed that the Tonkin Labor Government deserved the opportunity to prove itself.

Partly because it was a key issue at the time of the by-election, but essentially because it is probably the greatest issue of concern facing the entire nation at present, I believe it is relevant for me to give some brief consideration to the man-made economic recession which at present confronts all seven Australian Governments. To be appreciated in its true perspective, I believe the economic downturn must be considered in the light of developments at the international, the national, and the State levels.

At the international level the entire western free enterprise world is currently experiencing a serious economic shake-down associated with what is probably the most important adjustment of the international monetary system experienced since the second World War.

The other major economic ill at present sweeping the western world is the relatively new problem of "stagflation"—which combines a rapidly rising level of inflation with an uncanny rise at the same time in the level of unemployment. Both of these phenomena create instability and a loss of confidence in the international capital markets throughout the world, and have led to a compounding of economic problems in Australia.

I have with me some figures from the *International Labour Office Bulletin of Labour Statistics*. I believe they serve as a partial illustration of the point I made with regard to the unemployment question at the time of the by-election. That is the reason I choose to illustrate this point at this stage. From 1969 to the end of the March quarter in 1971, unemployment levels in the following western free enterprise countries increased as follows: In Canada, the level of unemployment grew from 6.6 per cent. to 8 per cent. of the work force during that period. In Britain, the level jumped from 2.5 per cent. to 3.3 per cent. of the work force. In Japan, the level is considerably lower, although there is a discernible increase from 1.1 per cent. to 1.5 per cent.

I refer now to the United States of America where the level of unemployment has jumped from 3.5 per cent. to 5.7 per cent. of the work force. In West Germany, obviously the most fortunate of the nations I have chosen to exemplify the position, the level increased from .8 per cent. to 1.4 per cent. During the same period the level of unemployment in Australia increased from 1.14 per cent. to 1.26 per cent. Members of the Western Australian Parliament will appreciate that the figures for Western Australia indicate that the level of unemployment has jumped from 1.1 per cent. to 1.46 per cent. of the work force.

My sole purpose in quoting those figures is to illustrate firstly that our predicament is part of a world-wide predicament; and, secondly, that our situation is nowhere near as bad as that which is facing a number of other free enterprise economies throughout the world.

At the national level the essential economic problems are those associated with inflation, unemployment, and a decline in certain rural industries. The rate of inflation currently exceeding 5 per cent. per annum can no longer be regarded as incipient. The level of unemployment—at 1.26 per cent. of the work force—although well within the theorists' margin of up to 2.5 or 3 per cent. for full employment—is a departure from the condition of total employment to which Australians have grown accustomed in recent years.

A gradual deterioration of the terms of trade, together with a rising domestic cost structure, has produced the well-known cost-price squeeze on the incomes of many farmers, not only farmers in Western Australia but in other parts of the country. In some instances this has forced farmers from their land, and in other instances it has forced farmers to diversify.

At the State level, the end of Western Australia's economic honeymoon of recent times began with the collapse of the land and building boom in 1969. Since then there has been a continued deterioration

in the level of activity in the building industry. Of course, for generations this industry has been used as the economic barometer for the economy as a whole.

The year 1970 saw a sharp decline in speculative activity in the mining field, and for almost a decade the rural producers in this State in a gradually worsening state of affairs have been experiencing declining incomes.

This brings me to the point of finding solutions. As a single economic unit, Australia is quite powerless in many respects to effect a complete solution. I am sure there is not a member in this House who is not fully aware that for generations our destiny has been determined by economic trends in other parts of the world. Australian State Governments, acting individually, are just as powerless to effect a remedy to the basic economic problems associated with inflation, unemployment, and rural depression.

The responsibility for finding solutions to these problems lies squarely at the feet of the Commonwealth Government, at least for basic initiatives to act in concert with the States.

This brings me to what I believe to be the total inappropriateness of the most recent Commonwealth Government Budget. It is in the context of the inappropriateness of the 1971-72 Commonwealth Budget that I ask members to consider a number of points. State Governments, Liberal and Labor alike, have assailed this Budget; so have employers' organisations, trade unions, and academics.

The Commonwealth Budget was deliberately contractionary at a time when certain basic sectors of the economy required stimulation. As a consequence, at this point of time the business community faces a crisis of confidence; and there is an ever-increasing number of unemployed members of the work force.

The declared intention of the Commonwealth Budget was to reduce the rate of inflation; to this end it has failed completely. Orthodox Keynesian fiscal policy was used to cope with a situation which lay quite outside the scope of such policies. Already the Governments of the United Kingdom and the U.S.A. have realised that new and different economic policies are necessary to cope with the concept of cost-push inflation.

Whether the current recession is actually a phase of the regular cyclical fluctuations which have plagued free enterprise economics for generations, or whether it is typical of the recessions which have been created—particularly in the years since the last World War—by deliberate Government economic action, it is certain that remedial action is necessary.

For the benefit of those people who do believe that State Governments have the financial power to effect a solution to

these problems, I would draw the attention of members to a comparison between recent Budget estimates at the Commonwealth and the State level.

In Western Australia it is estimated that the Government's entire revenue for the 1971-72 financial year will amount to \$515,000,000. The Federal Budget brought down in August anticipated the gross revenue for the 1971-72 financial year to be \$8,900,000,000; and it budgeted for a domestic surplus of \$630,000,000. This suggests that the Commonwealth Government intends to sit on a planned domestic surplus which is far in excess of Western Australia's entire Budget.

Although new economic policies are essential to cope with the difficulties highlighted by the shift in the "Phillips Curve" in Australia, because the present economic malaise in this country, at both the Federal and the State level, was substantially created by orthodox economic measures, certain orthodox remedies should be employed immediately to restore confidence and a higher level of demand; so as to get us back, at least, to square one.

Interest rates on loans for home construction should be reduced to stimulate an ailing construction industry. Capital expenditure on national development projects should be increased. Special loans and/or grants should be made to the States for works programmes. Considerable attention has been given to other orthodox remedies which I do not intend to elaborate upon at great length.

I did suggest that the current economic downturn was the issue of greatest concern facing the community at present. This is the issue of concern about which the people are aware. An issue of greater long-term significance about which the vast majority of Western Australians are not aware is the incredibly undemocratic system of parliamentary representation in this State Parliament. I wish to make the point that I refer particularly to the system of representation for the Legislative Council. I refer specifically to the fact that the principle of one-man one-vote one-value, which is a keystone of parliamentary democracy, has been deliberately disregarded in Western Australia.

It is time that Western Australia was brought screaming into the twentieth century. It occurs to me that many people who have sat in this Parliament have only paid lip service to the concept of democracy. I am not suggesting that some Governments should be whitewashed and others be smeared, purely on political lines. I am suggesting a fault exists, and I am hoping that Parliament will give some attention to it before the life of the present Parliament expires.

I am positive that the large mass of people in the metropolitan area are completely unaware that every time they cast

their votes in a State election they are being belittled, insulted, and scorned by those of us here who help to perpetuate the system of electoral malapportionment which operates throughout the electoral districts of this State.

It is implied by the present electoral system in Western Australia that the people I represent in Ascot, and for that matter all the electors resident in the metropolitan area, are in many cases less than second-class citizens.

The practice of creating and maintaining a system of pocket boroughs had its origin in the eighteenth century in England for the express purpose of providing protection for the landed gentry. The problem to which I now refer stems from similar attitudes which were implanted when Western Australia was granted independence as a self-governing British Colony in 1890. In this State alone there have been some amazing examples of the extent to which malapportionment has been unjustly maintained. I will reiterate that I am not attempting to deny the fact all major political parties in this Parliament have probably benefited in the past from a system of malapportionment.

I would like to quote one particular example which highlights the point I am making. It relates to the very early period of this State's history. I suggest this problem has its roots at the origin of self-government in Western Australia, and the example to which I draw the attention of members is the situation which prevailed at the turn of the century.

The supporters of Lord Forrest at that time included nine members of the Legislative Assembly who together represented a grand total of 1,280 people. This figure included the seat of Ashburton, with an enrolment of 42 electors, of whom I believe only 11 were resident while the rest voted by proxy.

At the same time the seats of Kalgoorlie and Boulder with 17,000 electors on the roll were represented by two members in the Parliament. The district of Kanowna, containing 13,000 people, was entitled to only one representative; whilst a little elementary arithmetic indicates that 19 of the members who supported Lord Forrest represented the same number of people.

Lord Forrest rationalised this situation. Here I quote from an extract appearing in *Hansard* in which Lord Forrest said that the goldfields were "plains fertile in radicalism." I could not for one minute believe this to be the reason why Governments in this State, subsequent to the time of Lord Forrest, have discriminated against the people in the metropolitan area.

The word "democracy" is derived from the Greek words "demos" meaning the people and "kratia" meaning control by. To me this suggests that, at least, in a parliamentary democracy the Parliament and its members should represent the people; and not acres of land, ears of wheat, or fields of various minerals.

It has been suggested that a proposal to legislate for an end to this malapportionment is too radical, or even borders on the controversial. I should make the point that at least two of the world's greatest democracies have already taken steps in this direction. In the British House of Commons the problem has been largely overcome; although I fully appreciate that this is not a very good geographical comparison to make with Western Australia. Significantly, however, the injustices associated with electoral malapportionment have been recognised and steps have been taken for the rectification of this problem in the United States of America. In 1962 the U.S. Supreme Court made the famous decision in the *Baker versus Carr* case. The Supreme Court ruled that electoral malapportionment was unconstitutional and illegal.

Such a ruling applies to the State as well as Federal Legislatures. The outcome of this decision is that the U.S. Supreme Court can order a situation constituting malapportionment to be rectified. I am not suggesting for one minute that the example is exactly transferable, because obviously Australia has a different Constitution but I am suggesting that the basic principle of one-man one-vote one-value has been recognised and accepted. If a form of precedent is needed other democratic countries have adopted it.

I do not believe that in Western Australia in 1971 there is any excuse to perpetuate a system which I regard as phoney democracy, based on a tremendous variation in the size of electoral districts. At this stage I would indicate that this applies particularly to the Legislative Council.

At the time of the last election the smallest electoral district in this State involved 1,840 electors, and the largest contained 21,346. In the Legislative Council the smallest province enrolment was 5,125, while the largest contained 79,883 people. There is no need for me to suggest which of those districts were urban and which were rural.

In the past the problems of communication and great distance have been used to justify small numbers of people in certain seats. In an age of sophisticated technology the argument of "horse-and-buggy" travel does not apply, but boundary concepts for electoral districts which were drawn up in the age of the horse and buggy still do.

I believe facilities for communication and travel to country members should be greatly increased, even at the cost which would be involved. Parliament should be prepared to legislate in that direction.

In anticipation that some of the remarks I have made on this subject will be misunderstood, I would like to emphasise, firstly, it is not my purpose to denigrate the people who live in rural areas. They are probably as unaware of this situation as most of the people in my own electorate of Ascot. I am not suggesting that people in rural areas should be discriminated against as their counterparts in the city have been for 81 years. I am simply suggesting that people in urban and rural areas should have votes of equal value.

Secondly, I was born and spent most of my life in rural areas. My own family—on both the paternal side and the maternal side—have lived in the south-west for four generations. I am fully aware that the people in the districts where I lived are not aware of this particular situation.

Thirdly, I believe the issue is not simply party political, because the solution to the problem concerns members from both sides of the House. I believe the present system of electoral distribution is a serious reflection on members of this Parliament and I repeat what I said at the outset: I sincerely hope the issue will receive the attention of the Government and the attention of members of this Parliament before the life of the Parliament expires.

Finally, I would like to indicate to the members of the staff at Parliament House that I am fully appreciative of the generous and patient manner in which they have handled my questions, as a new member. I would also like to thank the people of Ascot and the members of the Australian Labor Party who have placed their trust in me as the member for Ascot.

Mr. Speaker, and members on both sides of the Chamber, I would like to express my thanks for your patience and co-operation during the ordeal of yet another maiden speech.

DR. DADOUR (Subiaco) (6.05 p.m.): Firstly, Mr. Speaker, I wish to comment on some remarks concerning the Deputy Leader of the Opposition, and I want to indicate that I support what the Deputy Leader of the Opposition has had to say. I could not believe my ears when I heard the Deputy Leader of the Opposition telling members in this House about a long-distance psychiatric report. I have heard about this sort of thing and I have thought it could happen in some parts of the world, but I did not believe it could happen in Australia, or in Western Australia.

