The Hon. R. Thompson: These old fogies are living in the past.

The Hon. G. E. MASTERS: I have not said that. I suggest the new generation and the young people will want to try it—and by "young people" I mean those under 40.

Things have changed very rapidly, even in the field of transport. In country areas children no longer have to walk or ride a horse three, four, or five miles to school, because in most cases there is adequate transport. In the metropolitan area people have cars. Even youngsters have cars. At one time there may have been one car to a family; now there are two or three. The young people want the opportunity to see what it is like to go to the coast or play tennis, bowls, cricket, and so on, after they have finished work. I think they are entitled to find out for themselves what it is like.

Recreational facilities have been developed over recent years and local authorities have spent a fortune on upgrading recreational areas. Those facilities are not being used to the full extent because the hours of darkness come too soon. People therefore acquire the terrible habit of becoming plugged to the television set, or "the tube". I believe television is taking over our way of life, and perhaps daylight saving will help to offset this.

We have been told by Mr Medcalf that the business world will be very happy to see a trial period in order that businessmen can make up their own minds. Last year the Chamber of Commerce held a poll which indicated that the business world would be very happy to have a trial period of daylight saving and to go along with it for all time. Even a small machinery firm can lose a lot of time and money if there is a breakdown in, say, a tractor at 2.00 o'clock in the afternoon, at which time it may not be possible to get in touch with the Eastern States to have the necessary parts flown over. It costs quite a few hundred dollars to have a big piece of machinery out of commission for 24 hours.

The Hon. J. Heitman: The farmers cannot get through, either.

The Hon. G. E. MASTERS: Yes. They do not know the advantages. Perhaps they will change their minds when they have had an opportunity to see the advantages of getting service from the Eastern States.

The Hon. J. Heitman: Why do they have to get it from the Eastern States?

The Hon. G. E. MASTERS: Unfortunately, many parts are not stocked here.

The Hon. J. Heitman: I am asking the question. Never mind about daylight saving—that will look after itself.

The Hon. G. E. MASTERS: The point was also raised that the accident rate would be lower. We are spending a fortune on trying to bring down the accident rate. If there is one thing that can reduce that problem, and this is it, we should give it a try. We will soon be able to find out, and the public can judge for themselves and make a decision, taking this and all other facets into consideration.

As far as I am concerned, it was an election promise on my part. It was part of our policy and my policy. I went around to my constituents and said quite clearly that I was in favour of a trial period so that the public could make their own decision. I support the Bill.

Debate adjourned, on motion by the Hon. D. K. Dans.

House adjourned at 5.42 p.m.

Legislative Assembly

Thursday, the 29th August, 1974

The SPEAKER (Mr Hutchinson) took the Chair at 2.15 p.m., and read prayers.

QUESTIONS (38): ON NOTICE

1. BUSSELL HIGHWAY

Deviation through Mineral Claims

Mr A. R. TONKIN, to the Minister for Transport:

(1) Further to question 34 on 15th August, is it true that any deviation of Bussell Highway westward in this area will pass across mineral claims?

(2) Will the Main Roads Department proposal to deviate Bussell Highway through State Forest No. 2 encroach upon recently approved mineral claims Nos. 1002 and 1024?

Mr O'CONNOR replied:

(1) Yes.

(2) The proposed deviation will encroach on claim No. 1002 but not on 1024.

2. ROADS

South-West Coastal Links

Mr A. R. TONKIN, to the Minister for Transport:

(1) Is the Commissioner of Main Roads aware of any of the following suggestions—

(a) the extension of Ocean Drive down the coast from Bunbury to Stratham;

(b) the provision of a direct road link between Cape Naturaliste and Yallingup;

(c) a loop entry/exit for the Augusta townsite?

(2) If so, could details be supplied?

Mr O'CONNOR replied:

(1) (a) and (b) The Commissioner of Main Roads has no formal knowledge of these proposals although he understands there has been some local discussion.

(c) It is not clear what is meant by a loop entry-exit. However, planning studies have shown that in the long term access to Augusta via the old railway reserve may be desirable. Action to protect the route has been taken.

3. BUSSELL HIGHWAY

By-pass at Busselton

Mr A. R. TONKIN, to the Minister for Transport:

Is it proposed to deviate Bussell Highway in order to provide a by-pass at Busselton?

Mr O'CONNOR replied:

A road reserve has been provided for in the local authority planning schemes which would enable the construction of a by-pass road should this be considered necessary at some future time.

4. ROADS

Dunsborough-Cape Naturaliste

Mr A. R. TONKIN, to the Minister for Transport:

(1) As far as the Main Roads Department is concerned, what is the status of the road between Dunsborough and Cape Naturaliste?

(2) Has any study been made of its capacity and current and future use?

Mr O'CONNOR replied:

(1) A developmental road under the control of the Busselton Shire Council.

(2) Not by the Main Roads Department.

5. STATE FORESTS

Management Policy

Mr A. R. TONKIN, to the Minister for Forests:

(1) Does his answer to part (4) of question 11 of 14th August apply to the Minninup Block?

(2) In regard to part (5) of that question, on what date was the area of 192 hectares of tuart forest acquired and for what reasons?

Mr RIDGE replied:

(1) Yes.

(2) The area was acquired on 17th June, 1966.

Purpose of acquisition of land was to ensure preservation of tuart forests and wildlife in the lower reaches of the Abba river and as an addition to the very limited area already dedicated for that purpose. The area has value for tourist and scenic purposes.

6. *This question was postponed.*

7. LAND

Reserves: Ludlow Tuart Forest

Mr A. R. TONKIN, to the Minister for Lands:

(1) What was the original area, purpose and date of gazettal for the following reserves—

Nos. 390, 2045, 2119, 9528, 9530, 9970?

(2) Is the area covered by these reserves now incorporated into the Ludlow tuart forest (State Forest Nos. 1 and 2)?

Mr RIDGE replied:

(1) Reserve No. 390 was set apart for the purpose of "Commonage". Gazetted 21/10/1879. Area 1 500 acres.

Reserve No. 2045 was set apart for the purpose of "Public Utility". Gazetted 9/6/1892. Area 700 acres.

Reserve No. 2119 was set apart for the purpose of "Preservation of Timber". Gazetted 17/11/1892. Area 1 000 acres.

Reserve No. 9528 was set apart for the purpose of "State Forest". Gazetted 30/12/1904. Area 1 650 acres 1 rood.

Reserve No. 9530 was set apart for the purpose of "State Forest". Gazetted 30/12/1904. Area 413 acres.

Reserve No. 9970 was set apart for the purpose of "Timber (Tuart)". Gazetted 24/11/1905. Area 133 acres.

(2) No.

8. LAND

Reserves: Dedicated Roads

Mr A. R. TONKIN, to the Minister for Lands:

(1) What is the area, purpose and vesting of the following reserves—

Nos. 868, 3281, 7110, 23004?

(2) Are the following dedicated roads in existence—

Nos. 640, 1121, 1292, 10594, 11544?

(3) What is the name of road No. 11544?

Mr RIDGE replied:

(1) 868—3.1 818 hectares. "Forestry Quarters and Public Recreation" Not vested.

3281—2 023 square metres. "Agricultural Hall". Not vested.
7110—787 square metres. "Railway". Not vested.

23004—1 492 square metres. "Stopping Place". Not vested.

(2) They are still dedicated as roads.

(3) Road 11544 is not officially named.

9. MINERAL CLAIM 1001

Reserve and Dedicated Roads

Mr A. R. TONKIN, to the Minister for Mines:

(1) Does the ground pegged within MC 1001 include reserve No. 23004 and road Nos. 49, 640 and 11544?

(2) If so, has an application under section 30 of the Mining Act been received by the Minister in regard to the abovementioned reserved lands, and on what date was the required notice published?

Mr MENSAROS replied:

(1) Yes.

(2) Yes. Published in *South Western Times* on 19/9/63.

10. MINERAL CLAIM 1002

Reserves and Dedicated Roads

Mr A. R. TONKIN, to the Minister for Mines:

(1) Does the ground pegged within MC 1002 include reserve Nos. 868 and 23004 and road Nos. 49, 640 and 1292?

(2) If so—

(a) was an application under section 30 of the Mining Act received by the Minister in regard to the abovementioned reserved lands, and on what date was the required notice published;

(b) what is the name and qualifications of the competent person who inspected the abovementioned reserved lands pursuant to regulation 91 of the Mining Act;

(c) what was the name and qualifications of the professional officer who made a report to the mining warden pursuant to regulation 55 (7) of the Mining Act?

Mr MENSAROS replied:

(1) Reserve 868 and roads 49, 640, 1292 included in ground pegged. Reserve 23004 not included in ground pegged. Reserve 868 excluded on approval of MC 1002H.

(2) (a) Yes. Published in *South Western Times* on 19/9/63.

(b) Mining Engineer—Senior Inspector of Mines J. M. Faichney, AWASM.

(c) N. J. MacKay BSc (Hons.) Former Deputy-Director Geological Survey.

11. MINERAL CLAIM 1024

Dedicated Road

Mr A. R. TONKIN, to the Minister for Mines:

(1) Does the ground pegged within MC 1024 include road No. 4038?

(2) If so—

(a) was an application under section 30 of the Mining Act received by the Minister in regard to the abovementioned reserved land, and on what date was the required notice published;

(b) what was the name and qualifications of the competent person who inspected the abovementioned reserved lands pursuant to regulation A1 of the Mining Act;

(c) what was the name and qualifications of the professional officer who made a report to the mining warden pursuant to regulation 55 (7) of the Mining Act?

Mr MENSAROS replied:

(1) Yes.

(2) (a) No.

(b) Answered by (2) (a).

(c) Dr W. N. MacLeod PhD, MSC, DIC, Former Deputy-Director Geological Survey.

12. MINERAL CLAIM 2011

Dedicated Road

Mr A. R. TONKIN, to the Minister for Mines:

(1) Does the ground pegged within MC 2011 include road No. 11544?

(2) If so, has an application under section 30 of the Mining Act been received by the Minister in regard to the abovementioned reserved land, and on what date was the required notice published?

Mr MENSAROS replied:

(1) Yes.

(2) No.

13. MINERAL CLAIM 2013

Dedicated Road

Mr A. R. TONKIN, to the Minister for Mines:

(1) Does the ground pegged within MC 2013 include road No. 640?

(2) If so, has an application under section 30 of the Mining Act been received by the Minister in regard to the abovementioned reserved land, and on what date was the required notice published?

Mr MENSAROS replied:

(1) Yes.

(2) No.

14. MINERAL CLAIM 2015

Dedicated Road

Mr A. R. TONKIN, to the Minister for Mines:

(1) Does the ground pegged within MC 2015 include road No. 11544?

(2) If so, has an application under section 30 of the Mining Act been received by the Minister in regard to the abovementioned reserved land, and on what date was the required notice published?

Mr MENSAROS replied:

(1) Yes.

(2) No.

15. MINERAL CLAIM 2022

Dedicated Road

Mr A. R. TONKIN, to the Minister for Mines:

(1) Does the ground pegged within MC 2022 include road No. 11544?

(2) If so, has an application under section 30 of the Mining Act been received by the Minister in regard to the abovementioned reserved land, and on what date was the required notice published?

Mr MENSAROS replied:

(1) Yes.

(2) No.

16. MINERAL CLAIMS 1002 and 1024

Reference to Environmental Protection Authority

Mr A. R. TONKIN, to the Minister for Mines:

(1) Considering that the Ludlow tuart forest was one of 38 major areas in the State for which the WA subcommittee of the Australian Academy of Sciences Committee on National Parks made recommendations in 1962, were details of MC 1002 and MC 1024 referred to the Environmental Protection Authority prior to approval of applications?

(2) If so, on what date?

Mr MENSAROS replied:

(1) No. The applications were referred to the Conservator of Forests, whose department administers the Ludlow tuart forest and the claims were approved subject, *inter alia*, to the terms and conditions of an indenture dated 31/1/67 between the applicant and the Conservator.

(2) Answered by (1).

17. ENVIRONMENTAL PROTECTION AUTHORITY

Delegation of Powers

Mr A. R. TONKIN, to the Minister for Conservation and Environment:

(1) Has the Environmental Protection Authority delegated any of its powers and functions to any public authority under the provisions of section 31 of the Environmental Protection Act?

(2) If so, what are the details?

Mr STEPHENS replied:

(1) No.

(2) Answered by (1).

18. ENVIRONMENTAL PROTECTION AUTHORITY

Formulation of Policy

Mr A. R. TONKIN, to the Minister for Conservation and Environment:

(1) On what date was the Environmental Protection Authority established?

(2) As one of the important provisions of the Environmental Protection Act concerns the formulation of recommended environmental protection policies, for adoption by the Government, has the authority decided to formulate any such policy in regard to—

(a) any part of the coast;

(b) estuaries;

(c) arid zone land use;

(d) any other aspect of the environment?

(3) If so, could details be supplied?

Mr STEPHENS replied:

(1) The enabling Act of Parliament establishing the Environmental Protection Authority was passed on 15th December, 1971.

(2) (a) Yes.

(b) No.

(c) No.

(d) Principles about wetland preservation have been publicly announced.

(3) Yes. The Member has asked such a broad-ranging question that details can best be supplied in the annual reports, which are publicly available, of the Environmental Protection Authority and the Environmental Protection Council.

19. TOWN PLANNING

South-West Coastal Areas: Subdivisions

Mr A. R. TONKIN, to the Minister for Urban Development and Town Planning:

(1) What is the Town Planning Board's policy in regard to coastal development and residential/tourist resort subdivision along the coast between—

(a) Bunbury and Quindalup;

(b) Dunsborough and Augusta;

(c) Augusta and Cape Beaufort?

(2) (a) Have these policies ever been published publicly;

(b) if so, when and where?

