same. I made the visit in company with the secretary of the welfare association. He went to collect the rent and he met with considerable success. One family was away in town doing shopping. Before they left they took the money for the rent to their neighbours with a request that if the rent collector came the rent was to be given to him. I asked this man if the rental was being paid regularly. He said most of them were four weeks in advance; they did that just in case something might happen to prevent them paying for a week or two.

Mr. Sewell: What Government initiated the scheme?

Mr. W. A. MANNING: I said it was done by the previous Minister for Housing, and I give him full credit for it. He enabled this scheme to be proceeded with, and it has turned out to be a success.

Mr. Graham: The member for Narrogin is entitled to considerable credit also.

Mr. W. A. MANNING: I could not have done much without the Minister's co-operation. The scheme is progressing very satisfactorily. The present Government is so capable of carrying on the affairs of this State that there is no need for me to enlarge on the matters which should be drawn to its attention.

On motion by Mr. I. W. Manning, debate adjourned.

House adjourned at 5.50 p.m.

Legislative Council

Tuesday, the 4th August, 1959

CONTENTS

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

QUESTIONS ON NOTICE

STATE TRADING CONCERNS

Disposal of Wyndham Meatworks and Robb's Jetty Works

1. The Hon. F. J. S. WISE asked the Minister for Mines:

   In view of the reply given by the Minister for Mines to my question on Tuesday, the 28th July, 1959, I now ask—

   (1) If the Government does intend to dispose of Wyndham Meatworks and/or the W.A. Meat Exports Robb's Jetty Works to private enterprise, will it clearly state so by answering "Yes"?

   (2) If the Government does not intend to dispose of Wyndham Meatworks and/or the W.A. Meat Exports Robb's Jetty Works to private enterprise, will it clearly state so by answering "No"?

   The Hon. A. F. GRIFFITH replied:

   (1) and (2) The Government's policy has been clearly stated in respect of State trading concerns, and therefore the type of answer requested by the honourable member is not appropriate. The categorical answers requested cannot be given at this stage.

CLOSED REFORM SCHOOL

Caversham Building

2. The Hon. A. L. LOTON asked the Minister for Local Government:

   (1) On what date was the closed reform school building at Caversham commenced?

   (2) What was the original estimated cost?

   (3) What has been the cost to date?

   (4) What is the estimated cost to complete the school?

   (5) When is it anticipated that the school will be completed?

   The Hon. L. A. LOGAN replied:

   (1) June, 1958.

   (2) £125,000. This was an approximate estimate made before full particulars were available.

   (3) £102,000.

   (4) £195,000 without furnishing, which may amount to a further £16,000.

   (5) March, 1960.

HOUSING COMMISSION RENTS

Collections at Bunbury

3. The Hon. G. C. MacKINNON asked the Minister for Mines:

   (1) For what years did a private organisation collect rents for the State Housing Commission in Bunbury?

(2) What was the per monthly average number of houses from which this private organisation collected rents?

(3) What was the cost to the State Housing Commission of rents collected during that time based on the per monthly average calculated for question No. (2)?

(4) What is the number of homes in Bunbury from which rents are being collected per month now?

(5) What is the present cost of collecting rents per month now?

The Hon. A. F. GRIFFITH replied:

(1) From April, 1947, to the 23rd July, 1956.

(2) For 1955-56, the monthly average was 287.

(3) £71 5s. 3d. per month.

(4) 360.

(5) £168 16s. 7d.

It is pointed out that during the period ended the 23rd July, 1956, the private collector merely collected rents. The Clerk of Courts acted as the Commission's local agent in all other matters regarding tenancies.

The present office includes a clerk-collector and a junior clerk. This office carries out all duties as Commission representative at Bunbury, including allocations, collections, arrears follow-up, maintenance complaints and any other inquiries, and provides a much more complete service for both the Commission and the public. The office will also shortly take over payments for all purchase homes in Bunbury, which will involve approximately 30 per cent. increase in receipts.

ROAD MAINTENANCE

Amounts Expended

4. The Hon. A. L. LOTON asked the Minister for Local Government:

What amount has been expended by—

(a) Main Roads Department;

(b) Local government authorities

on the following roads for the year ended the 30th June, 1959:

(1) Kelmscott-Brookton;

(2) Brookton-Corrigin; Brookton-Aldersyde;

(3) Corrigin-Kondinin;

(4) Kondinin-Karlgarin;

(5) Karlgarin-Hyden?

The Hon. L. A. LOGAN replied:

(1) (a) *Main Roads Department*

	Construction	Maintenance	Total
Armadale-Brookton (Kelmscott-Brookton)—	£	£	£
Armadale-Kelmscott Road Board	28,130	1,480	29,610
Beverley Road Board	28,100	1,150	29,250
Brookton Road Board	55,710	1,910	57,620
	111,940	4,540	116,480

(b) *Local Authorities*—Nil

(2) (a) *Main Roads Department*

	Construction	Maintenance	Total
Brookton-Corrigin—	£	£	£
Brookton Road Board	11,070	1,240	12,310
Corrigin Road Board	10,080	710	10,790
	21,150	1,950	23,100
Brookton-Kweda Road (Brookton-Aldersyde)—			
Brookton Road Board	2,000	....	2,000

(b) *Local Authorities*

Brookton-Corrigin Road—£70 6s. 6d. Maintenance.

Brookton-Aldersyde Road—Construction from own funds—£731 12s.; and from Main Roads Department grant (listed in Main Roads expenditure)—£2,000. On Maintenance—£284 2s.

(3) (a) *Main Roads Department*

	Construction	Maintenance	Total
	£	£	£
Quairading - Corrigin - Kondinin (Corrigin-Kondinin)—			
Corrigin Road Board	5,470	60	5,530
Kondinin Road Board	*5,370	90	5,460
	10,840	150	10,990

* Includes £2,000 from General Allocation.

(b) *Local Authorities*—Local Authority Maintenance—£65

(4) (a) *Main Roads Department*

	Construction	Maintenance	Total
	£	£	£
Kondinin-Carmody-Newdegate (Kondinin-Karlgarin)—			
Kondinin Road Board	36,120	400	36,520

(b) *Local Authority*—Nil

(5) (a) *Main Roads Department*

	Construction	Maintenance	Total
	£	£	£
Karlgarin-Hyden—			
Kondinin Road Board	700	600	1,300

(b) *Local Authority*—Nil

	Construction	Maintenance	Total
	£	£	£
TOTAL—			
Main Roads	182,750	7,640	190,390
Local Authorities (including £2000 Main Roads Grant)	2,732	319	3,151

NAPIER BROOME BAY

New Port

5. The Hon. H. C. STRICKLAND asked the Minister for Mines:

(1) In view of the replies given to my questions concerning the approved survey of Napier Broome Bay, which has the objective of locating a port to assist lessees

to develop millions of acres of virgin pastoral land in the area, would it be correct to inform these leaseholders that the Government will not have the investigation carried out this year?

(2) If not, why not?

The Hon. A. F. GRIFFITH replied:

(1) Investigations will be carried out as and when surveyors now engaged at Black Rocks, Derby and at Broome are available. This exploratory investigation will take a good deal of time. It is impracticable to be any more specific at this point of time.

(2) Answered by No. (1).

QUESTION WITHOUT NOTICE

STATE TRADING CONCERNS

Disposal of Wyndham Meatworks and Robb's Jetty Works

The Hon. F. J. S. WISE asked the Minister for Mines:

Since the Government is obviously evading a direct answer to questions on the subject of Wyndham Meatworks and the works at Robb's Jetty, will the Minister state clearly when and where the Government policy on State Trading Concerns has been so clearly stated as to allow of no misinterpretation of the Government's intention in regard to the instrumentalities I have mentioned?

The Hon. A. F. GRIFFITH replied:

I think, in order that the honourable member may get a considered reply, he should put this question on the notice paper.

The Hon. F. J. S. Wise: So long as it is a reply, I do not mind doing that.

The Hon. A. F. GRIFFITH: It is impossible for me to answer a question of that length without notice.

ROYAL COMMISSIONERS' POWERS ACT AMENDMENT BILL

Second Reading.

Debate resumed from the 29th July.

THE HON. H. C. STRICKLAND (North) [4.42]: When introducing the Bill, the Minister for Mines said that he had already explained that the measure was brought down at the request of Sir George Ligertwood; and that, so as not to impede the work of the Royal Commission, it was advisable to submit the measure to Parliament without delay. If that is the reason for the Bill, then I suggest it is not a reason at all; or that it should not carry much weight. The Royal Commission has now been functioning for a considerable time, and many pages of the daily newspapers have been filled with reports of the proceedings of the Commission.

So why it becomes necessary to introduce a measure for the specific purpose of protecting those engaged in this Commission, is difficult to understand. One could understand it better if any witnesses before previous Royal Commissions had been involved in criminal or civil litigation following their evidence; or if barristers engaged before earlier Royal Commissions, or the Royal Commissioners themselves, had been involved in such proceedings. I have no knowledge of any such events having happened. I am not saying there have not been any, but as far as I know, there have been no such occurrences. Because of this, there seems to be an enormous amount of padding around the reasons given for the introduction of the measure.

Having had an opportunity of reading some of the speeches delivered in another place, and some of the Press reports in the daily newspapers, I feel that the Government has introduced the measure more or less as a face-saving device in connection with its policy speech during the election campaign. By that speech, the people were led to believe that something was wrong in connection with betting. I do not mean that betting in itself is wrong, but that allegations of graft, corruption, hand-outs, and so on, were freely made by members of the Government during their campaign. Of course, having done that it became necessary for them to substantiate the accusations and allegations when they found themselves in a position to be able to do so; when they became the Government.

The Hon. A. F. Griffith: Do I understand you to say that the Government made accusations?

The Hon. H. C. STRICKLAND: I noticed them in the Premier's policy speech when he was Leader of the Opposition. I noticed mention of them in that speech, which was delivered at Dongara. Many remarks come to my ears and notice which, perhaps, the Minister for Mines would swiftly ride across and brush aside, because they are made for a particular purpose. But I feel that when such allegations are made, they should not be easily brushed aside; and I am surprised that the Minister for Mines does not remember what was in the notes supplied to him in connection with his party's policy speech.

The Hon. A. F. Griffith: I can remember.

The Hon. H. C. STRICKLAND: I feel that the Bill has probably been introduced for face-saving reasons rather than as an

attempt to improve—with some justification—on the workings of the Royal Commissions which have been appointed in Western Australia in past years. The McLarty-Watts Government introduced a Royal Commission to inquire into the same betting ramifications as this Commission is charged to inquire into.

The Hon. A. F. Griffith: No.

The Hon. H. C. STRICKLAND: But it found no cause to alter the Royal Commissioners' Powers Act. As I said before, I do not remember anyone who appeared or gave evidence before a Royal Commission, or anyone who conducted or assisted to conduct a Royal Commission, falling foul of other people in the civil or the criminal courts. During the nine years that I have been a member of the Legislative Council I cannot remember having heard any complaint about the conduct of Royal Commissions. I, as Minister for Railways, was personally connected with a Royal Commission for two years, but I heard no complaints from anyone who was conducting or assisting to conduct the Commission. I did, however, receive a little advice on one matter in connection with another Royal Commission that was held during my term as a member of this Chamber; and I shall express myself on this matter at the appropriate time.

The Minister advised us that amendments which limited the life of the Bill were agreed to by the Government and accepted in another place, and he explained that the Royal Commissioner himself requested the Bill; and these facts indicate fairly clearly that the amendments before us are required specifically for the present Royal Commissioner.

The Royal Commission is inquiring into the ramifications of betting, on-course, off-course, and in the Eastern States; and into horse-racing generally in Western Australia. It appears to me that the Royal Commissioner was not much perturbed about this legislation becoming law, because he has been conducting his Commission since the 20th July. Yet the Minister said it was the Royal Commissioner's opinion that the measure should be passed as early as possible. The Minister told us that when he moved that Standing Orders be suspended; and, as the Royal Commissioner is still conducting his inquiry without waiting for the result of this legislation, it appears that the reason given by the Minister for introducing the Bill is not a strong one.

This legislation could lead to—and it could encourage—a lot of improper accusations, assertions and charges being made during the course of the inquiry. All sorts of accusations could be levelled against various people and different organisations. It would seem that if we pass this Bill in its entirety it will be more or less an open go, or an open invitation for anybody to go to the Royal Commission—or be called before it—and make all sorts of allegations and insinuations which would affect, or could affect, all types of people in the community.

But mostly we find that criticism of this type is levelled against parliamentarians generally. When the muck-raking begins, it is usually parliamentarians of all parties who are the recipients of the unfair criticism which finds its way into the Press of the various States, and so becomes public knowledge.

I can find very little to complain about in that part of the Bill which proposes to give to a Royal Commissioner similar immunity and protection to that given to a judge of the Supreme Court. I understand, although I am not sure of it, that the judge was told that this would be one of the dirtiest inquiries he had ever conducted; and, therefore, it would seem to me that the Commissioner is entitled to the protection afforded a Supreme Court judge because, of necessity, he will be forced to ask lots of questions which under normal circumstances he may not do.

The Hon. A. F. Griffith: Can you suggest who told him that?

The Hon. H. C. STRICKLAND: As this is a public inquiry I believe that the Royal Commissioner is entitled to that protection, and if the Government thinks that he has insufficient protection under the existing law there is no harm in writing the provision into the Royal Commissioners' Powers Act. The Minister said that the only protection the Royal Commissioner had under the existing law was under sections 352 and 353 of the Criminal Code, but there are other sections of that code which also give him protection. For instance, subparagraph (4) of section 354 refers specifically to a Commissioner and gives him undoubted protection. But I see no reason why such protection, if thought necessary, should not be written into the parent Act, although I would prefer to have it limited to judges of the Supreme Court or those who have held that position; and I have put an amendment on the notice paper to cover that aspect.

The Minister went on to quote some expressions of opinion in regard to the law. We know that those opinions are correct but, a learned solicitor in another place is reported to have said, "So far as that particular provision is concerned, it already is the law." He was referring to the provision which will grant immunity and protection to a Royal Commissioner and his assistants.

But it is a different thing altogether when Parliament is asked to give barristers and solicitors exactly the same immunity and protection as they would have if they were conducting a case in the Supreme Court. In the Supreme Court a person is being tried for a serious offence, and a

considerable amount of latitude must be given to counsel conducting the prosecution. But in this case, a Royal Commissioner is embarking on a fact-finding mission and is being asked to report on the matter to the Government. In my view, barristers, solicitors, and witnesses should not be given the same immunity and protection as they have when they are appearing in the Supreme Court where somebody is being tried for a specific offence.

Generally speaking, in Supreme Court cases the Crown is attempting to prove someone guilty of an offence, while the defendant is attempting to prove his innocence. Surely we do not want Royal Commissions turned into that type of inquiry; surely we do not want all Royal Commissions to be turned into a forum where one organisation can accuse another, or one person can accuse some other person or organisation of something and be given the full protection of the law! There must be some responsibility taken by somebody. Instead of witnesses being encouraged to present their views before a Royal Commission, I think the measure, if passed, will have the opposite effect, because they could be cajoled or intimidated, and even threatened and bullied; and all sorts of accusations could be made.

Therefore I feel that the protection of counsel and witnesses before a Royal Commission is entirely unwarranted, and the House should not accept those amendments. I said earlier that I would mention, at the appropriate time, my experience in relation to witnesses being not, perhaps, prepared to say all that they would like to say in front of a Royal Commissioner, because they did not have the protection which they felt they should have.

The Bill contains a clause to give that very protection, provided the Royal Commissioner has a signed authority from the Attorney-General. I notice the set-up under the Evidence Act, as it relates to a Supreme Court judge giving immunity, or protection, to a witness, is quite different. The judge himself can listen to the evidence, and he can advise the witness that if his evidence is satisfactory he will hand him a certificate there and then.

The Hon. A. F. Griffith: To what section are you referring?

The Hon. H. C. STRICKLAND: But in the Bill, the Royal Commissioner will need to have a written authority from the Attorney-General before he can hand down such a certificate of protection to a witness to exonerate him from all liabilities that might follow the type of evidence he would then be prepared to give. I mentioned that I had heard of a similar experience in that regard. It was in connection with a Royal Commission that was held—since I have been a member here—to inquire into the activities of the Transport Board. In that case there was a witness who was not prepared to tell all he knew unless he had some such certificate of protection.