We are Australians living in Australia and what has occurred is contrary to the Australian way of life. I venture to say that no decent, self-respecting medical

doctor—I stress “medical doctor” because there may be doctors of science fooling around with psychology—would make a report such as the one referred to. If one stops to think of the ethics involved in the work of a doctor then one will realise that it is not possible to make any form of accurate psychoanalysis of anybody from a distance. It is true that a doctor can ascertain what is wrong with some people from a distance, and I think I can pick what is wrong with a couple of members in this House in some psychiatric way, but I would not claim to be accurate in my analysis. I may be fairly accurate in a couple of cases, but in most cases I would be inaccurate. I would not relate my remarks to any person because that would be libellous!

An individual should never be psychoanalysed unless he has given his permission and he knows that he is being analysed. That is the right of every individual. Under no circumstances would a doctor—if he is a medical man—ever be a party to this kind of action. If a doctor was of sound mind he would not do anything of this nature, and I mention “sound mind” because I believe it is possible for some psychiatrists to become affected by what rubs off.

Mr. T. D. Evans: Would the honourable member say that such an exercise or study could strictly be called a psychoanalysis?

Dr. DADOUR: No. It could not be called psychoanalysis; that is the wrong term. It could be some sort of psychiatric report.

Mr. T. D. Evans: A guess?

Dr. DADOUR: It would be a terrible feeling to know that such a document had been made up against one. Every time one made a speech one would be wondering whether someone in the audience was attempting to make out a better report.

Mr. T. D. Evans: It is not strictly a psychoanalysis report at all?

Dr. DADOUR: No, I think it would be devastating to a person to know that somebody in an audience was trying to carry out a psychoanalysis.

Mr. Hartrey: It is only a form of blackmail.

Dr. DADOUR: That is the point I was about to make. If it is possible to find the writer of the document, and if the document has been signed by a medical man, that man must be brought before the Medical Board. I do not doubt that he would be struck off the medical register and he probably would not be allowed to practise again. Also, I imagine there would be some gaol term attached to such an act because it would be an intimidatory action.

The Deputy Leader of the Opposition showed a great deal of courage—probably more courage than most of us have—by getting up and bringing to the notice of the House exactly what had been said. The

Deputy Leader of the Opposition firmly believes—and I agree—that if it is possible to find the author it is our duty to bring him before Parliament and the people. I have said something similar previously but I do not think anybody ever listens to me.

If we do not bring the author of the document to justice we will be guilty of a greater crime than the original. It has taken a great deal of courage on the part of the Deputy Leader of the Opposition to bring this matter to Parliament.

Mr. Grayden: Are you suggesting that Hancock and Wright—

Dr. DADOUR: I have not mentioned Hancock and Wright, just as I have not mentioned Ned Kelly.

Mr. Grayden: Are you becoming violent?

Dr. DADOUR: It appears that somebody has been paid to psychoanalyse somebody else, and in my view we have a great deal to fear if we allow this sort of thing to continue. It is blackmail; it is nothing more nor less. These are filthy tactics.

Several members interjected.

Dr. DADOUR: We should have a full investigation into the document. We should find out how it came about and who was responsible for the psychiatric report. We must nip this sort of thing in the bud now because we have enough to put up with without also having to put up with intimidatory blackmail tactics. We are living in Australia and what has occurred is contrary to the Australian way of life. It is like putting in the boot.

There is another matter I wish to talk about this evening. I have been appalled by the inability of the Minister for Health to supply proper answers to simple questions asked in the House. He has not been able to convey accurate and adequate information to the Chamber. Many of his replies have been evasive and facetious. I find that hard to swallow and difficult to digest. The Minister for Health has not answered many of my criticisms of the Royal Perth Hospital. He goes off at a tangent in an effort to cloud the issue. However, I will forgive him for that, too.

When the Minister replied to the remarks I made during the last Address-in-Reply debate—when I criticised certain aspects of the Royal Perth Hospital—he had in his possession a letter. The letter was from a person who had far more first-hand knowledge of the mismanagement of the establishment than either the Minister or the Commissioner of Public Health. That letter supported the views expressed by myself but the Minister chose to defend the Royal Perth Hospital, although he knew he was wrong.

I accuse the Minister of being dishonest. The Chairman of the Board of Royal Perth Hospital chose to continue to mislead the public. I do sincerely believe that the

Chairman of the Royal Perth Hospital Board has used his position as a director of W.A. Newspapers to suppress the true facts and keep them from the public. Not one of several letters supporting me were ever printed.

The next thing that happened was the dear Premier himself attended a function at the Royal Perth Hospital during Perth Hospital Week. He was buttered up, so much so that he immediately committed the Government to the first \$9,000,000 of a \$34,000,000 project—the diagnostic centre at the Royal Perth Hospital. I would venture to suggest that the total number of beds available will be 1,200 to 1,400. I ask members to imagine that many beds on an area of approximately 20 acres of land. It is very difficult to believe that the present hospital is to be extended to accommodate 1,200 to 1,400 beds in a most ridiculous situation. The location is very noisy.

The hospital is in an area where the traffic is extremely heavy. Also, it is quite inaccessible at times and ambulances have difficulty in getting there. When one is at the football or cricket one can hear the ambulances trying to reach the hospital. The drivers find it difficult to get through the traffic. Parking facilities are grossly inadequate; there is no doubt about that.

I have been led to believe that the Government was broke and I have heard the Government crying poor mouth. Not for one minute did I think the Government had any money in its coffers.

Sitting suspended from 6.15 to 7.30 p.m.

Dr. DADOUR: Before the tea suspension I got to the point of saying that I believed the Government was broke; it was crying poor mouth. We have heard so much about this; we have been told the coffers were empty when it was elected to govern. Even though the Government must have been broke we still find the Treasurer able to provide \$9,000,000 for additions and alterations to the Royal Perth Hospital. As we know, this hospital is in a completely inaccessible part of the city and there is little doubt that there is a complete and total lack of planning in this connection.

I do believe, and I repeat, that the Premier was thoroughly conned in regard to this matter. I daresay when he visited the Royal Perth Hospital they buttered him up with talk of anti-fluoridation and the like, and this must have tickled his fancy. I am certain that the Premier gave this first \$9,000,000 to the Royal Perth Hospital without any reference at all to the Cabinet or the Treasury.

Because of his actions in this connection I am left with no alternative but to say that the Premier has not got enough circulation up top; he must be getting old to have done this sort of thing. Surely the Premier knows about the proposed

Bill to amend the hospital legislation. I certainly know about it; indeed, I think there are more copies available in Western Australia than there are copies of the *Daily News*.

One of the more acceptable proposals in that Bill is that it will set up a special planning committee which will look into things as they are today, and will also consider the future requirements of health in Western Australia.

If the Treasurer keeps doling out these large sums of money—there is the \$9,000,000 to which I referred and all the other sums that will probably follow—he will have very little left to go on with and complete the other necessary works which are so desirable in matters of health. The money will have already been committed by the Premier's utter stupidity and lack of knowledge of the situation that exists.

The Premier, however, has time to change his mind, or hold up proceedings until the proposed committee is set up, when it can plan the health needs of the State. Nowhere else in the world would anybody by choice place a medical centre in the heart of the most congested area of the city, particularly when modern medicine is moving towards outpatient and domiciliary care which necessitate large and adequate parking facilities.

I suggest it would be far better to concentrate on the more highly specialised and sophisticated fields of medicine and research at the Royal Perth Hospital—and I refer particularly to specialised aspects like cardiac transplants, renal transplants, and so on. It would certainly be cheaper to build a new hospital than to carry out the additions and alterations in the hotchpotch manner that is being undertaken at the moment. If the Royal Perth Hospital continues to expand in this manner it will not be long before the Government is serving a notice of resumption on the Roman Catholic Archbishop of Perth with a view to taking over his palace and cathedral for the purposes of staff parking facilities. The Minister and the Government have got their priorities all wrong.

We all know that the Royal Perth Hospital needs alteration and we know that the facilities there leave a lot to be desired. But even though the hospital might need its facilities improved, and even though it might need to be upgraded, surely it would be better to continue to develop the medical centre site at Hollywood so that the congestion might be relieved at the Royal Perth Hospital—even though there might be a reduction of beds—because in the end this would achieve the same result.

On the one hand we find the Government curtailing expenditure on the medical centre because of an apparent lack of finance and yet on the other we find that the Government is providing \$1,750,000 for private investment at Yundurup.

I wonder what the senior Treasury officials must think of the Premier's action and decision in this matter. There is little doubt that the Minister for Health is subservient to, and merely a parliamentary mouthpiece for the Commissioner of Health (Dr. Davidson).

The Commissioner of Health is intent on empire building to the detriment of the health services of the State. It is for this reason that certain medical professors concerned only with the advancement of the State's health find it may be necessary to resign rather than be caught up in this attitude of empire building.

On the very rare occasions that the commissioner has made a decision he has refused to listen to further argument even though he knows he is wrong. I am afraid he will act in the same manner with relation to the Medical School, particularly in relation to the laboratories. There is little doubt that the commissioner does not exercise his obligations objectively but rather does he exercise them subjectively. I would refer particularly to the sacking of one of his departmental doctors in part because of a business deal in which the two were involved. Indeed, so vitriolic is the commissioner in his condemnation of this doctor that he has ignored him and prevented the doctor from continuing to care for the natives in the north-west even though he was prepared to do so without remuneration. In fact, all efforts to find the doctor concerned a position at one of our leading hospitals were quite unsuccessful, because the commissioner blocked all avenues of employment open to him. His tentacles are far-reaching—and I said tentacles!

I regret to say that the Minister for Health is not strong enough; he is weak, brittle, friable, fragiley breakable and insignificant; without a mind of his own.

Mr. Davies: You are using parliamentary privilege to blast a good public service.

Dr. DADOUR: The Minister is no more nor less than a public relations officer for the Commissioner of Public Health. I would remind the Minister that he is here to represent the people and accordingly I wonder why he always defends the department against the people who elected him.

There is little doubt that the Minister needs a reorientation course as to where his loyalties lie. If he is going to represent only the department then it is the department which should elect him.

Mr. Davies: I might do a psychiatric report on you in a moment.

Dr. DADOUR: The Minister is not qualified in that direction. As I have said his thinking needs reorientation to determine where his loyalties really lie. If he is going to represent the department alone then

he should have been elected by the department. I can hear certain mumblings emanating from that side of the House.

Mr. Graham: All the mumbling is being done by you. We are listening to a lot of tommyrot. Why don't you tell us something about the mess that was left for us to clean up by the previous Liberal Government after 12 years of office?

Dr. DADOUR: There we go again: If we are not told about the past 12 years we are told about what the Commonwealth Government is doing to hinder the State.

Mr. Graham: I never mentioned the Commonwealth Government.

Dr. DADOUR: I suggest the Minister for Development and Decentralisation crawl back into the hole from whence he came.

Mr. Graham: What nonsense; and you talk about a psychiatric case.

Dr. DADOUR: The only way to clean up this sorry sordid mess and save the department from utter destruction is to call for the resignation of the commissioner and the replacement of the Minister. I can see one member on the other side who would make an excellent Minister for Health.

Mr. Graham: That is more than the member for Subiaco would do.

Dr. DADOUR: I wonder how many more Ministers are floundering under similar conditions. I would recommend to all other members of this House—

Mr. Graham: Who would take notice of what you recommend?

Dr. DADOUR: —that as they are elected by the people, they give some thought to the conditions that exist in other Government establishments because a big percentage of the population believes the State is being run by the departments rather than by the Government. I do not think I need spell out the word "bureaucracy."

As I have said we must clean up this sorry, sordid mess.

Mr. Graham: You are the sorry sordid mess.

Dr. DADOUR: We will not get anywhere until we get back some semblance of order. The Minister and the commissioner must make up their minds on their priorities. We must get things moving now. We should not wait for six months before we take action and get things going. None of my questions on the Royal Perth Hospital have been answered.

Mr. Graham: They have been but you could not understand them.

Dr. DADOUR: I can see I will not get any answers to the questions I asked in the first speech I made. I think the whole reason for this sorry state of affairs is that the Minister is just not strong enough

to make a decision. He is not able to make a decision. He is not getting any help from his department and he is getting very little from me! I just do not feel he is strong enough to carry on. If he carries on in the way he is going we will end up in a lot more trouble than we find ourselves at the moment unless, of course, some good solid decisions can be made. This is very necessary.

