opened up, and everything should be done to help the public to see it. The way things are at the moment everything possible seems to be done to make it difficult for people to see the caves. I do not think anyone could have had more trouble than I had in trying to show two children through the caves. I was absolutely disgusted.

I hope that before long we will have an opportunity of looking at some films which were taken of a trip undertaken by a few people recently. A businessman arranged for a party of ten—I think Mr. Nulsen was one of the members of the party—to be taken on a launch trip to the various islands out from Esperance. The launch, which I understand was 50 or 60-ft. long, and with accommodation for 10 to 12 people, was skippered by a competent man. Every comfort was provided and there was a full cargo of good food and even tins of beer—two were distributed to each person each night. The party visited 70 islands and travelled 375 miles, and saw many of the beauty spots in that area. I understand that the whole trip cost each person £20.

This indicates that we have something to show the tourists who visit Western Australia, and what we have to show is worthwhile developing. I hope that the Minister in charge of the Tourist Bureau will make arrangements for the films to be shown at Parliament House within the next two or three weeks.

I have nothing further to say, because I have neither the stamina nor the fortitude of Mr. Bennetts, who has now rushed off to catch the train to Kalgoorlie. I leave it at that and merely state that I support the motion for the adoption of the Address-in-reply.

On motion by the Hon. H. K. Watson, debate adjourned.

CONSULTATIVE COMMITTEE

Withdrawal of Notice of Motion

THE HON. A. L. LOTON (South) [5.3]: Mr. President, I ask leave of the House to withdraw Notice of Motion No. 1 standing in my name on the notice paper. By way of explanation, I have agreed that Mr. Simpson, who has been on a committee for the past two sessions, should make the necessary move to establish a new Standing Committee to maintain and safeguard the interests of members. I understand that Mr. Simpson will give notice of this motion on Tuesday next.

Leave granted.

Motion withdrawn.

House adjourned at 5.4 p.m.

Legislative Assembly

Thursday, the 23rd July, 1959

CONTENTS

The SPEAKER took the Chair at 2.15 p.m., and read prayers.

QUESTIONS ON NOTICE

CEMENT

Wholesale and Retail Prices

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

What is the selling price of cement per ton—

(a) in each capital city to the respective Governments;

(b) In each capital city to the industrial users;

(c) In each capital city to the general public?

Mr. COURT replied:

City	(a) Per Ton				(b) Per Ton				(c) Per Ton			
	£	s.	d.		£	s.	d.		£	s.	d.	
Perth	12	15	0	Delivered	12	15	0	Delivered	12	18	0	Delivered
Sydney	12	0	1	Delivered	12	0	1	Delivered	14	7	1	Delivered
Melbourne	10	3	6	Plus Delivery	11	0	0	Plus Delivery	11	12	3	Plus Delivery
Brisbane	9	2	0	Delivered	10	1	9	Delivered	11	8	6	Delivered
Adelaide	9	5	6	Delivered	10	3	6	Delivered	12	6	0	Plus Delivery
Hobart	11	12	4	Plus Delivery	12	11	0	Plus Delivery	14	0	0	Delivered

Note:

(1) When price is shown "plus delivery" it is suggested that an average figure of 15s per ton might be used for comparison.

(2) It has been difficult to determine exact comparative prices in each of the capital cities as local selling and distributing arrangements vary; e.g., the method of treating bag lots, ton lots, and five and more ton lots.

(3) Many factors influence the cost and price structure in each State, such as location of works, the nature of raw materials, costs of fuel and power, freights, etc.

The respective volumes of cement produced and distributed in each State also affect cost and price structure.

The respective State tonnages are—

	Tons
Western Australia	139,500
New South Wales	933,500
Victoria	527,300
Queensland	313,400
South Australia	286,600
Tasmania	91,700

2. *This question was postponed.*

RAILWAY IMPROVEMENTS

Five-year Programme

3. Mr. HAWKE asked the Minister for Railways:

What are the main principles of the Government's publicised five-year programme for improving the affairs of the railway system?

Mr. COURT replied:

I presume the reference is to a proposed programme for the Midland Junction Workshops. As previously stated, the programme awaits discussion and finalisation after the new Commissioner has had a reasonable opportunity to acquaint himself with the overall problems of the W.A. Government Railways. It is therefore undesirable to anticipate the final decision.

Mr. Hawke: Most illuminating!

RAILWAY WAGONS

Calling of Tenders

4. Mr. HAWKE asked the Minister for Railways:

(1) Was the Railway Department allowed to tender for the contract recently called to build 200 Ka wagons for the Railway Department?

(2) If so, how did the department's tender compare with any tenders submitted by private companies?

(3) If the department did not tender for the contract, was the department prevented from tendering as a result of Government policy?

Mr. COURT replied:

(1) It was not a question of the Railway Department being allowed to tender. A decision was made to call tenders for these wagons as it was never intended they would be built in the workshops. Therefore the Railway Department was not requested, nor did it expect, to tender for these wagons.

(2) The successful tender is less than the department's estimate submitted to the previous Government on 25th March, 1959.

(3) Answered by No. (1).

STATE TRADING CONCERNS

Replacement Cost

5. Mr. HAWKE asked the Premier:

What would be the approximate replacement cost, on the basis of present-day costs, of the—

(a) State Engineering Works.
(b) State Electricity Commission.
(c) State Building Supplies.
(d) Midland Junction Abattoir.
(e) Robb's Jetty Works.
(f) Wundowie Wood Distillation, Charcoal Iron & Steel Industry.
(g) Wyndham Meat Works?

Mr. BRAND replied:

This information is not available in reliable form without detailed and costly examination. It is also considered inadvisable to make this information public at this stage, as it could react against the interest of some of the concerns of the State.

Value of Assets

6. Mr. HAWKE asked the Premier:

What is the capital value, on a present-day valuation, of the assets of—

(a) State Engineering Works.
(b) State Electricity Commission.
(c) State Building Supplies.
(d) Midland Junction Abattoir.
(e) Robb's Jetty Works.
(f) Wundowie Wood Distillation, Charcoal Iron & Steel Industry.
(g) Wyndham Meat Works?

Mr. BRAND replied:

It is not considered desirable to give this information. Apart from the great difficulty and cost of making reliable assessments in some of the cases referred to, the information could be used by competitors and others to the disadvantage of the concerns mentioned.

STATE'S INDUSTRIAL BUSINESS

Transfer to Employers' Federation

7. Mr. GRAHAM asked the Premier:

Is there any likelihood of the Government handing over to the Employers' Federation the handling of the State's industrial business, including court representation?

Mr. BRAND replied:

No consideration has been given to any such action.

8. *This question was postponed.*

BLOOD ALCOHOL TESTS

Commencement, Results, and Court findings

9. Mr. GRAHAM asked the Minister for Transport:

(1) When did blood alcohol tests commence under the 1957 legislation for persons suspected of being under the influence of liquor while in charge of vehicles?
(2) How many persons have refused to take the tests?
(3) How many persons have taken such tests?
(4) How many were found to have alcohol in the blood samples—
(a) being 0.05 per cent. or less;
(b) exceeding 0.05 per cent., but less than 0.15 per cent.;
(c) being 0.15 per cent. or more?
(5) What were the court findings in the cases in each of the foregoing categories?

Mr. PERKINS replied:

(1) On the 1st January, 1958.
(2) 511.
(3) 115 (to the 30th June, 1959).
(4) (a) Nil.
(b) 7.
(c) 108.
(5) (a) No charges in this group.
(b) 6 convicted; 1 dismissed.
(c) 108 convicted.

LAND TAX

Exemption for Blind Persons

10. Mr. HALL asked the Treasurer:

(1) Are blind persons in receipt of pensions exempt from paying land tax?
(2) If not, will he endeavour to have provision made under the State Land Tax Assessment Act for blind persons in receipt of pensions to be exempt from land tax?

Mr. BRAND replied:

(1) No.
(2) When a review is made of this Act consideration will be given to the sections dealing with exemptions.

DISCOLOURED WATER

Cause and Remedial Measures

11. Mr. O'NEIL asked the Minister for Water Supplies:

(1) Is the discolouration of water in metropolitan water supply mains as experienced in the areas of Applecross, Mt. Pleasant, Brentwood, and Manning, common to the whole metropolitan area?

(2) What are the causes of this discolouration?

(3) Is the foreign matter (if any) present in the water, injurious to health?

(4) Can the position be rectified; and if so, what action is contemplated, and when?

Mr. WILD replied:

(1) In winter months of low flow, discoloured water from service pipe corrosion is of higher incidence throughout the metropolitan area as these pipes are not kept clear by the heavy draw required for garden watering. Except in isolated instances the supply in the street mains is clear and is always so in the service reservoirs.

(2) Discolouration mainly results from corroded galvanised iron service pipes. However, in recent years old corroded stop valves in the pipe network have contributed, while there still remain some short isolated sections of cast iron pipes which are not cement lined.

(3) No—the water is chlorinated and regularly tested.

(4) In cases where there is a circulation of accumulated discolouration in the pipe network, and these are not frequent, the mains are flushed. A programme of replacement of old unlined corroded valves and the lining of small remaining sections of unlined pipes is being carried out progressively as funds permit. In all new and replacement boundary services, only copper or cement lined galvanised wrought iron tubing is used. All new cast iron valves installed are lined with protective coating. Discolouration can never be entirely eliminated in a large supply system.

BENTLEY HOSPITAL

Commencement

12. Mr. JAMIESON asked the Minister for Health:

In view of the number of hospitals listed for construction in recent statements originating from the Government, when is it anticipated that work will commence on the Bentley hospital in the north-east corner of the Collier Pine Plantation?

Mr. BRAND (for Mr. Ross Hutchinson) replied:

Due to other urgent commitments, it has not been possible to proceed with the planning of a hospital on this site. In the meantime, efforts have been made to secure from the Commonwealth the transfer to the State of the Edward Millen Home for general hospital purposes, in an endeavour to meet some of the needs of this area.

LEUCOSIS

Mortality in Poultry Flocks

13A. Mr. KELLY asked the Minister for Agriculture:

(1) Has he a reliable estimate of the total mortality in poultry flocks brought about by the disease leucosis during the recent epidemic in Western Australia?

(2) What effective steps were taken to control or eradicate this menace?

Mr. BOVELL (for Mr. Nalder) replied:

(1) No reliable estimate is available. A survey of 83 farms carrying 156,000 birds disclosed an average mortality of 6.2 per cent., but on the information available it is not possible to say whether this applied generally throughout the industry. Some properties suffered a much higher percentage loss while many others were not affected.

(2) No effective control measures are available and the disease cannot be eradicated. The rearing of chickens as far removed as possible from adult stock so as to protect them against infection when they are most susceptible is the only practical preventive measure that can be recommended, and this has always been advocated by the department.

Loss in Egg Production

13B. Mr. KELLY asked the Minister for Agriculture:

What was the estimated loss in egg production in 1959, as a result of leucosis?

Mr. BOVELL (for Mr. Nalder) replied:

Egg production was depressed, but no reliable estimate as to the extent can be made.

GOVERNMENT TOURIST BUREAU

Eastern States Premises, Rentals, etc.

14. Mr. KELLY asked the Premier:

(1) Has he finalised details in regard to setting up separate tourist premises in Adelaide, Melbourne, and Sydney?

(2) If so, can he indicate the rentals and conditions applying in each instance?

(3) If finality has not been reached, can he state the locality and rentals of premises under offer to the Government for tourist premises?

(4) Would he also give some indication of the tenure offered?

(5) If he is unable to give particulars in the direction requested, could he state when detailed information will be available?

Mr. BRAND replied:

(1) No.

(2) Answered by No. (1).

(3), (4), and (5) I have no objection to making this information available to the honourable member, but I would prefer not to publish it while negotiations are in progress.

KALGOORLIE PASTORAL LEASES

Departmental Report on Shooting

15. Mr. EVANS asked the Minister for Lands:

(1) Did an officer of his department visit the Kalgoorlie area within the last 12 months or so for the purpose of submitting a report to the department on the aspects of shooting on pastoral leases in the area?

(2) If so, would he please table the report?

Mr. BOVELL replied:

(1) Yes. Inspected by pastoral inspector R. F. Johnson between the 9th and 16th September, 1958. On the 8th May, 1959, I directed a letter to Mr. T. G. Carter, Hon. Secretary, Eastern Goldfields Gun Club, as follows:—

> I refer to your letter of 29th ultimo regarding the provision of shooting preserves.
>
> As previously pointed out in my letter to you of the 23rd ult., the legal position precludes my giving permission to persons to shoot on a pastoral lease without the permission of the lessee.
>
> However, if you would indicate any specific areas of vacant Crown lands which you may consider suitable, consideration will be given to the reservation of such areas as shooting preserves.
>
> Yours faithfully,
>
> (Signed) W. S. BOVELL,
>
> Minister for Lands.

(2) Yes.

TURKEY POINT, BUNBURY

Inspection of "The Cut"

16. Mr. ROBERTS asked the Minister for Works:

(1) When was the last inspection made by departmental officers of "The Cut" situated near Turkey Point, Bunbury?

(2) Did such inspection reveal an increase in the building up of sand banks or bars at either end of "The Cut" with particular emphasis on the north end?