In such cases I feel there is justification for amending the Act. But I doubt very much whether the exercise of that power should be left entirely to the Royal Commissioner himself if he is not a judge of the Supreme Court; or a magistrate; or somebody else with official standing in the judiciary. It is possible, however, that even I could have become an Honorary Royal Commissioner—one never knows—and it would be hardly right for the average member of Parliament to be placed in such a position. Some thought should be given to the proposed amendment.

That portion of it should be cleared up and made specific, because it could, perhaps, become embarrassing for a layman. I know the clause providing that the Attorney-General shall approve of the certificate, was put in specifically, because the Attorney-General had in mind his own experience on an Honorary Royal Commission; he felt that where there was a layman as Commissioner the Attorney-General should have some control. I agree with that part of it, but I feel that some further explanation should be given to the proposal that even a Supreme Court judge must be provided with a certificate of exemption from the Attorney-General before he can exonerate a witness from liability. That aspect should be examined again.

There are some other amendments which I have on the notice paper. One seeks only to tidy up the Bill, while others deal with some of the paragraphs of proposed new section 12. These amendments will be dealt with severally as they are reached. As the terms of reference of the Royal Commission are extremely wide, and as the Bill is directly connected with this particular Royal Commission, I feel that members speaking to the Bill should be permitted to have something to say about horse-racing, if they so desire.

I have very little to say in connection with this matter, but a few observations, which I feel are the basic reasons for the deterioration in attendances on racecourses in Western Australia, and in Australia generally, will not go amiss. I think the falling away in attendances is due to the economic situation that exists today. Personally, I have not been to the local racecourses since Christmas time, but this time last winter I did notice, when attending one or two race meetings, that the attendances—and the race-meetings themselves—had gone back to the days of the 1930's; the pre-war days.

The PRESIDENT: I think the honourable member is getting away from the Bill itself.

The Hon. H. C. STRICKLAND: If you rule that way, Sir, I have no alternative but not to proceed any further along those lines. I thought that as the Minister, when introducing the Bill, tied it directly to the Royal Commission which is inquiring into the racing position, we may be permitted to express some views in connection with it.

The Hon. A. F. Griffith: I think that is your interpretation of it.

The Hon. H. C. STRICKLAND: As has been said in another place, if there were no racing, no Commission would be required, and thus no Bill would be required. Surely the three are tied together.

The Hon. A. F. Griffith: The Bill seeks to amend the Act.

The Hon. H. C. STRICKLAND: That may be so, but the Minister made it perfectly plain that it was introduced at the direct request of the Royal Commissioner.

The Hon. A. F. Griffith: And on the advice of the Crown Law officers.

The Hon. H. C. STRICKLAND: What had the Crown Law officers been doing before Sir George Ligertwood was appointed?

The Hon. A. F. Griffith: If you sit down I will tell you.

The Hon. H. C. STRICKLAND: What has Sir George Ligertwood been doing in South Australia since 1935, when he was a member of the Supreme Court; particularly when we find that this provision is not written into the legislation in South Australia? As I said quite early, it seems that the Minister has very little solid ground on which to base his reasons for the introduction of this measure. He says it is at the request of Sir George Ligertwood.

I would have liked to complete my remarks in connection with the racing industry but if you, Sir, rule that we must keep away from that matter, I can see that the debate on the Bill will not be a very interesting one. Having felt that racing had deteriorated in the last 20 years, and feeling that it was entirely due to the economic situation of the day—

The Hon. J. Murray: Would you say "entirely"?

The Hon. H. C. STRICKLAND: It is generally so. I cannot help feeling that racing, like many old sports, has certainly had its day in Western Australia in so far as the attraction of large crowds is concerned. The amazing part of this legislation is that it has been introduced, at the express request of a Royal Commissioner who is inquiring into racing, to protect Royal Commissioners and everyone appearing before Royal Commissions. The Government says that this is an urgent measure and it must go through as quickly as possible. But what is the Government after? What is the substance of the whole inquiry, and what will this Bill achieve; what will it gain?

The Hon. A. F. Griffith: What is the substance of your objection?

The Hon. H. C. STRICKLAND: What will be the position after all the dirty linen has been washed and dried? What is the Government looking for? Only one thing. The argument—the sole argument—is as to who is going to have the people's money. Is it to be those on the course, or those off the course? That is the entire substance of the argument, and it is going to cost a lot of money to decide just who is to have the people's money. All we are doing is to get somebody's opinion on the question, but whether that opinion will be acted upon, nobody knows.

It is a positive fact that the whole crux of the argument is that racing cannot survive unless we get the people to the racecourse. But what people? The people who go along and bet and lose their money; and they must lose their money if they keep betting? That is all the argument is about; and that is what all the expenditure is for. We are told that the Royal Commissioner himself is paid 36 guineas a day. I do not know whether that refers to sitting days, or whether it is a seven-day week, but I presume it is a seven-day week, plus expenses.

The PRESIDENT: There is nothing in the Bill about that.

The Hon. H. C. STRICKLAND: This measure will so widen the powers of the Royal Commissioner that it is hoped it will enable him to find the answer to the question: Who is going to handle the people's money? Is it going to be those who carry on gaming houses on the course, or those who carry on gaming houses off the course. I suggest this matter is not worth the suspension of Standing Orders as a matter of urgency; it is not worth all the debate that has been engendered in Parliament, and outside Parliament, in connection with it. I intend to support the second reading of the Bill, and I trust the amendments I have on the notice paper will receive due consideration by members of this House.

THE HON. J. MURRAY (South-West) [5.14]: Because of the remarks I passed during my speech on the motion for the adoption of the Address-in-reply, I want, at this early stage, to say a few words in support of the second reading of the Bill. I probably took the Government to task a little for having set up a Royal Commission to inquire into this matter. I did so, because there were, in this State, no such provisions for Royal Commissioners as are contemplated and contained in the Bill before us.

I feel that without those provisions, which are brought forward at the request of the Royal Commissioner, it is going to be impossible for any Royal Commissioner or court of inquiry to get the necessary evidence to come to a conclusion on this matter. Unless witnesses are going to be given protection—I am not concerned about the other people because they are sufficiently well versed in law and such like to be able to protect themselves—I venture to suggest—and I agree with the last speaker in this regard—that this will be a very costly inquiry and will get nowhere. But given the protection, witnesses will be prepared to come forward and show exactly what has transpired since the betting control legislation was introduced in this State.

It is going to be difficult to check the present regime. As the last speaker stated, this Royal Commission will decide who is to get a share of the public money that is invested on betting in Western Australia; that is whether the money is to go into individual pockets—a few individual pockets at that—or whether it is to be distributed among the people who make racing, and all that goes with it, possible; and whether the Government is to receive its fair share. I will not go into that point because you, Mr. President, will probably stop me in a moment and say that I am digressing from the subject matter of the Bill.

I do stress though, that unless the Bill is passed in its entirety as far as the witnesses are concerned, the Royal Commission is going to be a waste of public money. As someone said earlier in another place, it is going to be a proper beanfeast for the legal gentlemen who are representing certain sections, because it will go on and on without reaching any real finality. Considering what has already been said before the Royal Commission, it should be perfectly obvious to most people that some protection is necessary. We can see the line of approach that the present Chairman of the Betting Control Board is using in an endeavour to get certain replies from some of the witnesses appearing before the Commission. The same tactics will be used by attorneys representing other sections. I say that if the necessity for this legislation is not obvious now, it will, if the Bill does not become law, become obvious before the end of the Royal Commission. I support the second reading.

THE HON. E. M. HEENAN (North-East) [5.20]: The Bill proposes to amend the Royal Commissioners' Powers Act, 1902, and it might be of interest to the House if I read the following brief extract from the *Austra'ian Law Journal*, Volume 29, page 253, under the heading "Royal Commissions":—

> The subject matter of this paper has been somewhat simply described as "Royal Commissions" so that all forms of inquiry do not come within the scope of the paper. The limitation is useful in confining the subject matter to those forms of inquiry in which Governments, by the use of Letters Patent, appoint some person or persons to gather information and in most cases to make a report. In modern times we have become used to all kinds of inquiries being carried out by officials whereby Government is informed and decisions are ultimately made by Ministers. Many of these inquiries are made in pursuance of statutory authorisation, while others are made without either prerogative or statutory authority.
>
> Royal Commissions have great antiquity; in our own legal system perhaps the most famous report of a Royal Commission is that of Domesday. The authority to issue a Royal Commission lies in the prerogative.

The Royal Commissioners' Powers Act, which the Bill seeks to amend, was enacted in 1902, since when there have been two more or less minor amendments, the first being in 1914 and the second in 1956. Certainly no such far-reaching amendment as is now proposed has been submitted to Parliament previously, and one naturally wonders why. Over the past 50 years or more, Royal Commissions have not been a rarity in this State. I cannot give members the actual number of Royal Commissions that have functioned over this period but we all know from memory that they have been numerous and have covered a wide variety of subjects of general interest.

Not unnaturally, therefore, one views this Bill with some perplexity, especially after being told by the Minister, when introducing it, that the Government considers it of vital importance. One can hardly be criticised for asking why. I could admit the virtue of a Bill which proposed bringing up to date a statute which was passed away back in 1902, but to attach to such a Bill an air of urgency and vital importance seems at least to be an exaggeration of the real position.

The main purposes of the Bill are to grant to Royal Commissions immunity similar to that given to judges and magistrates; to extend to barristers and solicitors immunity similar to that which they possess when appearing in the court; and to grant to witnesses appearing before Royal Commissions immunity similar to that given to witnesses who appear in the court. Those are, briefly, the main provisions of the measure. It is, therefore, of importance that we consider what is the nature of a Royal Commission as compared with that of a court of law, because although they have some similarity there is a great gulf between them.

First of all, we know that a Royal Commission is issued by the Governor, usually directing the Commissioner or Commissioners to inquire into some subject of wide public interest and to find facts, or express an opinion, or make suggestions. The practice, as I have already indicated, has been in vogue over the centuries. The point to note, however, is that the usual function of a Commission is to make an inquiry. The issues involved are not defined by pleadings as they are in the courts, and there are no parties as such. No-one is on trial. The Commissioner is not bound by the rules of evidence. The mode of conducting the inquiry seems to be left for each Commissioner to work out for himself, although it must be conceded that over the years some standard practice has evolved.

It will be appreciated, therefore, that a Royal Commission is vastly different from a court. The issues it deals with are different; the practice and procedure are different; the respective powers of the judge and the Commissioner are different; and the constitutions of the two tribunals are different. As is well known, judges and magistrates are carefully selected for their learning and integrity. The practice and procedure of the courts conform to strict rules, and the issues involved relate to the rights of individuals as defined by law.

It is well known that Royal Commissions have become increasingly popular with Governments in recent years, and it cannot be denied that in their sphere they serve a useful purpose. However, it must always be borne in mind that a Royal Commission is not a court, and that there are fundamental differences between the two which cannot be bridged.

In recent years, the practice has grown of appointing a judge as Commissioner in many instances, particularly when there is wide public interest. This has obvious advantages. First of all there is the dignity and prestige which a judge gives to the position; also his expert knowledge of the practice and procedure which should be followed in such matters. However, it should be noted that among the judges themselves there are divergent views on the propriety of one of their number accepting an appointment as a Royal Commissioner. In Volume 28 of the *Australian Law Journal* at page 229, under the heading "Royal Commissions," we find the following:—

> (a) One of the arguments against such an appointment is that usually the Commissioner is asked to find facts or express an opinion on a subject of wide public interest upon which many members of the public hold strong views of their own. Whereas the public might be prepared to accept the pronouncement of a judge on a matter *inter partes*, the views of a Commissioner expressed in more absolute form, on a matter where there are no parties in the ordinary sense, and which often has a strong political flavouring, cannot and do not command such respect. Governments, for whose benefit reports are prepared, seldom accord them the respect with which an ordinary judicial decision is traditionally received. They frequently ignore the report. Much, of course, depends upon the subject matter, the terms of reference and the Commissioner or Commissioners appointed.
>
> (b) The arguments for and against the appointment of a single judge as a Royal Commissioner cannot be fully covered here. It cannot be disputed, however, that some Commissioners in New South Wales in recent times have been criticised by sections of the community including in one instance by representative legal bodies, for alleged unfairness or abuse of power or the length of time occupied or the inconclusive nature of the report. We are not here concerned with the soundness or unsoundness of these criticisms. What we are concerned with is the respect due to the judiciary. It is clear that the conduct of a Commission on a controversial matter almost inevitably involves criticism from one section or another of the community.

In Volume 29 of the *Australian Law Journal* at page 257, there is an extract from a letter written in August, 1923, by the Chief Justice of Victoria, as he then was (the late Sir William Irvine). He said—

> Parliament, supported by a wise public opinion, has jealously guarded the bench from the danger of being drawn into the region of political controversy. Nor is this salutary tradition confined to matters of an actual or direct political character, but it extends to informal inquiries, which, though presenting on their face some features of a judicial character, result in no enforceable judgment, but only in findings of fact which are not conclusive, and expressions of opinion which are likely to become the subject of political debate.

I have mentioned these matters and read these extracts for the sole purpose of emphasising the fact that members should bear in mind, when considering this measure, that Royal Commissions and courts are vastly different from one another. The proposals contained in the Bill are designed to give each Royal Commissioner the same protection and immunity, in the exercise of his duty, as

has a judge of the Supreme Court. That immunity is practically absolute. As was mentioned by the Minister, a judge, in his capacity of judge, cannot be made liable in any action whatsoever, even though he may have acted maliciously.

Although all persons appointed Royal Commissioners are not judges—many are laymen—I think it can be taken for granted, that irrespective of their positions, they are invariably men of standing and integrity; and perhaps the all-embracing protection envisaged in the Bill is justified. Whether or not the degree of protection now given by the common law and the Criminal Code is adequate, is an academic question. Apparently the advisers to the Government consider it is not adequate; although it has already been pointed out that no harm has resulted from the position that has obtained over the years.

I readily admit, however, that the issue has not been decided in the courts; and some Royal Commissioners, in the past, may have been lucky. The remarks I have made in relation to Royal Commissioners could apply also to the immunity proposed by the Bill for barristers or solicitors appearing before a Royal Commission. If that immunity is really necessary, I am in favour of it. Such persons are in fact officers of the Royal Commission, just as they are officers of the court when appearing in court; and they should be regarded in this matter, in my opinion, in much the same light as the Royal Commissioners themselves.

On the vexed question of giving further protection to witnesses, I again refer to my earlier statements that Royal Commissions are not courts of law, and that before a Royal Commission the rules of evidence do not necessarily apply. The result could be that hearsay evidence and what is termed secondary evidence could be admitted. Irrelevant matters are also often dragged in before a Royal Commission. One author that I came across referred to the almost Star Chamber jurisdiction of a Royal Commission. This, in my opinion, really constitutes a danger; not so much with a Commissioner who is trained in law and in the practice and procedures of the court, as in the case of a layman.

Not all Royal Commissioners, however, are likely to fit into the category of the legally trained men, because often, as I say, they are laymen, and an inquiry could easily get out of hand. In cases where there is wide public interest and controversy, and where the public holds strong views or where there is a strong political flavour, there is always the temptation for some witnesses to show off or be malicious and extravagant in their statements. In courts of law such individuals would not be tolerated and would not be allowed to get away with it, as it were. However, that sort of thing could easily occur before a Royal Commission and great harm or damage could conceivably be done to the reputation of innocent individuals. I therefore do not propose to support the proposals in the Bill as they apply to witnesses.

It must also be remembered that the Criminal Code and the common law already provide far-reaching protection to any witness or individual who makes statements, whether in public or in private, if they are made in good faith, or on privileged occasions. It is not fundamental that they even be true, if they are made in good faith or on privileged occasions. Our Criminal Code, in sections 350 and 358, has provisions which apply to that state of affairs. I am tempted to read section 358, after listening to the remarks of Mr. Murray, who envisages that, unless we pass this Bill as it was placed before us, the Royal Commission is going to be a flop and a waste of public money; because he feels that a lot of people who would otherwise come and give evidence will not do so. Section 358 of the Criminal Code provides—

> When any question arises whether a publication of defamatory matter was or was not made in good faith, and it appears that the publication was made under circumstances which would afford lawful excuse for the publication if it was made in good faith, the burden of proof in the absence of good faith lies upon the party alleging such absence.

In view of this provision, if any individual wants to come forward and say that he has given bribes, or that someone has accepted bribes or done anything of that terrifying nature—and he does it in good faith—I do not think he will have anything to worry about. There are lots of occasions of privilege; and I think I can give an assurance that if any witness wants to appear before this Royal Commission and tell the truth—or what he sincerely believes to be the truth—he will have nothing to fear as far as the present laws of Western Australia are concerned.