Mr RUSHTON replied:

(1) The Town Planning Board's policy in the areas listed is as follows—

(a) Subdivision is permitted in suitably zoned areas, notably around Busselton. Elsewhere there is little land suitable for development between coastal dunes and swamps, which it is intended to protect.

(b) Apart from a very few long-standing residentially zoned areas it is intended to limit settlement to—

(i) townsites, notably Dunsborough, Margaret River and Augusta,

(ii) small sheltered sites, generally in the immediate lee of the Leeuwin-Naturaliste ridge, which are suitable for tourist facilities.

(c) Subject to similar conditions to (a), subdivision is permitted at Augusta. East of Hardy Inlet, factors considered would include the protection of coastal dunes, the outcome of current studies of the Inlet sponsored by the Environmental Protection Authority, access, services, and the effect upon scenic views. The Town Planning Board recognises the importance of the tourist industry in these areas and supports its promotion, subject to environmental safeguards. Notwithstanding the points outlined above, it must be stressed that the board's decisions are influenced by Town Planning Schemes, which are subjected to public scrutiny before final approval.

(2) (a) and (b) No.

20. TOWN PLANNING

Coastal Areas: Report on Use

Mr A. R. TONKIN, to the Minister for Urban Development and Town Planning:

Further to questions on notice Nos. 2, 4th August, 1971, 16, 31st October, 1972, 6, 23rd October, 1973, and 1 of 25th October, 1973, concerning a report on use and preservation of coastal areas, will he table the report referred to?

Mr RUSHTON replied:

No. Data on which the draft report referred to was based would require to be updated and the results of subsequent investigations are to be released in booklet form early next month.

21. PUBLIC SERVICE AND GOVERNMENT DEPARTMENTS

Bunbury Electorate: Officers

Mr SIBSON, to the Minister for Labour and Industry:

In the electorate of Bunbury—

(a) does he know how many people are employed by the State Public Service and State Government departments and instrumentalities;

(b) what percentage of the workforce is so employed?

Mr O'Connor (for Mr GRAYDEN) replied:

(a) I am advised that in the electorate of Bunbury, 1 555 people are employed by the State Public Service and State Government instrumentalities.

(b) Using the 1971 census figure of 5 007 as the latest available information on the total work force in the electorate of Bunbury, the percentage is 31%.

22. TEACHERS

Stability in Staffing

Mr T. D. EVANS, to the Minister representing the Minister for Education:

(1) To what extent has regulation 162 pursuant to the Education Act been construed in a flexible manner so as to provide for given schools to be staffed, particularly at headmaster level, by staff whose educational standing normally would require their being appointed elsewhere, so as to provide some form of stability in staffing at a particular school over a period exceeding one year?

(2) Apart from the above (if applicable) what other steps can be taken by the department with the concurrence and co-operation of the State School Teachers' Union, to ensure that some schools are not consistently the subject of frequent transfers of headmasters and other staff?

Mr MENSAROS replied:

(1) Regulation 162 has always been construed flexibly with the interest of the particular school in mind. However, any major departure from the provisions of the regulation could result in unauthorised over-spending of Government funds on the one hand, or the contraction of promotional opportunities for teachers on the other hand. Stability of staffing is an important educational objective but it is not economic to maintain a senior headmaster in charge of a small school with a contracting enrolment. However, on a number of occasions the department has deferred reclassification of a school because the headmaster had been in charge for only one year.

(2) In 1973, with the agreement of the Teachers' Union, Regulation 100 (3) (a) and (b) was amended to ensure that a headmaster who was appointed to a country school would remain in his position for a period of two years and a headmaster appointed to a metropolitan school would remain in his position for three years. This amendment came into effect only in 1974.

23. ELECTRICITY SUPPLIES

Charges: North-West and Metropolitan

Mr LAURANCE, to the Minister for Electricity:

What will be the charges for electricity per unit as at 1st September, 1974 at Shark Bay, Carnarvon, Exmouth and the Perth metropolitan area for—

(a) domestic use;

(b) commercial use?

Mr MENSAROS replied:

(a) Shark Bay (Denham)—

$5 per quarter and all units at 3.5c.

Carnarvon—

First 350 per two months: 6c per unit.

All over 350 per two months: 4c per unit.

Exmouth—

5.0c per unit.

Perth Metropolitan Area—

$1.50 per quarter and all units at 2.7c.

(b) Shark Bay—

First 50 per month @ 6.5c per unit.

Next 950 per month @ 6.0c per unit.

Next 4 000 per month @ 5.0c per unit.

Next 45 000 per month @ 4.0c per unit.

All over 50 000 per month @ 3.0c per unit.

Carnarvon—

First 2 000 per two months: 5.5c per unit.

All over 2 000 per two months: 4.8c per unit.

Exmouth—

First 30 000 per two months: 5.0c per unit.

Over 30 000 per two months: 4.5c per unit.

Perth Metropolitan Area—

First 50 per month @ 6.0c per unit.

Next 950 per month @ 3.85c per unit.

Next 4 000 per month @ 3.65c per unit.

Next 45 000 per month @ 2.85c per unit.

Next 450 000 per month @ 2.45c per unit.

All over 500 000 per month @ 2.05c per unit.

Carnarvon and Exmouth electricity undertakings are operated by the respective shire councils and the information given is the latest available to the State Electricity Commission.

24. ABATTOIRS

Meat Inspection

Mr H. D. EVANS, to the Minister representing the Minister for Health:

(1) (a) Arising from question 24 (5) of 21st August, 1974, are the 20 country abattoirs listed inspected regularly;

(b) how frequently is inspection made in the case of each abattoir listed?

(2) Where is the place appointed for the inspection and branding of carcase meat, as quoted in 5 (b) of the same question, for each of the abattoirs listed?

(3) What is the fee levied for the services of an inspector examining a lamb carcase?

(4) Is this charge levied in the case of the 20 country abattoirs listed on 21st August, 1974, which do not have the services of an inspector?

Mr RIDGE replied:

(1) (a) Yes.

(b) Departmental staff—

Augusta—
16/7/72; 14/10/72.

Corrigin—
3/11/73; 18/2/74.

Bridgetown—
10/11/72; 20/2/73; 1/10/73; 30/11/73.

Bruce Rock—
27/6/72; 28/11/72; 1/12/72; 27/3/73; 6/5/73; 31/8/73; 19/12/73; 18/2/74.

Morawa—
12/4/72; 10/8/72; 11/12/72; 13/8/73.

Dongara—
23/1/73; 18/10/73; 10/2/73.

Quairading—
23/6/72; 6/10/72; 26/3/73; 30/8/73.

Darkan—
12/1/73; 24/7/73; 25/10/73; 26/11/73.

Lake Grace—
30/9/72; 2/11/72; 7/5/73; 22/10/73.

Carnamah—
22/7/72; 9/8/72; 24/2/73; 12/8/73; 11/12/73.

Mukinbudin—
3/8/73; 14/8/74.

Northcliffe—
4/10/73.

Northampton—
6/6/73; 17/7/73; 12/1/74; 20/4/74.

Pemberton—
3/10/73.

Three Springs—
10/8/72; 24/2/73; 15/11/73.

Kellerberrin—
3/8/72; 28/6/72; 18/1/73; 27/3/73; 17/9/73; 13/2/74.

Coolgardie—
4/6/72; 24/7/72; 7/8/72; 20/11/72; 17/1/73; 3/3/73; 11/3/73.

Hyden—18/8/72; 3/3/73.

Local Authority Staff—
Regular visits are made by resident local authority health surveyors of the relevant abattoirs under their jurisdiction.

(2) Metropolitan Area—

Nelson Everett, meat market, Perth.

Wesfarmers meat market, Fremantle.

Midland Junction Abattoirs, Midland.

Western Australian Meat Export, Fremantle.

Country areas—
24 places are appointed throughout the country areas where unmarked or unbranded meat may be taken for inspection.

The places are listed in Regulation 5 of the Meat Inspection and Branding Regulations.

(3) Metropolitan area 16c.

Country areas 27c and 30c dependent upon locality.

(4) No.

25. RAILWAYS

Employees: Travel Concessions to Dependants

Mr T. H. JONES, to the Minister for Transport:

(1) Is he aware that, whilst free passes are issued to retired railway employees and their wives as well as widows of deceased employees, their children and other dependants are not eligible?

(2) Would he extend the provision to include dependant children on the two free passes per year for retired employees who are married with dependant children?

(3) As widows of deceased employees are most likely to have dependant children and are entitled to one free pass per year, is it not possible to have dependant children included?

(4) What period of service is required up to an employee's date of death before his widow is entitled to one free pass annually?

Mr O'CONNOR replied:

(1) Yes.

(2) and (3) There has been no request made to the Commissioner of Railways on behalf of widows and/or retired employees for extension of pass concessions but he will be prepared to look at any such request.

(4) The widow of an ex-employee qualifies for the issue of one free destination pass each year provided her late husband achieved—

(a) 10 years continuous service; if employees' age at the time of death was 60 years or over.

(b) 30 years' continuous adult service; if employees' age at time of death was under 60 years.

26. *This question was postponed.*

27. LOCAL GOVERNMENT

Traffic Inspectors: Employment

Mr T. H. JONES, to the Minister for Police:

(1) Will all traffic inspectors now employed by local authorities be found employment when the new highway patrol traffic authority is introduced?

(2) If so, would he advise of the position regarding long service leave, sick pay and annual leave entitlements accrued by inspectors whilst employed by local authorities and whether the accruements will be transferred when the traffic inspectors are employed by the Government?

Mr O'CONNOR replied:

(1) and (2) The Government is very conscious of the need to protect the interests of all existing local government personnel and is planning the structure of the traffic authority accordingly, but the planning process is not yet complete.

The arrangements the Government proposes to make will be evident from the Bill when it is introduced and will be dealt with in detail in my second reading speech.

28. *This question was postponed.*

29. METROPOLITAN REGION TOWN PLANNING SCHEME

Amendments

Mr TAYLOR, to the Minister for Urban Development and Town Planning:

(1) Upon how many occasions have substantial amendments to the Metropolitan Regional Scheme been tabled in the House for the required 21 sitting days, as required within the terms of section 33 (1) of the Metropolitan Region Town Planning Scheme Act, 1959-1970?

(2) Upon how many occasions has the Metropolitan Region Planning Authority issued a written certificate, within the terms of the same section, that a proposed amendment is not considered to be a substantial alteration to the scheme?

Mr RUSHTON replied:

(1) Two occasions.

(2) Four occasions.

30. HEALTH

School of Dental Therapy

Mr DAVIES, to the Minister representing the Minister for Health:

(1) Have tenders yet been called for a second school of dental therapy?

(2) If so, with what result?

(3) If not, when will tenders be called?

(4) Where is the site for the second school?

(5) Of the cost involved, how much will be contributed by the State?

Mr RIDGE replied:

(1) No. Planning is not yet finalised by the architects.

(2) Answered by (1).

(3) At the end of November 1974.

(4) Erindale Road, Warwick.

(5) Nil.

31. PRICES CONTROL

Bread

Mr DAVIES, to the Minister for Labour and Industry:

(1) Was he correctly reported in the *Daily News* of 9th August, 1974 that he was implementing an immediate investigation into reports of bread profiteering?

(2) If so—

(a) how many purchases were made by inspectors;

(b) in what areas were purchases made;

(c) how many instances of overcharging were found;

(d) what action was taken?

Mr O'Connor (for Mr GRAYDEN) replied:

(1) Yes.

(2) (a) Two purchases were made. The majority of premises were selling only bread lines not subject to price control and as proceedings cannot be instituted for overcharging of these lines, no purchases of them were made.

(b) Perth, Balga, Karrinyup and Bentley.

(c) and (d) None.

32. ROCKINGHAM-KWINANA HOSPITAL

Suspension of Construction

Mr BARNETT, to the Minister representing the Minister for Health:

(1) Has work on the Rockingham-Kwinana hospital stopped?

(2) If so, why?

(3) When is it expected that work will recommence?

Mr RIDGE replied:

(1) Yes.

(2) Industrial dispute between Trident Construction and unions.

(3) When the industrial dispute is satisfactorily settled.

33. RAILWAYS

Bridgetown Depot: Closure

Mr H. D. EVANS, to the Minister for Transport:

(1) What is the name and designation of each of the members of the further committee set up to examine the implications involved in transferring the Bridgetown railway depot to Manjimup, and when did it meet?

(2) (a) Have recommendations been received by the Government from this committee;

(b) if so, what are they; and

(c) if not, when are they expected?

(3) Will he table these recommendations?

Mr O'CONNOR replied:

(1) I have instructed the Director-General of Transport to chair the committee and I propose to invite Professor Webb, Professor of Geography and local authority representative, Mr C. Pearse to join as the other two members.

It will probably be November before the committee can initially meet in view of the known commitments of its probable members.

(2) (a) No.

(b) Answered by (a).

(c) I would think it would be well into the new year before the Government receives the committee's recommendations.

(3) I will make a decision about tabling after I have received the recommendations.

34. *This question was postponed.*

35. LOCAL GOVERNMENT

Meat Inspection: Reduction of Fees

Mr MOILER, to the Minister representing the Minister for Health:

(1) Referring to question 10, 21st August, relevant to meat inspection fees and the Minister's answers thereto would the Minister further clarify which local authorities were contacted and on what dates?

(2) Would the Minister list the other key parties from whom inquiries were made?

(3) Did all parties contacted support a reduction in meat inspection fees; if not, would he elaborate?

(4) Would the Minister specify the areas in which the fees introduced by the previous Government were excessive and how he arrives at such a conclusion?

(5) Was he aware at the time of recommending a reduction of meat inspection fees that his department had carried out a study of meat inspection charges before recommending to the previous Minister for Health that inspection fees be increased?

(6) If "Yes" to (5) does he believe the study to have been inadequate, and if so, in what areas was it inadequate?

(7) When does he anticipate the present inquiry into meat inspection fees will be completed?