(3) If same was not evident in the last inspection, will he arrange for a further inspection immediately, and in due course advise me of the present position; and, if possible at this stage, what further action is proposed?

Mr. WILD replied:

(1) A hydrographic survey was carried out last month (June, 1959) and soundings have been plotted.

(2) Since the previous soundings, variations of both deepening and shoaling have occurred, but the overall position of waterway area is virtually unchanged.

(3) No further inspection or action is considered necessary.

STATE ENGINEERING WORKS

Employment of Apprentices

17. Mr. TONKIN asked the Minister for Works:

Referring to his replies given on the 21st July to the effect that there were 70 apprentices who completed their apprenticeship at the State Engineering Works between the 1st April, 1953, and the 31st March, 1959, will he immediately explain how 26 apprentices, who according to his reply, following completion of articles were employed at the 31st March, 1953, can be included in the total of 70?

Mr. WILD replied:

This was an obvious typographical error. The year referred to was 1959, as reflected by the question, and not 1953 as stated.

STAMP DUTY

Transfers of Titles

18. Mr. HEAL asked the Treasurer:

What amount has the Treasury received for the years ended 1957-58, 1958-59, for stamp duty in relation to the transfer of titles from husband to husband and wife as joint tenants?

Mr. BRAND replied:

Statistics for transactions of this nature are not maintained, and consequently the information is not available.

NORTH PERTH POLICE STATION

Accommodation and Facilities

19. Mr. O'CONNOR asked the Minister for Police:

(1) Is he aware of the inadequate facilities and accommodation that exist at the North Perth Police Station where there is only one room for the sergeant and two constables to work as well as interview and question people?

(2) If he is aware of this, is anything being done to remedy the position?

(3) If not, will he look into this with a view to improving the present position?

Mr. PERKINS replied:

(1) No complaints regarding inadequate facilities at the North Perth Police Station have ever reached the office of the Commissioner of Police, either from the officer in charge of that station, or the Metropolitan District Inspector.

(2) Answered by No. (1).

(3) The position will be investigated.

HELENA RIVER BRIDGE

Widening and Renewal

20. Mr. BRADY asked the Minister for Works:

(1) Is it intended to widen and renew the bridge over the Helena River at South Guildford?

(2) If so, when is the work likely to start?

Mr. WILD replied:

(1) It is not intended, for the present, to widen the Helena River bridge at South Guildford. Investigations showed that priority for widening should be accorded to the Swan River bridge at Guildford. This work is about to commence.

(2) Answered by No. (1).

TRAFFIC ACCIDENTS

Midland Junction

21. Mr. BRADY asked the Minister for Transport:

(1) How many major and minor accidents have taken place in the vicinity of the corner of Great Northern Highway and Morrison Road, Midland Junction, during the past five years?

(2) Has any action been taken to try to reduce the number of accidents at this corner?

Mr. PERKINS replied:

(1) Accident records are not available prior to January, 1956. Up to the end of May, 1959 there had been 12 major and two minor accidents at the Great Northern Highway-Morrison Road intersection. Only three of these accidents have occurred since January, 1958.

(2) Stop signs in Morrison Road on both approaches, and a pedestrian crossing over Great Northern Highway immediately north of Morrison Road were originally provided by the Police Department. In 1958 the Main Roads Department erected "Walking Legs" signs at the existing pedestrian crossing.

FIVE-YEAR HIGH SCHOOLS

Tenders for Manjimup and Merredin

22. Mr. CORNELL asked the Minister for Works:

(1) Have tenders been accepted for the second stages of the five-year high schools:—

(a) Manjimup;

(b) Merredin?

(2) If so, what were the amounts of the tenders in each case?

(3) Including the amounts in No. (2) above, what is the total expenditure to date on each of these two schools?

Mr. WILD replied:

(1) (a) Yes.

(b) Yes.

(2) (a) £48,466.

(b) £51,800.

(3) Manjimup—£109,076

Merredin—£112,286.

CUNDERDIN AGRICULTURAL HIGH SCHOOL

Expenditure

23. Mr. CORNELL asked the Minister for Works:

What amount has been expended to date on the Agricultural High School at Cunderdin, as follows:—

(a) land and buildings acquired from Commonwealth;

(b) erection of additional buildings;

(c) renovations to and conversion of buildings taken over;

(d) equipment and furnishings?

Mr. WILD replied:

(a) £12,070.

(b) Nil.

(c) £30,038, including fencing and water supply.

(d) £3,710.

24 and 25. *These questions were postponed.*

CLOSED RAILWAY LINES

Payment of Road Subsidy

26. Mr. BURT asked the Minister for Transport:

(1) Is he aware that despite the closure of the two railway lines involved, no subsidy is paid on any goods carted by road from the

railhead at Meekatharra to Wiluna, and from Malcolm siding to Laverton, with the exception of a small quantity of "M" class goods on the former?

(2) Is he aware that a subsidy is paid on all goods, except mining stores, carted by road from Mt. Magnet to Sandstone?

(3) Would he give consideration to granting subsidies to road contractors carting to Wiluna and Laverton, on a similar basis to that which applies to Sandstone:

Mr. PERKINS replied :

(1) Yes.

(2) Yes.

(3) Yes.

GOVERNMENT PRINTING OFFICE

Transfer of Work to Private Firms

27. Mr. GRAHAM asked the Premier:

Will he obtain and supply the information sought in parts Nos. (3) to (7) inclusive of question No. 29 appearing in *Notices and Orders of the Day* of the 22nd July, 1959, concerning work done by the Government Printing Office?

Mr. BRAND replied:

To obtain the answer to this question would necessitate lengthy investigation and analysis of all Government departments and instrumentalities. Therefore, in view of the difficulty involved, I am unable to give any further information to that given yesterday.

Mr. Graham: A bit convenient, I think.

CROSSWALKS

Danger of Parked Vehicles

28. Mr. MAY asked the Minister for Transport:

(1) Will he have investigated a dangerous crosswalk situation created by vehicles parked at kerbsides on the very edge of crosswalks, which obstruct the view of on-coming motorists?

(2) If found dangerous, will he cause some alteration with a view to a clear vision to drivers of all classes of vehicles?

Mr. PERKINS replied:

(1) Some consideration has already been given to this crosswalk situation, but recommendations have been held over, pending study of the effect of the new crosswalk regulation.

(2) Answered by No. (1).

STATE ENGINEERING WORKS

Dismissals Since the 30th June

29. Mr. WILD: Yesterday the Deputy Leader of the Opposition asked if I would re-check the answer given to question No. 17. I have to advise that the information submitted by the department has been checked with the State Engineering Works and is certified correct by both the manager and the accountant.

QUESTIONS WITHOUT NOTICE

KALGOORLIE TRANSHIPMENT ACTIVITIES

Commonwealth Takeover and Employment of Men

1. Mr. EVANS asked the Minister for Railways:

(1) Is it known on which date the takeover of transhipment activities at Kalgoorlie by the Commonwealth Railways is likely to take place?

(2) Can he give an assurance that the Railway Department will endeavour to offer alternative employment to men at present in employment at the transhipment dock, Kalgoorlie; but who, as a result of the Commonwealth takeover, will find their employment terminated?

Mr. COURT replied:

I thank the hon. member for notice of this question. The answers are—

(1) It is anticipated that the takeover will take place in October next.

(2) There are only eight permanent employees engaged at the Trans.-dock and these will be absorbed into vacancies. The employment of casual labour is governed by the volume of traffic requiring transhipment, and engagement of staff following the changeover will be a matter for the Commonwealth Railways.

NATIVES AT NARETHA

Tabling of Papers

2. Mr. GRAYDEN asked the Minister for Native Welfare:

Will he cause to be laid on the Table of the House all papers, including medical reports, relating to a group of aborigines who have recently been contacted in the area approximately 200 miles north of Naretha?

Mr. PERKINS replied:

First of all I would like to examine the papers concerned. If I can have an opportunity to do that, I will again communicate with the hon. member. I think it will be possible to table such papers.

ROTTNEST ISLAND

Negotiations for Tourist Hotel

3. Mr. OLDFIELD asked the Premier:

In view of the report in this morning's paper that a certain group of interested people are to build a £1,000,000 hotel in South Perth, will the Government give consideration to either approaching this group or a similar group with a view to building a similar hotel at Rottnest Island for the betterment of the tourist trade?

Mr. BRAND replied:

I have not been in direct contact with the people concerned. However, they are to see me early next week. The suggestion of doing anything about Rottnest at the present time is not appropriate. We will discuss any possibilities of further expenditure anywhere in the State. It might be desirable, if they are interested in building hotels of a similar variety, that they should be established at some of the outports which are at the present time attracting tourists.

ARMADALE

Hospital Proposal

4. Mr. JAMIESON asked the Minister for Works:

(1) Is it a fact that the Government is about to build a hospital in Armadale?

(2) If so, is this hospital to be built by day labour or contract?

(3) Why has Armadale been given priority over other metropolitan areas, in urgent need of additional hospitalisation?

Mr. WILD replied:

I am not the Minister for Health; and so far as the Public Works Department is concerned, I have no knowledge of a new hospital being built at Armadale.

COKING OF COLLIE COAL

Report on Lurgi Process

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

(1) On what date did the Lurgi Corporation's report on the question of proving the economics of coking Collie coal arrive in this State?

(2) If the Minister does not know, will he obtain the information?

Mr. COURT replied:

(1) and (2) I could not state the date off-hand when the report was actually received in Western Australia, but I will certainly ascertain the information and let the hon. member know.

WESTERN AUSTRALIAN GOODS

Preference Premium

6. Mr. OLDFIELD asked the Premier:

Is it still the policy of the Government to give a 10 per cent. preference premium to W.A. manufacturers when they are tendering for Government contracts?

Mr. BRAND replied:

We have made no alteration, and I understand that is the position. A 10 per cent. preference is given to the manufacturers of W.A. goods.

COAL MINING ENGINEER

Tabling of Report

7. Mr. MAY asked the Minister representing the Minister for Mines:

Will he lay on the Table of the House the annual report of the Coal Mining Engineer as at the 30th June, 1959?

Mr. BRAND replied:

I will discuss this matter with the Minister for Mines and obtain a decision from him.

NATIVES AT NARETHA

Investigation into Deaths

8. Mr. GRAYDEN asked the Minister for Native Welfare:

In view of the fact which has been disclosed that a number of native children recently brought in from the area north of Naretha have subsequently died from the effects of the walk from that area to the Transcontinental railway line, and their deaths were apparently due to malnutrition, will he have the matter investigated with a view to preventing any further loss of life?

Mr. PERKINS replied:

I will have the matter investigated.

EXAMINATION PAPERS

Tenders for Printing

9. Mr. HEAL asked the Premier:

Yesterday in answer to a question without notice the Premier said he would let me know what quote was received from the Government Printer and the successful tenderer in connection with the printing of examination papers.

Mr. BRAND replied:

I passed that question on this morning, but unfortunately it has not arrived back in time for me to answer it now.

ROYAL COMMISSIONERS' POWERS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 21st July.

MR. HAWKE (Northam) [2.43]: This is a Bill to amend the Royal Commissioners' Powers Act of 1902-56. When the Minister was explaining it at the second reading stage, he gave members of the House to understand that legislation similar to this was already operating in the Commonwealth sphere and, I think he said, in at least one other State of Australia. I would like to know whether the Attorney-General could tell us, by interjection, the name of the State which he knows for certain has legislation of this kind in operation.

Mr. Watts: The Royal Commissioners' Evidence Act, 1901, of New South Wales, and the Royal Commissioners' Act, 1954, of the Commonwealth.

Mr. HAWKE: Then it appears that out of six States and the Commonwealth, legislation of the type proposed in this Bill operates in only two fields. Five of the States have so far not put legislation of this kind into operation; and four of them, presumably, have not even thought of doing so.

Mr. Graham: The Commonwealth did it for political reasons.

Mr. Brand: And why did New South Wales do it?

Mr. HAWKE: Royal Commissions have been set up in all the States, on many occasions in the past; and yet there does not appear to have been sufficient justification for a majority of the States—almost all of them—to take any steps in the direction in which this Bill now proposes they should be taken in Western Australia. That fact causes me to wonder why the situation which exists in those States has been allowed to continue. It would appear that they regard the existing situation as satisfactory and consider there is no adequate justification for introducing legislation of this kind.

I should think that in States like Victoria, South Australia, and Queensland, to mention only three, there would have been very important Royal Commissions, including some—I should think—into the sport of racing, if sport it could accurately be called. Yet the Governments and Parliaments of those States have not thought it necessary to try to put legislation of this kind on their statute books.

Mr. Watts: I could not give an assurance on that point. There may be other legislation: but the two statutes that I know of definitely are those which I have just mentioned.

Mr. HAWKE: I should think the Crown Law officers of our State, who were responsible for initiating suggestions about the Bill now before us, would have inquired very carefully into that angle and would have advised the Attorney-General clearly as to the operation of this kind of legislation, or its existence—if indeed it does exist—in, say, South Australia, Victoria, Tasmania, and Queensland.