The Hon. A. F. Griffith: The Solicitor-General does not share that view.

The Hon. E. M. HEENAN: As I said earlier, the question apparently has not been decided in the courts; but I am expressing my opinion for what it is worth. I feel that the timing of the introduction of this measure was unfortunate. I believe it would have been much better, in the interests of calm judgment, if its provisions could have been considered more or less in the abstract, rather than with the background of an existing Royal Commission and the controversy which has evoked such strong partisanship on either side.

In all the circumstances I think it would have been wiser to leave these proposed amendments to some subsequent date. For

the life of me I cannot agree that the Bill is as vital or as urgent as the Minister claimed. I am inclined to believe that if the present Royal Commission were to function under the existing Act, no-one would be any worse off. Apparently someone had in mind that there was going to be a spate of grave disclosures and allegations, and that people would come forward and make those disclosures and allegations if they were given more protection than has been provided in the past. If that was the line of thinking which led to the introduction of this measure, I disagree with it.

THE HON. A. L. LOTON (South) [5.43]: I support the second reading of the Bill; and I take this opportunity of expressing to the ex-Speaker of the Legislative Assembly (Mr. J. Hegney) my appreciation of the fact that, at a public meeting in Belmont, he was prepared to stand up, when insinuations were being made that members of Parliament had received payment for supporting the betting legislation, and deny those insinuations.

The meeting to which I refer was definitely hostile to the party to which that honourable member belonged, yet he had the courage to stand up and deny the insinuations that were made. One wonders what would have been the position had Parliament been sitting on the day following that meeting, which was held on Thursday the 5th February. In view of the number of Labour members in this House, the Labour Party could not have passed the legislation without the support of certain non-Labour members. Those three members—there are only two of them now in this House—who supported the legislation on that occasion were the Hon. Leslie Craig, the Hon. J. Murray and the Hon. L. A. Logan, now Minister for Local Government.

For anyone even to think that those three gentlemen—or any one of them—would have accepted, if it had been offered to them, anything at all in the way of payment to support that measure, is beyond belief. Had those three members been present at a sitting in this House on the day after that meeting at Belmont, I am certain they would have drawn the attention of this Chamber to the insinuations that had been made.

The Hon. L. A. Logan: I would have done so, anyway.

The Hon. A. L. LOTON: I thank the Minister for his interjection. Therefore, to Mr. J. Hegney, M.L.A., I express my appreciation. At the time the legislation was passed I, fortunately or unfortunately, occupied the position which you now hold, Mr. President, and therefore *Hansard* does not show what my views were on that legislation.

Those who attended the meeting to which I have referred were definitely hostile to the members who supported the legislation; and unfortunately the statements made at that meeting have been bandied around the House and published in the Press. I suppose that, ultimately they will be aired before the Royal Commission on betting which is now sitting. If this legislation is passed in its present form—one of the provisions is to give certain protection to witnesses who appear before the Royal Commission in the same way as witnesses who appear before a court are protected—as Mr. Murray has said, unreliable witnesses will undoubtedly appear before the Royal Commission, and therefore, the Royal Commissioner will not have achieved his object.

The clause contained in the Bill which seeks to place a Royal Commission on the same footing as a court, is a provision which has not concerned Parliament since the Royal Commissioners' Powers Act was introduced in 1902. The Minister for Mines has led me to believe that in the other States—and also in the statutes of the Commonwealth—legislation on similar lines now exists, some Acts dating back as far as 1907 and some having been passed as recently as 1956. Therefore, it does not follow that the amendments to the legislation in this State are urgent, because the other States have not considered similar amendments to be urgent. That fact is emphasised here because notice to suspend Standing Orders was given only on the 21st July last. The Royal Commission has already heard evidence on at least a number of days, and witnesses have been cross-examined; and the date is now the 4th August.

The Hon. A. F. Griffith: But there is a retrospective clause in the Bill.

The Hon. A. L. LOTON: I understand that, but if the Bill is not passed, the retrospective clause will not amount to anything.

The Hon. A. F. Griffith: Of course it will not!

The Hon. A. L. LOTON: It is all very well for the Minister to say that there is a retrospective clause in the Bill, but that does not amount to a great deal.

The Hon. F. J. S. Wise: The present Government does not support retrospective legislation of any sort.

The Hon. A. L. LOTON: Those people who have made statements in the hope that this legislation will pass would then be in the same position as witnesses who appeared before previous Royal Commissions. In this State many Royal Commissions have been held. Not very long ago a Select Committee appointed by this House was turned into an Honorary Royal Commission to continue its inquiries into the trading hours of service stations. Mr. Logan was a member

of that Honorary Royal Commission, and after months of sitting—it held its sittings in this Chamber as a matter of fact—no accusations were levelled against any member of that Commission, or against any of the barristers who conducted the cross-examination of witnesses; and no hostile statements were published in the Press. Therefore, it did not appear that there was very much wrong with the legislation up till that time.

If we took an absurd view of the situation and said that as a result of a request made by the Royal Commissioner now sitting in Perth our legislation should be brought into line with that of other States, we would be sounding the death knell of all State Parliaments because, in effect, we would be agreeing to the uniformity of all State legislation. I, for one, do not agree that legislation in all States should be on that basis.

The Hon. F. J. S. Wise: Not all States have such legislation as this on their statute books.

The Hon. A. L. LOTON: Sir George Ligertwood no doubt made the request to have the Act amended in order to incorporate the provisions contained in this Bill because, as a result of his experience in conducting his inquiries during the Petrov Royal Commission, he was of the opinion that such an amendment was necessary.

The Hon. A. F. Griffith: The Crown Law officers thought the amendment was necessary.

The Hon. A. L. LOTON: I wonder to what extent the Crown Law officers were inspired by the suggestion made by Sir George Ligertwood to amend the legislation.

The Hon. A. F. Griffith: That is a pretty rough one on the Crown Law officers!

The Hon. A. L. LOTON: The first request came from Sir George Ligertwood, as the Minister has said himself.

The Hon. A. F. Griffith: Your suggestion is a reflection on the Crown Law officers.

The Hon. A. L. LOTON: The Minister has said that this Bill is the result of the suggestion made by Sir George Ligertwood. Sir George Ligertwood was approached by the Government to do a job, and if the legislation in our State does not contain the provisions which, in his opinion, are necessary for him to perform his task in his own way, he would naturally make the suggestion that he has made. That, with all due respect to the Crown Law officers, is quite fair. I do not think Sir George Ligertwood can complain about my statement, namely, that it was as a result of his suggestion that this Bill was brought forward, because, in his opinion, our legislation has some shortcomings.

No doubt he arrived at that conclusion following on the findings that he made when a member of other Royal Commissions. Surely there are some witnesses who do not feel that they could make a statement before the Royal Commission without embarrassment to themselves or to their departments! In fact, I think the members of the Select Committee that inquired into the administration of the war service land settlement scheme had difficulty in regard to some settlers coming forward to give evidence; and following inquiries that were made in certain quarters those settlers were told that they would not be victimised if they did testify before the Select Committee.

Again, in commenting on an interjection made by the Minister for Mines that my statement was a reflection on the Crown Law officers, I point out that such an accusation is not justified, because, as I have already pointed out, the amendments in this Bill were brought forward following the suggestion made by the Royal Commissioner that he would like these amendments made to the Act, as he considered the Act had certain shortcomings. The Government was desirous of obtaining a Royal Commissioner from outside the State, and it considered that a Supreme Court judge was necessary to preside over the inquiry. Therefore, Sir George Ligertwood was quite justified in making the suggestion that he did.

The Hon. A. F. Griffith: I can put your mind at rest on that.

The Hon. A. L. LOTON: I do not want the Minister to think that I was casting any reflections on the Crown Law officers, or suggesting that they would do anything improper, because I have too high a regard for them to suggest that they would do anything improper. I do not know whether the published report of a Royal Commissioner has ever been queried. I know that such reports have been brought to Parliament and have been the subject of severe criticism by members on both sides of the House, but I do not know about any published reports. I hope the Minister for Mines will enlighten me on that point when replying to the debate. I would also point out that I am not too happy about two or three subclauses in the Bill; and when the Bill goes into Committee I hope to be able to have some discussion to clarify these provisions.

THE HON. H. K. WATSON (Metropolitan) [5.55]: I agree with the point raised by Mr. Heenan, namely, that it is a pity the Bill has been brought down at this time. It is a pity we were not able to deal in the abstract with the questions involved. I echo a question raised by Mr. Strickland. He asked: What has the Crown Law Department been doing all this time?

The questions of Royal Commissioners and their powers and duties; their rights and privileges; and the protection and immunity that ought to be extended to a Royal Commissioner, to counsel and to witnesses, were all the subject of a very learned discussion and debate at the legal convention held in 1955. I would have thought that the extremely full discussion which took place on that occasion would have alerted the Crown Law officers to look at our Royal Commissioners' Powers Act to ascertain whether it measured up to the necessary standards.

I am rather surprised—and I am inclined to think that the members of this House will share my view—that these powers—the immunity to be given to witnesses and the protection that the Bill proposes to give to Royal Commissioners and counsel—have not been in the Act since it was placed on the statute book. One would have thought that those powers were essential in an Act dealing with the powers of a Royal Commissioner.

I was extremely surprised also to learn that the Act is as sketchy as it is. However, it is not the first time that an Act, which has been on the statute book for many years, has been found to contain many weaknesses. I recall that some years ago we had to pass a Bill which had the effect of validating certain marriages which were invalid, and had remained invalid for nearly 10 years, because the Crown Law Department—I will not say it had fallen down on the job—had committed a serious oversight.

The fact that it was Sir George Ligertwood who pointed to the weaknesses in this Act is not surprising, because, as Mr. Loton has said, if the Government commissions a man, with the legal knowledge and eminence that Sir George Ligertwood has, to sit as a Royal Commissioner—whether it be to inquire into betting, the price of peanuts or anything else—the first step he would take—even if he were a man of lesser attainments than those held by Sir George Ligertwood—would be to turn up the Act to see where he stood.

The Hon. A. F. Griffith: To see under which Act he would be operating.

The Hon. H. K. WATSON: That was what Mr. Loton said. There is no point to be made of the fact that Sir George Ligertwood brought to the notice of the Crown Law Department in 1959, a number of matters which that department should have discovered in the previous 50 years. Mr. Heenan appeared to be somewhat inconsistent in his approach to this measure. He considered that immunity and protection should be accorded to counsel, but not to witnesses. For my part I put them in the same category. I would either deny this right to all parties and let them rest on their common law rights, or expressly cover them all in the Bill. That is only logical. There is one point in the Bill which is not quite clear to me; and that is the following provision:—

> A person shall not by writing or speech use words or do any other act calculated to bring a Royal Commission or a member thereof into disrepute.

The query I raise is in respect of the period during which that prohibition shall last. I can understand a prohibition against any criticism of a Royal Commissioner while he is in the course of his deliberations, but after he has presented his report I do not consider that the report should be free of criticism—even of caustic criticism—particularly as time passes. How long is the prohibition to last? One can understand it lasting during the currency of the Royal Commission, or until such time as the report is presented: one can understand it lasting for a few months after that; but conceivably if the prohibition is included in the legislation in its present form, a person can only criticise a Royal Commission—even one appointed 20 years ago—at his peril.

I know of one Royal Commission which sat 20 years ago but which, to put it bluntly, was a farce. That was also the opinion of many other people, and that opinion was subsequently proved to be right. The Commission produced a result far from what anyone expected it to produce. There should be nothing in the Bill to prevent anyone from criticising, legitimately, the activity of the Royal Commission, or the report. I suggest the Minister might consider the question as to how long the prohibition is to remain in force.

In moving the second reading, the Minister pointed out that under the existing law a Royal Commissioner or officers acting under his direction have no protection in respect of the wrongful arrest of a witness. I do not see why they should have any protection. A person who is wrongfully arrested should have some right of redress. For my part I would not support a measure which purported to take away from a citizen his just rights of redress at law, in the event of his being wrongfully arrested. I would also like the Minister to clarify that point when he replies.

In view of what I have said, I cannot understand why the provisions in this Bill are to be limited to the 31st December, 1960. In my opinion, the Bill should be a permanent amendment of the Royal Commissioners' Powers Act. It seems rather ridiculous to amend the Act and to allow the amendments to operate only until December, 1960. They should apply to all Royal Commissions. As Mr. Heenan said, it is a bit difficult to separate the provisions in the Bill from the Royal Commission which is sitting at the moment; and which Royal Commission appears to be raising controversial questions. Looking at the

Bill in the abstract, there is no reason at all for limiting the operation of the provisions until 1960.

I agree with Mr. Heenan that we should be careful to prevent the abuse of powers which are included in legislation on the statute book. It is important, when appointing Royal Commissions in the future, to see that the person appointed to discharge the duties of Royal Commissioner is of the highest integrity and character.

THE HON. F. R. H. LAVERY (West) [6.8]: I do not wish to cast a silent vote on this Bill. I have in mind the remark of Mr. Loton, and I believe in all sincerity that the three members on the Government side who voted in favour of the Betting Control Bill are persons beyond reproach. Whatever faults I may have, I always try to be ethical in my actions. Here and there I might make a mistake, but no one could accuse me of being unethical. No one has a right to cast aspersions on members of either House of Parliament over their action on the Betting Control Bill.

I agree with what Mr. Murray said, that the Government showed a definite weakness. As I remarked during the debate on another measure, the Government was elected to carry out certain promises it made during the election, and it has set about to change the ways in which some things are to be done in this State. Whether the Government is right or wrong is beside the point. On a vital matter, such as the one in the Bill before us, the Government has introduced legislation to protect the Royal Commissioner, who was appointed from outside this State, to inquire into betting and horse-racing; into the proposal by the Trotting Association for the establishment of a totalisator off-course; into the contention by the Turf Club that starting-price bookmakers are adversely affecting its turnover; into the criticism of people against the type of control exercised over the S.P. bookmakers; and into the amount which they shall pay in turnover tax.

There are one or two points in the Bill which do not satisfy me. In my view no-one should take umbrage at the protection proposed to be given to the Royal Commissioner. The members of the Select Committee, of whom I was one, appointed to inquire into service stations, had no doubts as to their responsibilities and the extent of their protection. That committee was later turned into an Honorary Royal Commission. I cannot remember any member of that Commission raising the question of protection. If we could perform our duties in an honorary and honourable way, there is no reason why the Royal Commissioner cannot do the same when inquiring into matters connected with horse-racing.

I consider that the Royal Commissioner is entitled to some protection, but no-one can convince me that the legal profession either requires or desires the same protection. In my opinion the legal profession in this State is composed of ethical men, and they will not defame any person merely for the sake of doing so. They may adopt certain lines of interrogation in order to draw out some points, but I have sufficient faith in the Royal Commissioner to know that he will stop any unseemly behaviour on the part of a legal practitioner appearing before him.

In regard to the protection of witnesses referred to in proposed new section 12 (3), I point out that any person who is sufficiently public minded to offer to give evidence does not need any protection. If I saw a person driving a car and he appeared to be in a drunken condition—I have seen this happen—I would give, before the court, what I considered to be true and correct evidence. In those circumstances I would require no protection.

Despite the slur cast by some people, and the mud slung at witnesses who might appear before the Royal Commission, I am resentful of some of the remarks which were made at a public meeting. That matter was published in the Press. I gave some thought to the remarks, and considered they were not worth the ink needed to publish them in the Press.

Sitting suspended from 6.15 to 7.30 p.m.

The Hon. F. R. H. LAVERY: Prior to tea I was saying that despite the fact that certain accusations had been made outside of Parliament House, I did not consider it was worth while putting pen to paper in rebuttal. I do not know why this Bill is necessary seeing that a deal of information has been gathered by the Crown Law Department. During the tea suspension I read the speech made by the Attorney-General in another place, on the second reading, and the only reason I could find for the Bill was the fact that there is a Commission sitting at the present time. I came to that conclusion because the Bill must expire in December, 1960.

If it is necessary to summon witnesses and solicitors before Royal Commissions, whether they be honorary or not, why have not these powers been necessary on previous occasions? Royal Commissioner Smith gleaned information and submitted reports—sensational and worldwide—about changes in the personnel of the Railway Department. Although Mr. Smith was working under the Act as it now stands, he was not questioned in any way about his activities. I feel that the State should not be bearing the cost of this Commission at the present time; and it could well do without it. I am not

a legal man but I would like the Minister to clarify proposed new section 16 (d) in the Bill which reads as follows:—

> By writing or speech use words false and defamatory of a Royal Commission or of a member thereof.