Mr. Graham: I think you should apologise for your conduct in the House.

Dr. DADOUR: If the Speaker asks me to apologise, I shall do so; otherwise I shall not.

Mr. Graham: You should in all conscience, if you have one, because you are throwing abuse around, left, right, and centre against public servants.

Mr. Davies: You are attacking these people under the cover of parliamentary privilege.

Dr. DADOUR: Many people who have good intentions and wish to plan and get on with the establishment of a medical centre together with other aspects of medical health in the city are unable to do so because of the Minister's vacillation. He is unable to make decisions and, as a result, we find ourselves wallowing in a state of inertia.

Mr. Graham: You would be a specialist in wallowing.

Dr. DADOUR: If I take much notice of the Minister for Development and Decentralisation I shall probably wallow a great deal more in this state of inertia.

I do believe that the condemnation by the Commissioner of Health of the doctor to whom I have referred was purely and simply the result of a business venture—they fell out over a business venture. There are, of course, other aspects which have arisen because the doctor concerned knows more about leprosy and health in the north-west than the commissioner would like to admit.

As a result of this the doctor in question finds all avenues of employment are blocked to him. He is unable to continue and do the work he would like to do and he is unable to get a job.

I have made representations to the Minister for Health in respect of this man and I have been left with the distinct impression that the Minister is just full of wind. He has told me that something will be done but, of course, nothing is ever done. I find his attitude hard to follow.

Mr. Davies: Have a look at the file some day as I have asked you to do. You have not the courage to walk into the Public Health Department. You would not poke your nose in there.

Mr. Williams: You know what happens when a private member looks at a file.

The **SPEAKER**: The member for Subiaco will continue.

Mr. Davies: Why don't you visit the Royal Perth Hospital as you have been invited to do on many occasions?

Dr. DADOUR: The Minister is an idiot—no, I retract that, because it would be an insult to idiots.

Mr. Davies: Why don't you take advantage of the invitation that has been extended to you to look at the file and visit the hospital?

Dr. DADOUR: The Minister should not be so silly. He is just being idiotic.

Mr. Davies: As I have said, you would not put your nose in the front door.

Dr. DADOUR: The Minister is just being an idiot. He is trying to tell me about the Royal Perth Hospital. I noticed the day after he went out to the hospital the Premier sent him up incognito. What did the Minister see? He saw nothing because he is blind. He cannot see things because he does not understand.

Mr. H. D. Evans: You are getting a bit over the fence.

Dr. DADOUR: I find it sticking in my craw the way the Minister for Health attacked my Address-in-Reply speech at the very beginning. If he is going to adopt these tactics, I will adopt them too, and I will beat him at his own game.

Mr. Davies: You have had more practice than I have.

Dr. DADOUR: More practice! The Minister has the audacity to turn around and say the medical professors did not have the decency to listen to the argument. Other men would have gone on strike but these people are dedicated—they would ruin their own careers rather than go on strike.

I have no confidence in the Minister for Health. He should endeavour to make some decisions quickly and halt this inertia.

Mr. Graham: You are a disgrace to the institution of Parliament.

Dr. DADOUR: Get back in your hole.

MR. R. L. YOUNG (Wembley) [7.47 p.m.]: In the Address-in-Reply debate in the last session I opened my speech with some remarks about State-Commonwealth relationships. I briefly outlined the history of the financial relationships between the State and the Commonwealth between 1901 and the present date. I pointed out there was a great need for an increasing amount of growth tax to be made available to the States by the Commonwealth. I made some suggestions as to how these taxes could be paid out. I did not give any figures on the benefits which would

accrue to the States if a particular financial pattern was followed by the Commonwealth. However, I propose to record these because the people of the State should be aware of the amounts of money which could have been made available by the Commonwealth over the last six or seven years had the Commonwealth continued to pay at the rate it paid in certain base years.

The average distribution to the States by way of total financial revenue grants from 1959-60 to 1963-64 inclusive, as a percentage of total taxation income by the Commonwealth, was 20.8 per cent. If the same rate had been maintained the figures I am about to quote would have been paid to the States in the ensuing years. I will quote only the difference between the amount that was paid and the amount which would have been paid had the Commonwealth continued to pay this rate of 20.8 per cent. to the States as was the average in the years I quoted.

In 1964-65 the States would have received an extra \$68,391,000. In 1965-66 the States would have received an extra \$63,444,000. In 1966-67 the figure would have been \$44,135,000; in 1967-68, \$55,725,000; in 1968-69, \$81,365,000; and in 1969-70, \$118,568,000. On the budgeted figures for 1970-71 the States would have received an extra \$121,386,000. That is a total of \$553,014,000 over seven years.

We hear much about the \$1,443,000,000 gap, and I would like to refer to this as the \$553,000,000 gap which the States would have received had the Commonwealth continued to pay over the amounts at the rate I quoted. This is a tremendous sum and had the previous rate continued the State of Western Australia would have received \$64,000,000 or thereabouts over this period of seven years.

Mr. T. D. Evans: We would like to do something about it—change the Commonwealth Government.

Mr. R. L. YOUNG: That is the reason I am on my feet—to tell the Commonwealth Government. I think the Minister assisting the Treasurer will probably welcome the remarks I make in this regard. I do not wish to make the point at great length, because I have already dealt with it. However, I did want these figures on the record to let the people of Western Australia, and for that matter the people of Australia, know how much would have been made available to the States over those years.

The second subject I wish to raise is the disputation which has arisen between Hancock and Wright and the Deputy Leader of the Opposition—and in fact, our Minister for Mines also. In the last session of Parliament the Government found it necessary to introduce what I described at the time as an unsavoury Bill for the

sole purpose of preventing Hancock and Wright's legal rights being aired before a court. I made it quite clear where I stood at the time this Bill was introduced.

Obviously the Government found it could not negotiate with Hancock and Wright and from the Deputy Leader of the Opposition's remarks it is clear that he could not negotiate with them. I want to make it clear to the House that I believe the Deputy Leader of the Opposition had a perfectly good right to refer to this matter. Not only did he have the right, but he had an obligation to make clear to this House and to this State the troubles he had seen developing between Hancock and Wright and the Western Australian Government. I believe had the Deputy Leader of the Opposition not used his parliamentary privilege to do this the people of Western Australia would have been denied the opportunity to find out what happens behind the scenes.

There are two matters in particular I wish to refer to. Firstly, there was an insinuation or allegation that there had been leakages of valuable information from the Mines Department. I hope it becomes clear at some time whether or not the leakages did occur. However, I wonder how many people are aware of the significance of the allegation. Certainly the Minister for Mines and the Deputy Leader of the Opposition are aware of the outcome if valuable secret information leaks out of departments, or can be acquired by people for their own use. I am only saying that this is an inference to be drawn.

Mr. Graham: For many long years there have been leakages from Cabinet meetings, party meetings, and so on. That has long been recognised.

Mr. R. L. YOUNG: Probably no Government in the history of Australia did not have leakages from some department at some time. I think the Deputy Premier will admit that there are times when departments in other places have deliberately leaked information.

Mr. Graham: That may be so, but it did leak here.

Mr. May: If you read *Hansard* you will see I said that we had troubles.

Mr. R. L. YOUNG: The Minister for Mines did not say exactly what the troubles were. However, he made this comment when the Deputy Leader of the Opposition remarked about the leakages from the department.

Mr. May: But I said we had taken steps to overcome it.

Mr. R. L. YOUNG: The Minister for Mines also said that. The point I am making is that when allegations of this type are made, the people of this State must be given an opportunity to find out exactly what is going on.

Mr. May: Don't you think this problem should have been overcome some time ago?

Mr. R. L. YOUNG: If the Minister will listen I am coming to that.

Mr. May: Usually when I wait you sit down and I do not get a chance.

Mr. R. L. YOUNG: I promise not to sit down. I find it very difficult to understand the report that a psychiatric long-range assessment has been made of the Deputy Leader of the Opposition. Apparently such a report does exist because I gather from the Press that Mr. Hancock admits it. Such a report can only be designed to malign the character of the man who was the Minister for Industrial Development at the time and who is now the Deputy Leader of the Opposition. It is obvious that this report could have been prepared for one purpose only—that is, to damage Mr. Court's character.

At the outset I said that the Deputy Leader of the Opposition had a perfectly good right to raise this point. It goes further than that—he had an obligation to raise it and I am glad he did. Either the statements and insinuations are true or they are not true. It is as simple as that—we cannot have it both ways. When allegations of this type are made they must be backed up.

Mr. Graham: That is the allegation of the Deputy Leader of the Opposition, but what about the allegations of Hancock and Wright against the Minister? Do you think they should be investigated?

Mr. R. L. YOUNG: I could not agree more.

Mr. Graham: Very well.

Mr. R. L. YOUNG: The allegations made by the Deputy Leader of the Opposition and the Minister for Mines in this House should have been made. However, they should be subjected to some sort of scrutiny. The allegations made by Hancock and Wright should also be subjected to scrutiny.

Members will by now have gathered what I am going to say: I support what the Leader of the Opposition said tonight in calling on the Premier to set up a Royal Commission to investigate these allegations.

Mr. May: The Leader of the Opposition did not say a Royal Commission. He did not say that in as many words; he said an investigation. Do you say we should have a Royal Commission?

Mr. R. L. YOUNG: I say we should have a Royal Commission.

Mr. J. T. Tonkin: What do you say about the Royal Commission into Wool Exporters?

Mr. R. L. YOUNG: The Government should appoint a Royal Commission, whether it concerns this Government or the Government which preceded this one.

Mr. May: On all facets?

Mr. R. L. YOUNG: On all facets of the Pilbara plan and all facets of the allegations made by the Deputy Leader of the Opposition.

Mr. Bertram: Is that what your leader said, "all facets"?

Mr. R. L. YOUNG: I am not making this speech on behalf of the Leader of the Opposition. My own belief is the inquiry should be made on all facets.

Mr. Graham: Including whether the Deputy Leader of the Opposition threatened overseas firms that if they held talks with Hancock and Wright they would be investigated, too?

Mr. R. L. YOUNG: I said before, and let me make it as clear as I possibly can, I want to see an investigation in the form of a Royal Commission to investigate anything that went on with regard to the Pilbara plan. This should include the last Government, this Government, and Hancock and Wright.

Mr. May: Why did we not have one 10 months ago?

Mr. O'Connor: He was not in Parliament then.

Mr. R. L. YOUNG: Let us face facts; the last Government did everything possible to get Hancock and Wright to the table.

Mr. Graham: Are you sure of that? For months the Minister would not even talk to them.

Mr. R. L. YOUNG: When we were no longer the Government there was nothing much we could do. Obviously the problem is now that of the Deputy Premier and the Minister for Mines. The Government has had no more success than the previous Government.

Mr. May: Except we did something.

Mr. Graham: We have not just talked about it; we are doing something about it.

Mr. R. L. YOUNG: I am talking of doing something else—I want to make it clear once and for all.

Mr. Graham: We know where we are going.

Mr. R. L. YOUNG: The plain fact is that Hancock and Wright may be a pair of diabolical, power-hungry, self-possessed men, if we are to believe statements from both sides of the House.

Mr. Graham: Or?

Mr. R. L. YOUNG: Either that or they may just be a couple of responsible pioneers who have done much for this State and could well go down in the history books as having done much for the development

of this State. If we were capable of going forward 100 years and looking back at the Pilbara plan—

Mr. May: What Pilbara plan?

Mr. Williams: Just because it is not on the blotter on your table, it does not mean there was not one. The Deputy Leader of the Opposition told you the other night what it was.

Mr. Graham: But he said many things. He has been talking, talking, talking for years.

Mr. Williams: Right over your head!

Mr. O'Connor: How could he talk properly when you are interjecting all the time?

Mr. R. L. YOUNG: If we can look forward to what the Pilbara may be like in 100 years, and at the present time look back to what it was many years ago, I am sure every one of us will want to find out the facts here and now. It could well be that as a result of the actions of a couple of capable Governments—and here I assume the present Government to be just as capable as the previous Government—acting responsibly and doing the right thing in the Pilbara, the area could become the Ruhr of the Southern Hemisphere and one of the largest industrial centres in the world.

I think this State and this Parliament owes it to the public and to history to ensure that we are acquainted with all the facts associated with the Pilbara negotiations.