I think the fact that those officers did not so advise the Attorney-General is an indication that legislation of this kind does not exist anywhere else in Australia; except in the Commonwealth sphere and in the State sphere of New South Wales. I believe the main argument put forward by the Attorney-General, in support of this proposed legislation, was that judges of the Supreme Court have the type of protection which is proposed in this Bill for Royal Commissioners; that barristers and solicitors and witnesses appearing in the Supreme Court have also the same protection in that situation as is proposed for them under this Bill.

However, there is one vital difference between the proceedings of a Royal Commission and those which take place in the Supreme Court. That difference is of such vital importance as to make any comparison between proceedings in the Supreme Court and proceedings which take place before a Royal Commission such that there is very little justification for it. When a person appears in the Supreme Court he is charged with a particular and specific offence. The prosecuting counsel knows well before hand what the charge is and what it is about. The defending counsel knows a great deal about it also; and the person charged knows a good deal about it, one way or the other, or perhaps even both ways. Therefore there is a clear-cut issue—reasonably clear-cut at any rate—before the Court: an issue into which everyone concerned can get his teeth, so to speak.

I suggest that the hearing of a case in the Supreme Court is vastly different from the proceedings which would take place before the Royal Commission which the Government has set up to inquire into the sport of racing and other matters concerned with racing. As I understand it, no-one is charged in any way in relation to the proceedings of this Royal Commission—except as the result of rumours and poisonous propaganda circulated at street corners, in the gutters, and through the columns of *The West Australian* newspaper. However, as the member for Subiaco would appreciate, this Royal Commission will not have before it any accused person—not one; and I think it is safe to say it will not have anyone before it who will make a charge against anybody: not a specific or clear-cut charge.

However, if we take notice of the things which were responsible for influencing the present Government to give a promise during the election campaign, to set up this Royal Commission, we can readily

believe that persons will appear before the Royal Commission to make all sorts of low-down suggestions and accusations. I would bring to the minds of members the public meeting which was held out at the Ascot racecourse one night, not many days before election day on the 21st March of this year.

Mr. Graham: It got more prominence in the Press than did the recent lawyers' pow-wow.

Mr. HAWKE: At that meeting there was, among others who spoke, a person by the name of Jamieson. I understand he is a trainer of horses; and he said, among other things, that he had heard rumours to the effect that certain sums of money had been made available, by what were then illegal off-course S.P. bookmakers, to members of Parliament at the time the legislation was before Parliament proposing to legalise off-course betting in Western Australia.

Mr. Jamieson went on to say that this money had been paid over to members of Parliament, and finished up by saying that he believed all those rumours. He is the sort of witness who will appear before the present Royal Commission; not that all the witnesses will be of that type. I think it appropriate to say that the legislation to which I have been referring and to which Jamieson referred on the night in question, was only finally passed through Parliament because, in the Legislative Council, two members of the Liberal Party and one member of the Country Party supported it. So, as they were the three persons vitally concerned in the final result in Parliament, I imagine that if there were a grain of truth in these rumours and allegations, they would have been the persons to receive by far the biggest shares of the money.

However, when one calls to mind that the Hon. Leslie Craig was one of them, and that the Hon. L. A. Logan—now a Minister in the present Government—and the Hon. James Murray were the other two, one can realise that none of those persons would accept one penny of any money which might be floating around; and I think that if all of us in this Chamber are honest with one another we will agree that there was not one man in Parliament at that time, in either House, on either side, who would have taken a penny.

Mr. Watts: We would all be involved equally, because it was not clear whether it was meant that the money was taken in support or in rejection of the proposal.

Mr. HAWKE: The Attorney-General raises an interesting point of speculation.

Mr. Watts: I say all members were equally in it, as I understood the statement.

Mr. HAWKE: I think the Attorney-General had better not say we were all equally in it.

Mr. Watts: All equally involved in the allegation.

Mr. HAWKE: I see clearly the point which the Attorney-General is endeavouring to make. The point is that, at the time the legislation was before Parliament, most illegal off-course bookmakers did not want it—including some of the bigger ones. They did not want it at all, and did not want legislation or registration. They wanted to go along as they had always gone in Western Australia; and so, as the Attorney-General suggests, had those persons made money available to be handed over to members of Parliament, some of it might have been available to those members who would be prepared to vote for the legislation, and an equal amount, or even more, might have been available to those who were prepared to vote against the legislation.

However, as I said a few moments ago, I am certain that no member of Parliament, of any party in either House at that time, took any money; and I very much doubt whether any money was available. I am sure that if any money was available, it was not available for the purpose of trying to bribe or corrupt members of Parliament. Is there any member in this House who would want to provide special privilege and protection to a type of person such as Jamieson?

Mr. Graham: No!

Mr. HAWKE: If this Bill became law and the provision in it were to be retained to protect witnesses irrespective of what they might say, and irrespective of whom they might slander or vilify, I would think that Jamieson would be a witness and so would other low characters like him.

Mr. J. Hegney: He was consulting his solicitor at 6.15 a.m. the following morning after he made the statement, what is more.

Mr. HAWKE: In fact, some of the editorial staff of *The West Australian* newspaper might appear before the Royal Commission if they could get the protection that is proposed for witnesses in this Bill. However, if the protection were not made available, Jamieson and others like him would certainly not appear before the Commission. Are we to be expected to pass legislation which will encourage to come before this Royal Commission or any other, men of low repute; men of no conscience; men who will tell lies, no matter how wicked they might be; men who will pick up rumours from the street corners, and the gutters, and from the columns of *The West Australian* newspaper? Are we to be expected to do that?

I will repeat again, in essence, what Jamieson said. He had heard all these vicious rumours against members of Parliament and he believed them. Clearly, a man of that kind is interested in dirt! He thrives on it! I should think our purpose would be to have men come before the

Royal Commission who are prepared to stand up to what they say. If they make vicious allegations before the Royal Commission they should, individually, be made to stand up to those allegations; and any person they may libel or vilify should have the right to take them to court and press the law against them with the utmost vigour possible. I am not going to support legislation which will encourage liars and slanderers, and I hope no member on either side of this Chamber will do so.

I was very interested to read the remarks made recently by an hon. member in another place concerning the appointment of this Royal Commission. In effect, he said he did not see how the Government was justified in setting up a Royal Commission for such a purpose. He said the Government should shoulder the responsibility and deal with the issue itself. Why has the Royal Commission been appointed? There is no evidence available to the Government on bribery or corruption. All the Government has ever heard in that direction are rumours from people like Jamieson.

So I think the Attorney-General would agree that there is no real justification to appoint a Royal Commission to investigate rumours. If a Government is to develop the habit or practice of setting up a Royal Commission to investigate rumours, we will have a great succession of Royal Commissions being set up in Western Australia; because there is, unfortunately, in every community a small minority of people who are all the time thinking up rumours, creating them, spreading them, and fanning them so that they take on all kinds of vicious aspects.

So, as a matter of commonsense, the Government should not set up a Royal Commission every time a person starts rumours against somebody else. As I understand the position, the other side of the investigations to be carried out by this Royal Commission is that it may inquire into all the problems associated with horse-racing and trotting. I think these problems are well known. I do not think we need to invite a retired judge from another State, or anybody else from any State of the Commonwealth or from any other part of the world, to find out what the problems are, because they are clear-cut.

The main problem—associated much more with gallopers than with trotters—is that those who promote horse-racing as a sport have found that they have come up against serious financial difficulties. Horse-racing has been described in various ways. It has been described as a sport, as a racket, as an industry, and so on, according to the point of view of the person who has been giving the description. I think the main reason horse-racing—and trotting to a lesser extent—has deteriorated so far as attendances at the courses are concerned in more recent years, is to be found in three or four directions.

The legalising of off-course betting shops has something to do with it, but mainly because that reason is directly related to another. The other reason is that today all people are able to obtain ever so many things on hire-purchase compared with what they could obtain under such a system 10 years ago. With the spread and development of the hire-purchase system, it is very easy for people to commit themselves by taking over a motorcar, a refrigerator, a wireless set, a suite of furniture, clothing, or almost anything one can think of.

We know, also, only too well, that there is always a keen desire on the part of everyone to have what the next person has. So with these extremely easy credit facilities becoming available as they have become, over the last five years particularly, it is not surprising that a great many people have committed themselves under this hire-purchase system. They have mortgaged their future income. They have various items in the home now which they would not have had if the credit system had not become as easy as it has. As a result of all this, people on small incomes have committed themselves up to the last shilling from week to week. So how much money would those people have left for horse-racing?

Mr. Mann: You cannot bet on hire-purchase in Western Australia.

Mr. HAWKE: I do not know if any member is aware how much money a person would require to have in his pocket if he were to leave home on a Saturday afternoon to go to the races. It would be of no use a man leaving home with 10s., £1, or £2, especially if he were accompanied by his wife. I should think that he would need at least £5. That brings a knowing smile to the face of the member for Murray. He cannot comprehend anything so insignificant as £5.

Sir Ross McLarty: In that case I will not go.

Mr. HAWKE: As I say, a man and his wife who wanted to go to the races would need nearly £5 to get from their home to the racecourse, to have an investment on their fancy when they arrived there, to have some refreshment on the course, and to get home. If only one person were involved, he would need at least 50s. There are not too many married persons these days on the lower incomes who have £5 a week to risk on horse-racing; and, in view of the policy the Government is carrying out, how many single people have that much money to spend on the racecourse on a Saturday afternoon? I think that that is the main and overwhelming reason why attendances at the racecourse have fallen off in the last few years.

Sir Ross McLarty: What about the growth of other sports?

Mr. HAWKE: Also, I think the attendances at racecourses will decrease still further. As the member for Murray very pertinently interjected, "What about the growth of other sports?" Every member of this House will agree there has been a remarkable growth of many sports, other than horse-racing, since the end of World War II, particularly on the part of young people. There has been a very great expansion in the sport of tennis; there is greater interest in football; I understand that the old men's game of bowls has developed remarkably; and motorcar and motorcycle racing has also expanded.

Mr. Watts: How much further are you going to get away from the Bill?

Mr. HAWKE: I am not getting any further away.

Mr. Watts: There is nothing about motorcar racing in the Bill.

Mr. HAWKE: That is just the Minister's way of dodging the issue as to what justification the Government has for setting up this Royal Commission. Had it not been set up, this Bill would not be before us.

Mr. Watts: All I am suggesting is there is no mention of motor racing in the Bill.

Mr. HAWKE: Had this Royal Commission not been set up the Bill would not be here. I am sure the Attorney-General agrees with that claim. Another reason why horse-racing is on the down grade is that young people today are not interested in race horses, and a great majority of them have never seen one. The young people today are motor-minded or air-minded.

Is there one member in this House who is sorry, sad, or regretful that young people today are not interested in horse-racing? I would say there is not one. I am sure every member of this House would feel and say, if necessary, that it is wonderfully good that young people are not interested in horse-racing.

After all, what is horse-racing? It is an organised gamble on a large scale. That is all horse-racing is, and nothing else. It is true some people go to the races because they like to see the horses in action; but if the right to gamble on racecourses were taken away absolutely, I do not think we would have more than 100 people at the courses on Saturday afternoons. So practically everybody who goes to the races goes because there is gambling associated with it. Horse-racing is organised gambling on a very large scale.

I repeat again that it is a mighty good thing that young people are not interested in horse-racing these days. Logically, beyond any shadow of argument, when a sport is not attracting the young people to it, as customers, that sport is on the way out, because all the time at the other end the older people are fading out. The old people fade out through death, or through becoming invalids, and there are no young people to take their places. So, without any doubt, any sport which fails to obtain patronage from the young people is on the way out and is dying. No number of Royal Commissions will remedy that situation.

I am not crying any tears, crocodile or real, over that situation; because, as I have said, it is a tremendously good thing that young people are participating in healthy sports instead of going to horse-races and gambling. The problem, apart from the rumours and allegations of bribery and corruption, is one of finance. That is the real problem. How a Royal Commission can help the Government in that field I do not know. I do not think the Royal Commissioner can help the Government one scrap.

If the members of the Government believe that legalised off-course betting shops are damaging to horse-racing, then it is clearly the responsibility of the Government to attempt to do what it thinks should be done in that direction. If members of the Government think that the closing of S.P. betting shops within a certain radius of the racecourses, would assist the racing clubs, then it is the responsibility of the Government to close the shops concerned at the particular time. If, in addition, the Government considers that legalised off-course operators should pay more taxation, then the responsibility is on the Government to bring legislation before Parliament to try to get its ideas passed.

The SPEAKER: The honourable member should confine himself to the Bill. He is now dealing with off-course betting and that has no bearing on the Bill.

Mr. HAWKE: I think it has a tremendous bearing on the Bill. As I said earlier, and I repeat again, except for the situation which exists in connection with the sport of racing, this Bill would not be here. In reality, I am arguing there is no justification for the Bill, although I do not intend to oppose all parts of it.

I say the problem is known, and quite possibly the steps required to be taken are known. I think the Government is showing a very great weakness in trying to avoid its responsibility on the matter by shunting those responsibilities on to a Royal Commission. The Government will probably find that after the Royal Commissioner, who is to be provided with protection if this Bill becomes law, has presented his report and made his recommendations, it still has to face up to the self-same problems which are clearly evident in connection with the whole issue.