I would like to know whether this will affect the privilege which is now enjoyed by a member of Parliament. I do not believe it will, but I would like the matter clarified. With those remarks I oppose the Bill.

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [7.34]: It appears that members are asking the questions: Why is this Bill necessary? Why is the Royal Commission necessary? I think I stated during the Address-in-reply that many rumours were floating around Western Australia, some of which were not of a very savoury nature; and I thought that when such a set of circumstances existed it was surely time to clean them up. I was not the only one who thought that. If members will cast their minds back to what has appeared in the newspapers over the last two or three years, they must recall that there has been a distinct cleavage of opinion between many people in Western Australia; not only between the Turf Club, the licensed bookmakers and the Trotting Club, but between the drivers and owners; between individuals; and between members of Parliament, about many of the aspects on which I believe the Royal Commission will eventually give a finding. I think it is possible to go into our own party room and find a difference of opinion as to whether we should have legalised bookmakers; or whether we should go back to the days before bookmakers were legalised; or whether we should put in a totalisator system.

The PRESIDENT: The honourable member should keep to the Bill. A totalisator system is a matter for the Royal Commission.

The Hon. L. A. LOGAN: I realise that, but the questions: Why was it necessary for this Royal Commission to be appointed? and: Why was it necessary to introduce the Bill? have been asked. When looking around for a Royal Commissioner to do the job, it was found that Sir George Ligertwood from South Australia had recently retired, and he seemed an admirable person for the task. When Sir George was approached by the Premier of South Australia, he accepted; and naturally he looked through the Royal Commissioners' Powers Act of Western Australia. Surely it was reasonable for the Government to take some action when a man of Sir George's reputation found there were several shortcomings in our Royal Commissioners' Powers Act and asked that something be done to correct the position! Is there any need to go further and ask why this Bill has been introduced? I do not think so.

It is obvious why this Bill has been introduced while the Royal Commission is sitting. The position is the same as it is with any other Act of Parliament when a set of circumstances shows that the Act should be brought to Parliament for amendment. Because of a set of circumstances arising, Sir George has sought this amendment, which was agreed to by the Crown Law Department when working on the Bill prior to its introduction. No action had been taken to amend the Act before because nothing was known of its shortcomings; and what is the point about doing it later when Sir George has already asked for the amendments? That is why the Bill is here and that is the reason for its timing. It is also the reason why it is urgent.

Our bringing in of a judge to undertake this Royal Commission seemed to worry Mr. Heenan. Many judges have presided over Royal Commissions before; and it so happened that this particular man had already retired. I cannot see how the judiciary will be disgraced.

The Hon. A. R. Jones: He is a bit old, isn't he?

The Hon. L. A. LOGAN: I do not think so. I think the years of experience behind him will be of great assistance.

The Hon. F. R. H. Lavery: What is wrong with locally-retired judges?

The Hon. L. A. LOGAN: There are three aspects of the Bill about which I think members are worried. One is the giving of some protection to the Royal Commissioner himself. Another is the giving of some protection to solicitors and barristers. The third is the giving of protection to the individual. Most members who have spoken have agreed that the protection proposed to be given to the Royal Commissioner is quite all right. We have a difference of opinion between Mr. Strickland and Mr. Heenan in regard to barristers and solicitors. If we take Mr. Heenan's word for it, the protection should be given to barristers and solicitors, and that leaves only the individual.

I know from experience that it is difficult at times to persuade individuals to give evidence before a Royal Commission. As a matter of fact, many of them are loth to give evidence because of the attitude which might be taken by the department in which they are employed. That is not in the interests of the public when a Royal Commission is taking place.

If an individual, because he is given some protection, will be willing to come forward and give evidence, I do not see why that protection should not be given. After all is said and done, I suppose I am one of some 17 members in this House who could have had the finger pointed at them in regard to accepting remuneration for voting for the Bill. If a witness can go

before the Royal Commission and give evidence in regard to anybody receiving bribes or a hand-out, I do not mind, because I have a very clear conscience. I am not frightened of what evidence will be presented by any individual before the Royal Commission.

The Hon. F. R. H. Lavery: I do not think anybody is of that opinion.

The Hon. L. A. LOGAN: Any person who gives evidence before the Royal Commission must do so under oath to tell the truth and nothing but the truth.

The Hon. A. F. Griffith: Evidence is on oath.

The Hon. L. A. LOGAN: Secondly, a witness cannot commit perjury unless he takes the consequences. Therefore, we have a safeguard. With a Commissioner like Sir George and so many Q.C's. in attendance, it will be a pretty good man who can get up and tell a pack of lies without being brought to task at that Royal Commission.

The Hon. H. C. Strickland: It is when you have immunity.

The Hon. L. A. LOGAN: Immunity or otherwise, a man will not get away with it. I am certain of that. He will penalise his standing in the community.

The Hon. H. C. Strickland: You agree he should not get away with it?

Hon. L. A. LOGAN: In my opinion, nobody will go before the Commission and perjure himself, and so make a fool of himself when he knows what the consequences will be. I do not know why members are worrying in this respect. I think we have all the safeguards we require. Mr. Strickland is concerned with what the finding will be. He seems to think it will simply be whether the bookmakers on the course will get the cash, or whether the bookmakers in the shops will get the cash.

The Hon. H. C. Strickland: I was not concerned at all.

The Hon. L. A. LOGAN: The honourable member seemed to think that would be the final answer.

The Hon. H. C. Strickland: I said that was the crux of the argument.

The Hon. L. A. LOGAN: I do not think it is. It goes a lot further than that. I have already given the reasons why this Commission was set up. The Commission is here to try to clarify the position and to set at rest many people's minds in regard to what is actually happening in the racing game today.

The PRESIDENT: I think the Minister is getting away from the Bill which deals with the Royal Commissioner and his powers.

The Hon. L. A. LOGAN: There are many things which an ordinary civil servant, or a member of the Government cannot do; and at times it is necessary to appoint someone as a Royal Commissioner to find the answers to certain questions, and that is what we are trying to do. Some criticism has been levelled at the reason for the time limit—until 1960—in the Bill. This provision was not included originally, but was moved as an amendment—and accepted—in another place. We are prepared to leave this provision in the measure, because we believe it should be there. But Parliament is supreme; it has control over itself. As a result, another place, in its wisdom, amended the Bill in that manner. I do not see that we have much to growl about, and I do not know why members criticise the Government because this provision is in the Bill.

The Hon. F. J. S. Wise: It is not unusual for members to criticise the Government.

The Hon. L. A. LOGAN: Not a bit; and I hope the day will never come when the Opposition will not criticise the Government, because I think it is only right that at times the Government should be criticised. If we ever get to the stage when the Government cannot be criticised, we will have lost our democracy.

The Hon. F. J. S. Wise: The millennium will have been reached.

The PRESIDENT: Order!

The Hon. L. A. LOGAN: So I am quite happy to give protection to the Royal Commissioner, the barristers and solicitors, and the witnesses who appear before the Royal Commission, so that the evidence that is necessary to clear up the many aspects of betting in Western Australia, may be given. When speaking on the Address-in-reply, I said that had the same set of circumstances applied previously as apply today, I would have done exactly the same as I did; and I still say it. Also—as Mr. Loton has mentioned—had Parliament been sitting at the time the statement was made at a meeting, I would, the next day, have asked you, Sir, as President, to take steps to have this gentleman brought before the Bar of the House, because of the statements he made at the meeting. I think it is unfortunate that the House was not sitting at the time.

The PRESIDENT: I think the Minister should get back to the Bill.

The Hon. L. A. LOGAN: There is no need for me to elaborate on the question. Only three points are at issue, and they concern the Commissioner; the barristers and solicitors; and the individual. I do not think that by passing the Bill we will be giving to any individual some protection which could be abused. Members can be quite satisfied that, by supporting the measure, they will not be doing anything unusual.

THE HON. A. R. JONES (Midland) [7.50]: I have thoughts both ways in regard to this measure.

The Hon. F. J. S. Wise: A quid each way!

The Hon. A. R. JONES: When it was first intimated that there would be a Bill of this nature, I thought it rather strange that the Government should introduce a measure when arrangements had been made for a Royal Commissioner to sit, and evidence was just about to be taken. It was known that we could not rush the Bill through the House in a few hours; that it would take some time because it would have to be introduced, and a couple of days allowed in order that the Opposition could look into it; and the same thing applied in another place. As it has turned out, about a fortnight has elapsed since the Bill was introduced. It is strange, when we consider all aspects, that the Commissioner who has been appointed should come over here and start work—or be prepared to start work—knowing that he was not protected, and then all of a sudden want protection. This is rather puzzling.

The Hon. F. J. S. Wise: It is passing strange.

The Hon. A. R. JONES: At the same time, I can see some virtue in the Bill. I have had experience of a Royal Commission, and knowing that we did not get the evidence to bring about the result I would have liked, I feel that this measure is worth while, particularly as its life is for only 18 months. This provision in the Bill means that it must come again before Parliament, and when it does come before us we will have had the experience of this Commission having sat, and, perhaps, one or two others. As a result, we will know whether there is any advantage accruing from this legislation, or whether the legislation in any way impedes the work of Royal Commissions. For these reasons I am prepared to support the Bill.

I do not agree with Mr. Heenan. I think we should leave the barristers and solicitors out, because they are able to look after themselves. I think, however, the ordinary citizen needs a little protection, because I sat in the room off the corner of this Chamber when a Royal Commission was proceeding, and I well remember the way Mr. Hatfield tried to bully some of the witnesses. They had to be right on their toes and be aware of what was going on, otherwise they could have been in strife.

I consider that I am a man of medium intelligence and experience, but I felt jittery when Mr. Hatfield had a go at me. I just had to sit and think quietly before I answered the questions he asked. In fact, I appealed to the Commissioner and asked him whether I had to answer certain of the questions in the way that Mr. Hatfield wanted me to answer them, or whether I could reply in the way I felt that I should answer them. From that experience, I consider the individual does need some protection, but I do not think that solicitors need any. In fact, if we give barristers this protection, we will be giving them free license to be a little more brutal then they are at present. Weighing up the situation, and knowing that the legislation will have a life of only 18 months, I support the Bill.

THE HON. G. E. JEFFERY (Suburban) [7.53]: I oppose the Bill. After listening to the previous speaker, I suggest that instead of having a bit each way, he should keep his money and oppose the Bill.

The Hon. A. R. Jones: I never said I had a bit of money each way. I said I had thoughts both ways.

The Hon. G. E. JEFFERY: I apologise to the honourable member. His thinking is astray to my mind when we remember what he said about the brutality of lawyers at Royal Commissions. I cannot see that the passing of this measure—or otherwise—will make any difference to the outlook of a lawyer. The Bill takes its birth from the setting up of the Royal Commission on betting; and it is intended by the Government that the measure shall give absolute privilege to the Royal Commissioner, the barristers, the witnesses, and those who will be printing and compiling the reports.

The State of Western Australia has had quite a few Royal Commissions in its day. From a check which I made, I would say that something like 109 Royal Commissions have been held in Western Australia since 1890. I may, perhaps, be one or two out, because my source of information was a cross-index, and in the hurry I might have made a mistake and my figure might be one or two out. Anyway, more than 100 Royal Commissions have been held in a period of approximately 70 years.

The original legislation was brought down in 1902, and it was good enough to cover all situations until 1956, when it was amended; but not along the lines suggested on this occasion. One would think that the desire to amend the Act arose from the recent legal convention in Perth, if one did not know that the amendment was brought before us at the request of the Royal Commissioner who was recently appointed. Some speakers have been at great pains to say that they did not wish to criticise the Crown Law Department, and so on. I am of the opinion that our Crown Law Department does not have to hang its head to anyone, because nowhere else in Australia does legislation such as this exist.

It seems passing strange that in South Australia, where Sir George Ligertwood was a member of the judiciary, two Royal Commissions on betting were held; and one was held in Queensland last year; and one in Victoria, and in not one of those

States was it found necessary to amend the legislation. I make no apologies for the legal capacity of the judiciary of Western Australia, or the legal fraternity in general, but I am inclined to the belief that we suffer from an inferiority complex. If anyone comes from the Eastern States and tells us something, we are gullible and tend to swallow what we are told. I think that on this occasion the Attorney-General swallowed something. It amazes me that Sir George Ligertwood, in his own State of South Australia, has not been able to impress his Government with the necessity for this type of legislation. But he comes to Western Australia, and immediately the need for it exists.

I point out that nearly three years ago the Minister for Local Government, Mr. Willmott, and I, were appointed as a Select Committee to do certain things; and ultimately we were made into a Royal Commission. I suggest, in fairness to the Minister and my colleagues who sat with me on the Royal Commission, that there were many things that could have happened on that occasion, and that through our ignorance of the law, some people could have been badly treated. We were at great pains, as laymen, to give them a fair deal, but just imagine the situation if distinguished legal counsel had appeared before us, and had put forward points of law on the admission of evidence, and so on! With all due respect to my colleagues and myself, I suggest that the witnesses might have suffered an injustice on some occasions.

Having had experience of a Royal Commission, I am concerned about the standard of evidence; and I am, quite frankly, convinced that we did not get the same evidence that one might expect in a Supreme Court action. There is a vast difference between the conduct of a Royal Commission and the conduct of an action in the Supreme Court.

We all realise that in a Supreme Court, the judge is in the position—because of his legal knowledge and his long service in the profession—of having the respect of both the defence and the prosecution. Also, certain procedures are laid down for the conduct of the court, and if anyone transgresses the rules, including the judge himself, there are appeals and other legal machinery available to the aggrieved parties. We know that many decisions have been reversed; some have gone right to the Privy Council before the ultimate result has been determined.

I am suggesting that on this occasion members are basing their beliefs on what is going to happen at the present Royal Commission. We admit that we have the services of a distinguished retired judge from South Australia. I suggest that on other occasions the Commissioner could possibly be a layman, or there could be two or three laymen doing the job. There is a vast difference in the knowledge of the law possessed by those who have sat on the bench and that possessed by people like myself, who have tried to do the job but have found they lacked legal training and experience.

We all know that the present Royal Commissioner has arrived here, and that his efficiency and legal knowledge are complete. But the first thing he did was to look at the legislation to see where he stood. I am not going to say that when I became a Royal Commissioner I raced to look at the Act, because, quite frankly, I did not. One becomes alarmed when one realises some of the things that might have happened because of one's ignorance of the law.

The Hon. A. F. Griffith: We are trying to put it right for you.

The Hon. G. E. JEFFERY: I suggest that on previous occasions, the State has had the services of distinguished legal men within the State and they, no doubt, understood the law of Western Australia equally as well as does Sir George Ligertwood. They, apparently, considered the legislation was eminently suitable for the protection of their Commissions. I do not wish to speak derogatively of anyone, but I do wish to draw some comparisons to show what I consider to be the position.

In 1946 we had a Royal Commission which inquired into the Australian Standard Garratt locomotives. The man who was appointed as Royal Commissioner was then a Puisne Judge of the Western Australia Supreme Court, Mr. Justice Wolff, who is now our Chief Justice. He is very well respected in his profession, and I would suggest that he had a very good look at the provisions under which he would act before he proceeded to deal with the subject placed before him.

I think on this occasion we should reject the legislation. The very fact that the Government has included a clause saying that the measure shall remain in force only until the 31st December, 1960, proves something. Despite the protestations that this legislation does not apply to the present Royal Commission, the very fact that a time limit has been placed in it shows that it is meant to apply to that Royal Commission; if it does not apply only to this Royal Commission, why has the Government inserted that provision? If it is meant to apply to all Commissions, why should it not be permanently placed in the parent Act and go on to the statute book?

I suggest that we reject the legislation because over a period of 70 years 109 Royal Commissions have been held in this State and no Government has found it necessary to pass a measure such as this. I think the weakness of Sir George Ligertwood's position is that if he believed these provisions were necessary why was he not

able to convince the Government of his own State, when he was a member of the South Australian judiciary, of the necessity for it? I intend to oppose the second reading.

THE HON. F. J. S. WISE (North) [8.2]: I think it is almost axiomatic that to expect a Bill to pass the second reading considerable justification must be given for its introduction. In spite of what the Minister for Local Government has said, in my view no satisfactory argument has been advanced, or point adduced, to show the necessity for this proposed law.