Mr. J. T. Tonkin: How do you do that?

Mr. R. L. YOUNG: Let me ask the Premier a question. Does the Premier believe that the people of this State have the right to hear all the facts associated with the Pilbara negotiations?

Mr. J. T. Tonkin: Yes.

Mr. R. L. YOUNG: Does the Premier think there is any way of achieving that other than by a Royal Commission?

Mr. J. T. Tonkin: I have followed closely a number of Royal Commissions and I cannot think of any that did any good. How about the Royal Commission that inquired into Wool Exporters? How good was that?

Mr. R. L. YOUNG: I asked the Premier whether he could think of any way to obtain the facts concerning the Pilbara negotiations other than by a Royal Commission, but he replies only by telling me that Royal Commissions are no good.

Mr. J. T. Tonkin: They cost a great deal of money and do not establish the truth.

Mr. R. L. YOUNG: We should establish some forum which will reveal all these facts to the public. I do not care how much it costs.

Mr. May: Don't you think it is a weakness on the part of the Opposition that this situation has developed?

Mr. R. L. YOUNG: I am not talking about the Opposition.

Mr. May: But the situation has developed over the past six or eight years.

Mr. R. L. YOUNG: I believe we should do everything possible now to bring these people before some forum to ascertain the facts.

Mr. May: If there was no weakness before why bring them before a Royal Commission?

Mr. R. L. YOUNG: The problem requires this to be done.

Mr. May: I have not said there is a problem.

Mr. R. L. YOUNG: The Minister has by inference.

Mr. May: No. I said that we made a plan on the 26th June and have followed it all the way along.

Mr. R. L. YOUNG: Is it working?

Mr. May: My very word it is!

Mr. R. L. YOUNG: Is the Minister for Mines happy with the dealings with Hancock and Wright at the moment?

Mr. May: That has nothing to do with it; we have a plan.

Mr. R. L. YOUNG: I suggest it has everything to do with it and it has everything to do with the way the Government operates in the future, too. I simply want to conclude by saying that the people of the State have the right—and so has history the right—to know exactly what is going on between Hancock and Wright and the present Government and what went on between Hancock and Wright and the previous Government. I want Hancock and Wright to have the opportunity to clear their names if possible. I also want Hancock and Wright to be condemned if the allegations made against them are found to be true. It seems to me that nobody has anything to be frightened of if this action were taken, because Hancock and Wright say, "Our hands are clean; we have no problem."

Mr. May: But they said they did not want a Royal Commission and so did the Leader of the Opposition.

Mr. R. L. YOUNG: The Leader of the Opposition says the same thing and the Government says the same thing. Hancock and Wright say they have done nothing wrong, but I say a Royal Commission should be appointed so that if their hands are clean the State will know about it. All other aspects of the negotiations will be covered in detail, and instead of all these claims and counterclaims being made by various people we will be able to get on with the job of governing the State and the Minister for Mines can get on

with the job of developing the Pilbara. Further, Hancock and Wright can either clear their names or be condemned if the allegations made against them are found to be true. If it is found that they have been responsible for having this long-range psychiatric report made on the Deputy Leader of the Opposition and have acquired information they have no right to acquire, the Minister for Mines should be one of the first to say, "Let us clean this matter up."

Mr. May: As far as I am concerned it is cleaned up; I have told you that. Why is it that, within a matter of two days, the Opposition members have changed their minds from not being in favour of a Royal Commission being held to having one held now? That is the point that needs to be cleared up.

Mr. R. L. YOUNG: As far as I am concerned the only important thing is what will happen from this point onwards.

Mr. Graham: What we announced on the 26th June; that is what will happen. We have not deviated from it.

Mr. R. L. YOUNG: The Premier would not answer my question as to what form of inquiry could be held other than a Royal Commission so perhaps the Minister for Development and Decentralisation will answer me. Can the Minister think of any better way to ascertain the truth of the various allegations that have been made against Hancock and Wright than by holding a Royal Commission?

Mr. Graham: What is the fact of the matter; to get our iron ore resources developed?

Mr. R. L. YOUNG: Of course, it is. Have we not worked hard for that for 12 years?

Mr. Graham: But the former Minister for Industrial Development and Hancock and Wright have been throwing brickbats at each other for several years. The only difference is that a new Minister is in charge and the old one was not. He did not know where he was going.

Mr. R. L. YOUNG: I take it that Hancock and Wright are not throwing brickbats at the present Minister. I can only assume that the Minister for Development and Decentralisation does not intend to answer my question on what form of investigation can be held, other than a Royal Commission, nor does the Premier. So far as I am concerned, this is the only way to clear the matter up.

MR. GRAYDEN (South Perth) [8.07 p.m.]: Earlier today it was my intention to move a motion to invite Mr. Hancock to come to the Bar of this House so that he could be given the opportunity to answer various allegations that were made against him and his partner a few days ago. I did not move my motion because I knew that the Leader of the Opposition intended to make a request of the Premier

along the lines that he did. When speaking on the Address-in-Reply debate he made a request of the Premier that he should appoint a Royal Commission or some body that would inquire into the allegations that have been made. He particularly mentioned a Royal Commission first of all, so I am at a loss to understand why the Minister for Mines has asked, "When did the Leader of the Opposition mention a Royal Commission?"

Mr. May: He mentioned over the weekend that he did not want a Royal Commission.

Mr. GRAYDEN: When speaking on the Address-in-Reply debate he made a request to the Premier for a Royal Commission.

Mr. May: No, he did not; he made a request for an investigation.

Mr. GRAYDEN: He made a request for a Royal Commission or some type of investigation.

Mr. May: Why did he not move an amendment?

Mr. GRAYDEN: I want to convince the Minister for Mines that the Opposition now seeks a Royal Commission and as a result of the Leader of the Opposition making his request of the Premier I did not proceed with my motion. I therefore hope the Government will give the request serious consideration.

Mr. Graham: Over the weekend the Leader of the Opposition said "No Royal Commission" several times.

Mr. GRAYDEN: I am not concerned with what happened over the weekend.

Mr. Graham: What has happened since? Has he been instructed by the Liberal Party Caucus; by 1140 Hay Street?

Mr. GRAYDEN: First of all, the request is for a Royal Commission; that is the important thing. After listening to members this evening I believe many of them have lost sight of the fundamental basis—

Mr. May: And that is getting on with the development of the Pilbara.

Mr. GRAYDEN: I think we have lost sight of what was intended by the Leader of the Opposition when he asked for a Royal Commission. I am sure he did not intend to make it all-embracing; so far as I am concerned we should have a Royal Commission that is all-embracing, but it would have to be appointed during the next session of Parliament, because half of the matters at present are *sub judice*.

However, the matter we are discussing tonight is not *sub judice* and if we confine the investigation to the allegations that were made the other day—and that is what the Leader of the Opposition wanted—

Mr. Bertram: He wanted to confine the investigation to one allegation.

Mr. GRAYDEN: No, he wanted an inquiry into all the allegations and, in particular, the allegation about the psychiatric report. He did say that. As far as I am concerned it need not be a Royal Commission. I do not care who conducts the investigation so long as an inquiry is made into the allegations that were made the other day. I agreed with the member for Wembley that the remarks of the Deputy Leader of the Opposition were completely justified. They were made under privilege. This is the place to make statements of that type.

Mr. May: You said he should have made those statements outside the House. You have changed your mind in the last few days.

Mr. GRAYDEN: I will try to tell the Minister for Mines how wrong he is. This statement was completely justified and made under privilege. The Deputy Leader of the Opposition had every right to say exactly what he did, but it was incumbent upon him, having generalised in the way he did, to produce documentary or other evidence to substantiate in every detail the statement he made.

Mr. May: I have never known the member for South Perth to crawl down the way he has tonight.

Mr. GRAYDEN: That is such a stupid statement I am not even going to ask the Speaker to request the Minister for Mines to withdraw it.

Mr. May: Of course you have backed down; you were going to move that Hancock and Wright be brought to the Bar of the House.

Mr. Williams: This is even better. Has the Government something to hide?

The SPEAKER: Order!

Mr. GRAYDEN: What makes the Minister for Mines think I will not move for the appointment of a Royal Commission? The point is that the alternative is far better. The only reason I suggested that Hancock and Wright be brought to the Bar of the House instead of appearing before a Royal Commission was the fact that the Premier said he did not want a Royal Commission.

Mr. Graham: And so did your leader.

Mr. Williams: Your leader made many promises during the election campaign.

The SPEAKER: Order!

Mr. Graham: And, one by one, they have been given effect to.

Mr. GRAYDEN: What is the alternative to a Royal Commission? The reason I did not go on with my motion for Hancock and Wright to be brought to the Bar of the House is a simple one and you, Mr. Speaker, know full well what would have happened. In the course of the debate on

the motion we would have been referring to some future debate and I would have been precluded from speaking on the subject during this debate and on the *Loas Estimates*. That is what would have happened. In addition, we would have been completely in the hands of the Government as to whether the motion would have come up for discussion during this session of Parliament.

Mr. May: It would have been a matter for the Speaker to decide.

Mr. GRAYDEN: The motion could have been left at the bottom of the notice paper and I would not have had an opportunity to speak on it, nor would any other member of the House. It is infinitely better now to say that the facts warrant the appointment of a Royal Commission. I support the stand taken by the Opposition and, in this respect, I support the remarks that have been made by the Leader of the Opposition.

Let me return to what I was saying in the first place. This is the place where any member of Parliament should make the sort of statement the Deputy Leader of the Opposition made the other evening. However, I also believe that if any member makes such a statement he should go further and substantiate it with documentary and other evidence.

Mr. Graham: Which he has not done.

Mr. GRAYDEN: It is not sufficient to make a generalisation of that kind. I do not want to be in opposition to the Deputy Leader of the Opposition on an issue of this kind. He has said this has been his experience; and if it has been his experience, something should be done about it.

Mr. May: Don't you think the Deputy Leader of the Opposition should have moved for a Royal Commission? He made the statements that all this was going on.

Mr. GRAYDEN: Yes.

Mr. May: Don't you think you should have done this, too?

Mr. GRAYDEN: The Deputy Leader of the Opposition is going along with this idea.

Mr. Graham: He moved another motion.

Mr. GRAYDEN: If I moved a motion for the appointment of a Royal Commission, the Government could defeat it because it has the majority. All the Opposition is doing is making a request for the reasons I have outlined. Certain allegations have been made. As far as I am concerned they are unsubstantiated and in those circumstances should not have been made. Hancock and Wright are prominent men in this community and they are internationally known in mining circles. Now, as far as the world knows, they have adopted Mafia-like business methods, and intimidatory and standover

tactics. They are responsible for obtaining, whether by theft or in some other way, confidential documents.

Out of common decency this Parliament should carry out some sort of investigation into this matter in order to lay the blame where it belongs. If Hancock and Wright are at fault and have done the things the Deputy Leader of the Opposition has alleged, then something should be done about it.

Mr. Graham: Have you any idea when these things happened?

Mr. GRAYDEN: I do not care when.

Mr. Bertram: It is very material.

Mr. Graham: When the Deputy Leader of the Opposition was the Minister, or since?

Mr. GRAYDEN: Section 54 of the Criminal Code reads—

Any person who advisedly—

- (1) Does any act calculated to interfere with the free exercise by the Governor of the duties or authority of his office; or
- (2) Does any act calculated to interfere with the free exercise by a member of the Executive Council of the duties or authority of his office as a member of the Executive Council or as a Minister of State;

is guilty of a misdemeanour, and is liable to imprisonment for three years.

Mr. Graham: Did these people do these things while the Deputy Leader of the Opposition was a Minister, or since?

Mr. GRAYDEN: Subsection (2) is the relevant part. That subsection reads—

- (2) Does any act calculated to interfere with the free exercise by a member of the Executive Council of the duties or authority of his office as a member of the Executive Council or as a Minister of State;

is guilty of a misdemeanour, and is liable to imprisonment for three years.

Mr. Graham: The Deputy Leader of the Opposition is none of those things, though.

Mr. GRAYDEN: Section 61 deals with an ordinary member of Parliament, and portion of section 61 reads—

Any person who,—

- (2) Attempts, directly or indirectly, by fraud, or by threats or intimidation of any kind, to influence a member of either House of Parliament in his vote, opinion, judgment, or action, upon such question or matter, or to induce him to so absent himself;

is guilty of a crime, and is liable to imprisonment with hard labour for seven years.