Mr. J. Hegney: There was a Royal Commission and a report on this matter about 10 years ago.

Mr. HAWKE: That is so. I notice that a gentleman in the Speaker's gallery is smiling at that interjection. So the setting up of this Royal Commission will, in my opinion, do two things. It will waste a lot of time, and it will be a very great benefit to the legal practitioners who have been fortunate enough to be retained by the various interests associated with the sport of racing. I wonder how much, one way or another, the operation of the Royal Commission, for which this Bill has been introduced, will cost the Government! I would be surprised if it cost less than £1,000 a day. The Government would not have to pay all the costs, unless it has undertaken to meet the cost of legal representation of the racing clubs.

Mr. Watts: It has undertaken no such thing.

Mr. HAWKE: I hope not. In addition to the great sum it will cost the Government, the Royal Commission will also cost the racing and trotting clubs a great deal. In my opinion the Commission will achieve nothing.

Mr. W. Hegney: The Attorney-General knows that.

Mr. HAWKE: It is a very great pity that the Government does not face up to its responsibility and to the problems which are well known, and make decisions accordingly. The Bill proposes, in the first place, to give this Royal Commission, and all Royal Commissions in the future, the same protection as is afforded to a judge of the Supreme Court. I have no argument with that objective. I think it is perfectly proper that a Royal Commissioner appointed by the Government or by Parliament should have that protection, because he has been chosen to carry out what the Government or Parliament considered to be an important investigation. Clearly the Royal Commissioner should not have to submit himself to pains and penalties as a result of faithfully carrying out the investigation which had been committed to his care. So I raise no objection whatever to the proposal in the Bill to protect Royal Commissioners.

Mr. Graham: Do you know of any previous Royal Commissioner who has felt the necessity for this provision in the Bill?

Mr. HAWKE: I understand the Attorney-General has been an Honorary Royal Commissioner, and he recognises the need for some protection for Royal Commissioners.

Mr. Watts: That is so.

Mr. HAWKE: In a few moments I propose to say something about Honorary Royal Commissioners. The Bill goes on to provide the same protection for barristers and solicitors appearing before a Commission, and for every person authorised by the Commission to appear before it. Looking at this racing Royal Commission, one could raise some doubt as to whether the barristers and solicitors appearing before it should get this protection.

I would agree quite freely that where barristers or solicitors appear before the normal type of Royal Commission they should get the protection; but I am wondering quite seriously whether they should get it in this instance. I wonder, because the proceedings before this Royal Commission will, in some respects, be a war between two factions. Presumably the legal counsel for the racing clubs will try to make the off-course S.P. bookmakers appear to be the villains of the piece; and, possibly, the legal counsel for the off-course bookmakers will try to make the racing clubs—or some of them—appear to be far from satisfactory.

So we could have the lawyers who will be appearing before the Royal Commission trying to prejudice the mind of the Royal Commissioner—some in one direction, and others in the other direction. I would hope that the Royal Commissioner would take a strong stand in that regard. I have already read in the newspapers where the legal counsel appearing for the West Australian Turf Club has expressed an anxiety that the whole of the financial standing, operations, and relationships of legalised off-course S.P. bookmakers should be thoroughly investigated. I have no objection to that; but, on the other hand, I should think the same searching investigation should apply to on-course bookmakers and, perhaps, to owners of horses, to trainers, and to jockeys.

Mr. Heal: What about the horses?

Mr. HAWKE: I do not consider there is anyone foolish enough to think that everything on a racecourse is clear and aboveboard, and 100 per cent. honest. There is too much, financially, at stake on some occasions for that to be the rule of the road all the time. I think the Minister for Works would agree that the financial interest of the punters and those of the bookmakers are not identical.

Mr. May: How would he know?

Mr. HAWKE: He would also probably agree that bookmakers on the course have more to lose, individually, than punters on the course. I think he would also agree that there are more inexplicable lapses of form on the part of racehorses than on the part of anything else which moves. So, as I suggested a few moments ago, there could, before the Royal Commissioner, be a sort of war between those who represent one side of the interests associated with racing, and those who represent another.

Therefore, the lawyers who appear might easily make suggestions and allegations of a sinister character, while knowing they were not able to substantiate them in any shape or form; whereas, if the Bill were not to become law, in regard

to the protection provided to barristers and solicitors who appear before a Royal Commissioner, they would not become half as reckless—or reckless at all—in the efforts which they would otherwise make to play their side up and play the other side down. So, in respect of the present Royal Commission, I say that I would support this provision in the Bill in regard to providing protection for barristers and solicitors, with some substantial reservations.

As I have indicated before, I am not prepared to give this protection at all to witnesses; because the Royal Commissioner will, I should think, have to listen to every witness who comes before him; and, with a provision like this in the law protecting witnesses 100 per cent., except in regard to utright perjury, we would have Jamieson and others like him coming before the Royal Commissioner and saying anything.

Why shouldn't he? His purpose is to sow poison in the minds of the community as a whole. If he could be assured that he could go before the Royal Commission on racing, and do this to his heart's content, without any thought of being subsequently brought to book by those he might slander and libel, then he would undoubtedly be encouraged to appear before the Commission and to go even further than he went, a few months ago, at the night meeting on the racecourse.

Surely that is not the type of witness which the Attorney-General, or the other Ministers of the Government, wish to protect! They would give license to that sort of person to abuse and slander people in the community, without those people having any right of redress. So I strongly oppose the provision in the Bill to give legal protection, and legal encouragement —because that is what it will mean in essence—to persons of that description.

Failure by Parliament to give this blanket protection to witnesses would not keep away from the Royal Commission any decent witness, because every witness who was decent in his outlook, who was constructive, and who was prepared to come forward and give evidence which he thought might assist the situation, would give his evidence. He would be genuine and bona fide; he would not be out to serve ulterior and vicious purposes. So I say that this part of the Bill should be completely knocked out in order that reputable witnesses would appear before the Commission and give their evidence accordingly.

I am not prepared, by any vote of mine in Parliament, to give legal protection to liars, and thieves, and cheats—and that is what this protection would do if we put it into the law. As I have said, the reputable witness would not require protection.

The Bill next deals with the question of the Attorney-General giving written consent to a Royal Commissioner to grant to any person called as a witness, certain protection under the provisions of section 11 of the Evidence Act of 1906. The Attorney-General, in his explanation of this part of the Bill, told us that the justification for its being in the Bill was to be found mainly in the fact that from time to time a Select Committee set up by Parliament has been turned into an Honorary Royal Commission because the Select Committee has not been able, in the time specified, to complete its investigations and report back to Parliament before the particular session of Parliament closed. He then went on to tell us of the Select Committee of which he was a member, and which was subsequently turned into an Honorary Royal Commission.

The fact that he did so makes me very doubtful about this provision. The Honorary Royal Commission in question was a political Royal Commission; and this places it on a vastly different basis from that of a Royal Commission set up to investigate something else; or to a judge sitting in the Supreme Court hearing a specific charge against an accused person. This Honorary Royal Commission was carried on —after it had been changed in title from a Select Committee of the House—to inquire into such things as collusive tendering, unfair trading practices, and so on.

I think we all knew at the time that this was a move on the part of the Attorney-General to try to create some sort of harmony between the Liberal Party and the Country Party because of the fact that a general State election was not very far away. All members will know that the unfair trading legislation which is now on the statute book became law only because of the support given to it in the Legislative Council by two members of the Country Party. The fact that the Country Party was, therefore, entirely responsible, finally, for this legislation becoming law, caused the State President of the Liberal Party to see red. He threatened the Country Party with all sorts of pains and penalties, including extinction, by vigorous competition, and by any other weapon he could lay his hands on.

Mr. Jamieson: Not red; he saw Reddish.

Mr. HAWKE: We knew at the time that the Attorney-General, as Leader of the Country Party, understood the situation quite well and feared the consequences of it; and he decided to set up this Select Committee, in the first place, and to have it turned into an Honorary Royal Commission later, for the purpose of trying to find some basis upon which, in regard to unfair trading control in Western Australia, there might be agreement between the Liberal Party and the Country Party.

Mr. Watts: That is a brand new thought.

Mr. HAWKE: It might be "Brand" new, or it might not.

Mr. Watts: Anyway, it is a bright new one.

Mr. HAWKE: It certainly is bright, and it is right on the bull's eye. If I were not sure it was right on the bull's eye, I would be confirmed absolutely by the knowing smiles which appear on the faces of Country Party members sitting yonder.

Mr. Watts: I think, as a matter of fact, that you know it is not correct.

Sitting suspended from 3.45 to 4 p.m.

Mr. HAWKE: Mr. Speaker—

Mr. Kelly: Mr. Speaker, on a matter of privilege, I draw your attention to a subparagraph—

The SPEAKER: Order! We cannot interfere with a member's speech. If the hon. member wishes to raise a point of order, or a matter of privilege, he can do so when the debate on this matter has been concluded, or before the House rises.

Mr. HAWKE: The Honorary Royal Commission to which I was referring before the tea suspension finally brought in certain recommendations one of which was that the existing unfair trading legislation should be abolished. Clearly there was an instance where a Royal Commission was party political. I say that not particularly about the Honorary Royal Commission in question; because I have no doubt, if the records were searched over the years, that similar Honorary Royal Commissions would be found to have also operated largely on a party political basis. The point I make is that we should be very careful about taking any action here which would give all the legal protection in the world to an Honorary Royal Commission which could be party political.

Mr. Watts: But as members of a Select Committee they have it, and you would take it from them when the committee was converted into an Honorary Royal Commission.

Mr. HAWKS: No.

Mr. Watts: That is what the situation practically is.

Mr. HAWKE: It might be practically the same, but this would go further than the protection which is available to members of a Select Committee.

Mr. Watts: I question that very much.

Mr. HAWKE: I think that what should happen in regard to Honorary Royal Commissions is that every instance should be dealt with by separate legislation; in other words, we would know before the end of a session whether a Select Committee appointed during that session was to carry on beyond the end of the session, and therefore to be made into an Honorary Royal Commission. We could then, on the facts of the situation in respect of any particular Royal Commission, make a decision as to what rights, authority, and protection—legal and otherwise—such Honorary Royal Commission should have.

The only other points I want to deal with are contained in the last portion of the Bill at the end of page 3 and the top of page 4. In the first three paragraphs it is provided that a person shall not wilfully insult or disturb a Royal Commission, interrupt the proceedings of a Royal Commission, or use insulting language to a Royal Commission or the members thereof. I quite agree with these provisions but I question the second one—"a person shall not interrupt the proceedings of a Royal Commission." I think the word "wilfully" should be included, the same as it is included in the first paragraph. We can think up situations where persons might interrupt the proceedings of a Royal Commission and thereby lay themselves open to prosecutions and penalties.

Mr. Watts: I have no objection to that.

Mr. HAWKE: I think the use of the word "wilfully" in front of the word "interrupt" would better cover the position. In regard to the last paragraph on page 3, I think that is serious enough to link it with all of the offences proposed on page 4. The offences on page 4 cover any action by writing or speech calculated to influence improperly a person in relation to evidence which he might give before a Royal Commission, or to influence improperly a witness before a Royal Commission, or to bring a Royal Commission, or a member thereof, into disrepute. For those offences the penalty is £100 or imprisonment for three months. The paragraph at the bottom of page 3 reads—

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

It seems to me that the first three proposed offences on page 3 are not nearly as serious as the last one on page 3 and the three proposed offences on page 4. Therefore, I think they should be divided. The penalty of £100, or imprisonment for three months, as set out at the end of the Bill on page 4, should apply to the first three paragraphs at the bottom of page 3, and a much heavier penalty should be provided for the other four proposed offences to which I have referred. I would suggest that the higher penalties for these four proposed offences should be £500 or twelve months' imprisonment.

Clearly, the first three proposed offences as set out in the appropriate part of the Bill are not tremendously serious. They cover insulting or disturbing a Royal Commission, interrupting the proceedings, and using insulting language. They are serious enough; but they cannot be compared in seriousness with the balance of the proposed offences, which cover using words false and defamatory of a Royal Commission, or a member thereof; influencing improperly a witness; or, influencing improperly a person in relation

to evidence which he may give when he becomes a witness, and bringing a Royal Commission, or member thereof into disrepute.

It seems to me that these proposed offences should be divided into two classes, and that appropriate penalties should be provided for each of the two classes, with a much heavier set of penalties for the second group than for the first group.

As I have indicated, I propose to vote for the second reading of the Bill—not that I am very happy about supporting it at all in regard to the Royal Commission which is now operating—but I intend to vote quite solidly against some of its provisions when the Bill reaches the Committee stage.

MR. JAMIESON (Beeloo) [4.11]: Before the Bill is put to the vote I would like to pass some comments on certain aspects of it, and particularly on the remark made by the Attorney-General when introducing the Bill, that it was partly due to a request from Sir George Ligertwood that amendments should be made to the Act along the lines contained in this measure.