The Leader of the House said that Sir George Ligertwood asked for the protection which will be afforded by this Bill. Sir George Ligertwood is a distinguished man in his own right; he made a name for himself and rose to the bench in his own State and, as a Royal Commissioner appointed by the Commonwealth, he had the responsibility of handling the Petrov case under the full protection of Commonwealth law, which law affords—in Australia—the only protection of the kind sought in this Bill.

I think it is idle to assume that on his arrival in this State Sir George found—and only then found—defects in our law. I submit that as a learned judge in his own State he knew, long before he accepted the position as a Royal Commissioner in this State, just what the Royal Commissioners' Powers Act of Western Australia presented and involved. It is only to be expected that, when any such matter is referred to the Crown Law Department by the Government or a learned judge, officers of that department would automatically support the viewpoint presented. There is no argument in that. But it is very important for this House to know whether Sir George Ligertwood asked for the protection that this Bill gives to all and sundry. Did he ask in writing for the Government to present this Bill to Parliament? Did he enumerate the principles he desired to be included in the legislation? If he did, or even if he did not, has he had the opportunity of seeing this Bill since it was drafted?

The Hon. A. F. Griffith: What has that to do with it?

The Hon. F. J. S. WISE: It is a very important matter. We had the bald statement that Sir George Ligertwood requested the introduction of this Bill.

The Hon. A. F. Griffith: You are reading from my speech notes and not from *Hansard*. I think if you read *Hansard* you will see that I said, "With the advice of Crown Law authorities."

The Hon. F. J. S. WISE: I have written down what the Minister had to say and the words cannot be successfully challenged.

The Hon. A. F. Griffith: I said, "With the advice of Crown Law authorities."

The PRESIDENT: Order! The Minister will stop interrupting.

The Hon. F. J. S. WISE: I would not suggest at any time that the Minister would alter what I have said he said, because I have the words taken down as he said them.

The Hon. A. F. Griffith: O.K.

The Hon. F. J. S. WISE: It was stated that this Bill was requested. Was this Bill, as it is presented to Parliament, requested? It is strange that the Royal Commission into betting, and into all aspects of betting, is not any different from any other Royal Commission held into the same subject. We have already heard of other Royal Commissions which have been held into the question of betting, and over which different judges have presided. There were Royal Commissions in South Australia, the State from which Sir George came. But no judge sitting at those Royal Commissions sought the protection asked for in this Bill. The protection was not sought by the judges who inquired into the matter in Victoria or Queensland, nor in Western Australia. When this Bill was introduced in another place it covered a broad, sweeping request for protection, not only for those engaged on this Royal Commission, but also for all Royal Commissions.

The Hon. A. F. Griffith: That is right.

The Hon. F. J. S. WISE: Now and hereafter.

The Hon. A. F. Griffith: You are the only ones who are trying to put any other tag on to the Bill.

The Hon. F. J. S. WISE: That is not true.

The Hon. A. F. Griffith: I did not say it was only for this Commission.

The Hon. F. J. S. WISE: The same statement, in another form, has been made by various speakers. It is true to say that this Bill, which has been developed in its many phases by the Attorney-General, contains some principles which should be sharply departed from.

I would like to have an assurance that the Bill, with all its implications, was the one Sir George Ligertwood asked for. Several speakers have made reference to the Criminal Code, and if one reads that code, and the appropriate sections thereof, it would appear—at first examination at any rate—that there is ample cover and protection for all of those who may be affected and further covered by this law. It is strange, too, that the New South Wales Act, first passed in 1902 and re-enacted in 1923, is the only Act which contains certain protection for some of the people mentioned in this Bill. In section 16 of the South Australian Act there is a reference to the protection of witnesses; but in no case, so far as I know in any State, is protection extended to the lega

gentlemen appearing before a Royal Commission. However, that could be so in regard to Tasmania.

The Hon. A. R. Jones: I think it is.

The Hon. F. J. S. WISE: It may be so in that State. But in the other States to which I have referred that protection does not exist. Mr. Jeffery referred to previous Royal Commissions in this State, and they have been numerous.

Within my Parliamentary knowledge and experience some of those Royal Commissions have been most dangerous so far as the people conducting them were concerned. I recall one when a person was elected to the Legislative Assembly of this State. This person was not qualified to sit and the then Leader of the Opposition (Sir Charles Latham) objected to the man taking his seat. A Royal Commission was appointed to inquire into the business practices of this gentleman; and I would suggest that if ever a Royal Commission in this State required protection, because of the liability for civil action, it was that one; it paraded the vices and misdeameanours of a person during the planned robbing of people of this State. The Chairman of that Royal Commission was you, Mr. President. You had with you, Sir, the Hon. A. F. Watts, the Hon. J. T. Tonkin, and, I think, Mr. F. C. L. Smith.

At that time those Royal Commissioners did not seek any protection against civil action, even though they laid themselves wide open to it. There was also a Royal Commission which was appointed to inquire into the affairs of a man named Alcorn—I think the firm was called Investments Pty. Ltd. The Royal Commission, which was appointed by this Parliament, by its findings made it impossible for the man concerned to continue his practices, to get away with all sorts of things. Because of the way the law stands the persons concerned with those Royal Commissions had every opportunity to take action, but no Royal Commissioner has sought the protection asked for in this legislation.

It is also a fact that the Supreme Court Act covers all members of the judiciary—quite properly—even though they may act maliciously. But, of course, it would need a wide stretch of the imagination to imagine that a judge who is at the summit of his profession would act wilfully and maliciously. So it is easy to see why a judge is protected to the fullest possible extent, no matter what his comments from the bench may be.

But this is a very different proposition; this will cover not only judges of the Supreme Court, or ex-judges, but it will also cover, for the next 18 months, any person who may be appointed as a Royal Commissioner. A political nominee could be appointed; and I think it is significant that judges of the past have refused to act as Royal Commissioners in determining political issues. That will be found clearly stated in *The Law Review* of the 19th August, 1955, where it is recorded that judges refused to act on Royal Commissions which had any political significance.

However, this Bill, if it becomes law, will give protection to a person with preconceived notions; a person who, even though he may be considered to have a wonderful knowledge of the subject concerned, could be actuated by whims and fancies and all manner of things. I suggest that if protection is necessary, and if protection is to be given, let it be given with great restriction placed upon it. If it must be given; if it is the decision of this Parliament that it shall be given; and if it is considered by the learned judge that he should have it, even though we can see objections to it, we should give it; and we cannot cavil at it. But to extend the protection to all types of people whose purpose in appearing before a Royal Commission could be to draw out submissions which would endanger the person making them; and to give to lawyers some license to vilify, condemn or trenchantly criticise, is not right.

I think such protection is neither warranted nor proper. In the Bill itself we will find that one clause, and one clause only, contains all the varying principles that have been discussed, debated, applauded and criticised. The principal Act is amended by adding several sections; not any of them a clause by itself, but all merging one after another within the one clause; and, to a degree, there is no relationship at all between some of the principles in the various clauses, or sections to be, within clause 3 of this Bill. The Leader of the Opposition has on the notice paper certain proposed amendments which I hope will be acceptable to the Minister.

The Hon. A. F. Griffith: They will kill the Bill; that is what will happen.

The Hon. F. J. S. WISE: If they kill the Bill, then the Bill should be killed.

The Hon. A. F. Griffith: That is a matter of opinion.

The Hon. H. C. Strickland: That is not correct.

The Hon. F. J. S. WISE: But there is no doubt that if they are included in the Bill they will mean equity and justice. If we examine the variation in verbiage between subclause 2 and subclause 3 of the principle clause in the Bill it will clearly point out what I mean in connection with the irrelevancy of having so many things made composite within one clause. We have the words "a barrister or solicitor appearing before a Royal Commission has the same protection and immunities" and so on, "as a barrister of the Supreme Court."

Members will notice that it is a barrister or solicitor appearing before a Royal Commission. Why not "a witness appearing before the Royal Commission has the same protection"?

The Hon. A. F. Griffith: Simply because the witness does not appear before a Royal Commission.

The Hon. F. J. S. WISE: A witness does appear even if only by summons. The Minister cannot put that one over satisfactorily. If that is to be the exact position let the Bill be consistent in its wording and say, "Witnesses appearing before a Royal Commission shall have the same protection and rights as if they were in the Supreme Court."

The Hon. A. F. Griffith: I am not trying to put anything over.

The Hon. F. J. S. WISE: I have had the responsibility and privilege of being chairman of many Royal Commissions, one of which examined over 800 witnesses.

The Hon. R. Thompson: At £36 a day?

The Hon. F. J. S. WISE: No. I would point out that it is only a matter of application in those cases before a witness can appear. It may be that a person nominates that he has certain evidence to give, and he will then be notified of the time he may appear. That will be regarded as the summons. Is that so? I ask the Minister, is that so?

The Hon. A. F. Griffith: You are making the speech.

The Hon. F. J. S. WISE: I know, but I expect the Minister to provide some answers. I quite realise from the volumes the Minister has in front of him that he will introduce many things he did not mention when moving the second reading of the Bill. That is of course if the President so permits. I am sure many more things will be referred to in the Minister's reply.

The Hon. A. F. Griffith: You do not know what I am going to say.

The Hon. F. J. S. WISE: No, but I do know what the Minister said when introducing the Bill, and I suggest that with the number of volumes before him, much new matter will be introduced.

The Hon. A. F. Griffith: I lent you one of those volumes.

The Hon. H. C. Strickland: Do not worry the Minister.

The Hon. F. J. S. WISE: I do not want to worry him, but to judge from the number of volumes he has before him I am sure we will have much new matter introduced.

The Hon. A. F. Griffith: You may think so.

The PRESIDENT: It may of course not be allowed.

The Hon. F. J. S. WISE: I would point out that I am quite naive in drawing attention to this, because I had not thought of that aspect.

The Hon. A. F. Griffith: Not much!

The Hon. F. J. S. WISE: The important thing about this Bill is, whether it is justified or not in any or all of its principles, so far, from the ministerial side, no justification has been shown.

The Hon. L. A. Logan: That is only a matter of opinion.

The Hon. F. J. S. WISE: Exactly; but I suggest that Sir George Ligertwood did not come to Western Australia and find, on the day after his arrival, that the Royal Commissioners' Powers Act contained 11 sections, and that in his view it should contain many more. He knew its limitations long before he accepted the position.

I would like to have the assurance of the Minister, in his own words, that this is the Bill sought by Sir George Ligertwood, and that he required it for the protection of this Commission, if for no other. In the Committee stage I hope that many amendments will be acceptable to every subclause in clause 3 of the Bill, and also to the provisions contained in the last clause, so that the measure will, in all fairness, protect those entitled to be protected; and that it will give no cover by law to people who neither deserve protection, nor in any way should have it given to them by the rigid protection which this law will provide.

THE HON. R. THOMPSON (West) [8.22]: I am astounded to hear the Minister for Local Government make the statement that this Royal Commission was set up because certain people spread rumours. What an irresponsible Government it must be, if it is going to be actuated by rumours! If I were to cast my mind back to last February, and if I were to take any notice of the rumours that were circulated about me by my opposition, I would have felt that nobody in Western Australia would vote for me.

The Hon. F. R. H. Lavery: You had no protection.

The Hon. R. THOMPSON: I certainly had no protection similar to that requested by the Royal Commissioner. Not only that, but when *The Young Liberal* was published—or the *Lib.* as they called it—and insinuations were made to the effect that, because I belonged to a union, and the general secretary who was many thousands of miles away in Sydney belonged to the Communist Party, I was following the Communist plan.

The Hon. A. F. Griffith: What about getting on to the Bill.

The Hon. A. R. Jones: You should be in favour of protection.

The Hon. R. THOMPSON: I am big enough to stand on my own feet; I do not need protection. Yet we see that protection is sought for certain people; some

of whom are not worthy of that protection. Let the racing clubs have a look at the protection they provided for the punter over the last 20 years. I am not a gambling man myself; I do not think I have been in an S.P. shop; and I do not know the function of S.P. shops. But for the sport of it I have observed certain of the activities of the racing clubs.

The PRESIDENT: Will the hon. member get on to the Bill.

The Hon. R. THOMPSON: I thought that since the Minister had got into the back straight it might be possible for me to do the same. However, I will try to confine my remarks to the Bill. I agree wholeheartedly with what Mr. Wise has said in respect to Sir George Ligertwood, who has been held in high esteem in South Australia for many years; but he did not think it necessary that similar legislation be written into the South Australian Act. At the present time we have a native condemned to death and his counsel is complaining about the terms of the Royal Commission in that State, where protection is not included.

In this State we have a few racehorse owners and trainers with their livelihood at stake, yet in South Australia, from which State Sir George Ligertwood comes, there is a man whose life is at stake, because of the lack of a similar provision. So I do not think it is true that Sir George desired this provision put into the Act; the provision to provide protection for himself. I think that he is quite capable of protecting himself, as are the barristers.

Half of the people who have spread rumours will not be game to come before the Commission, because we have seen the Press write up these rumours and start a campaign. Right from the word go this whole issue has been a political one. It was made a political issue to sow the seeds of suspicion in the minds of the electors prior to the last election, and from there on the Press has played a gallant part in forwarding this campaign. It has helped it by publishing every little rumour going around. We even find that the Government provided a good job for one of the Press men who helped it in its political campaign.

The Hon. A. F. Griffith: Keep it clean.

The PRESIDENT: The honourable member should get back to the Bill.

The Hon. R. THOMPSON: From the word go this whole issue has been political. We know that Sir George Ligertwood played a leading part in the Petrov Royal Commission which was also political. Nothing came of that but dirty linen being washed, and politics. The same will happen if this Bill is passed.

The PRESIDENT: The honourable member must not anticipate the final results of the measure.

The Hon. A. F. Griffith: Nor slur the Royal Commissioner.

The Hon. R. THOMPSON: I am not slurring the Royal Commissioner.

The Hon. A. F. Griffith: Not much!

The Hon. R. THOMPSON: I consider it is unnecessary for him to be in Western Australia, because anybody who acts on rumour is not worthy of the support of the people of Western Australia. In a discussion recently it was said to me that there are only three lines of thought to be taken in respect of this Royal Commission; namely, it is either juvenile, rank and file, or senile. The Minister can make up his mind as to which it is.

THE HON. A. F. GRIFFITH (Suburban —Minister for Mines—in reply) [8.29]: Up to the point of the speech made by the honourable member who has just sat down, I was indeed pleased with the tenor of the debate, because it was almost completely free of any personal remarks or allegations against the person who is endeavouring to do a job of work in this country. Whether the Commissioner is doing it to the satisfaction of the honourable member, or not, makes no difference ; but Sir George Ligertwood is a Royal Commissioner appointed by this Government, and he is at least entitled to such treatment and decency as can be meted out by members of Parliament in this House. I think it is unbecoming of the honourable member to make the suggestions he did concerning the Royal Commissioner.

The Hon. R. Thompson: I said it was political.

The Hon. A. F. GRIFFITH: I think the best thing I can do in replying to this debate is to endeavour to deal with the statements that have been made by members throughout their contributions to the Bill. In the first place, I would join issue with the Leader of the Opposition when he suggested that the Government had made certain allegations. I assure him that the Government has made no allegations at any time concerning anybody, to the best of my knowledge.

The Hon. H. C. Strickland: But the Leader of the Opposition did not say that.

The PRESIDENT: The honourable member cannot refer to the other Chamber.

The Hon. A. F. GRIFFITH: I am not. I did not hear the debate there and I realise, as the President has said, that I must not refer to it.

The Hon. H. C. Strickland: I understood you were accusing me of saying it.

The Hon. A. F. GRIFFITH: I thought the Leader of the Opposition said that the Government had made accusations. If that is wrong—

The Hon. H. C. Strickland: I referred to your party's policy speech.

The PRESIDENT: I think the honourable member had better allow the Minister to reply.

The Hon. A. F. GRIFFITH: It is said that, as a result of Press reports and allegations, it is necessary to introduce this legislation. I repeat that whilst it is perfectly true that I said, when introducing the Bill, that it had been brought down at the request of Sir George Ligertwood, I also said that it had been introduced on the advice of officers of the Crown Law Department, and contained in the speech which I made—and to which I am not allowed to refer—is my reference about the Crown Law officers. A little later I think I can produce satisfactory and conclusive evidence to Mr. Wise that such was the case not on the 20th July, the date the Royal Commission started, or any date immediately prior to that, but on a date very much prior to that; very much indeed.

The Hon. F. J. S. Wise: It was important to say that at an earlier date than this was it not?