Mr. Graham: Where was the intimidation or threats? Even the Deputy Leader of the Opposition did not suggest that.

Mr. GRAYDEN: The Deputy Leader of the Opposition has accused them of Mafia-like business methods.

Mr. Graham: When? That is the important thing.

Mr. GRAYDEN: I do not think it is important at all.

Mr. Graham: He wants us to embark on a six-month heresy hunt in respect of something he should have attended to when he was a Minister.

Mr. Williams: What is your great objection to this?

Mr. Graham: Do you want us to be the garbage collectors? We want to get on with the job. We are not talking, like you.

The SPEAKER: Order! The member for South Perth.

Mr. GRAYDEN: I have just indicated the punishment under the Criminal Code for anyone guilty of attempting to intimidate or threaten a member of Parliament in any way.

Mr. Graham: He was not threatened.

Mr. GRAYDEN: The punishment is three years, and in one case, seven years. In those circumstances, if Hancock and Wright have been guilty of intimidatory tactics in respect of a Minister of the Crown, something should be done about it. I am not suggesting that was the situation at all. The Deputy Leader of the Opposition said these people have been guilty of these tactics. I am saying it is important we should know whether or not those charges can be sustained. Up to date no evidence at all has been given and as far as I am concerned, that is not good enough.

Hancock and Wright are reputable individuals in this society, but if they have done the things of which they have been accused, then something should be done about them; and the way we can ascertain the rights and wrongs of this issue is to appoint a Royal Commission or a similar investigation.

When the Deputy Leader of the Opposition was speaking on this subject the other day, he referred to a long-range psychiatric report, and both the member for Wembley and the member for Subiaco also mentioned it. Almost everyone who has spoken has given the impression that Hancock was responsible for the report. As far as I can ascertain after reading the newspapers, Hancock denies any responsibility for the document. He said he had a copy in his possession and that he knew

the report had been seen by a couple of Cabinet Ministers; but he specifically said he was not the originator of the report. In those circumstances I cannot understand people basing their remarks on supposition and accusing Hancock of this particular thing. If the accusation is made on supposition only, we are doing a grievous thing in pointing the bone at Hancock and Wright and accusing them of Mafia-like tactics.

In Western Australia and in every other State of the Commonwealth numerous trade protection organisations exist. I think several are in operation in Western Australia, and each one compiles a report of every businessman in the city. If a person is a member he can write to the organisations which will send him a report. Often it is a fallacious report or, at least, an old one. It is compiled from scraps of information obtained from all possible sources, and can give a very wrong picture indeed of, say, the financial affairs of a particular individual. The reports are tuppence a dozen, and are along the lines of the one mentioned here. Yet, it has been said that Hancock and Wright have been guilty of Mafia-like tactics, but no evidence exists to suggest that Hancock and Wright were responsible for the report. In those circumstances how can we accuse them of being responsible? That is the first point.

Let us move to the next point which is the inference that Hancock and Wright have been guilty of or responsible for leakages of information from Government departments in this State. Again, these accusations must be based on pure supposition because not one shred of evidence is available anywhere to indicate that Hancock and Wright have been involved.

Indeed, one journalist rang me today to say that on one occasion he himself had carried out an investigation into the financial affairs of the Deputy Leader of the Opposition. He assured me he was a freelance journalist and had never been employed by Lang Hancock, and that the report had nothing to do with his being on the staff, or anything of that kind; but he feels that his investigation could well have given rise to the belief by the Deputy Leader of the Opposition that his financial affairs were being examined. His report was published in *Jobsons Digest* and quite a lot of publicity was given to it. Is that why that particular allegation was made? In those circumstances how can we accuse Hancock and Wright of it?

It is shocking that we should say they are engaging in this type of activity unless we can prove it. On the other hand, if a royal commissioner or other investigating authority could establish that, in fact, Hancock and Wright were guilty of these charges—that is, intimidatory and stand-over tactics—the Criminal Code should be

invoked. Even if we did not go to that extent, the results of the investigation would make it plain to all Western Australians and people overseas that Hancock and Wright were guilty as charged. In those circumstances I cannot see why the Government should shy away from the appointment of a Royal Commission or similar investigation.

Mr. J. T. Tonkin: The main reason is that I do not have the money to waste.

Mr. Rushton: That's a beauty.

Mr. GRAYDEN: I can appreciate that. If it is not possible to appoint a Royal Commission, surely it is possible for another type of inquiry to be carried out, even by the C.I.B. I do not care what authority makes the investigation; but an investigation of some sort would indicate to the people of Western Australia whether or not Hancock and Wright are guilty.

Mr. Graham: I think the Deputy Leader of the Opposition should make out a stronger case than he has. He made allegations but did not provide much proof, as you have said.

Mr. Rushton: Apparently there is a psychiatric report.

Mr. May: Have you seen it?

Mr. Rushton: No.

Mr. May: Why are you interrupting? You have only just walked in.

Mr. Bertram: Why didn't you charge him with something?

Mr. May: You were there long enough to charge him.

Mr. GRAYDEN: I do hope the Government will give this matter serious consideration. I repeat that an investigation need not be in the form of a Royal Commission. It could be an investigation by any responsible body or officer competent to carry out an investigation of this kind. Obviously it would be preferable to appoint a Royal Commission. If it had been earlier in the session a Select Committee could have been appointed, but obviously it is too late now as we are in the last week of the session. If a Select Committee were appointed, it would have to be converted into an honorary Royal Commission. If a Royal Commission were appointed it would not necessarily be a lengthy one.

Mr. J. T. Tonkin: It is a Roman holiday for lawyers.

Mr. GRAYDEN: I would hope not. It could be restricted. This is the whole point.

Mr. May: You do not want it restricted.

Mr. GRAYDEN: The terms of reference of the Royal Commission could be restricted to the charges made in respect of Mafia-like tactics.

Mr. May: It would not be fair to restrict it. If you have a Royal Commission, surely everything should be taken into consideration.

Mr. GRAYDEN: Of course a lot of matters would be *sub judice*. By all means appoint a Royal Commission next session to go into the whole iron ore question generally, but at this time I am talking about an inquiry to investigate the charges made the other day.

Mr. May: Don't you agree this is developing into a situation which should have been corrected many months ago? The situation is the Deputy Leader of the Opposition has moved a motion and all of a sudden threats are made. This should have been done months ago.

Mr. GRAYDEN: Has the Minister experienced difficulty?

Mr. May: I have told the honourable member the Government has overcome it.

Mr. GRAYDEN: Would the Minister be prepared to tell the House that officers of his department were responsible for the leakages?

Mr. May: No. If the member for South Perth reads my comments he will see that after the information had left my office other companies received it as quickly as Hancock and Wright.

Mr. GRAYDEN: Let me say a word or two about leakages. What I want to know is whether the leakages occurred within Government departments of this State or between interrelated iron ore companies. I can well imagine the Mines Department writing to one company which has all sorts of tie-ups with other companies. That company could circulate the information and this is where the leakage could occur. Somewhere along the line the information could become public.

Mr. May: You still have not answered my question. Don't you think it should have been corrected a long while ago?

Mr. GRAYDEN: As far as I am concerned anything which happened a long while ago should have been dealt with then.

Mr. May: The Mafia tactics were a long time ago. Do you mean to say that the Deputy Leader of the Opposition has not told your party what was going on?

Mr. GRAYDEN: Has the Minister experienced Mafia-like tactics from Hancock and Wright?

Mr. May: Definitely not.

Mr. GRAYDEN: The Minister has said that he found them extremely awkward to deal with.

Mr. May: Yes.

Mr. Graham: We have found the Opposition rather awkward to deal with, too.

Mr. May: We are not suggesting a Royal Commission into the Opposition.

Mr. GRAYDEN: I am pleased to know the present Government has not been subjected to Mafia-like tactics from Hancock and Wright. I do not know what inference is to be drawn from the Minister for Mines' remark. Is he suggesting that Hancock and Wright have changed their ways?

Mr. May: I am not suggesting that they have used Mafia-like tactics.

Mr. GRAYDEN: We all know of the Mafia organisation; in fact it is well known throughout the whole world. The Mafia is guilty of extortion, killing, and maiming—in fact, of every crime in the book. If an allegation is made that Mafia-like tactics were used, it is an extremely serious one.

Mr. Lapham: The Deputy Leader of the Opposition is still with us, so they could not have used them.

Mr. GRAYDEN: Allegations have been made and, in my view, they should have been substantiated. So far as I am concerned there was no justification for making allegations when no evidence was brought forward to substantiate the statements made. Nonetheless these allegations have been made and there should be an inquiry on a restricted scale to determine their truth or otherwise. I believe the inquiry should be restricted; otherwise it would be impracticable. I agree with what the Premier said in relation to costs. However, if an inquiry is confined to the questions I have raised it will not be costly or long. Such an inquiry would certainly set the minds of people in this State at rest. If Hancock and Wright are not guilty of the charges brought against them they will not have to walk around this State for the rest of their lives with these allegations hanging over their heads.

In these circumstances I sincerely ask the Premier and his Cabinet to give most serious thought to the request by the Leader of the Opposition for a Royal Commission or other inquiry to be held with the object of ascertaining the proof, or otherwise, of the allegations made in this House a few days ago.

Debate adjourned until a later stage of the sitting, on motion by Mr. Jones.

PARLIAMENTARY COMMISSIONER BILL

Council's Amendments

Amendments made by the Council now considered.

In Committee

The Chairman of Committees (Mr. Bateman) in the Chair; Mr. J. T. Tonkin (Premier) in charge of the Bill.

The amendments made by the Council were as follows:—

No. 1.

Clause 5, page 4, line 9—Insert after the word "Governor" the words "on the recommendation of Parliament".

No. 2.

Clause 5, page 4, line 33—Insert after the word "is" the words "or has been within the preceding three years".

No. 3.

Clause 5, page 4, lines 33 and 34—Delete the words "of either House of Parliament or".

No. 4.

Clause 5, page 4, line 35—Insert before the word "shall" the words "or any State".

No. 5.

Clause 13, page 9, line 17—Delete all words after the word "which" to and including the word "apply" in line 18, and substitute the words "this Act is declared to apply by Rules of Parliament."

No. 6.

Clause 13, page 9, lines 19 to 22—Delete subclause (2).

No. 7.

Clause 14, page 12, line 6—Delete the words "to the Crown".

No. 8.

Clause 14, page 12, line 6—Delete the word "acting" where secondly appearing.

No. 9.

Clause 14, page 12, line 7—Delete all words after the word "counsel".

No. 10.

Clause 19, page 15, lines 27 and 28—Delete the words "may determine whether".

No. 11.

Clause 25, page 21, line 5—Add after the word "report" the words "and in any case he shall not make any defamatory statement concerning any person".

No. 12.

Clause 30, page 22, lines 33 and 34—Delete the passage "restraining the Commissioner from carrying out, or".

No. 13.

Clause 30, page 22, line 34—Delete the word "him" and substitute the words "the Commissioner".

No. 14.

Schedule, page 24, lines 15 and 16—Delete the words "Co-operative Bulk Handling Limited under the Bulk Handling Act, 1967".

No. 15.

Schedule, page 25, lines 10 to 12—Delete the words "Fruit Growing Industry Trust Fund Committee constituted under the Fruit Growing Industry (Trust Fund) Act, 1941."

No. 16.

Schedule, page 25, lines 19 and 20—Delete the passage "The Grain Pool of W.A. constituted under the Grain Pool Act, 1932."

No. 17.

Schedule, page 26, lines 3 and 4—Delete the words "Onion Marketing Board constituted under the Marketing of Onions Act, 1938."

No. 18.

Schedule, page 26, lines 31 and 32—Delete the passage "The Commissioner and Deputy Commissioner of Police under the Police Act, 1892".

No. 19.

Schedule, page 26, line 33—Delete the words "The Police Force of the State and".

No. 20.

Schedule, page 27—Delete the words "Commissioner and Deputy Commissioner of Transport appointed" in lines 3 and 4 and substitute the words "The Transport Commission".

No. 21.

Schedule, page 27, lines 5 to 7—Delete the words "Commissioners of the Rural and Industries Bank of Western Australia appointed under the Rural and Industries Bank Act, 1944".

No. 22.

Schedule, after line 9—Insert the words "The State Government Insurance Office constituted under the State Government Insurance Office Act, 1938".