I believe that certain provisions should be passed to protect Royal Commissioners. We had abundant evidence last year that further protection is required when Railways Royal Commissioner Smith was violently attacked by the Press on several occasions, aided and abetted by a member of this House. Of course, we cannot stop any member from criticising anything, because he is covered by the cloak of parliamentary privilege. But it is high time that some protection was given to those who are given a job to do by making certain inquiries when, in the course of their inquiries, they are subjected to the attacks I have mentioned. After all, these people take on a job in all sincerity, and it is to be hoped that they carry it out without bias of any kind.

As regards the person who is over here conducting inquiries into off-course betting, and racing generally, I would remind the House of the part he played in a certain Royal Commission which was held not many years ago. He has had abundant experience in the use of the proposals in this Bill, not so much in relation to the protection for himself but the protection for those who in that case were prepared to come forward with any sort of story and receive the protection of the Royal Commission. I refer to the Petrov inquiry which was held a few years ago. Members here will recall that that was the greatest stage-managed Royal Commission that has ever sat in Australia.

Sir Ross McLarty: It depends on your point of view.

Mr. JAMIESON: Some terrible things were done by that Royal Commission; and one in particular that comes to mind concerns a French diplomat, Madame Ollier. She was accused of all sorts of things without any substance to back up those accusations. She lost her job, and was spirited out of the country by the people from her own country; and, finally, when an inquiry was held, she was completely exonerated. If the Bill is to provide protection for people who are prepared to come forward and give evidence of that calibre, I feel we are going too far from British justice, about which we hear so much from both sides of the House.

By all means let us give the Commissioner some protection. He deserves it; he has a job to do. In all sincerity I say that while a Commissioner is handling a particular inquiry, it is very indecent, to say the least, for members of the Parliament, under whose administration he has been appointed, to criticise him. That is not very often done. The Commissioner himself deserves some protection; and, so far as it goes, that part of the Bill is quite justified, even though I have not much faith in the particular gentleman concerned in this inquiry, due to his part in the previous inquiry, when he agreed and was associated with those others who, after the culling of justices all over Australia, were prepared to act. He was also prepared to act; and we know the reward which those gentlemen received. They were all granted knighthoods, as subsequently were the attorneys associated with this inquiry.

If this person conducts an unbiassed inquiry—and I am prepared to give him the benefit of a very grave doubt, and say he will—he should know how to conduct it, because he has had judicial experience, and should be given the protection that should be given to all Royal Commissioners. We do not want a repetition of the Petrov inquiry. We all know it was political in its nature; and we know how it came about, and all that was associated with it. There was a great deal of howling publicity, but finally very little was done with the report, except that the person associated with it—namely, Vladimir Petrov—was given protection under the Commonwealth Act, and since then he has been a cost to the taxpayers of the Commonwealth. We do not want any of our racing friends to be in that category—not that the present Government would maintain some of the people who have been sticking their necks out, as some of these individuals have.

At the same time, we do not want these people to get away—by being granted immunity—with saying things that are not true, and bringing into disrepute the Parliament in this or any other State. While justifying certain clauses of the Bill, I would reserve the right to vote against it at the third reading stage, if amendments which are suitable to me are not agreed to at the Committee stage.

MR. TONKIN (Melville) [4.19]: There is nothing in connection with this Bill that I like at all. I feel it is a departure which we should not countenance in any shape or form. Western Australia has been in existence for a very long time, and there have been many Royal Commissions appointed, a number of them dealing with matters of far greater seriousness and import than this one. Yet it has never been attempted previously to give to Royal Commissioners, to barristers, and to witnesses the protection which this Bill now seeks to give.

The reason this Bill is here is because there is a Royal Commission into betting. I would point out that there were two Royal Commissions into betting in South Australia—from which State Judge Ligertwood comes—and South Australia has not got this power. There was a Royal Commission in 1932 into betting in South Australia, and a further Royal Commission in 1938, with very wide terms of reference—and this from the very State from which Judge Ligertwood comes! But no such power exists there in regard to Royal Commissioners. A Royal Commission was held into betting with very wide powers of reference in Queensland not such a long time ago; and Queensland does not possess this protection.

Last year a Royal Commission was held into betting in Victoria; and Victoria does not possess these powers in its legislation referring to Royal Commissions. Why then the necessity for them in Western Australia? Surely if there were the need for these powers, or the justification for them, action would have been taken in Queensland, in South Australia, and in Victoria. But no such action has been taken.

Mr. Graham: And here in 1948.

Mr. TONKIN: So it would appear that we are to break almost new ground, if we except New South Wales and the position which obtains there; and I have not had the time to ascertain the arguments which were used in connection with the introduction of legislation in New South Wales many years ago. We complained the other evening that insufficient time was being given—and I reiterate that for a subject of this kind, which is such a new departure, we were not treated fairly in relation to the time left available to us to discuss the matter. I would like to know what reasons there were that actuated New South Wales such a long time ago, because no other State has followed suit.

It would appear to be passing strange if there were absolute necessity for this power here, and that there should be two Royal Commissions into the same subject in South Australia; one in Queensland; and one, last year, in Victoria; and no-one there was prepared to act to amend the law in order to do what the Attorney-General is endeavouring to do here. The fact that no such action was taken leads me to the conclusion that there are stronger arguments against it than for it.

It is proposed, firstly, to extend absolute protection to the Commissioner. In this matter I find myself a little at variance with my leader. He is prepared to support this clause of the Bill, and I am not. This is my reason: A judge of the Supreme Court is given complete protection even though he acts maliciously. Is it very likely that a judge of the Supreme Court would act maliciously? It is possible, but it is highly improbable; and that is why a judge of the Supreme Court is given absolute protection, because the likelihood of his acting maliciously is so remote as to be practically negligible.

But is it so unlikely that Royal Commissions would act maliciously? Some Royal Commissions are appointed for political purposes; and it is not beyond the bounds of possibility that, having been appointed in such instances, such Royal Commissioners could and would act maliciously. Should they be protected in such circumstances? I would say not. The only reason why full protection is accorded to a judge of the Supreme Court is because there is very little likelihood of the judge acting other than in a completely proper manner. He would not have received his appointment if he were not so qualified.

Mr. Hawke: There is an appeal, too, isn't there?

Mr. TONKIN: But are Royal Commissioners, who could be selected from anywhere—they need not be magistrates; they need not be justices; they could be anybody selected by the Government of the day for a special purpose—entitled to complete protection as is a judge of the Supreme Court? Not to my way of thinking; and I am not prepared to vote for that in connection with this Bill.

And if I am not prepared to give that protection to the Commissioner, I cannot be expected to give it to the barristers. I have had a personal experience of how a barrister will act in a Royal Commission; and, because of that experience, I will not give this particular clause any support whatever. There was a Royal Commission which sat in this House to inquire into allegations which I made against the manager of the State Brickworks. During the course of the examination, one of the barristers in the late afternoon went for me properly and said a lot of nasty things, which I had to sit there and hear him say. But I said to myself, "My turn will come when you have finished." But my turn never came, because the very next morning, before I had a chance to open my mouth, this barrister got up and apologised, and withdrew what he had said; and I was not allowed to refer to it. When I endeavoured

to point out to the Royal Commissioner how unfair that was, he said, "It will be expunged from the record."

Mr. Fletcher: But some of the mud stuck.

Mr. TONKIN: However, there were people present that afternoon when it was said. Are we to protect that sort of talk? I would say not. But we would be doing it if we passed this legislation. I mention that instance to indicate what does happen—not what might happen, but what has happened. If anyone can tell me that in an inquiry it is possible to have a more unfair situation than that, I would find it difficult to believe.

As for according complete protection to the witnesses, I would only say that my leader has pointed out the type of witness who could come forward, and who is to be encouraged to come forward, under this legislation. Is he to be given full protection to say what he likes as a matter of hearsay? A court of law is an entirely different thing from a Royal Commission. In a court of law one has to stick to the evidence; one is not allowed to say, "Somebody told somebody else who told me."

A judge will very quickly prevent a witness from detailing hearsay in a court of law; but a witness will not be so prevented in a Royal Commission from detailing hearsay, as that is the sort of evidence which is sought after in some instances by Royal Commissioners, who ask leading questions in order to get information in evidence. Therefore, I think it is wrong that we should treat a Royal Commission in exactly the same way as a court of justice. That is what this Bill purports to do. It intends that the commissioners, barristers and witnesses shall be in precisely the same position as if they were in the Supreme Court. In other words, it is making a Royal Commission a supreme court. There is no analogy.

If the rules of evidence were to be strictly observed and hearsay was not to be admitted, the situation would be somewhat different; but almost anything can be said in a Royal Commission of inquiry; and what chance is there of proceeding with an action for perjury if a man says that he heard that somebody had told somebody else such and such a thing had happened? He is permitted to do that, and what he says can be subsequently published.

Some people will go to any lengths in saying things to damn a man even if they have no knowledge. There is a man working in the Attorney-General's Department who made a slanderous statement against me and said he knew something for a fact. He could not have possibly known it for a fact, because it is not true. Such a man could go before the Royal Commission with this protection and say he knew something to be a fact, or say he had heard it, and he would be completely protected against action.

Mr. Hawke: He would get wonderful headlines in the next morning's paper.

Mr. TONKIN: Are we to create a situation like that? I thought we might have heard the member for Subiaco on this subject. I enjoyed his speech last night, and I thought he would bring his legal mind to bear on this subject and point out the dangers contained in the course we propose to follow.

Mr. Brand: He possibly intends to.

Mr. TONKIN: Whilst there could be justification for desiring to do what is proposed under this Bill, the harm that might be done subsequently could so outweigh the present advantages as to determine us that we should not follow such a course. I refuse to believe that in all the years that have passed and in all the Royal Commissions that have been held, other people have not had the idea that this protection ought to be given to Commissioners, to barristers, and to witnesses. I am as sure as I stand here that it must have occurred hundreds of times to people—and people in high places.

But it is significant that only in the case of one State—and we do not know the reason why—has a move been made to extend this additional protection; and the conclusion to which I come is that, having given considerable thought to the desirability of taking this action, these people have been deterred because of the evil consequences which could follow.

It is proposed in the Bill that where a witness refuses to answer a question on the ground that his answer might tend to incriminate him, he should be given protection and then be forced to answer. I had an opportunity of glancing through Halsbury's laws of England on this question of incriminating witnesses, and it is very interesting. I will quote to the House as follows:—

> A witness may refuse to answer a question on the ground that the answer may tend to incriminate him, that is, may tend to expose the witness, or the husband or wife of the witness, to any kind of criminal charge, or to any kind of penalty or forfeiture.
>
> The mere statement by a witness that he believes that the answer may tend to incriminate him does not excuse him from answering, and the court must be satisfied from the circumstances of the case and the nature of the evidence which the witness is called upon to give that there is reasonable ground to apprehend danger from his being compelled to answer. If it is once made to appear that the witness is in danger, great latitude should be allowed to him in judging for himself of the effect of any particular question. Subject to this reservation, the court is bound to insist

on the witness answering, unless it is satisfied that the answer will tend to place the witness in peril.

An objection to answer questions or interrogatories tending to incriminate must be taken at the time by the witness or person interrogated, and the objection must be taken on oath or affirmation. But, it seems, the witness, if he chooses to answer part of an inquiry, does not waive his right to object to answer subsequent questions.

The Attorney-General would take away that right from witnesses without reservation.

Mr. Watts: The Evidence Act has done that for 30 years.

Mr. TONKIN: Yes; but only evidence in a court of law, which is an entirely different matter from evidence in a committee of inquiry or a Royal Commission. The provisions of this Bill, which has been introduced for a specific purpose, will, if they become law, apply to all Royal Commissioners in the future and not only to the present Royal Commission. It would apply to all Royal Commissions in the future set up for whatever purpose and for whatever ulterior motive.

This is a matter which, I trust, will not be treated as a party one. It is a democratic matter—a matter of the rights of the people generally—and we are here primarily as representatives of the people. We fail in our duty if we allow legislation of this character, in order to meet a specific action, to go on to the statute book and have universal application from then on, under circumstances which could be completely free from equity and justice.

I have no fear in giving to a judge of the Supreme Court complete protection, because I do not expect that any such judge would act maliciously; but with no particular reference to anybody—and certainly not to Sir George Ligertwood—I am not prepared to say that every Royal Commissioner would not act maliciously, or that some would not act maliciously. It would depend entirely on the circumstances and the persons selected. There is no comparison between the sense of responsibility of a judge of the Supreme Court and the sense of responsibility of somebody who may, for the time being, find himself a Royal Commissioner.

Although we might feel it is desirable with regard to this particular inquiry to ensure that as much evidence as possible be obtained, should we sacrifice the principles of equity and justice to obtain it? It is too high a price to pay. If persons are not prepared to come forward and give evidence in the same way and subject to the same obligations of responsibility as hundreds of witnesses down the years have done, let us do without them.

It takes a lot of argument to prove that we, in this State, who are about to have an inquiry into betting, need powers that they did not need in Queensland; powers that they did not need for two Royal Commissions in South Australia—the State from which Sir George Ligertwood comes—and powers which they did not possess in Victoria. Those were Royal Commissions into the selfsame subject.

Why, illegal betting in Victoria is on a mammoth scale, compared to which the figures in Western Australia are a mere bagatelle! In Victoria they had an inquiry and were not fearful of not being able to obtain the evidence necessary to make their findings.