The Hon. A. F. GRIFFITH: Mr. Strickland tried to draw the example that in a case of law being heard before a court the situation is different from a case before a Royal Commission; and, of course, I realise that he pointed out that in a trial a person is being tried. Of course, the position is not limited to that. Cases at law are held about all sorts of things, and sometimes petty things. It has even been known that cases at law occur when one person owns a rowdy cockerel and the person next door complains about it. He sues the owner because of the nuisance the cockerel causes early in the morning, and the bird virtually comes on trial. But the law sometimes deals with matters which seem to be petty but are important to the persons concerned.

I think that it would be appropriate, in order to put members' minds at rest in connection with the substance of this Bill, to refer them to the Commission that was delivered to Sir George Ligertwood, because it is said we asked for the Bill. Contained in the words of the Commission is nothing to suggest that there will be before this Royal Commission acts, malicious or otherwise, or statements of a defamatory nature or otherwise. But the Commission is indeed an extremely wide one, and is being set up by the Government to inquire into the phases of the racing industry. It was not when Sir George Ligertwood arrived in Western Australia that he found out the situation. He found that out before he left South Australia, because he conferred on the subject with Mr. Wilson, who is the counsel assisting the Royal Commissioner.

Mr. Wilson reported that when he was in Adelaide, Sir George Ligertwood had conferred with him upon the question of the Royal Commissioners' Powers Act in Western Australia and said that it did not afford the protection which he thought it should.

The Hon. F. J. S. Wise: The right time to have said that was when introducing the Bill. Don't you agree?

The Hon. A. F. GRIFFITH: I suppose, to concede the honourable member a point, it would perhaps have been better if I had been able to say that such a conference had taken place between the two gentlemen in South Australia. Nevertheless, had I done so it would have taken away what seems to be a very weighty piece of the honourable member's argument, and without it he would perhaps have had so much less to say than he did have, because his case would have completely fallen to the ground instead of only half falling. I am glad I can make the honourable member laugh.

The Hon. H. C. Strickland: You are making everybody laugh.

The Hon. F. J. S. Wise: You would make a cat laugh.

The Hon. A. F. GRIFFITH: The commission reads—

> I, the said Lieutenant-Governor, acting with the advice and consent of the Executive Council, do hereby appoint you, the Honourable Sir George Coutts Ligertwood, to be a Royal Commissioner to inquire into and report upon betting within the State on horse-racing in or beyond the State, including with respect to that subject matter, but without limiting its generality—

Then it goes on (a) (b) and (c). It is a Commission of wide general scope and it makes no reference whatever to so-called malicious statements.

I wonder, as the opposition to this Bill is so great, what members are worried about? I heard it said in connection with other legislation, that if there is nothing to fear the legislation is not a bogey that will bring about damage to anyone. I have had that told me many times previously. Sometimes I wonder what members do fear about this.

The Hon. F. J. S. Wise: Firstly, you used the word "malicious" in your introduction.

The Hon. A. F. GRIFFITH: In using the word "malicious" I simply referred to the legislation which exists in other States.

The Hon. F. J. S. Wise: Same here.

The Hon. A. F. GRIFFITH: For the benefit of the honourable member, the pile of books I have here is to indicate to him—or perhaps to Mr. Strickland—that the statement he made to the effect that other States did not have similar legislation is not right, because they have. I will give members the benefit of reading from some of these books, in reply to the suggestion that the legislation in other States does not exist.

The PRESIDENT: If the Minister makes that statement, the House would be prepared to accept it without his having to read anything.

The Hon. A. F. GRIFFITH: I am not going to read the lot, but I think it is necessary to read those extracts which point out that the Government, in introducing this Bill, is on safe and sure grounds. It has been said that the introduction of the legislation has been left to the last minute. Does that bear examination? I think that the statement does bear examination.

In his speech, Mr. Watson queried the activities of the Crown Law officers, and wanted to know what they had been doing in the ensuing period. He asked why they had not brought the situation, which prevailed and which has prevailed for some considerable time, to the notice of the Government so that something could be done about it. It is very interesting indeed when one can quote from a file dated the 8th June, 1956, under the signature of the Solicitor-General, Mr. Good. He despatched this file first to the Minister for Justice who in turn despatched it to the then Premier. In his minute, Mr. Good pointed out that the Royal Commissioners' Powers Act fell short in that it offered no protection for a person appointed as a Royal Commissioner; that it afforded no protection to a barrister or solicitor appearing before a Royal Commissioner; and that it afforded no protection to a witness appearing before a Royal Commission.

The Hon. H. C. Strickland: But the Criminal Code does.

The Hon. A. F. GRIFFITH: But could one expect Mr. Strickland, a member of that Government, to have forgotten, if he knew. It is possible that he did not know that in 1956 the Solicitor-General sent this file, and that upon it were his notes. The honourable member can ask me for it. I know the Standing Order and I do not mind tabling it. There is nothing wrong with it. The Solicitor-General pointed out three years ago—in June, 1956—that this particular Act we are now seeking to amend, required alteration.

The Hon. H. C. Strickland: Did he suggest the amendment?

The Hon. A. F. GRIFFITH: Yes.

The Hon. H. C. Strickland: What was it?

The Hon. A. F. GRIFFITH: He suggested the amendments I pointed out a while ago; that a Royal Commissioner be given protection; that barristers and solicitors be given protection; and that witnesses be given protection. Furthermore, he pointed out just how inconvenient it could be; and while I am saying this, remember that no Royal Commission in connection with betting was contemplated to the best of my knowledge. I was not a member of the Government in those days.

The Hon. H. C. Strickland: Not in 1956.

The Hon. A. F. GRIFFITH: I have only become a member of the Government in the last four months. The honourable member's party was in power in those days. But what happened to this file? It looks as though it was put to one side—to say the least—and no action was taken by the previous Government on the recommendations of the Solicitor-General; and now we are expected to believe in the opposition to this Bill. Of course, I realise Mr. Strickland did not oppose it. I am very glad to know he is going to support the second reading.

The Hon. H. C. Strickland: Who said that?

The Hon. A. F. GRIFFITH: You did.

The Hon. H. C. Strickland: I said I intended to, but after listening to you, I have changed my mind.

The Hon. A. F. GRIFFITH: Is it reasonable now to accept from those people who are in opposition to this Bill, the statement that it was introduced solely at the request of Sir George Ligertwood?

The Hon. H. C. Strickland: What does Sir George say on that file?

The Hon. A. F. GRIFFITH: He was not thought of in connection with this matter in 1956, and the honourable member must surely know that.

The Hon. H. C. Strickland: Are his suggestions not on it?

The Hon. A. F. GRIFFITH: No, not on this file.

The Hon. H. C. Strickland: Can we have that file?

The Hon. A. F. GRIFFITH: The argument that this legislation was just thought of must surely completely collapse because the need for the amendments were evident many years ago and the Solicitor-General says—if I can perhaps quote a few of the words—

> I have noticed in recent years possible defects in the law relating to Royal Commissions appointed by the State Governor and I refer to this later in the minute, that they do not include lack of judicial powers.

In this particular instance an organisation known as "The Australian Universities Liberal Federation"—perhaps that is why the then Premier did not reply—drew to the attention of the then Minister for Justice the fact that they thought there was something else wrong with the Royal Commissioners' Powers Act; but the then Solicitor-General did not share their view and he pointed this out—

> I refer to this later in the minute, that they do not include lack of judicial powers.

He then made reference to the functions of a Royal Commissioner and the existing powers; and to the difference between an inquiry by a Royal Commission and proceedings in a court of justice. The important fact is that that state of affairs

was drawn to the notice of the previous Government in 1956; and it was not merely something that came out of the blue in the thinking of the present Government.

The Hon. H. C. Strickland: But this is for the protection of Royal Commissioners.

The Hon. A. F. GRIFFITH: The honourable member cannot sidestep the facts. This was brought to the notice of the previous Government and the then Minister for Justice forwarded it to the Premier; and that is as far as it got. No further action was taken in the matter.

The Hon. H. C. Strickland: Just as well. You would have opposed it then.

The Hon. A. F. GRIFFITH: That is easy to say.

The PRESIDENT: Order!

The Hon. A. F. GRIFFITH: Mr. Strickland said "There is no protection written into the South Australian legislation."

The Hon. H. C. Strickland: Who said it?

The Hon. A. F. GRIFFITH: There must be something wrong with my hearing if I think I hear these things correctly and apparently do not—

The Hon. H. C. Strickland: You do not.

The Hon. A. F. GRIFFITH: Then far be it from me to insist that the honourable member did say it; but it is like a note of the remarks of Mr. Wise; I took it down and thought he said it, but in case he said it let me quote something—

The Hon. F. J. S. Wise: You will need to be careful.

The Hon. A. F. GRIFFITH: Let me quote the South Australian Royal Commissioners Act of 1917, sections 15 and 16. Section 15 says—

> Any person who upon oath affirmation or declaration taken or made under this Act wilfully or corruptly gives any false evidence before the Commission shall be guilty of perjury and may be imprisoned with or without hard labour for a term not exceeding four years.

Section 16 says—

> A statement or disclosure made by any witness in answer to a question put to him by the Commission or any of the Commissioners shall not except in proceedings for an action against this Act be admissible in evidence against him in any civil or criminal proceedings in any Court.

My interpretation of that is that the evidence is not admissible in any action, and, therefore, he has the same protection as is laid down in any other statutes of the same kind. We find a similar provision in the New South Wales Act which states—

> Every Commissioner shall in the exercise of his duty as a Commissioner have the same protection and immunity as a Judge of the Supreme Court.

All we are trying to do by means of this Bill is simply that; to give the same protection to a Royal Commissioner in this State as exists in New South Wales.

The Hon. H. C. Strickland: I did not oppose that.

The Hon. A. F. GRIFFITH: I am glad we are in agreement on one point. Over the page we read—

> Any counsel or solicitor so appointed and any person so authorised or his counsel or solicitor may with the leave of the chairman or of the sole Commissioner as the case may be examine or cross-examine any witness on any matter which the Commissioner deems relevant to the inquiry and any witness so examined or cross-examined shall have the same protection and be subject to the same liabilities as if examined by the Commissioner.

We read further—

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

The Hon. H. C. Strickland: That is different from the provisions of this measure.

The Hon. A. F. GRIFFITH: It is not. I could perhaps bore members by pointing out the provisions in the Victorian statute and the Tasmanian Act. There the same provisions are to be found and, despite what the honourable member says or seems to imply—that they are not there—I repeat that they are there. All this Bill seeks to do is to give to a Royal Commissioner; and the barristers and solicitors; and the witnesses the same protection as is provided in the statutes I have just quoted. Is there anything so dreadful about that as to make this legislation something that anyone should be frightened of? I say that there is not. I understood Mr. Strickland to say that the crux of the argument is "who is to get the people's money?"

The Hon. H. C. Strickland: That is right.

The Hon. A. F. GRIFFITH: That is not the crux of the argument at all. The crux of it is the amendment to this legislation; and it so happens that at this point of time something has brought the matter to a head. Sir George Ligertwood drew attention to the fact that he did not have the necessary protection, and he asked whether it could be afforded to him. I repeat that we must not lose sight of the fact that this is nothing new. The previous Government had been asked about it in 1956, but had refrained from doing anything about it, so far as I can see.

Mr. Wise wanted to know whether Sir George Ligertwood had in fact seen this legislation and whether it had been prepared in exactly the manner in which he wanted it prepared. I simply do not know and cannot give a specific answer to that question. But I think it is sufficient to return to the point that, whatever Sir George Ligertwood thought about this matter, it is in keeping with the thoughts which the Solicitor-General had in the year 1956. That is an absolute coincidence; because in 1956 there was no suggestion that a Royal Commission to inquire into betting would be appointed.

I say, with great respect, that I was surprised, on hearing Mr. Heenan's speech, to think that one with his legal qualifications could not put forward a stronger defence of his refusal to accept the Bill. He quoted many examples and compared Royal Commissions with courts; and pointed out the functions of each of them. I am grateful to him for all that; but none of the arguments he brought forward indicated to me that opposition to the measure was justified. He agreed with two of its provisions and disagreed with the Leader of his party in this House in some respects.

I am loth to do this, but reference has been made by two honourable members to the defence put up by members of Parliament at a meeting held at Belmont on a certain night.

The Hon. G. E. Jeffery: That was the night of the "Defamation Stakes."

The Hon. A. F. GRIFFITH: I agree that the honourable member referred to did put up a defence in the interests of members of Parliament. I was present at the meeting that night and I know, from my reading of *Hansard*, that innuendoes have been made that I did not rise to defend members of Parliament as that other member did. The situation was plainly and simply this: A man whom I had never seen before—and I do not think I have seen him since—arose and said, in the course of his remarks, that Mr. Hawke, when receiving a deputation from a particular section of people interested in the racing industry, had made remarks to the effect that he understood that sometimes horses did not get to the post when they were intended to get there and that something happened to them between the start and the finish; and he said, "I have heard some rumours, too," and went on to say what they were.

The Hon. H. C. Strickland: But they disqualify people for what Mr. Hawke mentioned.

The Hon. A. F. GRIFFITH: I am not entering into a debate on that question, but wish to have something to say as to what took place.

The PRESIDENT: Has this reference to the Bill?

The Hon. A. F. GRIFFITH: No, but it relates to the debate.

The PRESIDENT: The Minister must keep to the Bill.

The Hon. A. F. GRIFFITH: With great respect, Mr. President, if you allow honourable members to make statements during their speeches and do not allow me the privilege of answering them, it is a pity the statements were allowed to be made. The previous speaker expressed his views concerning the matter that night and I arose and expressed mine; and I was not prepared to make an ass of myself as the previous speaker had done, because he spoke of a sum of money which I had no knowledge of, since I voted against the legislation.

All I said at that meeting was that if my party became the Government, it would give to the racing industry a more equitable distribution of the tax and that it would set up an inquiry to find out whether the allegations which were made had any semblance of truth. The present Premier said exactly the same in his policy speech, and that is what is being done at the present time. Statements have been made to the effect that Sir George Ligertwood is at present conducting his inquiry and is not worrying about the protection which he does not have at present. I am informed that the evidence which he is now taking is of a purely formal nature, and that pending the passing of the legislation, which will be pre-dated to the 20th July, all the evidence will be purely formal.

The Attorney-General has informed me that it was his intention to bring down amendments to this Act even if a Royal Commission were not appointed. But, the fact of Sir George Ligertwood having come here to hold the inquiry made it necessary that something be done immediately. The Attorney-General reported to Cabinet that certain things were missing from the Act, in the opinion of the Crown Law officers and in that of Sir George Ligertwood himself; and he sought Cabinet approval to do three things—to protect the Royal Commissioner, to protect the barristers and solicitors, and to protect the witnesses.

That, in principle, is what the Bill seeks to do; that and very little more. Mr. Watson drew two matters to my attention. He wanted to know how long the effect of proposed new section 16 would be felt. I am advised by the Solicitor-General, whom I contacted this afternoon, that this power will cease when the Commissioner has made his report. He brought to my notice, in dealing with subparagraphs (i), (ii) and (iii) of paragraph (e) of proposed new section 16, that this provision will cease to have effect as far as this Royal Commission is concerned, as soon as the Commissioner has made his report.

The Hon. H. C. Strickland: If another Royal Commission is appointed, what happens?

The Hon. A. F. GRIFFITH: The same would apply. What is the difference if 150 Royal Commissions are appointed?

The Hon. H. C. Strickland: Originally you said that the power ended when this Royal Commission ended.

The Hon. H. K. Watson: That is logical.

The Hon. A. F. GRIFFITH: I am glad that Mr. Watson can appreciate the position. Mr. Watson also raised the question of the wrongful arrest of a witness. In the Royal Commissioners' Powers Act now, if a warrant is issued for the arrest of a person and that warrant is not justified, an action for wrongful arrest could be levelled against the Commissioner himself. What happens in law, as we have seen only recently when a policeman wrongfully arrested a man, is that the action is taken against the constable who makes the wrongful arrest. However, in hundreds of cases that occur, very few wrongful arrests are made. In most instances an *ex gratia* payment is made to the person who has been wrongfully arrested for the inconvenience he has suffered.

In this regard it is provided in the Bill that a Royal Commissioner shall be afforded the same protection as a judge of the Supreme Court. In other words, he will have protection against being issued with a summons for wrongful arrest should such an arrest be made.

The Hon. G. C. MacKinnon: And will the arrested person be granted some form of relief? Will he sue the person who arrests him?

The Hon. A. F. GRIFFITH: At the present time the policeman is the one against whom the person wrongfully arrested issues a summons.

The PRESIDENT: It has nothing to do with the Royal Commissioner, though.

The Hon. A. F. GRIFFITH: That is so.