No. 23.

Schedule, page 27, lines 27 to 30—Delete the words,

Western Australian Trotting Association constituted under the Western Australian Trotting Association Act, 1946.

Western Australian Turf Club constituted under the Western Australian Turf Club Act, 1892.

No. 24.

Schedule—Add at the end of the Schedule, the words "Workers' Compensation Board, constituted under the Workers' Compensation Act, 1912".

No. 25.

Schedule—Add at the end of the Schedule the words "The Junior Farmers' Movement Council under the Junior Farmers' Movement Act, 1955".

Mr. J. T. TONKIN: I move—

That amendment No. 1 made by the Council be not agreed to.

This amendment proposes to ensure that the parliamentary commissioner shall be appointed by Parliament instead of by the Government. It seems to me this idea came into the minds of members in another place because the New Zealand Statute provides that the commissioner shall be appointed by the Governor-General on the recommendation of the House of Representatives. I point out there is only one Chamber in New Zealand and, therefore, there is no possibility of disagreement between Chambers. Whomsoever the Government wanted to appoint would be the recommendation to the Governor-General. In New Zealand the appointment is virtually made in accordance with the wishes of the Government.

To agree to this amendment of the Legislative Council could create a situation where the Legislative Council took the initiative and made the nomination. Such a nomination may not be acceptable to the Government in the Legislative Assembly and, consequently, there would be disagreement. If that disagreement could not be resolved it would be absolutely impossible to make an appointment and there would be no ombudsman. This is ridiculous.

The provision works in New Zealand and would work here if we had only one Chamber. However in view of the possibility of disagreement I submit the amendment would make the situation unworkable and, therefore, we should not accept it. I emphasise it is totally unacceptable to the Government.

Mr. MENSAROS: When referring to this legislation in the past, the Premier has always referred to the New Zealand Act. In fact, the Premier, when Leader of the Opposition, moved many motions for the appointment of a parliamentary commissioner, although I heard him only once. On all those occasions he referred to New Zealand.

I concede New Zealand happens to have only one Chamber, but this does not alter the situation that, in the past, the Premier has talked about a parliamentary commissioner and we are now talking about a parliamentary commissioner. As it is at the present moment, we would not have a parliamentary commissioner but a Government commissioner.

I dismiss the second objection in regard to disagreement, although I admit it could happen. If Parliament recommends to the Governor that a commissioner should be appointed, the commissioner will know his appointment is made on the recommendation of Parliament and accordingly he may behave differently.

I would like to point out a fact which the Premier mentioned when he was Leader of the Opposition; namely, the New

Zealand legislation goes much further than this amendment in that the New Zealand Parliamentary Commissioner holds office for the tenure of Parliament. As soon as Parliament dissolves the New Zealand commissioner's job is terminated. This is the reason I have twice mentioned in this Chamber a citation from the gentleman who is now Mr. Justice Burt. He said the parliamentary commissioner should be the most excellent man in every respect, the most humble, the most knowledgeable, and the most understanding. I think those were his comments although I am quoting from memory. However, Mr. Justice Burt went on to say that he has no legal security in his tenure of office. That was the point made although at that time Mr. Justice Burt did not imagine that a Government would come up and recommend a tenure of five years.

The Legislative Council did not try to change the five-year period and, I imagine, for the simple reason that members in another place recognised the point the Premier has made; namely, Western Australia has two Houses of Parliament. Another place wanted to ensure that Parliament should be the body to recommend the commissioner and, therefore, the commissioner in accordance with the original intention of the whole idea would show regard for Parliament the whole of the time. For those reasons, I suggest we should accept the Council's amendment.

Mr. J. T. TONKIN: I do not want to spend a great deal of time on the amendment. I repeat it is totally unacceptable to the Government, because a deadlock could result and no ombudsman would be appointed unless the Government were prepared to give way and allow the person nominated by the Legislative Council to become ombudsman. No responsible Government could contemplate this situation.

In answer to the member for Floreat, I point out the Auditor-General is an officer of the Parliament but Parliament does not appoint him; he is appointed by the Government. To be consistent, it would be necessary to argue we should alter the Statute to provide that the Auditor-General, who is an officer of Parliament, should be appointed by the Parliament. A nice mess-up it would be if we did that!

Mr. Rushton: The situation is not quite parallel.

Question put and passed; the Council's amendment not agreed to.

Mr. J. T. TONKIN: I move—

That amendment No. 2 made by the Council be agreed to.

I propose to accept the amendment which has been proposed. We argued this point previously in this Chamber. The amendment is an attempt to ensure that no person who has been a member of either

the Commonwealth or State Parliament in the three preceding years shall be eligible for appointment.

I previously argued I could see no particular virtue in stipulating a three-year period. It will leave the way open for a person who has been out of Parliament for three years and one month to be appointed whereas someone who has been out of Parliament for only three years could not be. In my opinion this is not a sensible provision, but I will not argue.

Question put and passed; the Council's amendment agreed to.

Mr. J. T. TONKIN: I move—

That amendment No. 3 made by the Council be agreed to.

This amendment has been made by the Council for the purpose of ensuring the original objective. I am prepared to accept it.

Question put and passed; the Council's amendment agreed to.

Mr. J. T. TONKIN: I move—

That amendment No. 4 made by the Council be agreed to.

This amendment simply aims to tidy up an amendment which I have accepted. For this reason I am prepared to accept it.

Question put and passed; the Council's amendment agreed to.

Mr. J. T. TONKIN: I move—

That amendment No. 5 made by the Council be agreed to.

Members will recall it is the intention to set out the area of administration of the ombudsman by adopting Rules of Parliament. The purpose of the amendment is to amend clause 13 so that what will apply will be in accordance with the Rules of Parliament. I accept the amendment.

Question put and passed; the Council's amendment agreed to.

Mr. J. T. TONKIN: I move—

That amendment No. 6 made by the Council be agreed to.

Subclause (2) is now not necessary because of the amendment made previously. I propose to accept this amendment.

Question put and passed; the Council's amendment agreed.

Mr. J. T. TONKIN: I move—

That amendment No. 7 made by the Council be agreed to.

This amendment refers to counsel or to a person acting as counsel to the Crown. Its purpose is to ensure that the commissioner shall not conduct any investigation into such a person. I am prepared to accept the amendment.

Question put and passed; the Council's amendment agreed to.

Mr. J. T. TONKIN: I move—

That amendment No. 8 made by the Council be agreed to.

The amendment simply aims to tidy up the measure in consequence of amendments that have already been agreed to. I am prepared to accept the amendment.

Question put and passed; the Council's amendment agreed to.

Mr. J. T. TONKIN: I move—

That amendment No. 9 made by the Council be agreed to.

This amendment is complementary to amendments Nos. 7 and 8, to which we have already agreed.

Question put and passed; the Council's amendment agreed to.

Mr. J. T. TONKIN: Amendment No. 10 is—

Clause 19, page 15, lines 27 and 28
—Delete the words “may determine whether”.

I am of the opinion that in making this amendment the Legislative Council brought about an entirely different result from that which it intended to achieve. One needs to read it several times to appreciate this but I shall do my best to explain it. The subclause reads—

Subject to any Rules of Parliament made under this Act, the Commissioner is not required to hold any hearing for the purposes of an investigation, and he may obtain information from such persons and in such manner, and make such inquiries, as he thinks fit—

That is one thing he may do. It goes on to say—

—and may determine whether any person may be represented, by counsel or otherwise, in the investigation.

I submit the last part has no relationship at all to the investigation and obtaining of information. That is a straightout power he has to determine whether any person may be represented. In my opinion, the effect of the amendment is to restrict the investigation and the obtaining of information to the question whether or not a person may be represented by counsel. I am sure that was not the intention of the Legislative Council. In my view, that is the effect of deleting the words “and may determine whether”; because this last part has no relation at all to the investigation and obtaining of information.

Mr. O'Neil: What if the word “and” were left in?

Mr. J. T. TONKIN: That would make a difference.

Mr. Mensaros: Or put a semi-colon instead of the word “and.”

Mr. J. T. TONKIN: It would then read, “he may obtain information from such persons and in such manner, and make such inquiries, as he thinks fit and whether

any person may be represented . . .” That would make the difference. I am prepared to tell another place that we will agree to the amendment subject to the deletion from the amendment of the word “and.”

The CHAIRMAN: The word “and” is not in the amendment.

Mr. Mensaros: It is in the Bill.

Mr. O'Neil: I think the amendment is designed to ensure that any person at any inquiry or investigation may be represented by counsel.

Mr. J. T. TONKIN: Why would the commissioner want to make any inquiries as to whether a person should be represented by counsel? The purpose of this amendment is to take away from the commissioner the right to determine whether or not a person may have counsel.

Mr. O'Neil: That is right.

Mr. J. T. TONKIN: It does not achieve that at all. It simply causes him to carry out an inquiry and obtain information without enabling him to do anything with it when he gets it. I would have no great objection to taking away from the parliamentary commissioner the right to determine whether or not there should be counsel. I do not feel very strongly about that. I think it would meet the position if we deleted all words after the word “fit.”

Mr. O'Neil: Or put a full stop after “fit.”

Mr. J. T. TONKIN: Put a full stop after “fit” and delete all the words that follow?

Mr. O'Neil: No; leave it separate.

Mr. MENSAROS: I appreciate what the Premier says. It appears the Legislative Council wanted to make an amendment the purpose of which the Premier perfectly understood and explained. In order to make this amendment easier, the Legislative Council suggested the deletion of these three words, but I agree with the Premier that the provisions in the first part of this subclause, after the three words have been deleted, are different from the last provision. I therefore suggest we virtually make two sentences out of this, so that it would read—

Subject to any Rules of Parliament made under this Act the Commissioner is not required to hold any hearing for the purposes of an investigation, and he may obtain information from such persons and in such manner, and make such inquiries, as he thinks fit;

I suggest we delete the word “and” and the words which the Legislative Council has deleted and have a new sentence which just states—

Any person may be represented, by counsel or otherwise, in the investigation.

That stays in because the paragraph speaks about investigation. I suggest, if the Premier is agreeable, that the Legislative Council's amendment might be accepted with the addition of inserting a semi-colon after the word "fit" and deleting the word "and."

Mr. HARTREY: A semi-colon would be no earthly use at all. Punctuation is not recognised in the interpretation of Statutes. There are no definite rules about the use of punctuation. Some people use semi-colons and some use commas, and so on. If Parliament wants to be accurate it must use words, not punctuation, to say what it wants to say.

Mr. J. T. TONKIN: I am afraid that knocks it. I agree entirely with what the member for Boulder-Dundas has said. I move—

That amendment No. 10 made by the Council be not agreed to.

Question put and passed; the Council's amendment not agreed to.

Mr. J. T. TONKIN: Amendment No. 11 is—

Clause 25, page 21, line 5—Add after the word "report" the words "and in any case he shall not make any defamatory statement concerning any person".

At first view it appears to be reasonable that we should not make it possible for the ombudsman to say anything in his report which could be defamatory. If we did this with regard to Royal Commissions we would not get very far. The Royal Commissions Act provides that the royal commissioner is properly covered against any possible action for defamation. Of course, he must be, otherwise he would be greatly inhibited in any investigation he was carrying out. We protect judges and magistrates from charges of defamation and we protect persons who are appointed royal commissioners under the Royal Commissions Act.

The ombudsman will be a parliamentary commissioner appointed for the express purpose of carrying out investigations into complaints. It could be that in the course of his investigation he finds a complaint is thoroughly justified and in order to get redress he must say something about the officer concerned which could ordinarily be regarded as defamatory. Sometimes there is a very thin dividing line.

Newspaper proprietors almost invariably refer articles to their lawyers if they are in any doubt. They sometimes get a clearance from their lawyers and subsequently find themselves in court—as the proprietors of *The West Australian* did recently—because of an alleged defamatory statement. The parliamentary commissioner, being a human being, will not take any risk at all in his inquiry if he is subject to a

writ of defamation. To accept this amendment would be to interfere seriously with the work we expect an ombudsman to carry out.

Let us take the matter which was earlier under discussion; that is, allegations of strong-arm tactics and the like against certain persons in connection with the operations of the Mines Department. This is a matter which could very well be investigated by a parliamentary commissioner because Parliament could believe that such an investigation was desirable. How far would such an investigation go if the parliamentary commissioner were liable to have action for defamation taken against him by people who have plenty of money? He would take the easy path of not sticking his neck out. If he were inhibited, in such cases we would not achieve the result we expect to achieve.