Mr. Brand: Is a turnover of £17,000,000 a mere bagatelle?

Mr. TONKIN: I said compared with Victoria.

Mr. Brand: You said a mere bagatelle.

Mr. TONKIN: As compared with Victoria. I will reiterate what I said. By way of comparison, the volume of illegal betting in Victoria is many, many times greater than it is in Western Australia.

Mr. Brand: How do you know?

Mr. TONKIN: Commonsense tells me.

Mr. Brand: How do you know?

Mr. TONKIN: I know from the comparison of the relevant populations; the facilities available for betting; the amount of betting which takes place in Tasmania compared with Western Australia, the amount of betting which takes place in New South Wales; and the amount of betting which takes place in South Australia, both on and off the course. It is a simple matter when one examines the relevant populations of the different States, and the records of betting which are obtainable in the reports issued, to know that the volume of betting in Victoria is many, many times greater than it is in Western Australia. Of course, the Royal Commission on betting in Victoria proved that that was so.

Mr. Hawke: The population there is so much wealthier as well as so much bigger.

Mr. TONKIN: The facilities that are available in the way of broadcasting, such as regular broadcasts of selections and racing information and reports of the actual events and so on, are of such an extent as to make it obvious that the volume is far greater in that State. So much so that it caused very great concern to the racing clubs; as indeed it did in Queensland and New South Wales.

It seems perfectly obvious that the real reason for this Bill is to protect witnesses like Jamieson; because it is felt that these people will not come forward and say anything unless they know they have complete protection and immunity. If they were in a court of law, I would be prepared to

give it to them, because they would have to stand up to the rules and discipline of the court and the control of the judge; but that will not be so in the case of the Royal Commission, where witnesses will be permitted all sorts of latitude.

It is nothing new. Almost every one of us has had experience of what occurs before Royal Commissions. On one occasion I listened in to a Royal Commission in connection with hotel licenses; and it was an eye-opener. There was also a Select Committee, with which the Attorney-General and I had something to do, in regard to the activities of one, C. O. Barker. Quite a lot of important issues were involved in that.

We also had an inquiry in connection with a company called "Investments Proprietary Limited", where one, Alcorn, got down on some thousands of pounds of the people's savings; and we were able to make inquiry into what was happening there and get information. But we had witnesses who came forward and said all sorts of things which would not have been allowed to be said in a court of law, because they would have been stopped sharp in their tracks by the presiding judge.

In such a case the judge would say, "That is not evidence." However much you desire to say that sort of thing before a court, you cannot say it, if it is not evidence; but you can say it before a Royal Commission. You can make up a statement that runs to 20 or 30 pages, and say the lot before a Royal Commission. You can write it down beforehand and then say it before a Royal Commission.

You can sit at home for a month and think of all you want to say about somebody and write it down, and then read it out before a Royal Commission. Are we going to protect that sort of practice? No-one can do that in a court of law. If you think you can, just try it! If you want to refresh your memory in a court of law and you refer to a note book you can do it, within limits, and at the risk of being called upon to put it in, so that you can be cross-examined on it and it can be used not only for you, but also against you: but that will not happen before a Royal Commission.

Just imagine allowing a person, who wants to act maliciously, an opportunity of spending hours or days in compiling a statement and then allowing him to go in and read it!

Mr. Watts: I think you have gone wrong there, in regard to refreshing your memory. Under this Bill a witness would be subject to the same liabilities before the Royal Commission as would a witness before the Supreme Court, and the same applies to the privileges.

Mr. TONKIN: What is the liability there?

Mr. Watts: As you told us, he is liable to be asked to put in his record.

Mr TONKIN: I did not say he would not have to put in a statement in connection with this—

Mr. Watts: I am referring to a man refreshing his memory.

Mr. TONKIN: A witness cannot take a written statement into a court of law and read it out; but he can take a diary out of his pocket and refresh his memory on dates, for instance. But if he does that, he runs the risk of being asked to put it in; and of being cross-examined on it; and of the entries in it being used against him.

Mr. Watts: I suggest that if this Bill is passed, the witness will be under the same liability before the Royal Commission.

Mr. TONKIN: My point is that before the Royal Commission there is no need for the man to take his diary in. He will use it at home and will write up the full story that he could not possibly tell if he went in without it. He can make up a story of any length and can read it and say, "This is my evidence." What does it matter whether he has to put that in or not?

Mr. Watts: If it is false, he can still be prosecuted for perjury.

Mr. TONKIN: Yes; but the chance of successful action for perjury over a statement like that, when one can deal with hearsay, is very slim indeed; and that is the difference. Perjury in a court of law, or the taking of action for perjury is one thing; but before a Royal Commission it is an entirely different matter, because in a court of law the witness has to make statements of what is supposed to be fact. The statement is made as if it is a fact and is known by the person concerned.

When you prove, as you can in a case of perjury, that a person was telling lies, it is a comparatively simple matter; but now let us take a person who is reading hearsay. He says he heard somebody—he need not even give the name of the person—say something. He can say, "I was at a public meeting, and I heard somebody say to somebody else so and so," and that would be admitted. How are you going to take a case for perjury then, or prove that he never heard somebody say something to somebody else, particularly when he does not say who the somebody was? You would be battling to try to win a case for perjury in circumstances such as that; and that is what can happen.

Let us consider this man Jamieson, who said he heard rumours. Who is to say that he did hear them or that he did not? He said he heard rumours, and then he said he believed them. Are you going to proceed against him for perjury because he said he believed the rumours? That is the sort of thing which created in the minds of some people, at the election, an antagonism to the Government and to the Betting Control Board.

Of course, the gentleman concerned got out from under pretty smartly, when he found that something was likely to happen

and he was likely to have to stand up to what he had said. I believe he then said that he had been drunk, and could not recall what he said at the time, and apologised.

Mr. J. Hegney: He consulted his solicitor at 6.15 in the morning.

Mr. TONKIN: What satisfaction is that to the person who is slandered? That is the sort of evidence which is to be protected and encouraged. Are we going to encourage people like that to come forward and dish out hearsay ad lib. in the knowledge that nobody can do anything about it? I suggest that, however desirable it might be felt to ensure that all the evidence available is admitted, the price that we are being asked to pay for that result is far too high.

I am not going to believe that, of all the Attorneys-General who have been in this State before the present incumbent of the office, there has not been one as bright as the present Attorney-General, much as I admire his capabilities. I do not believe that he is the outstanding star in the firmament down there, and that it has occurred only to him that these powers are necessary. There have been some very able men down there; but there has been no suggestion that we should confer these immunities in the way now proposed.

I am sure that all this must have occurred to some of those gentlemen. The idea must have been in their minds, that perhaps they should do this; but the conclusion to which I have come is that, on giving the matter thought, they decided that the disadvantages far outweighed the advantages, and therefore this was not the course of action to take.

I close on this note, because I think that, with regard to the Royal Commissioners themselves, if we agree that they should not get the complete immunities, we should not give them to anybody else. We propose to treat a Royal Commissioner—whether a judge, a magistrate or a layman—precisely as though he were a judge of the Supreme Court, and to say that he shall have complete protection, even though he may act maliciously.

We provide that immunity for a judge of the Supreme Court, because we know that the likelihood of his so acting is so remote that we run very litle risk; but who is going to say that we would run very little risk in the case of other persons who may at any time find themselves in the position of a Royal Commissioner? I, for one, would not.

I am not going to concede that that power, under these circumstances, is desirable; and if I am not prepared to give it to a Royal Commissioner, I will not give it to anybody else. I will do my utmost to see that this Bill does not reach the statute book.

At this stage, debate on the Bill was suspended on a point of privilege.

ROTTNEST ISLAND

Inaccuracy in Press Report of Investigations

The SPEAKER: Earlier, when the House reassembled, the member for Merredin-Yilgarn rose on a point of privilege. At that stage I sat him down because the Leader of the Opposition was in the middle of his speech. I now call on the hon. member to raise his point.

Mr. KELLY: On this matter of privilege, Mr. Speaker, I request your guidance in regard to a Press statement which appears in this evening's *Daily News* and which was incorrectly worded. It says—

> Rottnest Board of Control chairman Bovell has asked for police investigation of Board activities on the island.

This issue of the *Daily News* was printed for West Australian Newspapers Ltd. by William Bernard Charles Lochlin at the Registered office of the company, Newspaper House, St. George's Terrace, Perth. I want to make it perfectly clear that there is no investigation of the Board's Activities taking place, and that that statement which has appeared in the *Daily News* is damaging, or could be damaging, to members of the Board; and I ask you, Mr. Speaker, to direct that a correction be made of what is very definitely an erroneous and damaging statement.

The SPEAKER: Could I see a copy of the newspaper concerned?

Mr. BOVELL: With your permission, Mr. Speaker, I will make a personal statement at this stage in view of the fact that I, as chairman of the Board, am involved in this report. With reference to that part of the report appearing in today's issue of the *Daily News* which states that I, as chairman of the Rottnest Board of Control, have asked for police investigation of Board activities on the island, I want to make it quite clear that no investigation is being made into the Rottnest Island Board nor any of its members.

The Board itself is dealing with problems which have arisen relating to Rottnest Island, and investigation there is concerned with activities which the Board and I consider require immediate attention. These investigations have resulted following my authorisation of a surprise audit by the Board's auditors and the appointment of a special sub-committee of members of the Board.

No member of the Board is involved in any way, and all possible co-operation and assistance has been given to me by all of its members. I am grateful to all board members for the great amount of time they have devoted to assisting me in these delicate negotiations.

Mr. HEAL: Could I rise, Mr. Speaker, to ask the Minister for Lands whether he gave the statement which is published in this evening's issue of the *Daily News* to any reporter on that newspaper?

The SPEAKER: I think the statement of the Minister is quite clear.

Mr. HEAL: The Minister did not say that he had not given a statement to the *Daily News*.

Speaker's Ruling

The SPEAKER: I do not think we should pursue that point any further. The question raised by the member for Merredin-Yilgarn is whether the statement published by the *Daily News* is a breach of the privilege of the House.

In view of the fact that there is no suggestion in the wording of the article appearing in the *Daily News* that Parliament or this House is under investigation, I can hardly rule that it was a breach of privilege of this House. It seems to me that the complaint would lie more properly with the members of the Rottnest Board of Control; and although some of those members are also members of this House it would hardly seem to me that the actual words complained of are in any way a reflection on this House or its members.

I have every sympathy with the member for Merredin-Yilgarn, and I have no doubt that he will be able to take appropriate action to have the matter cleared up as a member of the Rottnest Board of Control. Now that the Minister for Lands has made his personal explanation I think the matter has been made fairly clear to the House; and if the member for West Perth desires any further information, he will be given every opportunity to seek it later, unless he wishes to raise a further point of privilege now.

My ruling, however, is that the article published in the *Daily News* is not a breach of privilege so far as Parliament or this House is concerned.

ROYAL COMMISSIONERS' POWERS ACT AMENDMENT BILL

Second Reading

Debate resumed from an earlier stage of the sitting.

MR. GUTHRIE (Subiaco) [5.5]: I cannot help but feel that the measure before the House has brought about some confused thinking, because it is not such a revolutionary Bill as the Leader of the Opposition and the Deputy Leader of the Opposition would have us believe. Also, I think the Deputy Leader of the Opposition has taken the statement made by the Attorney-General a little too literally. That statement was to the effect that there was not any legislation similar to this in any State but Queensland—

Mr. Tonkin: New South Wales.

Mr. GUTHRIE: Yes, I am sorry—New South Wales. However, there has been legislation in Western Australia on this very subject for 50 years.

Mr. Tonkin: Well, what do we need this Bill for?

Mr. GUTHRIE: We are only restating the law in this Bill, because it has been the law of the land since 1909. I refer the House to sections 352 and 353 of our own Criminal Code.

Mr. Tonkin: The Attorney-General said that that is insufficiently strong, and that is why the Bill has been introduced.

Mr. GUTHRIE: I will come to that point in a moment. Section 352 of the Criminal Code reads as follows:—

> A person does not incur any liability as for defamation by publishing, in the course of a proceeding held before or under the authority of any Court of justice, or in the course of an inquiry made under the authority of a Statute, or under the authority of His Majesty, or of the Governor in Council, or of either House of Parliament, any defamatory matter.

In other words, a person appearing before any inquiry held under any statute, or under any authority of the Governor in Council, or under the authority of any House of Parliament does not incur any liability as for defamation. Further, section 353 of the Criminal Code reads—

> A person appointed under the authority of a Statute, or by or under the authority of His Majesty, or of the Governor in Council, to hold any inquiry—

which of course, would include a Royal Commission

> —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.

It is noteworthy that in the index to the Criminal Code we find that those sections are referred to as covering Royal Commissions. I think that what is provided in subsections (1) and (2) of proposed new section 12 is merely clarification of what has been law in this State for over 50 years. That is why people have not bothered to raise the question in the past. The Bill before the House has been introduced because Sir George Ligertwood considers that the law is not sufficiently tight, and that these additional provisions are needed. Sir George Ligertwood is one of Australia's most distinguished judges.

Mr. Jamieson: Oh yes!