The Hon. G. C. MacKinnon: He would take action against the policeman.

The Hon. A. F. GRIFFITH: Yes; and then an *ex gratia* payment would be made to the person who had been wrongfully arrested.

The PRESIDENT: There is no reference to that in the Bill, so will the Minister please get back to the measure before the House?

The Hon. A. F. GRIFFITH: I think it does come within the provisions of the Bill.

The PRESIDENT: The police do not come into it.

The Hon. A. F. GRIFFITH: The police have to serve the summons. That was the point of Mr. MacKinnon's inquiry. Mr. Lavery asked me a question about section 16. Frankly, I am not sure about this, but I venture to suggest that where a member of Parliament is involved, he has protection whilst he makes statements in this House, but if he makes them outside the House he is liable and is under no protection.

The Hon. F. R. H. Lavery: Thank you. That is all I wanted.

The Hon. A. F. GRIFFITH: Mr. Jones raised the point that he thought it was strange the Royal Commissioner should start his inquiries. As I pointed out a few moments ago, I have been informed that he is merely taking formal evidence to date; and if the Bill is passed he will then commence to take evidence from other witnesses.

The Hon. A. R. Jones: If the Bill is not passed the Royal Commission folds up.

The Hon. A. F. GRIFFITH: No. If this legislation is not passed, the Commissioner will be in exactly the same position as he is now. However, members may recall the Blight case. A Royal Commissioner was appointed to inquire into the activities of that person. It was found, during the proceedings of that Royal Commission, that a witness was not obliged to give evidence because he could not be afforded any protection. I am not trying to quote the circumstances of the evidence given, but merely attempting to cite an example.

It so happened that to enable a witness to give before that Royal Commission the evidence that was required of him, he had to admit that he was guilty of gold stealing. In effect, he had to say, "On such and such a date I stole gold under certain circumstances and following upon that something happened." However, because no protection could be given to him under the Royal Commissioners' Powers Act in order that he might be enabled to make such a statement, that witness did not give the evidence the Royal Commissioner was searching for in connection with the gold stealing charge. That is an example of what took place before that Royal Commission.

Reference was made by Mr. Jeffery to the South Australian legislation. He said there was no necessity to amend the Western Australian Act merely because the suggestion came from Sir George Ligertwood. However, as I have pointed out, there is sufficient protection in the South Australian legislation at the moment, as there is in the legislation of other States. This has been proved by the examples I have quoted from the books which are on the bench in front of me. Mr. Jeffery then suggested that the Government had swallowed a bait. I can assure him that such is not the case. I reiterate that the previous Government had this matter brought before it in June, 1956, and there was no necessity whatsoever for the honourable member to suggest that the Government had swallowed a bait.

When Mr. Wise was speaking, he said that the introduction of the Bill had not been justified. I realise that, at times, it is extremely hard to convince the honourable member. Sometimes, he does not want to be convinced. However, I have endeavoured to the best of my ability to advance the reasons why, in the opinion of the Government, this legislation should be placed upon the statute book. I have endeavoured to relate the circumstances that have taken place over a period; to tell him that it was not merely a figment of the imagination of Sir George Ligertwood either last week or the week before that caused this legislation to be introduced. On the contrary, the Solicitor-General and his law officers were, in 1956, conscious of the need to have this amendment brought forward. If the previous Government had taken steps to bring down an amending Bill along the lines suggested by the Solicitor-General, I venture to suggest we would not be considering this Bill tonight.

The Hon. H. C. Strickland: No; you would not have accepted it.

The Hon. A. F. GRIFFITH: At the outset I understood Mr. Strickland to say that he intended to support the second reading of the Bill.

The Hon. H. C. Strickland: I intended to do so.

The Hon. A. F. GRIFFITH: But apparently I have talked him out of it. He has now placed on the notice paper amendments which he proposes to move in Committee. I know that you, Mr. President, will not allow me to discuss the amendments at this stage and I do not propose to do so, but I appeal to the members of this House, when they are considering the amendments proposed by Mr. Strickland to have regard for the fact that if they are agreed to they will kill the effect of the measure.

The Hon. H. C. Strickland: Members can use their own discretion.

The Hon. A. F. GRIFFITH: I know that, and I am perfectly in order in asking them to give every consideration to those amendments. If the amendments are agreed to they will kill the objective of the Bill, because a judge of the Supreme Court will be protected but a Royal Commissioner will not be afforded such protection. The Bill also seeks to give power to the Royal Commissioner to impose a penalty up to £100. So, by changing his mind, Mr. Strickland will, if he is successful in having his amendments agreed to, kill the effect of the Bill.

The Hon. H. C. Strickland: Have you never killed one?

The Hon. A. F. GRIFFITH: Yes. I think I have answered all the points that have been raised by various members. I have attempted to answer the questions that have been asked, and I can only repeat that this is not merely something the Government has introduced in haste. It has come to light following circumstances that have arisen, in much the same way as circumstances brought about the introduction of a Bill when Mr. Strickland was sitting on this side of the House. I recall, when a person at one of our beaches tried to sell land to which he had no title, the late Gilbert Fraser introducing a Bill to this House and saying, "This has come to our notice and we feel that this Bill should take effect."

I now say that a set of circumstances has come to the notice of my Government and I think this Bill should take effect. The position was brought to the notice of the previous Government three years ago, but because it took no action we feel it is necessary for us to take it.

Personal Explanation

The Hon. H. K. WATSON: On a personal explanation, Sir, I desire unreservedly to apologise for any criticism which may have been levelled by me either directly or by implication when I said I echoed the question raised by Mr. Strickland; namely: What has the Crown Law Department been doing in this matter? When I did so I was not aware that the Crown Law Department had, in fact, submitted, in 1956, its recommendations to the Government of which Mr. Strickland was a member, and that that Government had told the Crown Law Department, in effect, to jump in the lake.

Debate Resumed

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (the Hon. W. R. Hall) in the Chair; the Hon. A. F. Griffith (Minister for Mines) in charge of the Bill.

Clause 1—agreed to.

Clause 2—Long title amended:

The Hon. H. C. STRICKLAND: As the Minister has explained that it is proposed to alter the title to meet the provisions contained in the Bill, I suggest that this clause be postponed to ascertain whether the amendments I propose will be agreed to. The Committee could then consider this clause at a later stage. I move—

That the clause be postponed.

The Hon. A. F. GRIFFITH: I have no objection to the clause being postponed until the following clauses are dealt with.

Motion put and passed; the clause postponed.

Clause 3—Sections 12-16 added:

The Hon. H. C. STRICKLAND: I move an amendment—

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

If it is agreed to the provision will read as follows:—

> Each member of a Royal Commission who is or has been a judge of a Supreme Court in Australia has, in the exercise of his duty as a member, the same protection and immunity as a Judge of the Supreme Court.

This provision has been introduced as the result of a request made by Sir George Ligertwood, who has been a member of a Supreme Court in Australia. I have no knowledge of any previous Royal Commissioner asking for this protection. I am not aware of what will be the position if this clause is agreed to. Could the Minister inform me whether it will convert a Royal Commission into a body of the judiciary?

I consider that, under the Criminal Code, ample protection is given to Royal Commissioners. All other Royal Commissioners in the past have thought the same. This Bill arose from a specific request by an ex-judge of a Supreme Court, and the Government has agreed to limit the provisions of the Bill.

The Hon. L. A. Logan: Parliament has agreed, not the Government.

The Hon. H. C. STRICKLAND: The Government has agreed unanimously that these provisions should be limited to the 31st December, 1960. Already section 352 of the Criminal Code gives protection to Royal Commissioners. The marginal note is—

> Absolute protection: Privileges of judges, witnesses and others in courts of justice.

Included in the section are any court of justice; or any inquiry made under the authority of Her Majesty or of the Governor in Council. According to the marginal note those parties are given absolute protection.

They are given further protection when they make reports. Under section 353 a person appointed under the authority of the Governor in Council to hold an inquiry does not incur any liability as for defamation by publishing any defamatory matter in an official report made by him of the result of such inquiry.

Further, section 354 (4) states that it is lawful to publish in good faith for the information of the public, a fair report of the proceedings of any inquiry held under the authority of a statute or by or under the authority of Her Majesty, or of the Governor in Council, or a fair extract from or abstract of any such proceedings, or a copy of or an extract from or abstract of, an official report made by the person by whom the inquiry was held.

I submit that wide protection is given to all Royal Commissioners under those sections. It would be as well if I were to inform members what is meant by publication. In section 349 of the Criminal Code it is stated that publication is, in the case of spoken words, or audible sounds, the speaking of such words or making of such sound in the presence and hearing of any other person than the person defamed.

In view of sections 352, 353 and 354 (4) it is not necessary to include the provisions of the Bill in the Royal Commissioners' Powers Act. According to what the Minister has just told us, that was the very reason the Premier had in mind when, in, 1956 the Solicitor-General pointed out the position. This very same argument must have been advanced.

The Hon. A. F. GRIFFITH: Obviously the honourable member knows more about the law than do the officers of the Crown Law Department and Sir George Ligertwood, because, in their opinion, the provisions in this clause are necessary. I am informed that if this amendment is accepted, the provision will have no application in Western Australia within the meaning of the Interpretation Act. Under section 4 of that Act the following is stated:—

> In this Act and in every other Act, unless the contrary intention appears, "Act" includes any Act or Ordinance passed by the Parliament of Western Australia.

One can put forward all sorts of reasons for contending that sufficient protection is already given, but the fact remains that this amendment will limit the appointment of Royal Commissioners, to judges of the Supreme Courts of Australia as Royal Commissioners. That is not a desirable state of affairs.

If this House were to appoint a Select Committee to inquire into some matter, or if a witness were to be examined by the Legislative Council, protection would be given, because Standing Order 365 states—

> All witnesses examined before the Council or any Committee thereof shall be entitled to the protection of the Council and shall be absolutely privileged in respect of any evidence given by them.

As long as it is a Select Committee protection is given, but immediately that committee is turned into an Honorary Royal Commission no person other than a judge of a Supreme Court would get this protection. If members of this Chamber were appointed as Honorary Royal Commissioners they would not receive the protection. I am sure that those members who were on the petrol inquiry thought at some stage about the protection given them.

The Hon. F. R. H. Lavery: That matter was not brought up.

The Hon. A. F. GRIFFITH: It could have been, but fortunately it was not. I cannot see the force of limiting this protection to a judge of the Supreme Court.

Irrespective of its political complexion, no Government appoints a Royal Commission except after very careful consideration. I consider that the layman needs this protection much more than a judge or a magistrate; and much more than some members of this Chamber, who are able to look after themselves better than laymen. If the amendment is agreed to the Government will, in future, have to appoint judges as Royal Commissioners. On occasions judges are not inclined to accept appointments as Royal Commissioners.

What is the fear which stands behind this clause? All it does is to give the same protection in the statutes of Western Australia as exists in the statutes of the other States. I have heard it said in this House many times that a Bill has been introduced to bring the Act into conformity with the other States of Australia. I hope the Committee will not agree to this amendment, because it will confuse the issue by limiting the protection to a judge.

The Hon. H. C. STRICKLAND: I am afraid the Minister is imagining all sorts of things. The intention of this amendment is to meet the request which the Minister told us he received from a particular ex-judge. There are no ulterior motives about the amendment. In my opinion it meets the request made to the Minister by the Royal Commissioner. The Minister seemed to be of the opinion that the amendment would exclude appointments of Commissioners. However, my sole intention is to restrict the power for 18 months to any judge of the Supreme Court or an ex-judge of the Supreme Court.

The Hon. A. F. GRIFFITH: I know what the amendment will do and that is why I object to it and hope it will not be agreed to by the Committee. It has been said that this legislation is being introduced at the request of Sir George Ligertwood, which I admit it is. However, I go on to say that Sir George would not have had to make this request if the previous Government had followed the advice of its Crown Law officers in 1956. The amendment will apply to a judge if it has application in Western Australia within the meaning of our Interpretation Act; and I doubt whether it does. If there is any need to appoint a Royal Commission to inquire into something by somebody before this legislation expires on the 31st December, 1960, that person, whether he be a member of Parliament or anybody else, will find himself with no protection. The honourable member has not given a good reason for taking away that protection.

The Hon. H. C. Strickland: Does the Minister think the Criminal Code does not protect them?

The Hon. A. F. GRIFFITH: If the amendment is agreed to we will give the protection to a judge and not to any other Royal Commissioner. As a result of an amendment accepted in another place this legislation will expire on the 31st December, 1960.

The Hon. W. F. Willesee: Do you think it should not finish in 18 months?

The Hon. A. F. GRIFFITH: Personally I hope it will not. I hope the Government will bring down a Bill to continue the operation of the parent Act as amended by this Bill. If one has a look at the statute book he will find that thousands of statutes are re-enacted. If this particular legislation is not re-enacted it will lapse on the date which appears in the last clause. I hope the Committee will not agree to the amendment because there is nothing to fear in the legislation.

The Hon. H. K. WATSON: I am not very impressed by the point the Minister made in regard to the Interpretation Act.

The Hon. F. J. S. Wise: It is not relevant.

The Hon. H. K. WATSON: I do not think it is. I think the amendment is quite clear as to how the section will read if the amendment is agreed to. It seems to me to be very silly to have a Royal Commission consisting of three persons—one a judge and two others—and give immunity to the judge and not to the others.

The Hon. H. C. STRICKLAND: Having read the relevant sections in the Criminal Code I suggest that the Bill is merely inserting the provisions of the Criminal Code into the Royal Commissioners' Powers Act. A learned counsel in another place supported my view on that point.

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

Ayes—10.

Hon. E. M. Davies	Hon. H. C. Strickland
Hon. J. J. Garrigan	Hon. R. Thompson
Hon. E. M. Heenan	Hon. W. F. Willesee
Hon. G. E. Jeffery	Hon. F. J. S. Wise
Hon. F. R. H. Lavery	Hon. J. D. Teahan

(Teller.)

Noes—13.

Hon. C. R. Abbey	Hon. G. C. MacKinnon
Hon. J. Cunningham	Hon. R. C. Mattiske
Hon. A. F. Griffith	Hon. C. H. Simpson
Hon. J. G. Hislop	Hon. H. K. Watson
Hon. A. R. Jones	Hon. F. D. Willmott
Hon. L. A. Logan	Hon. J. Murray
Hon. A. L. Loton	

(Teller.)

Pairs.

Ayes.	Noes.
Hon. G. Bennetts	Hon. J. M. Thomson
Hon. R. F. Hutchison	Hon. L. C. Diver

Majority against—3.

Amendment thus negatived.

Sitting suspended from 9.45 to 10.7 p.m.

The Hon. H. C. STRICKLAND: I move an amendment—

Page 2—Delete subsection (2) of proposed new section 12.

My objection to this provision is that we should not convert the proceedings in a Royal Commission into those that take

place in the Supreme Court. Barristers could overstep the mark in relation to examining and cross-examining witnesses in a Royal Commission. A Royal Commission is a tribunal of inquiry whereas in the Supreme Court very serious charges are heard. It has been said that barristers and solicitors may not go to extremes. But we find in the present Commission a statement to the effect that betting control legislation has built up a group of extremely powerful individuals, at present law-abiding, who might become American gangster types. We should not permit latitude to barristers who make statements such as that, particularly when the people vilified have no right of redress.

The Hon. A. L. LOTON: Would the Minister explain why the words, "has the same protection or immunity as a barrister," are used when referring to barristers or solicitors who may be appearing? Does a barrister have more protection than a solicitor? I am sorry that the Minister, when introducing the Bill, did not produce the file he produced tonight. Had he done so, Mr. Watson would not have had to make a personal explanation, and I would not have been left in the doubt that I was in. I hope that in future the Minister will produce such files early in the debate.

The Hon. A. F. GRIFFITH: I have already apologised for not producing the file when I introduced the Bill. The explanation is that I did not have the file forwarded to me at the time. If then I had had a file of that nature before me, I most certainly would have used it, because it confounds all the arguments that were put up.

The Hon. F. J. S. Wise: You were not fully briefed until the week-end.

The Hon. A. F. GRIFFITH: The words referred to by Mr. Loton have application to a barrister when he is appearing for a party in proceedings in the Supreme Court. They appear in the statutes of the other States but not in those of Western Australia. That was known in 1956, and the Solicitor-General then pointed it out to the previous Government. Mr. Heenan does not seem to draw the same conclusion as the Leader of the Opposition in regard to this matter. Mr. Heenan has a legal mind and knows what the implication is. I am glad to have had his advice on this point. He does not find any fault, because, as a practising solicitor before the courts, he realises what it means.