(8) Will he table the report when he receives it?

Mr RIDGE replied:

(1) Northam, Waroona and Harvey.

Communication was by telephone during the week commencing 7th April.

(2) Senior administrative and finance officers of the Public Health Department.

(3) The Shire of Northam wished to retain the scale based on weight of carcase and opposed a reduction.

(4) This information is of a confidential nature, but the Minister is prepared to convey this on such a basis to the Member.

(5) and (6) The fee scale based on weight of carcase was recommended to the then Minister on data which was inadequate. It is for this reason that an interim adjustment was made pending the outcome of the inquiries which are now proceeding.

(7) It is hoped that the report will be made available to the Minister by mid September.

(8) This will be considered when the report has been studied.

36. HEALTH

Chicken Marketing Standards

Mr A. R. TONKIN, to the Minister representing the Minister for Health:

(1) Is there any statutory body which controls chicken marketing standards in Western Australia?

(2) What benefit accrues to the consumer from the practice of adding metal polyphosphates to poultry?

(3) What other benefit accrues from such a practice?

(4) What steps are taken and by whom to police the safeguards associated with the injection of metal polyphosphates into poultry?

Mr RIDGE replied:

(1) No.

(2) The National Health and Medical Research Council has agreed that alkali metal polyphosphates can have a beneficial effect on dressed poultry by—

(i) Minimising thawing drip in frozen poultry.

(ii) Minimising "weep" which can occur in cut up packaged poultry.

(iii) Avoiding loss of body fluids during cooking of poultry.

(3) Answered by (2).

(4) Polyphosphates have found little use in the poultry processing industry in Western Australia. No enforcement problems have been experienced by local authorities or by my department.

37. MILK

Payment to Producers

Mr H. D. EVANS, to the Minister for Agriculture:

(1) (a) Has any recommendation to change the basis of payment for milk been received this year;

(b) if so, from whom or what body?

(2) Will such proposition result in a two level payment for milk producers, and upon what basis would payment be made?

(3) Has any decision on this matter been reached, and if so, when would any such change become operative?

Mr Stephens (for Mr McPHARLIN) replied:

(1) I have received no such recommendation, although I understand the Dairy Industry Authority did receive a letter in this respect from the Northcliffe Branch of the Farmers' Union of WA.

(2) and (3) The authority has referred the letter to the General Secretary of the Farmers' Union for assessment and recommendation.

The matter will be examined by the authority on the basis of the reply from the General Secretary.

38. DIELDRIN

Use as Pesticide

Mr A. R. TONKIN, to the Minister for Agriculture:

(1) Was the chief of WA Biological Services, G. R. Meadly, correctly reported in *The Sunday Times* of 25th August as saying, "dieldrin was not recommended by the department for agriculture use"?

(2) If (1) is "Yes"—

(a) is he aware that officers of the department recommend the use of dieldrin in controlling black beetle in potato crops;

(b) how is this "failure to recommend" consistent with the continued existence of dieldrin on the list of registered pesticides?

(3) If (2) (a) is "No" will he make investigations so as to clarify the position?

(4) If (1) is "No" will he arrange with *The Sunday Times* to print an account of the true situation?

Mr Stephens (for Mr McPHARLIN) replied:

(1) to (4) It would appear that Mr Meadly was not fully reported in *The Sunday Times*, since he indicated that dieldrin was not recommended for general agricultural usage, such as spraying edible crops and pastures.

Dieldrin is recommended and registered for use in agriculture as a soil furrow pre-treatment prior to the planting of a potato crop.

In order to clarify the situation, I have issued a general Press statement on the present status of chlorinated hydrocarbon pesticides usage in agriculture.

QUESTION WITHOUT NOTICE

PROSTITUTION

Police Report

Mr T. H. JONES, to the Minister for Police:

In view of the statement made by the Commissioner of Police in today's edition of *The West Australian* newspaper on prostitution in Western Australia, will he table the report in order that Parliament can be fully informed on the question?

Mr O'CONNOR replied:

No, but if the honourable member wishes to see the documents they will be made available to him in my office.

STATE HOUSING ACT AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by Sir Charles Court (Premier), and read a first time.

FUEL, ENERGY AND POWER RESOURCES ACT AMENDMENT BILL

Second Reading

Debate resumed from the 22nd August.

MR B. T. BURKE (Balga) [2.37 p.m.]: The legislation which is now before the House threatens the individual and collective liberties which each citizen of this State so rightly holds very dear. In a massive power grab which transcends all law, the Government is setting the stage for the institution of a dictatorship of which any South American "banana republic" would justly be proud.

Sir Charles Court: That is very well rehearsed.

Mr O'Connor: Why do you not go to South America?

Mr B. T. BURKE: Quite frankly, if this Government continues along its way, many people might go to South America. The Court regime practices dictatorship and is preparing to bring down upon the heads of the people of this State industrial danger, unrest, and disruption—

Mr O'Connor: Do you have to read it all?

The SPEAKER: Order! The honourable member is entitled to be heard.

Mr B. T. BURKE: The passage of this legislation will bring upon the heads of the people of this State industrial danger—

Point of Order

Mr O'CONNOR: Mr Speaker, on a point of order, I agree the member for Balga is entitled to be heard but is he also entitled to read his speech?

The SPEAKER: I do not think the member was reading his speech at this juncture. I think he was merely consulting his notes very closely.

Mr A. R. Tonkin: You called for a division last year about the reading of second reading speeches.

The SPEAKER: Order! The member for Balga.

Debate Resumed

Mr B. T. BURKE: Thank you, Mr Speaker. If I was referring to notes very closely, I was departing from my normal practice, but I was doing so because the measure the Government has brought before us is such as to cause us extreme concern.

Mr Clarko: It sounds like you are reading Grimm's *Fairy Tales*.

Mr Bryce: You have not read the Bill, and that is your responsibility. It is not your responsibility to read Grimm's *Fairy Tales*.

Sir Charles Court: The member for Balga has said his little piece for the Press.

Mr B. T. BURKE: I was hoping the interjections would be kept to a minimum so that I could make my speech. However, I am always prepared to deal with interjections, whether they be from Broderick Crawford or anyone else.

The SPEAKER: Would the honourable member resume his seat. I think it will be apparent to all perceptive members of the House that what I am endeavouring to do as Speaker is to ensure that members are properly heard. It is a right and privilege of members to be heard—not without interjection, and I have already made a statement about that. It is a right and privilege of members to be heard in reasonable silence. If they wish to ignore interjections they may do so but continual and repetitive interjections are disorderly. I do not like them and I do not think the House should like them. The member for Balga.

Mr B. T. BURKE: As I was saying, Mr Speaker, the passage of this legislation will bring upon the heads of the people of this State industrial danger, unrest, and disruption on a scale which has never before been witnessed. I do not believe there are many, if any, members who derive pleasure from considering the steps the Government proposes to take.

I refer specifically to the Minister handling the Bill; and while the misgivings are not so obvious in the attitude of the Premier, I do not intend to provoke the House unnecessarily at this stage by suggesting his reasons for that attitude.

Sir Charles Court: Did you oppose this in Caucus? Did you oppose in Caucus the Bill your Minister for Mines brought down?

Mr May: It never went to Caucus; we told you that.

Mr B. T. BURKE: Here is the first spurious furphy the Premier has brought into the debate! The Bill was never brought to the Caucus. I was a member of the Caucus at that time, and that Bill was never brought there. So it ill behoves the Premier to make a false supposition the main premise of his argument. That Bill did not even get off the ground, and no matter how loudly or how often the Premier says it did he cannot make it true.

The Ministers of the previous Government have never denied that measures may be needed to combat emergency situations. The Deputy Leader of the Opposition, in rising to defend the Bill introduced by his colleague, rightly pointed out that there are situations of emergency in which extreme measures are needed. The extent

of the powers necessary depends upon the situation which has provoked their existence.

I agree that emergency situations dictate that emergency powers should be used; but if we do admit the need, there should be the provisos that if existing laws adequately cover the situation then they should be used, and that, because the situation is serious and demands emergency powers, the safeguards which protect those powers should also be of a sufficiently serious nature to ensure against misuse and abuse.

So let us look first at the side of the coin on which is inscribed the powers which this Government would take unto itself. Firstly, the Act and the regulations which may be made under it transcend all other laws. They would allow the Minister so appointed to do whatever he liked. The question which must be asked here is whether the power that the Minister will assume is appropriate; and, if it is appropriate, will there be sufficient safeguards against his possible misuse of the power?

Under proposed new section 43 we see that the requirement that must be fulfilled before the power is exercised is that the Governor should be satisfied that the power and its exercise is necessary. So the subjective satisfaction of one person is the sole requirement for this power to be invoked. Again I point out the question which should be posed is whether this requirement that must be fulfilled is appropriate; and, if it is appropriate, whether there are sufficient safeguards to guard against misuse and abuse of the requirement?

Under the same proposed new section we see that a state of emergency can persist for an indefinite period. We see that the declaration, initially for six months, can be extended *ad infinitum*. Again, we must ask whether this state of affairs is appropriate; and, if it is, are there sufficient safeguards to protect people against the misuse and abuse of the provision allowing for the state of emergency to continue indefinitely?

Proposed new section 45 validates retrospectively any action taken by the Minister or a person he delegates, provided that action is acceptable to subsequent regulations, and regardless of whether that action at the time it was taken was illegal or otherwise. Again the question must be whether it is appropriate that the Minister should have power to post-validate regulations to the time that actions were taken if those actions were illegal; and if he should have this power, are sufficient safeguards included to protect people against its misuse or abuse?

Proposed new section 46 continues in the vein of the previous wilful assumption of extreme power by allowing the inspection of premises without warrant, and by forcing any person in this community to answer any question under threat of penalty, regardless of whether or not his answer may incriminate him. Again, is this power appropriate; and, if it is appropriate, are there safeguards to prevent abuse?

Paragraphs (k) and (l) of that proposed new section at first appear to be quite harmless. If the Government is to assume appropriate power, then it must also assume the power to implement regulations which it may make. The point must be that if the original power is appropriate, then it is certainly appropriate to say to the Government, "You shall have the power to enforce the regulations you make." So paragraphs (k) and (l) at first glance appear to be quite innocuous. But there is a dreadful sin of omission in the Bill, and when that sin of omission is considered the sinister meaning of those paragraphs becomes obvious.

Proposed new section 48 provides penalties, and the extremes which are exemplified by the nature of the power the Government seeks are once again evident in the extreme nature of the penalties the Government would provide for any offences against the Act. Now, there is no maximum penalty. Under this provision a magistrate can fine any corporate body—whether it be an oil company or a trade union—as much money as he thinks suitable or appropriate.

Sir Charles Court: Within the guidelines laid down for him.

Mr May: Nothing is laid down.

Sir Charles Court: Yes it is.

Mr May: Not for a body corporate.

Mr B. T. BURKE: Regardless of what the Premier says, it is quite obvious from reading the legislation that it does not provide maximum penalties. If the guidelines—to let the Premier have his way—do exist, then it is still quite obvious that the magistrate may fine a trade union or an oil company, or any incorporated body the sum of $10 million if he thinks that is appropriate.

Sir Charles Court: It is within the limits laid down.

Mr Bryce: Where are they laid down?

Sir Charles Court: Do you want to let off black marketers?

Mr B. T. BURKE: A moment ago an interjection suggested that the member for Karrinyup might not have read the Bill. He might not have read it, but I would suggest—

Mr Clarko: Is that comment as accurate as your comment that you had Wanneroo Road fixed up? You claimed in one pamphlet that you were going to have it fixed, and then in a second pamphlet you said you had had it fixed.

The SPEAKER: Order!

Mr B. T. BURKE: The member for Karrinyup is rapidly assuming the status of an expert in absurdities.

Proposed new section 48 allows the Government to impose on people and incorporated bodies any penalty it thinks is appropriate, whether it be $1 or $10 million, and this proposed section also allows for continuing penalties for continuing offences.

Mr Mensaros: For the Government to impose penalties. Is that what it says?

Mr B. T. BURKE: The Government is sponsoring the legislation, and it provides that a magistrate must impose these penalties under the legislation. This is the product of the fertile minds of members opposite.

We see, too, that this proposed section allows for continuing penalties. For instance, a person convicted of an offence continuing over 12 months may be sentenced to 182 years in gaol and be required to pay a fine of $182 000. I am not suggesting that this is not appropriate; all I am saying is that it should be reconsidered with a view to deciding whether or not it is appropriate, and if it is appropriate to impose these medieval penalties, are there sufficient safeguards against the misuse or abuse of this proposed new section?

Proposed new section 50 allows the Minister to delegate his powers to anyone at all—not simply to another responsible Minister but, as the member for Boulder-Dundas very rightly pointed out, he may delegate his powers to the police constable at Doodlakine; or, if he so chooses, to that police constable's son.

This might be very necessary. To achieve the exercise of appropriate powers in an emergency or in an urgent situation it might be necessary to delegate authority to anyone at all. But the question which must be asked again is whether it is appropriate; and if this must be done are sufficient safeguards included to prevent the son of the police constable at Doodlakine misusing this power?

Proposed new section 56 allows for an appeal to be made to the Minister against a decision made by the Minister, or against a decision made by the Minister's representative, if he has been properly delegated. In other words, if some aggrieved person wishes to take issue with the Minister he may ask the Minister to change his mind. Again, it may be necessary to concentrate this power in the hands of one man, but the question must be asked whether it is appropriate; and, if it is appropriate, whether proper safeguards exist.

Now let us look at the other side of the coin—to the safeguards which this Bill provides. It is incumbent upon anyone who speaks to this measure to point out that actually there are no safeguards and that the Bill incorporates all the worst features of legislation of this type and none of the redeeming features.