The parliamentary commissioner is to be an officer especially appointed by Parliament to probe injustices, not for the purpose of showing somebody up but for the purpose of rectifying the injustices, giving redress, and having compensation made where possible. If we inhibited him by rendering him liable to action for defamation, he would play safe. One could not blame him. I think he would be stultified in his inquiries by this amendment. I move—

That amendment No. 11 made by the Council be not agreed to.

Mr. MENSAROS: The Premier made a very good case for one side but, like everything, this matter also has two sides. He tried to defend the future commissioner but the Legislative Council was concerned about the people whom he might investigate. We did not advocate the appointment of an ombudsman and if the Premier and his Government feel it is so necessary no doubt they will obtain the best man available. His task should not be made any easier just because he might fall into a trap by making a defamatory statement about someone.

The Premier has listened to and taken part in infinitely more Royal Commissions than I have. I wonder whether he could tell me—as I am comparatively inexperienced—whether he knows of many cases where a royal commissioner has made a defamatory statement about someone who appeared before him. One cannot say that judges are in the habit of making defamatory statements. The case of a criminal who is sentenced is quite different. Here we have an entirely new situation. We are probing and experimenting. I do not subscribe to the suggestion that when we are experimenting we should make it easier for the commissioner.

According to my reading of the Bill, the case which was discussed a few minutes ago would not go to the ombudsman because there would not be an aggrieved

person to present it to him. This was one of my contentions when I spoke during the second reading debate: Why should we not emphasise that a public servant may take a case to the ombudsman, because he knows best if something is wrong in his department? Yet his hands might be tied, and he may not wish to complain somewhere else. I think he should be entitled to go to the ombudsman. I emphasise again that, as this is an experimental measure, the amendment of the Legislative Council is perfectly justified.

Mr. J. T. TONKIN: The Royal Commissions Act provides that a royal commissioner has in the exercise of his duty as commissioner the same protection and immunity as a judge has in the exercise of his duties as a judge. There is a good reason for that which the present Opposition realised when it was in Government, because it passed an amendment to the Act extending that protection to witnesses.

Mr. O'Connor: Did you agree with it?

Mr. Hartrey: I did.

Mr. J. T. TONKIN: No, I did not, because it took away from an innocent party the right of private action against the liars who defame him. The argument used by the Government at that time was that it was necessary in order to get at the truth, and witnesses would not come forward unless they were protected. If it is considered desirable to protect witnesses in certain circumstances, surely it is desirable to protect a commissioner appointed by Parliament to inquire into injustices.

Mr. O'Neil: He is well protected under clause 20, which gives him all the powers, rights, and privileges of a royal commissioner.

Mr. J. T. TONKIN: I am not so sure that would give him the necessary protection. I can conceive that the commissioner could have certain rights to do certain things, and he may have certain privileges to do certain things, but that does not necessarily mean that he is protected against action for defamation.

Mr. Mensaros: That is what you read out a moment ago.

Mr. J. T. TONKIN: No, the Royal Commissions Act states that a royal commissioner has in the exercise of his duty the same protection as a judge.

Mr. O'Connor: There is a difference?

Mr. J. T. TONKIN: That is different from having the same privileges; so I am not prepared to accept that that is a satisfactory provision. I emphasise that I am not prepared to accept this amendment because it would inhibit the commissioner in the exercise of his duties.

Mr. MENSAROS: I was able to follow the Premier's first argument perfectly, and I tried to answer it. However, I was hard put to follow his second argument because

I cannot see what the protection of the privileges of witnesses has to do with this amendment. I do not wish to argue with the member for Boulder-Dundas, but with great respect I would suggest as a layman that this amendment does not weaken clause 20. The commissioner has all the powers, rights, and privileges of a royal commissioner, and this amendment contains a simple warning that he shall not make a defamatory statement.

Mr. J. T. Tonkin: What happens if he does make a defamatory statement?

Mr. MENSAROS: That is what I am trying to say; if this amendment could be worded so that it says the commissioner has all the powers, rights, and privileges of a royal commissioner, except for making a defamatory statement about someone, then I would agree with the member for Boulder-Dundas. But as it is only a warning not to be defamatory, I do not think it is derogatory.

Mr. HARTREY: It appears that members of the Opposition do not appreciate the meaning of the word "defamatory." It simply means derogatory of some person; liable to hold him up to ridicule, abuse, or odium. If a man is a criminal he is entitled to be called a criminal. If there is an inquiry into whether a certain official of a Government department has taken bribes, or whether a policeman has beaten up a person when he had no right to do so, and the ombudsman says he is satisfied from his inquiries that the policeman did beat up the person, or that the official did take bribes, then those statements must be defamatory. They are very derogatory of the person he is condemning. But this is why he is to be appointed.

How ridiculous it is to say that he could not find, after conducting an inquiry, that a policeman beat up a man in a cell, or that an official took a bribe. Such a statement is necessarily defamatory, and it must also be privileged. I feel there is a missing word; I believe the commissioner should have all the powers, rights, privileges, and "immunities." I support the Premier in this because the amendment will destroy our object. If we do not protect a man acting in a judicial capacity, he cannot give an honest, just judgment.

We protect judges, and even newspapers which give an honest, fair, accurate report of what is said in this House. A Press reporter is not privileged at all unless he provides a fair, accurate report of what we say. If we protect newspapers which serve a useful purpose, it is ridiculous to talk about striking down a man who is appointed to investigate injustices.

Question put and passed; the Council's amendment not agreed to.

Mr. J. T. TONKIN: With regard to amendment No. 12 the subclause in question provides that it is not possible for a

writ to be issued preventing the commissioner from carrying out an investigation that he wishes to carry out, or compelling him to carry out an investigation that he does not wish to carry out. I believe this should be left to the discretion of the commissioner. However, as a writ must be issued by the court and the matter could be argued in the court as to whether it is to be a writ compelling him to do something or restraining him from doing something, and he has an opportunity to present his reasons, for the sake of harmony I am prepared to accept the amendment. I move—

That amendment No. 12 made by the Council be agreed to.

Question put and passed; the Council's amendment agreed to.

Mr. J. T. TONKIN: The next amendment is in line with amendment No. 12. Therefore, I move—

That amendment No. 13 made by the Council be agreed to.

Question put and passed; the Council's amendment agreed to.

Mr. J. T. TONKIN: I have no great objection to the organisation mentioned in amendment No. 14 being deleted from the schedule. It is a co-operative organisation run by farmers. If things go wrong they have an opportunity, through their directors, to say so. I see no compelling reason why the concern should be investigated by the ombudsman. I move—

That amendment No. 14 made by the Council be agreed to.

Question put and passed; the Council's amendment agreed to.

Mr. J. T. TONKIN: Amendment No. 15 is to delete from the schedule the words "Fruit Growing Industry Trust Fund Committee constituted under the Fruit Growing Industry (Trust Fund) Act, 1941." This fund belongs to primary producers. I think they have ample opportunity to express dissatisfaction if they are not completely satisfied with the way it is run. Therefore, I do not feel strongly about the retention of it in the schedule. I move—

That amendment No. 15 made by the Council be agreed to.

Question put and passed; the Council's amendment agreed to.

Mr. J. T. TONKIN: Amendment No. 16 is to delete from the schedule the Grain Pool of W.A. For reasons similar to those I have already advanced, I am prepared to accept the amendment. I move—

That amendment No. 16 made by the Council be agreed to.

Question put and passed; the Council's amendment agreed to.

Mr. J. T. TONKIN: The next amendment is to delete the Onion Marketing Board from the schedule. It has been pointed out

that the board is no longer in existence. However, the legislation is, and it is competent that the board could be re-established. That is the reason for its inclusion. However, I am prepared to accept the amendment. I move—

That amendment No. 17 made by the Council be agreed to.

Question put and passed; the Council's amendment agreed to.

Mr. J. T. TONKIN: Amendment No. 18 is to delete from the schedule the passage "The Commissioner and Deputy Commissioner of Police under the Police Act, 1892." I have given some thought to this matter and, as the commissioner and deputy commissioner are sometimes required to carry out top-level investigations involving secrecy, I do not think the object of the Bill will be greatly reduced or lessened by agreeing to this amendment. I move—

That amendment No. 18 made by the Council be agreed to.

Question put and passed; the Council's amendment agreed to.

Mr. J. T. TONKIN: I move—

That amendment No. 19 made by the Council be not agreed to.

I am strongly opposed to this amendment. It seeks to delete from the schedule the reference to the Police Force of the State. It has been used in argument by those in support of the Council's amendment that the Police Force in New Zealand is not mentioned in the schedule to the legislation of that country, and therefore it is contended that the inclusion of the Police Department is sufficient to cover the whole position. That is not the case at all.

In the report of the New Zealand Ombudsman, part of which I read in the second reading debate, it was shown that he stated that a most comprehensive inquiry which he had carried out was into the Police Force, following substantial disturbances and allegations of brutality.

From time to time questions arise where people are not satisfied with the actions of the police, and in the interests of the Police Force it could very well be that an inquiry by an ombudsman would do much to clear the name of the Police Force from any suspicion, whereas an ordinary departmental inquiry would leave the matter undetermined so far as the public were concerned.

The New Zealand legislation contains a schedule. It deals firstly with Government departments, and it names the Police Department; then in Part II of the schedule the organisations are set out and the police are mentioned specifically. So, in the New Zealand legislation there are two references—the Police Department and the police.

Mr. Gayfer: Does the Police Department include the commissioner and the deputy commissioner?

Mr. J. T. TONKIN: In the final analysis I think it does.

Mr. Gayfer: I think so too.

Mr J. T. TONKIN: I have just mentioned the administrative section, and an inquiry into the administrative section would not necessarily make it an inquiry into the Police Force. I cannot see how any inquiry into a complaint against the Police Force could be carried out without the parliamentary commissioner having the power to interrogate the members who comprise the force.

I think it is desirable in the interests of the public, of the Police Force, and of continued confidence in that force, that any serious complaint, considered by the ombudsman to be worthy of inquiry, should be inquired into by him.

The ombudsman will be a responsible officer with full knowledge and an appreciation of the importance of the task entrusted to him. I do not imagine for one moment that he is likely to undertake an inquiry into the Police Force, simply because some person writes in and suggests that he should. He would want to be assured with ample evidence in the first place that such an inquiry was warranted before he moved; and if he believed that on the complaint made to him an inquiry into the Police Force was warranted, then he should be given the power to carry out his investigation, if only for the reason that it would clear up in the minds of the people who believed they had just grounds for complaint that those grounds did not exist. If the ombudsman is not able to carry out such an inquiry he cannot possibly reach the stage where he is able to satisfy those people; and that being the position it will still rankle in their minds that they have just grievances, but nothing has been done about them.

It has been proved from the New Zealand experience that this power is necessary, and has not been abused. I think it is just as necessary in Western Australia.

Mr. MENSAROS: The Opposition is just as strong in its feelings in relation to the acceptance of this amendment made by the Council, as the Premier is strongly against it. We feel that the Police Force is tremendously important to the State and to any community. We know that it has its own disciplinary procedures; and we cannot see any example in the past where such disciplinary procedure was not used when it should be used, or where any abuse has taken place.

Mr. May: What about the situation in Victoria?

Mr. MENSAROS: I shall come to that. This is one example which can be looked at from both sides. The member for Boulder-Dundas has said that the police should be the servants and not the masters of the people; but I say the police should be the masters of the situation at all times. God help us if the police are not the masters!

The police are a disciplined force almost quasi military in nature. If police officers are to have two allegiances and are to be threatened with various forms of investigation I am sure they will behave differently. Should this eventuate the result will affect adversely not only law and order, but also criminal investigations as well as other functions of the police.

The Minister for Mines has said that from his point of view an investigation was necessary in the case he mentioned, but I say it should be undertaken by the police. Anyone who has only watched television or is aware of the procedure adopted by the police, will know that the police have certain ways to gain information. Anyone who says the Police Force does not employ methods for gaining information is merely sticking his head in the sand. If the Police Force is to be subject to investigation its methods of gaining information will go by the board. When that happens it will not help in the combating of crime, or in maintaining security in cases where the Commonwealth police do not come into the matter.

I do not think any Labor Government on a Commonwealth level will dare to suggest that the Police Force should be investigated by any body or person other than the Police Department itself.