The statement referred to by Mr. Strickland, which was alleged to have been made by a solicitor appearing before this particular Royal Commission, did not malign anybody. Counsel said that the S.P. bookmakers could turn into a pack of gangsters, but he did not say, Mr. A. Mr. B or Mr. C. Had he done so he would have been maligning someone.

The Hon. F. R. H. Lavery: It was all right for *The West Australian* to talk about Mr. Jamieson.

The Hon. A. F. GRIFFITH: The first time I ever saw the man referred to by the honourable member was at the racecourse.

The CHAIRMAN: Order! The Minister will address the Chair.

The Hon. A. F. GRIFFITH: I met him on one occasion.

The Hon. H. C. Strickland: Leave him out of it and deal with the clause.

The Hon. A. F. GRIFFITH: This clause will give the same protection to a barrister or solicitor as is provided for in the Supreme Court legislation that exists here and in other places. I hope the Committee will not agree to the amendment.

The Hon. H. C. STRICKLAND: I understand that the Minister agrees with persons who say that the betting control legislation is building up a group of extremely powerful individuals—at present law-abiding—to become American gangster types.

The Hon. A. F. Griffith: I did not say I agreed with it.

The Hon. H. C. STRICKLAND: The Minister did not disagree. Counsel made a statement to the Royal Commission that a group of licensed bookmakers were becoming so powerful that they would develop into American gangsters. My sole reason for moving the amendment is to prevent that sort of thing happening. Obviously, counsel anticipated this legislation, otherwise such a statement might not have been made. The Minister claimed that the statement did not refer to anybody, but it does refer to a group of licensed off-course bookmakers who are operating their businesses legally. Earlier this evening the Minister said he hoped that the Act as amended would ultimately become a permanent measure. I think it is very dangerous. Counsel is not prosecuting in a court. A Royal Commission is merely a fact-finding mission and a Royal authority gives a Commissioner extreme power to summon witnesses and deal with them.

If counsel are to be given an open go to cross examine witnesses and make statements, and no one can seek redress, I feel the standard of Royal Commissions will be lowered, and they will lose a tremendous amount of their value.

The Hon. E. M. HEENAN: The Committee should bear in mind that a barrister or solicitor only appears to assist a Commissioner; and he can only appear if he is given leave by the Commissioner to appear and assist him. In years gone by, when a man was appointed a Royal Commissioner, he conducted the inquiry in his own way. It was intended to be simple and informal. The Commissioner led the evidence. However, in later years, the practise has followed whereby counsel is appointed to assist the Commissioner.

The Hon. H. C. Strickland: All counsel?

The Hon. E. M. HEENAN: No, one counsel. Nowadays, the Commissioner does not call witnesses or examine witnesses himself. That is the function of all counsel. It is the job of counsel to lead the evidence and bring it out. Other counsel can ask the Commissioner for leave to appear to represent certain interests. If the Commissioner thinks they should be represented, he gives leave, and counsel's function is to assist the Commissioner. He leads evidence also. The point I want to make clear is that counsel do not appear as a right. In the Petrov Commission, certain counsel were disallowed the right to appear simply because the Commissioner felt their appearance was unnecessary or redundant.

I must also mention that a barrister or solicitor does not give evidence. I read with dismay the remark in the paper concerning American gangsters, but I would not condemn anyone without knowing the full circumstances under which the statement was made. Counsel or solicitors do not make statements; that is taboo.

The Hon. H. C. Strickland: It should be.

The Hon. E. M. HEENAN: They do not make statements or express their own opinion. If counsel did that in a court of law they would be quickly told by the judge controlling the proceedings that they should know better. I am inclined to think that that statement was made in the light of a question, and was seized upon and written up in a way that did not do justice to the counsel concerned. There is some merit in the proposition that counsel should be allowed a good deal of latitude, in order that the real truth of any situation may be resolved. Seeing that the Royal Commissioner has been given the immunity that applies to judges, it is axiomatic that counsel who have leave to appear and who are really assisting the Commission should receive like immunity.

The Hon. H. K. WATSON: It may help Mr. Strickland if I explain the words about which he was complaining. They would not be actionable whether this Bill was passed or not. That statement could be made from a public platform, because a group cannot be libelled. I found that out 10 years ago when Dr. Evatt, from a public platform, libelled in a practical sense a group of which I was a member. We could not take any action because the statement was not made against an individual. Mr. Heenan has explained that all counsel who appear before a Royal Commission are there to help the Commission.

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

Ayes—8.

Hon. E. M. Davies	Hon. H. C. Strickland
Hon. J. J. Garrigan	Hon. R. Thompson
Hon. G. E. Jeffery	Hon. F. J. S. Wise
Hon. F. R. H. Lavery	Hon. J. D. Teahan

(Teller.)

Noes—14.

Hon. C. R. Abbey	Hon. A. L. Loton
Hon. J. Cunningham	Hon. G. C. MacKinnon
Hon. A. F. Griffith	Hon. R. C. Mattiske
Hon. E. M. Heenan	Hon. C. H. Simpson
Hon. J. G. Hislop	Hon. H. K. Watson
Hon. A. R. Jones	Hon. F. D. Willmott
Hon. L. A. Logan	Hon. J. Murray

(Teller.)

Pairs.

Ayes.	Noes.
Hon. G. Bennetts	Hon. J. M. Thomson
Hon. R. F. Hutchison	Hon. H. L. Roche
Hon. W. F. Willesee	Hon. L. C. Diver

Majority against—6.

Amendment thus negatived.

The Hon. H. C. STRICKLAND: I move an amendment—

> Page 2—Delete subsection (3) of proposed new section 12.

This subsection deals with the protection of witnesses and is not necessary as the matter is covered by a further provision.

The Hon. A. F. Griffith: Which one?

The Hon. H. C. STRICKLAND: The following one. As I said during the debate on the second reading, I think it is necessary to have something of the nature of proposed new subsection (4) in the Act; and therefore I do not think that subsection (3) is necessary.

The Hon. A. F. GRIFFITH: I hope the Committee will not agree to the amendment. There is every reason why a witness should be given protection. The Solicitor-General reported to the Government in 1956—

> No protection is afforded to a witness who wishes to refuse to answer a question on the ground that it might incriminate him or that it would be contrary to public policy to answer it.

He pointed out that a question of the first kind arose in the inquiry concerning Inspector Blight in 1952. In this regard, Premier's Department file No. 281/56 reads—

> Two witnesses before the Board of Inquiry under the Police Act were reluctant to give evidence which might incriminate them without a certificate under the provisions of sections 11 and 13 of the Evidence Act. Those sections permit a justice to compel answers to questions notwithstanding that the answers might criminate the witness, but if the answers are given satisfactorily, the witness is given a certificate which frees him from criminal prosecution in respect of the matters touching which he gives evidence. The chairman of the board of inquiry, Mr. A. G. Smith S.M. doubted whether, as chairman of the inquiry, he had power to give such a certificate, and therefore assurances were given to the witnesses that, so far as the Government was concerned, the witnesses would be granted the same immunity as if the Evidence Act applied, but no assurance could protect the witnesses from prosecution by a private person.

If that board of inquiry had no power to grant the certificate mentioned, then a Royal Commission would also be without that power.

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

(c) The Royal Commission on Espionage Act, 1954 of the Commonwealth expressly preserved to witnesses the same right to refuse to answer questions as they would have had if the proceedings had been before a court of law.

Our Standing Order No. 365 says—

All witnesses examined before the Council or any committee thereof shall be entitled to the protection of the Council, and shall be absolutely privileged in respect of any evidence given by them.

However, when, through the effluxion of time, it is necessary for a Select Committee to be converted into an Honorary Royal Commission, that protection is lost. This provision simply asks that that protection be afforded to witnesses before the Royal Commission. It has been suggested that witnesses before the Commission will be giving evidence of a malicious and defamatory nature, but that is not necessarily So. No-one knows what evidence will be adduced.

I have read in the Press that reputable witnesses do not need the proposed protection; but a witness, whether reputable or not, would be unwise to give evidence which might incriminate him because it had to do with allegations of bribery, corruption or something of that nature.

The Hon. H. C. Strickland: Does not proposed new subsection (4) cover it?

The Hon. A. F. GRIFFITH: The Solicitor-General and Sir George Ligertwood do not think so; and who am I to argue with the lawyers of the Crown Law Department who advised both the previous Government and the present one? This inquiry will not be limited, in regard to evidence, to defamatory statements. As the terms of reference show, it is a full scale investigation of the betting industry; and I therefore think that protection sought is necessary.

The Hon. A. L. LOTON: It is becoming more evident as the evening progresses that the Minister should have produced the file from which he quoted a great deal earlier. At 9 o'clock this evening I was quite prepared to vote against proposed new subsection (2), (3) and (4), but after hearing what the Minister read from the file I am quite convinced that the Government has not brought this Bill forward in haste. I wonder what else the Minister will disclose from this file when we come to proposed new section 16. I am sure it will be interesting.

Amendment put and negatived.

The Hon. H. C. STRICKLAND: I move an amendment—

Page 3, line 12—Add after the word "provisions" the following words:—

and do not limit or abridge the provisions of sections 127 and 128 of the Crimial Code Act, 1913.

I draw the attention of members to the provisions contained in those two sections of the Criminal Code. It is obvious that they deal expressly with witnesses, and I suggest that witnesses are the most important people to come before any Royal Commission or any court. The findings of any inquiry are based upon the evidence given by witnesses. The Minister said that protection was given to witnesses under the Royal Commissions Act of New South Wales and this is what he read to the House—

A witness summoned to attend or appearing before the Commission shall have the same protection, and shall in addition to the penalties provided by this Act be subject to the same liabilities in any civil or criminal proceeding as a witness in any case tried in the Supreme Court.

We have now decided that this protection which already exists in the Criminal Code and other Acts should be written into the Royal Commissioners' Powers Act, and I submit that it is only fair and reasonable that that Act should be brought into line with the New South Wales Royal Commissions Act so that a witness appearing before this Royal Commission now sitting shall be subject to the same privileges and the same responsibilities as are provided in that Act.

The Hon. A. F. GRIFFITH: In the first place, Mr. Strickland obtained an adjournment of the debate on the second reading for six days and yet, at the last hour, he moves an amendment such as this. It is a pity he could not earlier have indicated his intention to so move before.

The Hon. H. C. Strickland: You could adjourn it for another six days if you like.

The Hon. A. F. GRIFFITH: I think we could have had some indication of this amendment.

The Hon. H. C. Strickland: I can remember you accusing me of haggling recently.

The Hon. A. F. GRIFFITH: This is not haggling, but purely humbug. It will make no difference to the Bill. The provision is already contained in the Criminal Code, and if anyone gives false evidence before the Royal Commission he suffers the

penalties provided in that legislation. This is merely an attempt to insert a provision that is not required.

The Hon. H. C. STRICKLAND: I take exception to the attitude of the Minister. He is adopting a negative approach when he says that the amendment is merely humbug because in my opinion it is a worthwhile amendment that should be inserted in the Bill now that we have agreed to all the other provisions. If the officers of the Crown Law Department had some doubt about the provisions contained in other Acts, then they must have some doubt about the provisions in this Bill. This amendment, if agreed to, will improve the Act.

The Hon. G. C. MacKINNON: I consider that the words appearing in line 24 of page 2 completely cover what Mr. Strickland is trying to achieve, and there is no need to repeat the provision.

The Hon. L. A. LOGAN: I do not know what Mr. Strickland is trying to achieve, because the provision contained in his amendment already exists in proposed new section 14.

The Hon. H. K. Watson: But that proposed new section makes no reference to penalties.

The Hon. L. A. LOGAN: The provision sought to be inserted by Mr. Strickland is already provided in proposed new section 14.

The Hon. H. C. STRICKLAND: I do not profess to be a lawyer, but I maintain that what I intend to insert is not provided in the Bill. Proposed new section 14 deals only with protection or immunity. I am trying to insert a provision relating to penalties imposed for the giving of false evidence. That provision exists now, but the Bill will delete it from the Act.

There is no harm in making it clear to all witnesses who appear before Royal Commissions in the next 18 months what are their responsibilities in the event of their giving false evidence. I am not dealing with perjury but with false evidence and with threatening witnesses, which is dealt with under sections 127 and 128 of the Criminal Code. Perjury is a much more serious offence; it is one for which the maximum penalty is 20 years' imprisonment, but in respect of false evidence the maximum penalty is seven years' imprisonment.

The Government wants to insert a provision in the Act to enable witnesses to say what they like, without committing perjury, but it is not prepared to insert a provision designed to keep witnesses on the right track. The provisions in sections 127 and 128 have not been written into the Criminal Code for no reason!

I want to explain why I did not have the opportunity to place my amendment on the notice paper. I was first directed to it yesterday when I read about the provision in the New South Wales legislation. These provisions are far-reaching and the Minister should adjourn this debate—for six days if necessary—so that inquiries could be made from the Crown Law Department.

The Hon. H. K. WATSON: It seems that sections 126 and 127 of the Criminal Code should have been included in the Bill before us, since they deal with Royal Commissions. That has not been done. I can find nothing in the Bill which repeals, supersedes or over-rides those two sections in the Criminal Code. If the Bill is passed in its present form we will suffer the inconvenience of having to look at two Acts to find the law governing Royal Commissions.

The Hon. E. M. HEENAN: Although I hold the same opinion as Mr. Watson, I support the amendment before the Chair. There could be some doubt as to whether or not sections 127 and 128 of the Criminal Code should be included in the legislation we are dealing with. I am not sure that without the amendment before us sections 127 and 128 will still apply, and for that reason I support the amendment. It is a reasonable one because it seeks to make absolutely certain that those sections are included.

If any person knowingly gives a false answer before a Royal Commission he should be subject to the penalties provided under the Criminal Code. The amendment will clarify that beyond doubt. It will have an added advantage in that any person reading the Royal Commissioners' Powers Act will be able to see the provisions, which are now contained in sections 127 and 128 of the Criminal Code.

The Hon. A. F. GRIFFITH: I would refer members to the wording of proposed new section 12 (3) in clause 3 of the Bill. The penalties referred to therein are contained on pages 3 and 4 of the Bill. I suggest those penalties are not limited to the penalties referred to in sections 127 and 128 of the Criminal Code. If those sections were included in the Bill it could be implied that some other section, which might be equally applicable, was not to be included. I do not see any necessity to repeat the provisions of sections 127 and 128 in the Bill.

The Hon. E. M. HEENAN: I do not agree that the position is clearly set out. The wording in proposed new section 12 (3) is different to the wording of section 127 of the Criminal Code. The latter makes it clear that any person in the course of an examination before a Royal Commission, who knowingly gives a false answer, is guilty of an offence. Turning to section 124, which deals with perjury, it is stated that any person who, in any judicial proceeding, or for the purpose of

instituting any judicial proceeding, knowingly gives false testimony touching any matter which is material to any question then depending in that proceeding, or intended to be raised in that proceeding, is guilty of a crime which is called perjury.

Proceedings before a Royal Commission are not judicial proceedings. That aspect should be appreciated. So section 124 does not apply to the provisions in the Bill. My whole argument is that proceedings before a Royal Commission are not regarded as judicial proceedings.

The Hon. A. L. LOTON: I would ask the Minister to report progress in order to clarify the point that has arisen, and in order that he might obtain an explanation from the Crown Law Department.

The Hon. A. F. GRIFFITH: I have no objection to reporting progress; but if the Chairman will adjourn for a short while I can get an explanation from the Attorney-General who is in the building. I point out that I appreciate what Mr. Heenan has submitted, but when he was reading section 124, he stated that it was immaterial whether the testimony was given on oath or under any other sanction authorised by law. I think there is a grave doubt in that argument but I still stick to the point that it is written into subsection (3). However, I do not want to be dogmatic about this. If members would like progress reported in order that we might find out more specifically about this particular section, I do not mind.

Progress reported.

House adjourned at 11.17 p.m.

Legislative Assembly

Tuesday, the 4th August, 1959

CONTENTS

CONTENTS—*continued.*

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

QUESTIONS ON NOTICE

ELECTRICITY SUPPLIES

Clackline, Baker's Hill, and Koojedda

1. Mr. CORNELL asked the Minister for Electricity:
   (1) What is the capital cost (both actual and anticipated) in each case of extending the supply of electricity to the following places:—
      (a) Clackline;
      (b) Baker's Hill;
      (c) Koojedda?
   (2) What annual revenue is expected to be earned for the State Electricity Commission by each of these extensions?