With regard to the all-pervading power which this legislation provides to the Government, it must be said that the safeguards traditionally incorporated in this sort of legislation are incorporated in the form of subsequent clauses which exempt specific actions from this power. It is not unusual to find in this sort of legislation the bald statement that this all-transcending power will be concentrated in the hands of one Minister. So probably the correct procedure is to look through the legislation to see whether any clause exempts specific action on the part of any organisation or individual.

The second question I raise under new section 43 is the requirement that only the Governor must be satisfied before these powers are invoked. Let us pause to consider exactly what that means. It suggests that one man will determine whether the democratic rights of other persons in the community will be taken away. There is no provision for any review when that man makes his decision. In other words, there can be no reconsideration of a decision made by a demented Governor or a demented Premier whose satisfaction might not be considered to be the normal satisfaction felt and experienced by other men in similar situations. There is no provision for any court of review to decide whether the Governor should have been satisfied that the steps that were taken were necessary. This one man will decide absolutely whether persons are to be deprived of the rights and privileges which have been fought for through many centuries.

The same clause provides for the continuance of a state of emergency for an indefinite period. This is another intolerable proposition. The first declaration, which may be for a period of up to six months, may be invoked by a Government that misreads the situation, and may be invoked to cover a situation which may not persist for longer than a week. Instead of providing that the maximum state of emergency shall be for as long as the situation which provokes the emergency exists, the Government, under this Bill, is setting the period at six months. And it then takes unto itself the power to extend that period forever. I put it to the Government that it is not sensible to place any maximum on the period during which a state of emergency exists.

If the Bill expresses the attitude of the Minister he should honestly declare that the state of emergency shall exist for as long as the Minister or the Government deems fit. Why provide for a period of six months? I suggest that the Minister has put in a period of six months because in more respectable legislation of this type, a maximum period is included as a safeguard. However the maximum that the present Minister is including in this legislation is far from respectable.

We then come to new section 45 which validates any action taken by the Minister or his representative provided that action subsequently is acceptable to the regulations which are made under the powers given to the Minister by this legislation. The Minister is given *carte blanche* to do anything he likes without due regard to any slight restriction placed upon him by this legislation. Having done anything he likes, he can then say that the action he has taken was legal, because he says it was. Situations which the Minister could not predict, and which may promote actions which he himself would not have taken in the circumstances, can result, under this provision, in the Minister escaping responsibility he should be bearing. There is no point in saying that this Minister or any other Minister, as an individual, will not allow to take place actions which are not acceptable to the people.

The fact of the matter is that any irresponsible, or perhaps any deranged, Minister can post-validate any action taken. This is an entirely unacceptable proposition and it is one which, to my knowledge, has not been seriously advanced on many occasions.

Proposed new section 46 in clause 9 is one in regard to which I have some misgivings. That is the clause which allows for searches to be made without warrants and forces people, under threat of penalty, to answer questions regardless of whether the answers will incriminate the persons concerned. Having acknowledged the need for emergency powers under an emergency situation, it seems that whoever is handling that situation, whether it be the Minister or the Government, will need to have sufficient powers.

For some time I have thought about the proposition put forward in these clauses. One factor that prompts me to say that they are unnecessary is that, to my knowledge, there has been no prolonged or inconvenient delay in obtaining warrants; that is, we are legislating to overcome a situation that does not really exist. So unless the Minister is able to provide solid evidence as to why he should be exempt from the provision which requires the production of a search warrant I do not believe the House should agree to the insertion of such powers in this legislation.

Paragraphs (k) and (l) of proposed new section 46(2) impinge upon what is really the main subject of the Bill; that is, a deliberate and calculated attempt by this Government to subjugate the union movement in Western Australia.

Mr O'Connor: Are you suggesting that all organisations are properly formed?

Mr B. T. BURKE: I am saying that if the use of such power is necessary there is a clause in the Bill which will allow action to be taken against, say, an oil company or any other organisation, with certain provisos. So paragraphs (k) and (l) of subsection (2) of proposed new section 46 really impinge upon the main subject matter of this power, and that is that this Government has not excepted the trade union movement or any other movement from the ambit of the Bill.

Having committed that sin of omission it is now incumbent upon the Government to give to itself the power it will need to handle the actual situation when the predicted confrontation between the Government and the union movement comes about. That is what paragraphs (k) and (l) do; they give to the Government power to carry out the legitimate functions of the union movement. Whilst the words in this Bill are ones to which most people would not take any exception, they are part of the sinister plot which this Government has seized upon to subjugate the union movement.

Proposed new section 48, in clause 11, is one in which unlimited penalties are provided and in which there is no maximum set for any offence against this provision.

Mr Mensaros: What is your objection to paragraph (k) of proposed new section 46(2)?

Mr B. T. BURKE: I will answer that question a little later. The point I am making is that those two paragraphs in subsection (2) of proposed new section 46 convey to me that they contain the main objects of the Bill. If this legislation is passed, the Government will use those paragraphs to overcome any problems when the inevitable confrontation occurs between it and the trade union movement. However, I will answer the Minister's question a little later.

To continue: Proposed new section 48 prescribes these unlimited penalties. Under this section a person who commits any action associated with industry, safety, conservation, or anything else, is liable to a penalty of 182 years in gaol or a fine of $182 000 if that action is an offence and it continues for a year. The only comment that this proposed new section deserves is that it does not make sense.

There is no need to impose penalties which have no maximums. I do not believe that this can in any way be said to be necessary, and neither is it appropriate.

Then there is the delegation of powers. Why is it necessary to delegate powers to anybody at all? Surely there is a sufficient number of responsible people available to guard against the circumstances which arise when the Minister is unable to exercise the powers, and makes the regulations.

Mr Mensaros: Have you read the parent Act which was brought down by your Minister?

Mr B. T. BURKE: I have read the parent Act.

Mr Mensaros: Why did you not oppose the provision then?

Mr B. T. BURKE: The Minister is now continuing the argument which he advanced last Thursday evening. His only defence is to say this: The legislation which the present Opposition when in Government introduced—

Mr Mensaros: I am not talking about the Bill but about the Act which was brought down.

Mr B. T. BURKE: The ploy of the Minister is this: He says the legislation which the previous Government contemplated bringing in—

Mr Mensaros: Which was brought in.

Mr B. T. BURKE: I would ask the Minister to allow me to finish my comment. It will illustrate to the Minister the worthlessness of the argument he has used. The Act which was proposed to be brought in, in some form, by this Government incorporated many of the provisions to which we object. The Minister previously advanced the argument he is now using; he is doing this instead of considering whether these provisions are worth while. He says the fact that we as the previous Government contemplated bringing in legislation is sufficient to make our stand on this occasion without foundation. He does not bother to argue the merits or otherwise of the proposal.

Mr Mensaros: I am talking about an Act of Parliament.

Mr B. T. BURKE: Proposed new section 56 contained in the Bill provides for a right of appeal by any aggrieved person; and that appeal has to be made to the Minister. The right of appeal will only surround the action taken by the Minister. It is satisfactory to the Minister that any aggrieved person shall be provided with redress only by requiring him to fill in the prescribed form requesting the Minister to change his mind. We are now talking about powers which are so pervasive and so far-reaching that the safeguards should be very concrete and adequate. However, under the proposal of the Minister the safeguard for any aggrieved person is to allow that person to approach the Minister with a request for the Minister to change his mind.

Much has been said about the South Australian legislation. I do not intend to deal with it at any great length, except to point out that two main points in that legislation are missing from the legislation before us. The first is contained in section 3 of the South Australian Emergency Powers Act, 1974. That section provides some democratic safeguards, because it states—

> (3) Nothing in this section contained shall be held or construed as empowering the Governor to make regulations—
>
> (a) imposing any form of industrial conscription or prohibiting any person from undertaking any work whether that work is remunerated or not; or
>
> (b) making it an offence for any person to take part in a strike or peacefully to persuade any other person or persons to take part in a strike.

The Government has said quite clearly that industrial unions, for which there is adequate coverage at law under other Acts, shall definitely be subject to the provisions of the Bill before us.

The second provision contained in the South Australian Act, but missing from our legislation, is the stipulation that Parliament shall be called together within seven days of the declaration of an emergency. Our Act merely provides that if Parliament is in session then under the 1918 Interpretation Act the measure shall be laid before the House within six days; but if the House is not sitting there is no provision for laying the provisions before the House before it is called together again. This is a very important safeguard contained in the South Australian legislation which is missing from our legislation.

On those two grounds alone it is probably sufficient to say to the Government, "You should stop and think about this Bill a little longer." If the Government does not intend to accept the amendments which will be put forward by the Opposition then we should appoint a Select Committee to inquire into the matter, and decide whether or not it is right for the Government to take this sort of action.

It may be argued that the South Australian legislation, which contains the safeguards I have referred to, was formulated and introduced by a Labor Government, and that the philosophy of that Government might mean that the legislation is unacceptable to parties which form the present Government, and they would administer the affairs of the State under different philosophies.

For that reason I would refer to the English Emergency Powers Act which was passed in 1920 by that doyen of the Conservatives, Lloyd George, who started a war with the Turks so that he could win an election. This legislation in some respects also departs from the plan of the Government in this State.

Section (2) of the English Emergency Powers Act which was introduced by Lloyd George who made the Greek colonels look like privates, states—

> (2) Where a proclamation of emergency has been made the occasion thereof shall forthwith be communicated to Parliament, and, if Parliament is then separated by such adjournment or prorogation as will

> not expire within five days, a proclamation shall be issued for the meeting of Parliament within five days, and Parliament shall accordingly meet and sit upon the day appointed by that proclamation, and shall continue to sit and act in like manner as if it had stood adjourned or prorogued to the same day.

So the English Emergency Powers Act also includes a proposition which the Minister in this Government thinks is unnecessary. I believe it is not only necessary but also essential. To continue with the English Act—

> Provided also that no such regulation shall make it an offence for any person or persons to take part in a strike, or peacefully to persuade any other person or persons to take part in a strike.

So the English Emergency Powers Act, which was passed by the Lloyd George Government, a truly Conservative Government, also excepts from the emergency powers regulations the proposition that unions should be subject to these controls. I am not sure why the framers of that Act thought the unions should be excepted from these controls; perhaps they believed that union activity was properly controlled by other laws.

Another section of the English Act provides—

> Any regulations so made shall be laid before Parliament as soon as may be after they are made, and shall not continue in force after the expiration of seven days from the time when they are so laid unless a resolution is passed by both Houses providing for the continuance thereof.

So, Lloyd George certainly did not agree with the proposition put forward by the Minister that a state of emergency may be extended *ad infinitum*. He firmly believed that Parliament should decide whether a state of emergency should be extended.

Mr Mensaros: You do not know what you are talking about. That is the regulation, and not a state of emergency. You misrepresent everything absolutely.

Mr B. T. BURKE: The important thing about this legislation, which the Minister seems to ignore, is that if the powers which are conveyed are not used, they become completely impotent.

Mr Mensaros: You just want to keep on talking.

Mr B. T. BURKE: The Crimes Act is in operation, and I take great exception to it, but it has not been seen fit to operate under the provisions of that Act. What assumes crucial importance in this debate are the regulations. I repeat what the English Act has provided—

> Any regulations so made shall be laid before Parliament as soon as may be after they are made, and shall not continue in force after the expiration of seven days from the time when they are so laid unless a resolution is passed by both Houses providing for the continuance thereof.

If the Minister is prepared to give the House an undertaking that this legislation will never be used, and the powers conferred will never be acted on, then no-one will take exception.

Mr Mensaros: There is much more guaranteed under this Bill.

Mr B. T. BURKE: I would like to point out that I have researched this question as thoroughly as I can. I find that this English legislation which differs markedly from that introduced by the Government in this State applied throughout the general strike of 1926 in that country. That was the most disruptive and most unruly industrial unrest that has ever been experienced in any industrial society. The English legislation continued in force through that period without any permanent amendment. So, we can say the Act was challenged by a certain situation during the emergency; and I realise the Government of the day took certain other measures which it considered to be necessary. However, that Act continued without any permanent change through a period of industrial anarchy that has not been seen since that time, and is unlikely to be repeated.

Despite the fact it was not that necessary to amend this Act to deal with the situation, this Government now tells us the Act which Lloyd George introduced did not go far enough.

Let us take a look at what some of the communist organisations which have criticised the Government over this matter have had to say! These are the organisations which the Labor Party traditionally relies on for support! The first one is the Law Society. The Law Society, after outlining the difficulties to which I have referred and after outlining the objections which it sees in the legislation, commented as follows—

> Critical comment of this sort, with respect to potentially repressive legislation, is typically answered by the comment that the powers will be used in a responsible way. There can be no guarantee of that, at least in the long run.

In the light of the present Government's behaviour, neither can there be any guarantee in the short run. To continue—

> This legislation is susceptible to abuse by extremists, from either side of the political spectrum and the normal protections afforded to citizens by our system of law are removed. The declaration of a state of emergency in Queensland at the time of the Springbok Rugby tour a few years ago is now generally considered to have been quite unwarranted.

Sir Charles Court: Fair go!

Mr B. T. BURKE: It is well known, Mr Speaker, that the Premier is so right wing he makes Ghengis Khan look like a communist. To continue—

> There is always the danger that the government of the day will take panic measures which on reflection are quite unjustified.

So the Law Society, which is a traditional body which the Labor Party can expect to support its views, is actually criticising the Government by saying that in the years to come we may be faced with a demented Governor, Premier, or Minister. The Law Society is saying that those people might respond to an emergency with panic steps which they will regret, and those possible panic steps should be covered by safeguards incorporated in the legislation.

It is not a matter of criticising the action of the people; it is only human to panic in times of extreme emergency, and no legislation should allow that panic to prevail.

I now turn to the Australian Journalists' Association, to which the Labor Party has traditionally turned for support, and a body so militant that it refuses to affiliate with the ACTU! The Australian Journalists' Association states—

> The W.A. District of the Australian Journalists' Association today expressed its grave fears that should the Act to amend the Fuel, Energy and Power Resources Bill become law then all personal freedoms could be lost including the freedom of the Press.