I have experienced many situations where the lessening of the discipline and the discrediting of the police has had a detrimental effect on the people whom the police are supposed to serve.

The Premier has said that the ombudsman cannot be expected to be so efficient that he should not be told that he does not have to make defamatory statements against anyone, but that he should be allowed to do so. If he is as good as the Premier makes him out to be then he cannot do anything wrong. We oppose the motion.

Mr. O'NEIL: The Bill proposes to set up an office known as the parliamentary commissioner for administrative investigation. If he is given power to investigate the administration of the Police Department that is as far as he should go. I do not think that under this legislation he should be entitled to investigate the actions of a police officer in the performance of his duties for the protection of the public. I want to make sure that he is not given that power.

The Premier has said that the New Zealand Ombudsman has had occasion to make a thorough investigation of the Police Force; but so will the one in Western Australia have that power if Parliament so desires, because on page 12 of the Bill it is provided—

(1) Either House of Parliament, or any committee of either of those Houses, or a joint committee of both Houses of Parliament, may refer to the Commissioner, for investigation and report, any matter which that House or committee considers should be investigated by him.

So, if an occasion arises where an investigation into the Police Force is desired, the Government has the power to appoint a Royal Commission to investigate or delegate the right of investigation to the parliamentary commissioner. I do not think that on the complaint of an individual citizen the parliamentary commissioner should have the right to investigate the activities of the Police Force, because this is a quasi military establishment.

The commissioner and the deputy commissioner have the right to discipline officers within the force; therefore only administrative acts of the department should be subject to investigation by the parliamentary commissioner, and not the actions of police officers in maintaining law and order.

Mr. HARTREY: The member for Floreat is not by training, origin, or upbringing acquainted with the attitude of British people generally towards the police. In England and in countries which derive their traditions from the English people, the police are regarded as the custodians of the liberties of the people; and on only rare occasions have they fallen short of discharging this duty.

Because I have made certain observations in the Chamber, particularly in respect of this Bill, it cannot be said that I am in any sense against the police. For 35 years I have been associated with members of the force; I have fought for them in court, and I have fought against them in court. However, when members of the force are in trouble they often make tracks to my office. I have known members of the force socially and in other capacities. In all the 35 years during which I have been acquainted personally or in some other way with at least 500 police officers, I have known only three cases of the abuse of their powers. I do not think any Police Force in the world has a better record.

Do not let it be said that the Police Force needs investigation; and do not let it be said that the Police Force fears investigation; but the idea that if there is need for an investigation the investigation

must be conducted by the department is rather facetious and completely subversive of the elementary principles of democracy.

It is very fine for some, including the member for Floreat, to say the Police Department shall make the investigations. That was precisely the reason that the Gestapo was established in Germany and the OGPU was established in Russia; and that is precisely the way a nation loses its liberties and becomes the servant of the Police Force, instead of the Police Force being the servant of the community.

It would be quite alien to the spirit of the people in any part of the white dominions of Her Majesty the Queen to set up the Police Force as a power unto itself, and that when anyone accuses its members justly or unjustly—very often it is unjustly—of some dereliction of duty it is they themselves who will decide the innocence or guilt of those against whom the complaints are made.

There is a well-known Latin maxim—*nemo iudex ejusdem causae*—which means that no man shall be the judge of his own acts; that is, if I were to be accused of having committed an offence I should not be the one to try myself and decide whether or not I am guilty. In such a case it is much more satisfactory for the person to be tried by an independent authority under proper principles, to decide whether he is guilty or innocent.

For those reasons I strongly reject the proposition put forward by the Opposition.

Mr. MENSAROS: To a certain extent I agree with what has been said but I would like to remind the member for Boulder-Dundas that I have most surely spent more conscious years in Australia than either the member for Albany or the member for Ascot. I have been here as a grown man for 21 years.

Mr. Hartrey: I have been here for 70 years.

Mr. MENSAROS: I am perfectly satisfied that I have as much feeling as any other member towards British justice, and as much feeling regarding the attitude of British or Australian people towards the Police Force.

From what the honourable member has said one would imagine that the police disciplinary power to carry out an investigation within the Police Force would be replaced by the ombudsman. That was never suggested. What the honourable member is suggesting is that the head of the Police Force has no internal power to discipline or investigate matters.

Mr. Hartrey: Of course, he has.

Mr. MENSAROS: It cannot be said that the power has been abused. I urge the Committee to accept the Council's amendment.

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

Ayes—20

Mr. Bertram	Mr. Jones
Mr. Brady	Mr. Lapham
Mr. Brown	Mr. May
Mr. Bryce	Mr. McIver
Mr. Cook	Mr. Norton
Mr. H. D. Evans	Mr. Sewell
Mr. T. D. Evans	Mr. Taylor
Mr. Fletcher	Mr. A. R. Tonkin
Mr. Graham	Mr. J. T. Tonkin
Mr. Hartrey	Mr. Moiler

(Teller)

Noes—20

Mr. Blaikie	Mr. O'Neill
Sir David Brand	Mr. Reid
Mr. Coyne	Mr. Elidge
Dr. Dadour	Mr. Runciman
Mr. Lewis	Mr. Rushton
Mr. W. A. Manning	Mr. Stephens
Mr. McPharlin	Mr. Thompson
Mr. Mensaros	Mr. Williams
Mr. Nalder	Mr. R. L. Young
Mr. O'Connor	Mr. I. W. Manning

(Teller)

Pairs

Ayes	Noes
Mr. Burke	Mr. Gayfer
Mr. Jamieson	Mr. Grayden
Mr. Davies	Mr. Court
Mr. Bickerton	Mr. Hutchinson
Mr. Harman	Mr. W. G. Young

The CHAIRMAN: The voting being equal, I give my casting vote with the Ayes.

Question thus passed; the Council's amendment not agreed to.

Mr. J. T. TONKIN: Amendment No. 20 is to the schedule, at page 27. It proposes to delete the words "Commissioner and Deputy Commissioner of Transport appointed" and substitute the words "The Transport Commission." I have no objection to this amendment because if the Transport Commission can be investigated it is obvious that the commissioner and deputy commissioner would be included. I move—

That amendment No. 20 made by the Council be agreed to.

Question put and passed; the Council's amendment agreed to.

Mr. J. T. TONKIN: Amendment No. 21 is also to the schedule and is to delete the words "Commissioners of the Rural and Industries Bank of Western Australia appointed under the Rural and Industries Bank Act, 1944." During the debate on this Bill the Deputy Leader of the Opposition expressed the opinion that to include the Rural and Industries Bank in the schedule would place the bank at a disadvantage with private banking institutions inasmuch as its clients could become concerned that their accounts could be investigated.

As the Government does not wish to do anything inimical to the interests of its own bank I am following the suggestion of the Deputy Leader of the Opposition and indicate that I will accept the amendment. I move—

That amendment No. 21 made by the Council be agreed to.

Question put and passed; the Council's amendment agreed to.

Mr. J. T. TONKIN: Again amendment No. 22 is to the schedule and is to insert the words "The State Government Insurance Office constituted under the State Government Insurance Act, 1938." I cannot see why this was not included. It is an organisation against which there are complaints from time to time. The Government has no objection to this amendment. I move—

That amendment No. 22 made by the Council be agreed to.

Question put and passed; the Council's amendment agreed to.

Mr. J. T. TONKIN: Amendment No. 23 is, once again, to the schedule and is to delete the words—

Western Australian Trotting Association constituted under the Western Australian Trotting Association Act, 1946.

Western Australian Turf Club constituted under the Western Australian Turf Club Act, 1892.

The purpose of the amendment is to delete the Western Australian Trotting Association and the Western Australian Turf Club. My own belief is that both bodies should be included. We hear complaints from time to time about both organisations. They receive substantial sums of money from the Totalisator Agency Board and although they are obliged to refer their by-laws to the Chief Secretary from time to time, they have very wide powers.

They are able to warn off the course any person without giving a reason. I remember one occasion when the late Gilbert Fraser was at the Goodwood racecourse and he was mistaken for someone else by the racecourse detective. The racecourse detective had Gilbert Fraser by the arm and was proceeding to put him off the course when Fraser saw me. He told the detective he was a member of Parliament and that I could verify that fact. This was done and the detective apologised. If Mr. Fraser had not been able to see me at that time he would have been put off the course with no redress.

Furthermore, the Western Australian Trotting Association and the Western Australian Turf Club have the power to take away a person's livelihood by withdrawing an apprenticeship license, a jockey's license, or a trainer's license. No action can be taken to force the return of those licenses. I believe the possibility ought to be there for them to be investigated upon a complaint. An ombudsman would not lightly carry out an inquiry into matters of this kind. If he received a genuine complaint and he felt it had

sufficient substance to warrant inquiry, why should Parliament prevent him from carrying it out? I see no reason why the racing clubs should be sacrosanct. For that reason I am not prepared to accept the amendment. I move—

That amendment No. 23 made by the Council be not agreed to.

Mr. O'CONNOR: I was hoping the Premier would give way on this particular amendment. The point he raised regarding Gilbert Fraser could happen anywhere in the State if a person's identity was mistaken. Those associated with trotting have an extremely difficult task to perform. This is because that sport, unfortunately, seems to attract a number of undesirable people who endeavour to do certain things which are illegal.

Those people become known to the racing and trotting authorities but they operate in such a way that it is difficult, and sometimes almost impossible, to stop them. A person could be accused of slowing down a horse and it would be easy for him to put up a case to show that he was not able to do his best. The stewards and the other people concerned with the racing game closely watch all the races and they do a good job in controlling the sport. I hope the Premier will accept the amendment.

Question put and passed; the Council's amendment not agreed to.

Mr. J. T. TONKIN: Amendment No. 24 seeks to add at the end of the schedule the words "Workers' Compensation Board, constituted under the Workers' Compensation Act, 1912." The amendment is self explanatory and I have no objection to it. I move—

That amendment No. 24 made by the Council be agreed to.

Question put and passed; the Council's amendment agreed to.

Mr. J. T. TONKIN: I move—

That amendment No. 25 made by the Council be agreed to.

This amendment also relates to the schedule and proposes the addition of the words "The Junior Farmers' Movement Council under the Junior Farmers' Movement Act, 1955." I have no reason to object to this addition. It does not necessarily follow that this organisation will be investigated. Apparently the Legislative Council feels the right to have an investigation carried out should exist.

Question put and passed; the Council's amendment agreed to.

Report, etc.

Resolutions reported and the report adopted.

A committee consisting of Mr. O'Connor, Mr. McPharlin, and Mr. J. T. Tonkin (Premier) drew up reasons for not agreeing to amendments Nos. 1, 10, 11, 19, and 23 made by the Council.

Reasons adopted and a message accordingly returned to the Council.

BILLS (6): RETURNED

1. Land Act Amendment Bill.
2. Mining Act Amendment Bill (No. 2).
3. Land Act Amendment Bill (No. 2).
4. Iron Ore (Mount Goldsworthy) Agreement Act Amendment Bill.
5. Suitors' Fund Act Amendment Bill.
6. Poseidon Nickel Agreement Bill.

Bills returned from the Council without amendment.

House adjourned at 9.52 p.m.

Legislative Council

Wednesday, the 8th December, 1971

The PRESIDENT (The Hon. L. C. Diver) took the Chair at 11.00 a.m., and read prayers.

QUESTIONS ON NOTICE

Postponement

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [11.02 a.m.]: I ask for leave to postpone the questions on notice until a later stage of the sitting.

The PRESIDENT: Leave granted.

BILLS (2): INTRODUCTION AND FIRST READING

1. Community Welfare Bill.
2. Aboriginal Affairs Planning Authority Bill.

Bills introduced, on motions by The Hon. W. F. Willesee (Minister for Community Welfare), and read a first time.

LEAVE OF ABSENCE

On motion by The Hon. J. Heitman, leave of absence for six consecutive sittings of the House granted to The Hon. F. D. Willmott (South-West) on the ground of ill-health.

PARLIAMENTARY COMMISSIONER BILL

Assembly's Message

Message from the Assembly received and read notifying that it had agreed to amendments Nos. 2 to 9, 12 to 18, 20 to 22, 24, and 25 made by the Council and had disagreed to Nos. 1, 10, 11, 19, and 23.

TRAFFIC ACT AMENDMENT BILL (No. 3)

Second Reading

Debate resumed from the 1st December.