Mr. GUTHRIE: Despite what members who are inexperienced in these matters may say, he is a more brilliant lawyer than any who practise in this State or who has sat on the bench in this State.

Mr. Graham: Cut it out!

Mr. GUTHRIE: Before he became a judge, Sir George Ligertwood had a wonderful record as a notable lawyer in his own State. I do not question his opinion; but, as I understand it, it is to the effect that the law can be clarified. He is not asking for a revolutionary provision that is not already on our statute book. Among other points, the question of control by the Commissioner and that of hearsay evidence has been raised. As I understand the law, a Royal Commissioner is permitted to take hearsay evidence, but he is not obliged to do so.

There have been many instances where Royal Commissioners have refused to permit the giving of hearsay evidence; and in most cases, where Royal Commissions are presided over by a judge and where any evidence in the nature of a criminal allegation has been made, it is abnormal for the Royal Commissioner not to insist that the rules of evidence are adhered to. In this instance I will agree with the Deputy Leader of the Opposition that we are dealing with a Bill that relates particularly to the Royal Commission to be presided over by Sir George Ligertwood.

I suggest to the Deputy Leader of the Opposition and the House that the only way to meet all the evils that he foresees is to set out in the statute dealing with Royal Commissioners the qualifications that are necessary in a Royal Commissioner. I would raise no objection if the hon. member provided that only a judge or a person having the qualifications of a judge would be qualified to preside over a Royal Commission, because if a judge is presiding over a Royal Commission one can expect the normal safeguards.

Furthermore, the courts of law have always prevented, and they have the power to prevent, scurrilous and irrelevant matter being raised in court proceedings. They are branded as scandalous documents and orders can be made for them to be expunged from the record. We come back to the situation that so far as the first two subsections of proposed new section 12 are concerned, to my mind they merely represent a complete clarification of what is already in the law.

I have already suggested to the Attorney-General that subsections (1) and (2) of proposed new section 12 might need a little cleaning up, although I do not think it is absolutely necessary. However, the matter should be put beyond all doubt. The words in question are as follows:—

> A barrister or solicitor appearing before a Royal Commission and every other person authorised by a Royal Commission to appear before it . . .

I have no doubt that what the Parliamentary Draftsman had in mind was any person authorised to appear before a Royal Commission as an advocate, but not as a party or witness. To put the matter beyond doubt I think the word "advocate" could be written into line 16 of proposed new section 12 (2), to make it read, "to appear as an advocate before it." So far as proposed new subsection (3) of section 12 is concerned, in my humble opinion the witness is only getting what he has already got under the Criminal Code. New subsection (4) of that section is certainly a new departure, and is not covered by the Criminal Code.

But that has been the law for some time; and, after all, the certificate only works in this way: If a person has a question submitted to him and he says, "If I answer this question I can be arraigned before a court of law for some other offence I have committed, therefore I decline to give evidence because I will then be arraigned on that other charge", the court gets to the position that it cannot proceed to try the matter before it.

So the judge—and remember, it is always at the discretion of the judge, and he does not have to give a certificate but if he thinks it sufficiently important to outweigh some other ordinary criminal offence—could say, "You may answer that question now in the cause of justice, and I will give you protection so that you may not be charged with that offence on your statement." But that does not stop him, if it can be proved by other evidence, of being arraigned accordingly. It is only intended to give that witness protection for those proceedings.

So it would only arise if a man is asked, for instance, "Did you conduct illegal betting last Saturday?" He will say, "If I answer, I have committed an offence." The Commissioner will then say, "If you answer that, it will not provide evidence for a charge of illegal betting last Saturday." That is the sole purpose of it, and it is a necessary provision if the full effects are to be gained.

The proposed new section 13 merely protects the officers and the men who have the task of producing and printing the report, and new section 15 more or less gives the very proper rights of cross-examination. As I mentioned in this House last night, if a witness is not properly cross-examined, his evidence is not of great value. Proposed new section 16 merely gives the Royal Commissioner power in his own court, so that people will not throw rotten apples at him, and so on. Generally, there is a tightening of the law and a move to bring it into line with the provisions of the general law.

New section 12 (1) and (2) could perhaps be taken out. But why take them out? It is better to have them where everybody would look for them; namely, in the

Royal Commissioners' Act rather than in the Criminal Code, which has criminal effect. It seem extraordinary that a House which asserts to itself the right to say anything it likes without accepting any liability for it, should object to a Commissioner, and to people who come before a Commissioner in the cause of justice to the community and public interest generally, being given the same privilege. To go back to the point, I said earlier that maybe there should be some legislative enactment at some stage or another as to who shall be a Royal Commissioner.

MR. GRAHAM (East Perth) [5.15]: The member for Subiaco seems to be so obsessed with the welfare of the legal fraternity on the one hand, and so mesmerised with the eminence of Sir George Ligertwood on the other, that he cannot understand the fundamental and basic principles of a democratic State. In other words, he thinks it is sufficient to indicate that because there are certain well-established—and for very good reasons—rights and privileges which are enjoyed by a parliament, some person of his own profession outside should enjoy those same long-established rights. Perhaps he does not know that the voice of the people is pre-eminent in a democracy, and that we are answerable to them. If there is any abuse of our responsibilities, then the public can deal with us.

Mr. Guthrie: So can a court deal with a lawyer who oversteps the mark. There is such a thing as contempt of court.

Mr. Jamieson: But how often is it used?

Mr. GRAHAM: It is one great fraternity. However, I do not wish to pursue that aspect any further. As was mentioned by the Deputy Leader of the Opposition, it is a matter for intense regret that there has not been sufficient time allowed to members to carry out the research necessary in respect of a matter as vital and as basic as the issue before us. I am sorry the Attorney-General is not in his seat at the present moment; but, in the short time at my disposal, I find—and I cannot ascertain anything to the contrary—that the New South Wales Royal Commissions Evidence Act of 1901 has been repealed.

I now read from the New South Wales Incorporated Act, Vol. 12. The Royal Commissions Act, 1923-1934, amongst other things says—

> An Act to amend the law relating to Royal Commissions, to repeal the Royal Commissions Evidence Act, 1901, and certain other Acts, and for purposes connected therewith.

I say at short notice, because it is only a matter of hours ago since the measure was introduced, that the evidence available to me suggests that the Attorney-General has been misinformed, and we have been asked to accept this legislation which is acceptable, apparently, to no State of the Commonwealth, with the exception of New South Wales, as quoted to us.

But here before us is the evidence that it does not even have existence in that State. This is certainly a shocking state of affairs. There may be some explanation, though I am unaware of it. But this volume is an official publication, as all members can see.

Mr. Hawke: The sooner this debate is adjourned, the better.

Mr. GRAHAM: I think so, in order that this matter may be clarified. Unfortunately, however, if I resume my seat, quite naturally I will have no opportunity of continuing my remarks. I feel it is highly essential that this important matter be cleared up.

Mr. Hawke: The member for Subiaco has now decided to study the *Daily News*.

Mr. GRAHAM: I should have mentioned, before proceeding further, that several of us on this side of the House who have had a very limited period to study this legislation, have been unable to find the provision for protection to witnesses as is proposed in the measure before us; that is, as it relates particularly to the evidence in chief given by any witnesses before the Royal Commission. Over the years there have been very many Royal Commissions into some most important questions—

Mr. Jamieson: Among others.

Mr. GRAHAM: Yes, among others. I have been a member of this Parliament for almost 16 years. I am unaware that previously there has been any necessity for the provisions contained in the Bill before us. Naturally I followed public affairs closely before I entered Parliament. I am unaware that previously any Royal Commissioner felt he had been embarrassed in his duties; or any solicitor felt he had been hampered in the cause he was representing; or any witness felt that something had been done to him which, on the basis of equity and justice, should not have been done.

What, therefore, is the necessity for the Bill? We have reached the position where the Government has decided to appoint a Royal Commission to inquire into horse-racing in its very many aspects. Is it to be suggested for one moment that this is the most important question ever to be submitted to an independent tribunal for investigation?

The sport of horse-racing, for which very largely we have to thank the Press for the publicity given, receives a prominence out of all proportion to its acceptability and patronage by the public. Two, three, and even four pages practically every day of the week, are devoted to a sport that is patronised by fewer people than those who attend soccer matches in

the metropolitan area. Even a single soccer match at times attracts a larger aggregation of people than does horse-racing, but a bare few inches per week is devoted to soccer by the Press. Even water polo attracts a greater attendance than is to be found on the average at the head-quarters racecourse.

I am beginning to think this Government is becoming mesmerized. Sometimes I feel like describing it as *The West Australian* newspaper Government. All that that journal has to do is to sing a song for a few minutes and the Ministers of the Government opposite will click their heels—

The SPEAKER: The hon. member must confine himself to the Bill.

Mr. GRAHAM: I am doing so.

The SPEAKER: I do not think so. I would like to see the hon. member relate his remarks to the Bill.

Mr. GRAHAM: If I am permitted to complete my sentence it will be seen that my remarks are related. All that that journal has to do is to sing a song for a few minutes and the Ministers of the Government opposite will click their heels in order to give effect to the wishes of *The West Australian*. Because a person—the miserable type that he is—said something that would be only heard in lavatories and institutions of that type, the newspaper which I speak of spread his utterances right across the front page in banner headlines, and this Government has fallen for the trick. Because this insignificant little worm uttered those extravagant statements, this Government feels that that is sufficient to warrant the holding of an inquiry into graft, bribery, and corruption—and into racing generally, in case nothing is found in connection with the earlier matters I have mentioned.

Everybody knows that, amongst others, the game of horse-racing attracts the scum of the earth, the lounge lizards, the spivs who have not done a day's work in their lives, the people who live by giving and by accepting money for information that certain horses do not travel as fast as they are capable of travelling. As one of my ex-ministerial colleagues said, can one wonder why people are not patronising the races, and why something is wrong with the industry?

In view of all this talk about a Royal Commission he said, "I was out there the other week when a member of the committee of the racing club asked me what horse I intended to back. I mentioned the name of the horse. This member of the committee said that I would be foolish in the extreme to back that horse because it was not going on that day."

In view of such a state of affairs, is it any wonder that the sport is not achieving the success and popularity that it should? But if horse-racing disappeared altogether from the so-called sporting calendar of Western Australia I wonder how many people would be perturbed? Some of the grassland south of the metropolitan area, now being used to rear broken-down racehorses, might cater for dairy cattle.

Very largely as a result of the exaggerated and baseless utterances of a person who is beneath the contempt of all or practically all members of this Chamber, a Royal Commission has been appointed. Arising from that, an attempt is made to amend the legislation pertaining to Royal Commissions. This amending legislation is to apply to all future occasions, no matter what is, or is not being investigated. What is really needed is a Royal Commission into Jamieson and people who talk along those lines.

All of us ought to be fearful of such a situation. All that is required is for an irresponsible individual to say that he has heard somewhere, but he cannot remember where, that a certain member of Parliament received a sum of money for doing a certain thing. It does not matter how much that statement is disproved, or how much the person apologises afterwards, the damage is done. To a man in public life such an allegation can be sufficient to remove him from public life all his days.

Surely if a person is prepared to traduce any individual—one occupying a position of responsibility—then he ought to be prepared to stand up to what he has said. These statements should not be made unless there are very good grounds for them to be uttered. Let me hasten to assure all members that I consider that any member guilty of accepting moneys to do improper things or to exercise his vote in a certain direction, should incur the wrath of the law, both in the legal as well as the moral sense.

Like my worthy leader, I do not believe for one moment that any member accepted any consideration. There has been nothing offered by anybody. Statements such as the ones I referred to are made loosely and irresponsibly. It has been stated by some people that all members of Parliament are crooked. Everybody is aware of the fact that such things are said, unfortunate as it may be. Because there happened to be an election approaching, the person I am speaking of made a statement which should not have been mentioned in the Press, but which received banner headlines; and that was a sufficient warrant to sow the seeds of an idea that there should be a Royal Commission. Then we have this proposal in the Bill to amend the legislation to allow persons freedom to say what they like and to blacken the names of decent citizens.

That could happen to any member sitting on the Opposition side of the House when the legislation was first introduced, or when the legislation was extended for a period. It could apply to the newly-elected members of Parliament. All that is needed is an assertion that they were associated

with certain bookmakers, or that they brought pressure to bear, through their party, in order to obtain an S.P. license for a particular individual.

No matter how false such an allegation, the mere fact of its having been said is sufficient, in my opinion, for practically any one of us to cease from public life after it has been said, irrespective of what might follow afterwards. Can you, Sir, imagine what the headlines in the Press would be if a person of the type of character that I have mentioned used the name of any member of this Chamber on either side and said he thought, he believed, he heard that So-and-So had accepted money from one of the many interests associated with racing? There are plenty of them.

I had a conversation earlier today with one of the legal parties of the Royal Commission of inquiry; and he informed me that from his knowledge, this is going to be one of the filthiest Royal Commissions that ever there was—that is, with the law as it is—and this legislation will be an open invitation to the meanest and most miserable elements in the community who have a hate against politicians—and there are plenty. We saw it in motion with the Commonwealth parliamentary salaries. Any person can come along and make wild and fantastic statements without any evidence and without any proof whatsoever.