I doubt whether that will happen because the freedom of the Press is something on which the Liberal Party has traditionally relied for success. The statement continues—

> Having examined the legislation it appears there is no justification whatsoever to give the Government such sweeping powers. It is a Bill that takes away every democratic right and is a danger to every person in the State.
>
> While some people may feel that in these turbulent times of industrial unrest a Bill to prevent the public being inconvenienced by wildcat strikes is needed there are strong indications that this Bill goes far beyond what ordinary people may call a reasonable requirement of Government.

That is the view of the Australian Journalists' Association, a body of responsible people which can be expected to view all situations in an unbiased and responsible manner.

Sir Charles Court: I do not think Mrs Whitlam would agree.

Mr B. T. BURKE: I do not think Mrs Whitlam would ever agree with the Premier. I now move on to the Deputy Leader of the Liberal Party, and I will refer to his remarks when he rose to defend his colleague and when he criticised the amendment proposed by the member for Clontarf—the shadow Minister for Fuel and Energy. At that time the Deputy Leader of the Liberal Party said—

> One would imagine that an amendment moved by the Opposition would propose to take away all control in the event of a shortage of fuel supplies caused by industrial disputes. That is what one would imagine. However, if one reads very carefully the amendment to clause 6 one will see that the provisions for declaring a state of emergency, in the event of industrial unrest, will still remain.

The Minister for Works was saying that the amendment proposed from this side of the House would not achieve the aim of excepting industrial activity from his legislation. He went on to say that the amendment which we proposed would cover anything at all which tended to disrupt the supply of fuel to people in this State, and it could be subject to a declaration by the commission through the Minister. That is what the Minister for Works said. He was either mistaken, or deliberately misrepresenting the position because the amendment proposed by the member for Clontarf included the provision—

> (4) Nothing in this Section contained shall be held or construed as empowering the Governor to make regulations imposing any form of industrial conscription or prohibiting any person from refusing, offering or undertaking to do any work whether that work is remunerated or not.

Mr Mensaros: That is the reason I asked what the honourable member had against paragraph (a). That is exactly the same.

Mr B. T. BURKE: Of course, the reason those paragraphs are included is that the provision incorporated in this amendment is missing from the Bill. That is the point I am making.

The SPEAKER: The member has five minutes.

Mr B. T. BURKE: If unions are not excepted from the provisions of this legislation then provision must be made for the fulfilment of the functions normally carried out by unions. So the Deputy Leader of the Liberal Party was either mistaken or deliberately misrepresenting the position. The amendments which we propose certainly look after the interests of the unions and except them from the provisions of the measure, realising that there are other laws which adequately cover any disruption of supplies which may be their responsibility.

So we get to the motivation of the Government in introducing this measure. Firstly, it may be that the Government

seized upon the opportunity to discredit the unions and attack them at an opportune time. Full employment, in the past, has made the unions more virile and their claims have been more frequent. There is no doubt that in times of full employment when the wheels of industry are well oiled wage demands by unions are more frequent and, usually, they are greater. I think that probably is the Premier's motivation in introducing the measure. He is seizing upon the opportunity. I do not think he was properly aware of the implications of the measure which he introduced and I think he is depending on what he perceives to be the unpopularity of the union movement.

And there is something else which cannot be ignored. If there was a feeling abroad before the last election it was the feeling of fear that any Government led by Sir Charles Court would seize as much power as it possibly could. There is no doubt that the people in the electorates were scared of what might eventuate, and that Sir Charles Court would be elected the Premier of this State. This measure indicates to everybody that those fears were well founded.

Mr Bryce: Well founded.

Mr May: Ill-founded.

Mr B. T. BURKE: In one full swoop the Premier is seizing unto himself every vestige of power, and doing away with every principle by which the people have been protected for many years.

Sir Charles Court: Just how long did you sit up to read this romance, or to concoct it? You would swear blind that we were still in Opposition, the way you speak, instead of sitting here with a majority of seven.

Mr B. T. BURKE: The Premier has said very little that really impinges upon the argument.

Mr Bryce: He never does!

Mr B. T. BURKE: The Premier has gone on, as he normally does, evading the fact that this feeling of fear was rife throughout the community, and that this feeling of fear has been proved to be well justified.

Sir Charles Court: They changed the Government because they were fearful of what was there.

Mr Jamieson: You have really been fooled!

Mr Bryce: They'll know what fear is if this goes through.

Mr B. T. BURKE: I would just like to make one or two predictions in conclusion, and to rely on my predictions is probably not a wise thing unless I have been proved to be fairly correct. What I say impinges on the Government's claim that we would have remained in office had the people so wished. Within the next week or so an article will be published in one of the daily newspapers which will deal with electoral irregularities as they refer to different electorates in the State. My prediction is that this article will be a first step in a combined effort by the Press and this Government to whip up a stream of public emotion which will provide a basis for the Premier to challenge the method on which redistributions take place.

Mr Thompson: Well, we won as it was.

Mr B. T. BURKE: I use that prediction as a measuring stick for members to decide whether what I am about to say will come true.

Sir Charles Court: You are romancing again.

Mr B. T. BURKE: If this legislation is passed, Western Australia will experience a state of industrial unrest and anarchy, the like of which has never been seen before.

Mr O'Connor: We have had that in recent months.

Mr B. T. BURKE: We will experience it, because not only is this legislation very far-reaching, but it will be in the control of a man who has shown that he is prepared to use it.

The SPEAKER: The member's time has expired.

Extension of Time

Mr J. T. TONKIN: I move—

> That the member for Balga be allowed to continue his remarks in accordance with the proviso to Standing Order No. 164.

Motion put and a division called for.

Bells rung and the House divided.

Remarks during Division

Mr Bryce: Here is a good illustration of your democracy.

Sir Charles Court: Lead speakers have unlimited time.

Mr A. R. Tonkin: Where is the free vote?

Mr Clarko: If it was any good, we would have listened to it.

Mr Bryce: Genuine party issue—they are all going to be tarred with this brush.

Result of Division

Division resulted as follows—

Ayes—17

Mr Barnett	Mr Fletcher
Mr Bateman	Mr Jamieson
Mr Bertram	Mr May
Mr Bryce	Mr Skidmore
Mr B. T. Burke	Mr Taylor
Mr T. J. Burke	Mr A. R. Tonkin
Mr Carr	Mr J. T. Tonkin
Mr H. D. Evans	Mr Moller
Mr T. D. Evans	*(Teller)*

Noes—23

Sir David Brand	Mr O'Connor
Mr Clarko	Mr Old
Sir Charles Court	Mr Ridge
Mr Coyne	Mr Rushton
Mrs Craig	Mr Shalders
Mr Crane	Mr Sibson
Dr Dadour	Mr Sodeman
Mr Grewar	Mr Stephens
Mr P. V. Jones	Mr Thompson
Mr Laurance	Mr Watt
Mr Mensaros	Mr Young
Mr Nanovich	*(Teller)*

Pairs

Ayes	Noes
Mr Harman	Mr McPharlin
Mr T. H. Jones	Mr O'Neil
Mr Hartrey	Mr Grayden
Mr Davies	Mr Blaikie
Mr McIver	Mr Cowan

Motion thus negatived.

Debate Resumed

MR A. R. TONKIN (Morley) [3.26 p.m.]: The Fuel, Energy and Power Resources Act Amendment Bill—what a misleading name that is! What a savage measure it masks!

Sir Charles Court: You have all the right words.

Mr A. R. TONKIN: It reminds me of a law called "the Law For Removing the Distress of the People and of the Reich", and it masked the most savage dictatorship rivetted upon mankind—

Mr Bryce: Hear, hear!

Mr A. R. TONKIN: —in the history of the world.

Mr Bryce: Except for this one.

Mr A. R. TONKIN: It was imposed upon a great nation, and it was called, "the Law for Removing the Distress of the People and of the Reich".

Here we have the Fuel, Energy and Power Resources Act Amendment Bill which will add fuel to the flames of industrial unrest, energy to those who plot the destruction of democracy, and it will provide power to the enemies of a free and prosperous Australia.

A Government member: Well done! Are you reading it?

Sir Charles Court: It is for the benefit of the Press.

Mr A. R. TONKIN: I remind members that the Law for Removing the Distress of the People and of the Reich was passed in 1933, and the measure before us is very similar to it. Only one political party opposed that Bill in 1933 and that was the Social Democratic Party of Germany.

Mr Clarko: Hitler was a socialist.

Mr A. R. TONKIN: The honourable member is so stupid it is painful. He believes that because Hitler called himself a socialist he was a socialist. I suppose if a sheep came to this place and said, "I am the Premier", the member for Karrinyup would think that he was the Premier. Hitler called himself a socialist because it was a popular name and he wanted to ensure the votes of the working class. This is why the founders of the Liberal Party took the name even though they are Conservatives—"Liberal" is a good, clean name. However, they have made it smell.

The Social Democratic Party was the only party to oppose the Enabling Law, and when it opposed it one of the Social Democratic leaders, Otto Wells, said, "The Government might strip us of our power, but it will never strip us of our honour." I will repeat those words: The Government, by fraudulently rigging electoral boundaries through the Electoral Districts Act, may strip us of our power, but it will never strip us of our honour.

Sir Charles Court: Brave words.

Mr A. R. TONKIN: Hitler introduced the Enabling Law 52 days after he reached power. The Premier waited only 20 days after Parliament assembled to introduce his Enabling Law. I say to him: No law will give him the power to destroy ideas which are eternal and indestructible. That is a power he does not have, no matter how he might prance and posture.

Mr O'Connor: You should have listened to yourself last night!

Mr A. R. TONKIN: Less than three months after the Enabling Law was passed in Germany, trade union headquarters were occupied, trade union funds were confiscated, unions were dissolved and their leaders arrested. I ask you, Mr Speaker, what does the Government intend to do in three months' time? This is what followed Hitler's Enabling Law.

Mr Sodeman: You should ask for the crystal ball of the member for Balga.

Mr A. R. TONKIN: Some of the people who opposed Adolf Hitler most strongly were trade union leaders such as Julius Leber, Jakob Kaiser, Wilhelm Leuschner, and people of that calibre.

They have made their names immortal because they resisted the tyranny and oppression of a fascist state. This legislation is worthy of that arch Hungarian fascist, Admiral Horthy. He would have been proud of this fascist measure. I would remind members opposite who seem to be very weak on political theory that the member for Karrinyup says that because Hitler called himself a socialist, he therefore was a Socialist and it follows that if a worm called himself the member for Karrinyup, he is in fact the member for Karrinyup.

Mr May: He has got a very nice shirt on, anyway.

Mr A. R. TONKIN: In Hitler's first Cabinet of 11, only three were fascists. The other eight were Conservatives. There was Neurath, there was Blomberg—an army General and, of course, Minister for Defence—and there was Hugenberg, leader of the Nationalists. We remeber Sir Robert Menzies and the Nationalist Party. Between

1917 and 1933 the Conservative Parties called themselves Nationalists until that name stank. They then changed it to the United Australia Party until that name smelt to high heaven and finally they changed it to the Liberal Party.

Mr Clarko: You are pretty good on things that smell, with your Royal Commissions that waste money.

Mr A. R. TONKIN: The Royal Commission found that the waste of public money and dishonesty in the City of Stirling was disgraceful.

The SPEAKER: Order! I think we might leave that subject.

Mr A. R. TONKIN: We all remember Sir Robert Menzies' statement of 1938 that he could find nothing wrong with Hitler.

Sir Charles Court: Don't try to put that one over; he found plenty wrong with Hitler.

Mr A. R. TONKIN: I am not surprised that the Leader of the Liberal Party would make such a statement. The Liberal Party with this legislation is running true to form, true to history and true to its antecedents.

Sir Charles Court: Don't try to put that one over; Menzies went to war against Hitler.

Mr May: Menzies got out of it. He tossed it in.

Sir Charles Court: Nothing of the sort. Menzies started this country on a sound basis.

Mr A. R. TONKIN: Mr Speaker, if I could just interject here for a moment. Hitler, of course, was supporting big business, and big business was delighted with the new Government which would put workers in their place. They showed their delight to the tune of several million marks. There was Krupp von Bohlen—note the name Krupp— there was Bosch, of I. G. Farben, and there was Voegler of United Steel. By this legislation, the Conservatives show that they have learnt nothing and have forgotten nothing. They think that this legislation will bring about industrial peace and will solve our problems. I can tell membres quite frankly that I have heard jackboots stamping down the corridors of power and I am afraid—afraid for democracy; afraid for civil liberties; afraid for my children; and afraid for the future of this country. Let no member think that people who wear jackboots are big and horrible; jackboots are worn by very small men to make them feel big and important. I have no doubt that Alfred Deakin—not a Conservative, but a true Liberal—at this very moment is rotating rapidly in his grave; he would have had nothing to do with this legislation. I do not know whether members opposite know anything about Alfred Deakin. I would imagine that if the Premier read about Alfred Deakin he would find Deakin anathema to him. But Deakin was a Liberal and would have had nothing to do with this type of repressive legislation. I am reminded of the measure brought forward by Menzies in 1951 and how Dr Evatt, whose name is revered because he fought for civil liberties, opposed the proposal. Fascism has many faces. Sometimes it wears the face of law and order; sometimes it wears the face of the destruction of trade unions. Fascism sometimes wears the face of racism. I have already referred to the Premier's speech in 1971 when, as Deputy Leader of the Opposition, and, like Menzies with Hitler in 1938, he could find no fault with South Africa.

Sir Charles Court: You will not get away with that here; that is not what I said.

Mr Jamieson: You did!

Sir Charles Court: I did not! If you read my speech you will see what I said.

Mr A. R. TONKIN: I have read the Premier's speech; I took great interest in it. I read that the Premier, as Deputy Leader of the Opposition, went to South Africa and could find no fault with it. He suggested that we should all visit South Africa.

Sir Charles Court: It would do you good to go there and have your eyes opened. You don't know what you are talking about.

Mr A. R. TONKIN: I know the Premier was an honoured guest when he visited South Africa, and was invited to return.

Sir Charles Court: They would love you to go there so that you could have your eyes opened.

Mr A. R. TONKIN: If I were to go I would not be allowed to leave. The Premier could find no fault with South Africa and the prostitution of political representation which occurs there. We certainly have a precedent for similar political distortion in this State under the distribution of our electoral boundaries.

This legislation is revolutionary because it attempts to transcend the Constitution. Mind you, I think that some members opposite do not know what they are doing. I am sure they do not realise even now exactly what this legislation is all about. There seems to have been no consultation with employer organisations, with the Chamber of Manufactures, or with the Chamber of Commerce.

Sir Charles Court: But you said in an aside that we always do exactly what the employers want us to do.

Mr A. R. TONKIN: I should like to know exactly what discussions have taken place. Has the Premier had discussions?

Sir Charles Court: Yes, we have spoken with them.

Mr A. R. TONKIN: What discussions have taken place?

Sir Charles Court: I am not going to tell you; it is none of your business. But you said that we do whatever the employers tell us to do and follow up by saying that we have no contact with the employers. Be consistent!

Mr A. R. TONKIN: It is none of this Parliament's business! The Premier is making my speech for me. Comments of the Law Society have been quoted in the House. Of course, that is a very conservative body.

Sir Charles Court: Good heavens, the Law Society is not a conservative body! They have some of the extreme left-wingers of this State in that society.

The SPEAKER: Order! The honourable member for Morley is on his feet.

Sir Charles Court: It is far from being a conservative body.

Mr A. R. TONKIN: I think some members opposite must be misguided or stupid to put forward such legislation and I believe they should sit around the table at a Select Committee and learn what the legislation is all about.

Mr Sibson: Here we go again.

Mr A. R. TONKIN: Of course, the honourable member will not open his mind because the truth might beam down upon him and he does not want to know the truth.

Mr O'Connor: The member is talking out of his hat again.

Mr A. R. TONKIN: Members opposite talk about industrial anarchy, but this Bill represents legislative anarchy.

Sir Charles Court: What about Mr Egerton and Mr Cameron? How would you describe them?

Mr A. R. TONKIN: The Premier should not draw red herrings across the trail. Those people have commented about trade union activity. Let us not talk rubbish and say that Egerton is in favour of this type of legislation. That is nonsense and misrepresentation of men who are not here to defend themselves.

Sir Charles Court: You are talking about industrial anarchy and legislative anarchy.

Mr A. R. TONKIN: Yes, I am talking about legislative anarchy. The Government will not get the respect of the trade unions or obedience to the law by bringing in legislation of this kind. Look at the Crimes Act; that was one of the worst pieces of legislation ever brought down. It is not effective and cannot be enforced. I should like to turn to some specific provisions in the Bill.

Mr Stephens: While you are talking about history, what about telling us all about 1949 and the using of troops in the coal mines.

Sir Charles Court: And the use of the RAAF to break a strike.

Mr Taylor: After discussion and arbitration. There is nothing about that in this Bill; you check it.

The SPEAKER: Order! Will the member for Morley resume.

Mr A. R. TONKIN: Yes, I certainly will, Mr Speaker. Proposed new section 41 states—

> Where the provisions of this Part of this Act are inconsistent with any of the provisions of any other Act, or of any regulation, rule or by-law made under any other Act, the provisions of this part shall prevail.

Subsection (2) of proposed new section 41 states—

> (2) Emergency regulations made under this Part of this Act shall have effect notwithstanding anything, whether express or implied, in any other Act or in any law, proclamation or regulation or in any judgment, award or order of any court or tribunal or in any contract or agreement whether oral or written or in any deed, document, security—

And in case this does not go far enough, it adds—

> —or writing whatsoever.

Mr May: It will even tell them when to go to the toilet!

Mr A. R. TONKIN: As has already been suggested, that type of provision seems to contravene even the Australian Constitution; of course it cannot do so but, nevertheless, this Bill does purport to do so.

Accordingly the Bill goes as far as is possible in the most repressive kind of way, and then it tries to go further than possible and finally ends up in absurdity, and it continues with words to indicate matters which will not be permitted by rules of law. It becomes nonsensical. So the legislation falls down on two counts; both because of its rigid, repressive nature and because of its absurdity.

Proposed new section 42 which is contained in clause 5 of the Bill states—

> Notwithstanding the provisions of section 5, where a state of emergency is declared under this Part the administration of this Act shall be vested in a responsible Minister of the Crown—

So we have not got even the fiction of the Governor. Proposed new section 42 continues—

> —and, subject to the Minister, shall be carried out by the Commission or

such other authorities, departments, instrumentalities, persons or bodies as the Minister in writing directs.

I am reminded that a certain gentleman became Chancellor in 1933 and in 1934, when President Hindenberg died and because of a deal with the army, he became President as well. So he combined the position of President and Chancellor and was called der Fuehrer. So here we have the Minister being made der Fuehrer.

What a disgraceful piece of legislation for the Government to bring forward—a Government that laughably calls itself a Liberal Government; not a Conservative Government or a Tory Government but a Liberal Government. From what does the word "liberal" emanate?

Mr Clarko: By your own words you have disproved your argument in connection with socialists and Liberals. What do you call yourself?

Mr B. T. Burke: You can call yourself what you like. Take off your red shirt.

Mr O'Connor: At least we are not labouring like you are.

Mr A. R. TONKIN: I have pointed out that people call themselves various names. The gentleman to whom I have referred called himself a socialist while members opposite call themselves Liberals and neither of them is accurate or truthful.

Mr Clarko: Political theorists would not agree with you.

Mr A. R. TONKIN: What nonsense. Let the honourable member show me where political theorists class that man as a socialist. Capitalism flourished under Hitler. Is the honourable member saying that he nationalised companies like I. G. Farben, Krupps, the Allianz, Von Bohlen Insurance Company, United Steel?

Sitting suspended from 3.45 to 4.04 p.m.

Mr A. R. TONKIN: Proposed new section 43 (2) reads—

> (2) An order under this section shall take effect from the making thereof or from a later date specified therein and shall, unless sooner revoked, continue in force for such period not exceeding six months as is specified therein, but more than one order may be made under this section in respect of an emergency.

So we see that once it is rivetted on us, this enabling law could take away for all time our freedom and the right of unions to negotiate. Proposed new section 45 reads—

> 45. Where any acts are done before the commencement of any emergency regulations made under this Part of this Act, and by virtue of those regulations those acts would have been valid and lawful if those regulations had been in force when the acts were done, the acts shall be deemed to have been validly done under the authority of this Part of this Act.

So we have retrospective provisions which mean that the Minister will be deemed to have acted properly retrospectively. Proposed new section 46 (2) reads—

> (2) Emergency regulations made under this Part of this Act may make provision for or with respect to—
>
> . . .
>
> (f) the delegation of powers and duties, the inspection of premises without warrant, . . .

I realise that some members opposite would not be aware of our great tradition under common law and will treat very lightly the institutions, customs, and safeguards of the law which we, on this side of the House, regard as vital. Under paragraph (f), premises can be entered without a search warrant; and the paragraph also provides for the questioning of persons.

Mr Mensaros: Would you permit me to make one or two points? First of all, how many pieces of legislation, brought in by your Government and voted for by you included this "without warrant" provision?

The SPEAKER: Order! I think the Minister will have to make his points when replying to the debate.

Mr A. R. TONKIN: I do not think the Minister could have been saying that we approved of this legislation. I hope that was not the point he was trying to make, because we did not and would not approve of it. I was a member of Caucus at the time, and so were most members on this side, and we certainly would not have approved of legislation like this. I do not believe Cabinet would have approved of it either. I was not a member of Cabinet, but I was of the Caucus and I do not believe that Caucus would have allowed this type of legislation to be introduced. It certainly would not have seen the light of day in Caucus. We have a democratic system. We do not do what the big boss tells us. We are in a different position.

Sir Charles Court: Who are you fooling?

Mr A. R. TONKIN: We are able to—and do—change decisions made. I know it is hard for members opposite to understand this because it is obvious they believe in the gospel of the jackboot; but we believe in a democratic system.

Sir Charles Court: We know why you have to speak.

Mr A. R. TONKIN: Just because Cabinet submits something in the party room, does not mean it will be accepted, because Caucus is supreme. Even over the last two or three years history would indicate this because, as a matter of fact, we are sometimes criticised for the very fact that we are a democratic party and that Caucus overrules the Prime Minister and the Premier.

Mr Thompson: Will you clarify this point for me?

Mr A. R. TONKIN: No I will not. The member for Kalamunda can make his own speech.

Mr Bryce: He can't!

Mr A. R. TONKIN: Is he not allowed to?

Mr Jamieson: There is no-one to write his speech for him.

Mr O'Connor: You would know all about that.

Mr A. R. TONKIN: Subsection (2) of proposed new section 46 further reads—

> (2) Emergency regulations made under this Part of this Act may make provision for or with respect to . . .
>
> (k) engaging persons, whether for reward or otherwise—

I wonder whether Judas would have to be rewarded. To continue—

> —to perform functions and to carry out acts in order to assist the maintaining, controlling and regulating of supplies and services; and

That provision refers to the performance of functions. How delightfully vaguely the Bill is drafted. This has been done deliberately because the dictator under this Bill—the Minister—is given the power to decide what functions are involved. Later on we will see that the Bill refers to the state of mind of a Minister; and I am very concerned about that provision because, in some cases, it would depend on whether the moon was full. Paragraph (l) reads—

> (l) generally, for ensuring that the whole resources of the community are available for use, and are used, in a manner best calculated—

By whom? By the Minister. To continue—

> —to serve the interests of the community.

This would be the interests of the community as seen by a partisan Minister. That provision is so wide and all-embracing that I am not exaggerating when I say that this is a manifesto for the rivetting of a dictatorship on Western Australia. Proposed new section 47 reads—

> 47. A person who does, or omits to do—

I noticed that when we were in Government the Opposition was always saying that we should include the word "knowingly" when we were discussing various corporations and their directors. We were told that if we did not include the word "knowingly" the poor company director, or whoever was responsible, might do something unknowingly. That is not the situation under this provision which reads—

> 47. A person who does, or omits to do, any thing, at any time whether during or after the state of emergency—

Mr Sibson: We are talking only of emergencies.

Mr A. R. TONKIN: To continue—

> —on in any manner, by way of retaliation, discrimination or intimidation—

Whatever "intimidation" might mean. I might intimidate the member for Bunbury by glaring at him. He may think that is intimidation. To continue—

> —against any other person by reason of, or as a result of, the participation by that other person in emergency supply or distribution operations shall be guilty of an offence against this Part of this Act.

The provision refers to a person who does, or omits to do, any thing at any time whether during or after the state of emergency. How long after?

Then we come to proposed new section 48 (6) which reads—

> (6) Where, under the provisions of this section, an offence is deemed to continue, the person who committed the offence commits an additional offence against this Act on each day during which the offence is deemed to continue . . .

That provision indicates that the penalties are unlimited. Proposed new section 49 reads—

> 49. (1) Emergency regulations made under this Part of this Act may confer upon any Minister of the Crown—

Note the fact that it can be "any" Minister. To continue—

> —the power to make any order—

Again the word "any" is used. Continuing—

> —or give any direction for the purposes of the regulations.

The regulations are drawn up by the Government, of course, and so any Minister of the Crown can give any order or any direction for the purposes of the regulations.

Mr Sibson: That is necessary when a state of emergency exists.

Mr A. R. TONKIN: And who decides that?

Mr Sibson: I do not think it would be any problem.

Mr A. R. TONKIN: No. It is never any problem for some people to believe that an emergency exists. It is very simple for the Minister to say that he believes an emergency situation exists. This would be

especially simple for those who are not concerned with the laws or civil liberties. Proposed new section 49 (3) reads—

> (3) Any power of making orders under this Part of this Act shall include power to provide for any incidental and supplementary provisions for which the Minister making the order thinks it expedient for the purposes of the order to provide, and may make such provisions (including provision for requiring any person to furnish any information) as the Minister making the order thinks necessary or expedient . . .

This is a Government of expediency, all right. What a delightful word "expedient" is.

I now come to proposed new section 50 about which I know members on this side will be very concerned, they having seen some performances in the House. It reads—

> 50. The powers of the Minister under this Part of this Act may be exercised on his behalf by any person—

As the member for Boulder-Dundas said, perhaps this would apply to the son of the police constable at Doodlakine. I must hasten to add that the Opposition has nothing against Doodlakine. The provision continues—

> —for the time being so authorized by the Minister, and where the exercise of those powers is expressed to depend on a discretion or—

Wait for it!

> —state of mind of the Minister . . .

Now, having regard for some of the Ministers and the fact that once a month the moon is full, I shudder at the inclusion of the words "state of mind of the Minister". What do we know about the state of mind of the Minister?

An Opposition member: It is unsound.

Mr Coyne: What do we know about your state of mind at the present time? What about you?

Mr A. R. TONKIN: I am not asking for the power.

Sir Charles Court: But you would love it.

Mr Coyne: You are rambling on as if you are affected.

Mr A. R. TONKIN: I am not asking for this power. The member for Murchison-Eyre is thousands of miles in my wake and does not understand the point. This is not an Act of Parliament saying that it depends on the discretion or state of mind of the Minister; it is to give the power to the Minister, depending on his state of mind. My state of mind does not come into it because it is not envisaged that I am the person on whom the Minister will confer that power.

Mr Mensaros: I ask you the same question as I asked the member for Balga, who did not reply. You do not object to any person being delegated power, do you? You said previously you objected to the power being delegated to any person.