I have said sufficient with regard to the person who has evidence to submit. If he has evidence, then he should not be afraid to tender it. I repeat that I have no knowledge and I challenge any member of this Chamber to cite a case—of a witness before a Royal Commission in Western Australia—and there have been thousands over the years—who suffered in any way because of the evidence that he submitted. In other words, that it was followed by some court action. It was not.

With regard to the barristers, I feel they can well look after themselves. Again, none of them has been in any difficulties. So far as Royal Commissioners are concerned—and I have had something to do with Royal Commissioners—I had a personal experience of one who, because he could not overcome an obstacle of parliamentary privilege, became a little embittered, quite understandably, human nature being what it is. He attempted to go to all sorts of excesses because he could not secure his point. I feel, therefore, that as persons of all walks of life can be appointed Royal Commissioners—not only judges and magistrates, as have been mentioned before—we should be exceedingly careful before we give any additional protection or power to those who are clothed with this temporary authority to inquire.

I am again unaware of any case where a Royal Commissioner has been impeded in the course of his duties because of any weaknesses in the existing statute. There have been some mighty big questions examined and some exceedingly ticklish ones; and some have investigated the affairs of members of Parliament. Can anybody quote to me a case where a Royal Commissioner, during the course of his report, has indicated that he has been embarrassed or that he could not do full justice to the subject because of a weakness in the legislation?

I think, overall, that experience has shown that there is no justification for this measure. I conclude on that point. But I would like the Attorney-General to give some explanation of the remarks I made towards the opening of my address in connection with the legislative position in the State of New South Wales. He may have the answer with him or he may not. If he has his explanation, it may or may not be satisfactory to the members of the Chamber generally. However, I feel it is of utmost importance if there has been this change. Much of the evidence I have been able to obtain suggests to me that we may well delay this Royal Commission for a week or two in order to find out the reasons for the legislation in New South Wales.

That leaves the Commonwealth only. I do not necessarily expect members on the other side of the House to agree with me, but the addition was made to the Commonwealth legislation for purely political reasons. Therefore, if my assessment of the situation is correct, nowhere in Australia has it been found necessary to do what is sought in the Bill before us except in the Commonwealth, where it was done for political reasons.

I am not suggesting for one moment—I would hope beyond hope—that there is any political inspiration behind this. I do not know that the Government expects that it can gain any political advantage from the Royal Commission into racing, and particularly the allegations about which I made reference earlier. The political advantage has already been gained at the polls several months ago; and no member of this House, so far as I am aware, has anything to fear in connection with it.

The defeat of this measure will not prevent any person who has any evidence that anybody, member of Parliament or otherwise, has been up to tricks, from submitting his evidence to the Royal Commission in exactly the same way as, throughout the years in this State and in the other States, witnesses have, without any fear of incurring a penalty or disadvantage, submitted evidence in a straightforward manner.

For the reasons I have adduced, and those submitted by speakers who have preceded me, I would ask that all members of the House give the utmost serious consideration to this Bill which, I cannot emphasise too strongly, applies not only to the

Royal Commission into racing and betting practices in Western Australia, but will apply to all sorts and every type of Royal Commission that will be held in the years to follow. I feel the safest course will be to reject this Bill at the second reading.

MR. J. HEGNEY (Middle Swan) [5.38]: I have read the second reading speech made by the Attorney-General when he introduced this Bill last Tuesday afternoon; and I have also listened to the very lucid explanation of all aspects of the Bill made by my Leader this afternoon; and there is no doubt that a much stronger case has been given in opposition to the measure than in trying to influence this Assembly to pass the legislation. Therefore, it is my intention to vote against the Bill.

I have had some interest in the question that is to be investigated by Mr. Justice Ligertwood in a few days' time and it is a remarkable thing that we had to—

The SPEAKER: Order! There is too much talking going on. I think members are well aware of the fact that a certain amount of talking has been permitted, but we cannot have a general conversation going on while a member is on his feet.

Mr. J. HEGNEY: After the Royal Commissioner arrived here, for the purpose of investigating all aspects of S.P. betting and racing in Western Australia, he had a consultation with his Crown Law Department adviser and came to the conclusion that the law did not give sufficient protection for him to proceed. As has been pointed out in this Chamber today, in several States of the Commonwealth similar investigations have been carried out and have been concluded; and in this connection I would refer particularly to one of recent date in Melbourne, where a judge of the Supreme Court of Victoria was engaged in examining the ramifications of S.P. betting, as applying to racing in that State. He has made his recommendations; so evidently the law in Victoria was sufficiently strong without additional powers having to be sought before that Royal Commissioner could begin his inquiry.

As members well know, in the past many Royal Commissioners have functioned in this State; and when those Royal Commissioners set about their tasks, they did not apply to the Government of the day to strengthen the law before they proceeded with their inquiries. I therefore do not think there was any justification for the Government to suspend the debate on the Address-in-reply in order to deal with this measure.

Much has been said about a Mr. Jamieson, a resident of my electorate, and the sweeping statements he made about all members of Parliament. He made allegations that members of Parliament had accepted bribes in connection with the voting relating to the S.P. betting legislation. As the representative, in this Chamber, of the district in which most of the racing people in this State reside—it is also the district where the meeting that has been referred to was held—I wish to state that I was sitting in the grandstand on the night in question and was listening to the discussion. I had attended a previous meeting on this issue, when all sorts of allegations were made, not only against the Government and the Treasurer, because he was unwilling to make large sums of money available to the Turf Club for the purpose of keeping racing going, but also against the administration of racing generally in this State.

All kinds of allegations were made at several meetings that were held during the election campaign or just prior to the closing of nominations for the election. As I have said, I was in the audience at the meeting to which I have referred, and knowing members of this Parliament over the years since I have been here, I felt that all of those that I had known were at least as honest as I am; and when this man Jamieson and another man named Jordan were saying that the people should get rid of Hawke, they said, "We understand that Mr. Hegney and Mr. Jamieson are in the audience tonight." One of them said, "I would like to know what they have to say in rebuttal of the statements made by Mr. Jamieson."

Knowing that my conscience was clear in this matter, I decided to go down to the forum and tell them what the actual position was. I told them then, as I say now, that I know nothing about racing and am not interested in it. I told them that as a preface to my remarks; and then said I thought I could speak for all members of Parliament and that I was certain that none of them had accepted bribes in connection with the legislation that had been debated in this Parliament.

It might have been the intention to apply the allegations made to me, because on three separate occasions I opposed the introduction to this Chamber of legislation for the legalising of S.P. betting. I opposed such legislation in 1950; and during the period while I was out of Parliament, from 1947 to 1950, the Liberal-Country Party Government which was in power appointed a Royal Commission to investigate this same problem.

That Royal Commission was appointed to investigate the ramifications of S.P. betting in our community. A Mr. McLean was brought from Victoria, as Royal Commissioner, to conduct the investigations. He completed his task and made his recommendations—

Mr. May: And what happened?

Mr. J. HEGNEY: Yes. What happened to his recommendations? I understand he recommended the introduction of the totalisator to apply in the metropolitan

area, and made other recommendations for country areas; but what happened to his recommendations? They were pigeonholed and were not acted on, because the problem was a difficult one. Time passed and the Labour Government, led by Mr. Hawke, in 1954 decided to bring down a Bill to legalise S.P. betting.

Mr. Brand: The most disastrous thing that ever happened to us.

Mr. J. HEGNEY: It brought down a Bill to deal with this question—

The SPEAKER: Order! I hope the hon. member will be able to relate the question of what transpired in this House some years ago to the question of the protection to be afforded the Royal Commissioner and witnesses and counsel appearing before the Royal Commission.

Mr. J. HEGNEY: Yes. The debate has had a very wide ambit, and I did not think I was departing very far from the general debate that has taken place here this afternoon. What I am saying has a very close connection with the allegations made in connection with this matter, and the reason for the existence of the present Royal Commission. When the legislation to which I have referred was introduced, it was not until two hours before the vote was taken that anybody knew how my vote would be cast. Then one hon. member asked how I felt about the measure, and I said it was my intention to give support to the Bill on that occasion; because the previous Government had had the opportunity, had held a Royal Commission, and had failed to act on its recommendations, with the result that the position had drifted and had got out of hand.

A division was taken in this House on the second reading of that Bill. I had previously voted against such legislation; but on this occasion I voted in support of it, and I believe one member of the Opposition crossed the floor of the House and voted with the Government, with the result that the Bill was carried.

After I had made the disclaimer at that meeting, in regard to members of Parliament, and was returning to the grandstand, all kinds of allegations were being made about a certain member of Parliament who is not here now. The rumour was that he had got this and that, and I said I did not believe it. I repeat that I do not think there is any justification for the additional powers now sought being granted, or even justification for the appointment of the Royal Commission.

The McLarty-Watts Government had the advice of a Royal Commissioner and failed to act on his recommendations. As the Leader of the Opposition has said, the Government has the necessary information and should surely face up to making a decision in the matter of whether it should abolish S.P. betting and introduce totalisators, or abolish betting altogether. Surely it should make up its mind! There is no justification for the appointment of a Royal Commissioner, or for the introduction of this Bill.

This man Jamieson made allegations against other parties, so I am informed. I was in the Belmont district at one time when he passed by in his car. An owner-driver said to me, "There goes Jamieson. I can tell you that he is a very concerned man today. I know that at 6.15 this morning he consulted his legal adviser to see how he stood." He was prepared to make those allegations against all and sundry; but, when he thought he was in difficulties, he took stock of himself to see where he stood. I understand he retracted in the paper the statements he made against the then Chairman of the Betting Control Board, who had demanded a withdrawal.

It is not fit and proper that persons like that should be able to go before a Royal Commissioner and say just what they like, and spoil the good names of people in the community. I spoke on the measure because I was involved in this incident, and I intend to vote against the Bill because I do not think it is justified at this stage. Mention has been made this afternoon about certain people, but we can do nothing about them because we have no power extending beyond the boundaries of Western Australia.

I do not think that the business of this Parliament should have been suspended for the purpose of considering this measure, even though Sir George Ligertwood has said that the amendments are necessary. The South Australian Parliament has not thought it necessary to strengthen a Royal Commissioner's powers in that State. I intend to oppose the second reading.

Personal Explanation

Mr. WATTS: Mr. Speaker, I desire to make a personal explanation regarding certain remarks made by the member for East Perth. During the course of the afternoon he asked me in writing, on a piece of paper, to acquaint him of the date of the New South Wales legislation I referred to in dealing with witnesses. I passed him a piece of paper with a note on it stating that it was the Royal Commissioners Evidence Act, 1901. Unfortunately, that was an error on my part which I had been warned about but had overlooked at the time; that Act has been replaced by the Act of 1923 in New South Wales.

However, the member for East Perth subsequently obtained possession of the Act of 1923 which has been consolidated in the New South Wales statutes of 1936. He referred to it as repealing the Royal Commissioners Evidence Act, 1901, which is perfectly correct. The title of the Act, however, is "An Act to amend the law

relating to Royal Commissions; to repeal the Royal Commissioners Evidence Act, 1901, and certain other Acts; and for purposes connected therewith."

The hon. member, having obtained possession of this document could, I think, within reason have gone a little further and looked up the section of the Act which he had in his possession, and which I now wish to refer to. Subsection (3) of section 11 of the last-mentioned Act reads as follows:—

> 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.

It is quite obvious that the statute from which I have just read has replaced with similar provisions the statute which was repealed.

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

House adjourned at 5.55 p.m.

Legislative Council

Tuesday, the 28th July, 1959

CONTENTS

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

QUESTIONS ON NOTICE

CATTLE

Importation from South of Pleuro-Free Line.

1. The Hon. W. F. WILLESEE asked the Minister for Mines:

   (1) Is the Minister aware that a pleuro line was declared a few years ago in the Northern Territory to the south of which line a pleuro-free area for cattle was recognised?

   (2) Is the Minister aware that South Australia accepts cattle from areas south as being pleuro-free?

   (3) In the light of the declared freedom for at least two years of pleuro in this part of the Northern Territory, will imports of breeding stock from studs in the Northern Territory be permitted into Western Australia?

   (4) If the answer to No. (3) is "No," what are the reasons for such decision?

   The Hon. A. F. GRIFFITH replied:

   (1) Yes.

   (2) Yes.

   (3) No.

   (4) The department is not satisfied that the portion of the Northern Territory south of the "pleuro line" is free of pleuro-pneumonia, and considers a much longer period of observation to be necessary before this area can be recognised as pleuro-free. The whole of Western Australia south of the Kimberley Division is free of pleuro-pneumonia and every possible precaution must be taken against the introduction of infection. The importation of breeding cattle from the Northern Territory would involve a risk of serious and costly outbreaks in the agricultural areas and of the establishment of new endemic areas from which the disease could not be eradicated in the pastoral country.

STATE TRADING CONCERNS

Disposal of Wyndham Meatworks, and Robb's Jetty Works

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

   In the light of the expressed policy of the Government in regard to the disposal of State-controlled enterprises will he assure the House that the Government will not, during its term of office, agree to the disposal of Wyndham Meatworks, and/or the W.A. Meat Export Works at Robb's Jetty to private enterprise?