Mr A. R. TONKIN: We object to this Bill in its entirety.

Mr Mensaros: That is in the parent Act, for which you voted, and you might know what the parent Act is; the member for Balga did not know. The parent Act for which you voted says the power can be delegated to any person.

Mr Jamieson: But not this sort of power. It is entirely different.

Mr A. R. TONKIN: Power within the rule of law. This Bill abrogates the rule of law.

Sir Charles Court: It does not. That is how much you know about it.

Mr A. R. TONKIN: I suggest the Premier read the Bill and check it before the Minister brings it here again. Proposed section 56 reads—

> 56. A person aggrieved by any act done or omitted, or any decision or order made, or any direction given, pursuant to the implementation or purported implementation of the provisions of this Part of this Act may appeal in writing to the Minister in the prescribed manner, if any, and the Minister may thereupon, in his absolute discretion,—

Members opposite will wonder why we talk about der Fuehrer. It continues—

> —take such action as he thinks fit and effect shall be given to the determination of the Minister.

That is Draconian. That is horrible. It is so extreme that we on this side of the House must oppose every piece of the Bill. Then we come to the proposed new section 59, which reads—

> Proceedings for offences against this Part of the Act or the regulations made thereunder shall be disposed of summarily . . .

I do not know whether that is the end of it: "disposed of". I am told by legal people it is a very rare expression in Bills brought before Parliament. It does not say "heard by" but "disposed of", which seems to indicate that is the end of the matter. Someone suggested a drum-head court martial or a firing squad. We want to know why those words are in the Bill, as though the powers were not already wide enough.

I reiterate that I believe members opposite do not understand our history, our society, or the basis upon which our society is built. They have learnt nothing and forgotten nothing. Just like the Social Democrats of 41 years ago, we oppose this enabling law because it would enable a Minister to become a dictator. It would enable anarchy to prevail; it would not prevent anarchy. It would

enable the sacred precincts of our democracy, which we on this side of the House hold dear, to be destroyed; and it would enable that for which the common man has been striving for centuries to be wiped out and smashed.

We oppose this vile Bill in its entirety—the paper it is printed on and the full stops in it. We oppose every vile phrase and every sweeping generalisation. We will have nothing to do with this Bill. We will not rest until Bills like this—and this Bill in particular—are cast into the hottest corners of hell, whence they came and where they belong. I repeat what I said earlier: this Government might strip us of our power but it will never strip us of our honour.

Sir Charles Court: How lyrical can one get?

MR T. D. EVANS (Kalgoorlie) [4.20 p.m.]: This is the second occasion I have attempted to speak to this Bill and, in retrospect, I wonder what the quality of that other speech might have been. I hope on this occasion I can emulate what I think would have been a good speech.

At the outset, I would like to take the opportunity to clear out of the cupboard a skeleton which Government members frequently, repeatedly, and without just cause have trotted out during the course of this debate; that is, that we on this side of the House, when in Government, were in fact the authors of the Bill now before us. I hope I can cast this skeleton out of the cupboard once and for all by putting on record the circumstances that led up to and the events that followed the drafting of a form of emergency fuel legislation in the late days of December, 1973, in the lifetime of the Tonkin Government.

On the 3rd December, 1973, at the height of the embargoes imposed by the Arabian oil producing companies and countries, the Minister for Fuel in the Tonkin Government reminded Cabinet that the lifetime of the Parliament then in session was drawing to a close, that 1974 would see a general election which meant Parliament would not normally meet until the end of July, and that if the fuel crisis were to continue it would be desirable to have legislation which would deal with that type of situation—a genuine state of emergency. So Cabinet agreed that the Minister should be authorised to have legislation prepared. Note the date: the 3rd December, 1973.

In a minute dated the 13th December, 1973, addressed to the Minister for Fuel and signed by the Senior Assistant Parliamentary Counsel, we find these comments—

> I have today received—

"Today" was the 13th December. It continues—

> —a copy of the Cabinet minute authorising emergency fuel legislation to be prepared. I now enclose for your attention four copies of a draft Bill prepared in absence of detailed instructions.

The words "prepared in absence of detailed instructions" should be noted. The penultimate paragraph of that minute consists of one sentence which reads—

> I shall be grateful for your instructions.

It is signed by the Senior Assistant Parliamentary Counsel and the date of it is the 13th December, 1973. Parliament met for the last time in 1973 on Friday, the 14th December. So that legislation as prepared in draft form in fact never came before the Tonkin Cabinet at all.

Mr Taylor: Not while Parliament was sitting.

Mr T. D. EVANS: Not while Parliament was in session. I hope I have cast that skeleton out of the cupboard. It would have been too late to legislate. In fact, as far as I recall, the draft legislation did not come before Cabinet at all.

Mr Rushton: That is the weakest excuse I have ever heard.

Mr T. D. EVANS: Does the Minister argue with the dates? Does he accuse me of telling an untruth to Parliament? This minute is dated the 13th December and Parliament met for the last time on the 14th December.

Mr Thompson: Could the Government not have recalled Parliament?

Mr T. D. EVANS: This legislation was never considered by Cabinet. As a matter of fact, members will recall that the decision of Cabinet to authorise legislation was made on the 3rd December.

Mr Rushton: The truth is out now.

Mr T. D. EVANS: I think it was on the 7th December, three or four days later, that the oil-producing companies largely withdrew their restrictions; so the great need for this type of legislation disappeared in any event. But I say this without fear of being refuted: the draft legislation referred to in the minute I have quoted was not considered in any legislative form by the Cabinet at all.

Sir Charles Court: What did you decide on the 22nd January, 1974?

Mr T. D. EVANS: I now come to the Bill. Speakers on this side of the House

have analysed the Bill critically and objectively. People in other walks of life, including an eminent member of the Law School of the university, have referred to it as "over-reaction" on the part of the Government. The Law Society, rightfully acting as a watchdog of the interests of the public, has condemned this legislation. Why? It is easy to say the legislation is a masquerade and a sham. Let us justify those statements.

I would say that this piece of legislation in its present form abrogates all those traditions which we cherish relating to democracy, whether they be real or imaginary. It abrogates the rule of law. Dicey, who was perhaps the leading exponent of jurisprudence in the English legal system, bovrilised the rule of law by saying that all people should be equal before it and no-one should be above it.

It is true that from time to time legislation which we pass here—and there are on the shelves several examples of legislation that has been passed in previous periods—falls far short of making all people equal before the law; but I cannot think of any piece of legislation on the shelves, the work of a previous Parliament, whereby any one person has placed himself above the law. The legislation now before us seeks to do that in the case of the Minister who will be given the responsibility for its administration.

Mr Mensaros: Why?

Mr T. D. EVANS: I intend to examine the Bill clause by clause, but before I do so I would like to express my objection to the parent legislation—the Fuel, Energy and Power Resources Act—being used as a host for this piece of legislation; which brings me back to the point I made that the legislation is a masquerade and a sham because its main purpose is to abrogate the rule of law. With any other statute —I cite for example the industrial arbitration legislation—the Government's motive would be too obvious if it made that Statute the host for this pernicious piece of legislation. No: something highly respectable is chosen—the Fuel, Energy and Power Resources Act. So an attempt is made to graft onto that Act this Bill which I regard as highly objectionable and completely pernicious.

Mr McIver: Devious, to say the least.

Mr T. D. EVANS: Clause 4 of the Bill seeks to add to the Fuel, Energy and Power Resources Act, 1972, a new section to be known as section 41, the first subsection of which reads—

> 41. (1) Where the provisions of this Part of this Act are inconsistent with any of the provisions of any other Act, or of any regulation, rule or by-law made under any other Act,—

Then what is to be the result? It is as follows—

> —the provisions of this part shall prevail.

But that is not all; it gets worse. Subsection (2) states—

> (2) Emergency regulations made under this Part of this Act shall have effect notwithstanding anything, whether express or implied, in any other Act or in any law, proclamation or regulation or in any judgment, award or order of any court—

It has been a principle of the separation of powers upon which our legal system is based that the Legislature—the Executive —and the judiciary shall be seen to be quite separate and apart; and here we find the Legislature seeking to force its will onto the judiciary, and past acts of the judiciary, by saying that the regulations shall have effect notwithstanding anything contained in any other Act, or in any judgment of any court. As far as I know the regulations have not been drawn up, and yet in his second reading speech the Minister was able to tell us he believed the regulations were necessary. I ask him whether he knows what will be in the regulations; and if he does not, how does he know they are necessary? Be that as it may, the regulations, which are not yet drawn, can, if any conflict is found in them, overrule any judgment of any court given in the past. I find that truly objectionable. But let me go on; there is much more. The proposed new subsection states—

> —or tribunal—

Now we are getting into the civil sphere. It continues—

> —or in any contract or agreement whether oral or written or in any deed, document, security or writing whatsoever.

Now, it has been made quite clear from this side of the House—and as the decision of the Cabinet on the 3rd December would indicate—that we recognise that in a genuine state of emergency a form of legislation would be necessary to regulate and to provide for equitable distribution of sources of energy, fuel, and power which may be in short supply or be disrupted; but we believe that legislation should be nurtured in a cradle containing also proper safeguards for the civil liberties of the subjects of our community. We have made the point that it is the form of this legislation and not the principle of it to which we violently object. So it may well be said—as has been indicated—we will probably seek to amend the legislation to make

it less objectionable and so that it may emerge at the end of this legislative exercise more acceptable to the community.

However, in the matter of clause 4 I cannot see how with the wisdom of Solomon at our command we could do anything at all to improve what I believe is a completely objectionable provision. So, using the words of the present Premier who, as the member for Nedlands in 1956, when speaking in terms of legislation that he and his party were then opposing, said, "We will not shake hands with a viper", we say that with regard to clause 4 we will not shake hands with a viper; we will not seek to amend the clause, but to reject it in its entirety.

I mentioned that an attempt is being made to graft this proposed legislation onto the parent Act, the Fuel, Energy and Power Resources Act, 1972. If one examines that Act, as the Minister for Fuel and Energy has frequently advised members to do—and that is not a concession if they have not done so, but it is proof that I have—one will find that reference is made frequently to "the Commission", which is given power to do certain things. Power is given to the commission and not to one man. It is true that too much power in the hands of one man can be likened to too much wine in the head of the same man. The parent legislation vests powers and authorities in the commission—a corporate body which has expertise, and consists of more than one person. That is the main point.

Mr Mensaros: Which in turn can delegate power to one man.

Mr T. D. EVANS: Yes, but the commission itself remains responsible for the acts of the person to whom power has been delegated. Let us consider clause 6. It states that the principal Act is amended by inserting after section 40 a new section to stand as section 43, as follows—

> At any time, if the Governor is satisfied that by reason of embargoes by oil producing countries, disruption of shipping—

And it mentions other events, including services, and goes on to state—

> —the Governor may, by order in writing, declare that a state of emergency shall exist, either in the whole State, or in any part of the State specified in the declaration.

We object to the form being used here. We object to the power being vested in the Governor. We think it is unfair—as it was unfair for the present Government to subject His Excellency to reading a political diatribe at the opening of this Parliament—for the Government to subject the Governor to this responsibility. Therefore, when the notice paper is issued on Tuesday members will find a suitable amendment proposed which in the matter of the argument I have now developed will seek the concurrence of members to amend clause 6 so that the commission, and not the Governor and only the Governor, shall be subject to this onerous responsibility.

I would like to pause at this point to refer to a decision of the House of Lords given in 1941, and I will quote from Vol. 3 of *The All England Law Reports* of that year. The case is cited as Liversidge *v.* Anderson. Briefly, the case concerned a person who was taken into custody pursuant to defence regulations of the Realm of the United Kingdom made in 1939. I will seek to draw a comparison between what happened under this case and under those regulations, and what is likely to happen under the legislation before the Chamber at the moment.

Under the defence regulations of the United Kingdom, if the Home Secretary was satisfied—and members will note the words "was satisfied"—as to certain circumstances, a person could be arrested without warrant—immediately members will note that he may be arrested without warrant—and could be placed in custody or incarcerated without trial. The aggrieved person, having been arrested without warrant and incarcerated without trial at the subjective satisfaction of the Home Secretary, sought to have his grievance ventilated in the courts. He did so. He got a hearing, but he did not receive a remedy. He went as far as the House of Lords, but that House, following a study of the proceedings in each of the earlier courts, rejected his stand and claimed that he had no grievance and that the Home Secretary was not liable to be called upon to show he had reasonable grounds upon which to form an opinion which resulted in his being satisfied in a certain manner.

Mr Young: You overcame that problem in 1971 when you introduced a Bill when Hancock and Wright were going to go to the Privy Council. You passed a Bill which simply said that they could not go to the Privy Council.

Mr T. D. EVANS: The member for Wembley supported that Bill.

Mr Young: No I didn't.

Mr May: Yes you did.

Mr Young: I was one of two in this House who opposed it.

Mr T. D. EVANS: In this case Lord Atkin was the only dissentient judge. This is a case of monumental significance. I believe the decision has been an embarrassment to the House of Lords ever since, as that House cannot reverse its own decisions. This is one decision it likes to forget about. Lord Atkin had the following comments

to make, and I think members will see the significance of my quoting from this case—

> My Lords, I have prepared an opinion which is applicable both to this case—

And he refers also to another case. He went on to say—

> These cases raise the issue as to the nature and limits of the authority of the Secretary of State to make orders that persons be detained under the Defence (General) Regulations, 1939, reg. 18B.

The material words of the regulation are as follows—

> If the Secretary of State has reasonable cause to believe any person to be of hostile origin or associations and that by reason thereof it is necessary to exercise control over him he may make an order against that person directing that he be detained.

I hope members have not missed the inclusion in that regulation of words suggesting reasonable cause. It was alleged, and indeed complained of, by the aggrieved person that the Minister was liable to be called upon by the court to show that he had acted objectively with reasonable cause; and it was alleged his satisfaction was not completely objective. The House of Lords rejected that view. Lord Atkin went on further to draw attention to the following phrases—

> "If it appears to the Secretary of State that a person is concerned" . . . "Secretary of State may if it appears to him to be necessary" . . . "If it appears to the Secretary of State to be necessary".

The latter form is the one which is used in this piece of legislation; that is, the legislation says, "If the Governor is satisfied". Lord Atkin went on to say—

> In all these cases, it is plain that unlimited discretion is given to the Secretary of State, . . .

And that is exactly what this Bill seeks to do in the case of the Minister to whom its administration will be transferred or given. I have said that the House of Lords has since that day been embarrassed by the decision it gave. Lord Atkin also said—

> I protest, even if I do it alone, against a strained construction put upon words, with the effect of giving an uncontrolled power of imprisonment to the Minister.

He went on to say the members of the House of Lords were more executive-minded than the Executive. I would hope members of this Parliament do not earn the condemnation that they are more executive-minded than the Executive. The concluding words of Lord Atkin were as follows—

> I know of only one authority which might justify the suggested method of construction.

In saying that he was referring to an authority putting a strange construction on the words used in the regulation. There was then a pause, and we will now see what authority he did use. His authority was Lewis Carroll's *Alice in Wonderland*, because he went on to say—

> "When I use a word," Humpty Dumpty said in rather a scornful tone, "it means just what I choose it to mean, neither more nor less." "The question is," said Alice, "whether you can make words mean different things."

I leave the significance of that quotation for the consideration of members who will not find it difficult to relate it to this Bill.

I will now return to comment on the clauses. In clause 6, proposed new section 43 provides that if at any time the Governor is satisfied, he may make regulations in certain circumstances. The Opposition will seek to transfer this power from the Governor in the first instance to the commission. So if the commission is satisfied it will make recommendations to the Minister who, in turn, will prepare the Executive Council papers, and the Governor will then effect the necessary Executive act. However he will be acting on the advice of his Minister who, in turn, will be acting on the considered opinion, based on reasonable grounds, of the commission.

We will seek to do just that, and if the Government is prepared to accept such an amendment we will feel that something has been salvaged from the legislation. Indeed, if the Government does accept it it will be making a wise decision.

Clause 8 is another clause which I dislike greatly. It proposes to insert new section 45 which reads—

> Where any acts are done before the commencement of any emergency regulations made under this Part of this Act, and by virtue of those regulations those acts would have been valid and lawful if those regulations had been in force when the acts were done, the acts shall be deemed to have been validly done under the authority of this Part of this Act.

I am the first one to concede that in a genuine state of emergency—particularly if it had occurred when this legislation

was originally introduced, and when the regulations were first framed—a contingency may be created which has not, in fact, been met by the regulations that have been drafted and put into operation. It may well be that a person to whom powers have been delegated under this legislation would, in the circumstances, knowing that an emergency has arisen, and in seeking to modify certain regulations to perform certain acts under purported authority drawn from the regulations, then find that they are acts which were not performed with the authority of any precise regulation. I am the first to concede that.

However the wording used in this provision also enables the provision to be abused, so that if any act is committed and it is later made valid by regulation it will be retrospectively valid. In my opinion such a provision is liable to abuse. I would suggest to the Minister that after the word "done" in the first line of proposed new section 45, the words "based upon reasonable grounds" should be inserted so that the perpetrator of any such act, when challenged, would be brought before a court to show the reason that he took certain action in a certain way, and that he acted reasonably. If that amendment were made the provision would be acceptable to the Opposition. In its present form, without any amendment being made to it, it is dangerous.

Other speakers have referred to the delegation of powers and duties, the inspection of premises without a search warrant, and the questioning of persons. I am glad to note that the Minister has not taken unto himself a provision whereby he may detain any person without trial. Paragraph (g) of subsection (2) of proposed new section 46, in clause 9, reads—

> the imposition of penalties not inconsistent with the provisions of section 48.

Paragraph (k) in the same proposed new section, also reads—

> engaging persons, whether for reward or otherwise, . . .

I am wondering what is intended by those words. Are persons to be conscripted and driven to any task directed by the Minister? If so, surely this is an abrogation of a person's civil liberties.

Clause 12 is another example of a breach of the rule of law, because it contains proposed new section 49 which reads, in part—

> Emergency regulations made under this Part of this Act may confer upon any Minister of the Crown—

The regulations may confer powers not only upon the Minister who is in charge of the administration of the legislation, but also upon any Minister. This provision continues—

> —the power to make any order or give any direction for the purposes of the regulations.

Under such a provision I wonder what would happen if there were a conflict between two or more Ministers? I wonder which Minister would have the power to make the final decision, because the legislation is not definite on the issue. Further, we again strike this form of wording used: subject to the satisfaction of the Minister. If the Minister deems it expedient, he will make an order. This is a similar form with different wording. Once again we feel a provision should be inserted to ensure that the Minister acts on reasonable grounds, so that if he does act and some person is aggrieved, that person has recourse to a court of law. If this were provided the Minister's act and the grounds for taking such action could be tested as to whether or not they were reasonable.

I have mentioned that the provision in proposed new section 49 enables more than one Minister to make orders and to give directions. I raise the point that the legislation is silent on what would happen if conflict occurred between two or more Ministers in regard to those powers. We also find that where two or more Ministers have power to make an order, such power may be exercised both jointly or separately. If I may be excused for using the pun, this only adds fuel to the fire which I think could be quenched by the Government having a closer look at this provision.

Other speakers have criticised clause 13. This clause seeks to insert proposed new section 50 which reads—

> The powers of the Minister under this Part of this Act may be exercised on his behalf by any person for the time being so authorised by the Minister, . . .

I do not object to that passage. That delegation of power is quite in order. However, I object to a further provision in the proposed new section which reads—

> . . . and where the exercise of those powers is expressed to depend on a discretion or state of mind of the Minister that reference shall be read as if it referred to a discretion or state of mind of the person authorized to exercise those powers. .

I believe that the Minister, having delegated a power, should at all times remain responsible for whatever action is taken, and not shelve such responsibility by saying, "the person to whom I delegated the power is responsible for his own action". Again, that is another abrogation of the rule of law.

Proposed new section 53, in clause 16, contains the old "Caesar to Caesar" rule, because it reads—

> Subject to section 54, no action shall lie, and no proceedings of any kind shall be instituted or heard in any court in respect of any act or decision of the Minister or any person or body authorized by him in the exercise or purported exercise of his powers under this Part of this Act.

This is related to proposed new section 56 contained in clause 19, which reads—

> A person aggrieved by any act done or omitted, or any decision or order made, or any direction given, pursuant to the implementation or purported implementation of the provisions of this Part of this Act may appeal.

That is wonderful! But to whom does he appeal? He appeals to the Minister against the act committed by the Minister.

Mr Bryce: Caesar to Caesar!

Mr T. D. EVANS: The Opposition will seek an amendment to provide a genuine right of appeal, and if the Government is serious that this legislation shall operate in the interests of the community during a genuine state of emergency, it will accept the amendment. If the Government will not accept it, I return to the point made previously by the Opposition; namely, that the Bill should be referred to a Select Committee. If the Government will not agree to this course being taken, I hope it will objectively and sympathetically examine the amendments put forward by the Opposition, because they have not been hastily drawn. However, I hope the Government will show its sincerity by allowing the public to involve themselves in the deliberations on the Bill before it becomes law and is placed on the Statute book of Western Australia and by accepting the suggestion that the Bill be considered by a Select Committee.

I conclude with the theme on which I commenced my speech; that is, by bringing the skeleton out of the cupboard to point out that the part of the legislation prepared for consideration by the Tonkin Cabinet was not, so far as I am aware, put into legislative form. I believe that that draft legislation did contain a provision that the concurrence of Parliament would be sought to allow the legislation to come into operation for one year and one year only.

The Bill before us, however, does not prescribe any time limit on the operation of the legislation. We believe that the powers sought under it are so sweeping that civil liberties will be seriously abrogated.

The SPEAKER: The honourable member has five minutes.

Mr T. D. EVANS: Thank you, Mr Speaker. This legislation should be the subject of a periodic review by Parliament. Therefore the Opposition will seek to limit the life of this legislation so that, after being in operation for four months, and in the light of experience, Parliament could then return to look at the broad spectrum with a view to re-enacting the legislation in its complete form. So I foreshadow another amendment by the Opposition, because we will seek to limit the life of the legislation until September, 1975.

Having made those remarks I hope the Government has taken them to heart. I make the final point that if the Government does not take them to heart and the legislation is passed in its entirety by being forced upon the Parliament, it will have "fuelled" the members in more ways than one.

MR BRYCE (Ascot) [4.59 p.m.]: This piece of legislation has been studied by the Opposition, and I hope that members of the Government have now gained the impression that, in concert, we believe this is one of the most pernicious, terrifying, and potentially devisive pieces of legislation introduced into the Parliament of Western Australia. It is pernicious because it will eat away every fundamental of democracy.

It is terrifying in its content with the suggestion of so many broad, sweeping aspects. Of course, it is potentially divisive, because when the general public of the State begin to appreciate precisely what is contained in this legislation the result will do more to divide the Western Australian community than any other piece of legislation that has been introduced in our recent history. The only reason that the Western Australian community is not really divided on this question at the present time is that the people are just beginning to be aware of the Government's intention.

Another apt description of the legislation is that it is certainly a most devious measure. I submit to the House it is devious, because of the manner in which it has been introduced. Members of the Opposition do not suggest that in any organised industrial State conditions, powers, or provisions governing a state of emergency would not be necessary at some stage. This legislation is devious, because if the Government were prepared to stand up and be counted, and say to the people, "We believe there is a genuine emergency" it would have introduced a piece of legislation entitled the "Emergency Powers Act" or the "Emergency Provisions Act".

Sir Charles Court: Would you like us to?

Mr BRYCE: The Government would have done what has been done in South Australia, in very many other countries of the world, and of course at the Commonwealth level when the need arose. What do we find this Government chooses to do? It is using a back-door method. I submit that had there been a confrontation with members of the Teachers' Union of this State we could well have seen this sort of provision tagged onto the Education Act, simply to take advantage of the climate.

We have a situation in which members of trade unions in this State, pressing perfectly valid and justifiable claims in respect of the current economic conditions, have brought upon their heads the wrath of members opposite and the people they support. Having been aided and abetted by certain sections of the media members of the Government and their supporters have created a hate campaign in a deliberate attempt to denigrate the organisations of workers.

Sir Charles Court: You are the one who is doing that.

Mr BRYCE: The Government has decided that this is the opportune time to introduce this pernicious piece of legislation. I reiterate that I am not opposed to the concept or the suggestion that at some stage in any organised industrial State, emergency provisions are necessary. I propose to draw certain features to the attention of the House, particularly to the attention of some of the Government backbenchers who have a responsibility to their electors. Judging from their comments and the inane interjections they made today, it is apparent that they have not read the Bill or measured the true import of some of the clauses, such as proposed new sections 41, 43, 45, 46, 47, 48, 50, 53, and 56.

In fact, the Opposition is quite clear in its attitude to the Bill. We are completely opposed to the provisions contained therein. I can well and truly assure the Premier that if today there were a Labor-controlled Legislative Council in this State, in exactly the same way as threats were hurled from this side of the House during the term of office of the Tonkin Labor Government, all that the present Government would receive back from the other place would be a full stop at the end of the Bill; and not even the staples.

I believe some time should be spent in dealing with the argument of the Premier about the decision of the Tonkin Government to introduce a similar type of legislation. A number of my colleagues on this side have already referred to that argument. I believe this is an attempt on the part of the Premier to distract the attention of the people of the State from where the real responsibility should lie for the introduction of this measure. No doubt the Premier will suggest, as he did last night on the media, that the Tonkin Labor Government after all had been considering this legislation.

Let us not forget the facts of the situation; and herein lies one of the real differences between the king-of-the-castle system and the caucus system. The Premier revealed his ignorance earlier today when he asked the member for Balga whether he had supported a similar measure when it was supposedly brought before a Labor Caucus meeting.

Sir Charles Court: That is a fair question.

Mr BRYCE: The details of the situation ought to be explained to the House. This Bill did not reach Caucus. I am pleased to say that had it reached Caucus it would not have reached this Parliament.

Mr A. R. Tonkin: We would have torn it up.

Mr BRYCE: There is a fundamental point of importance in respect of the introduction of legislation in our parliamentary system. Irrespective of which political party is in power, the Government from time to time receives suggestions from civil servants—in this case from officers of the Crown Law Department—in the form of draft proposals and suggestions for legislation.

The ultimate point of importance is that it is up to Cabinet to decide whether the suggestions for the civil servants are introduced into Parliament. In the term of the Tonkin Government, when it was faced with this decision the Cabinet decided quite clearly that this type of legislation was totally unacceptable, and would not be proceeded with.

The difference is this: the present Government has decided to introduce this legislation into Parliament, and it must accept complete political responsibility for doing so. There is no point in the Government, or any of its Ministers or the Premier, trying to convince the people of this State that the Labor Party when in office was considering doing the same thing. The point is the Tonkin Government rejected the proposition that this Bill be introduced to Parliament, and be enacted into law. Of course members on this side of the House have every intention of pointing out to the Government that there is a long list of very good reasons for the Bill not to reach this Parliament.

The implications of the Bill are, in fact, very broad and sweeping. It contains very many serious implications. It is suggested that because of some potential trouble with respect to fuel and energy resources, a broad, sweeping piece of emergency legislation should be introduced into Parliament. We have heard the sort of implications being discussed. Under the regulations which can be promulgated the Press could be gagged; and there is no question about that.

The whole point about this legislation is that there is no delineation as to what can happen. Some of my colleagues have pointed out that in other countries where wide-open, vaguely defined terms are written into an Act of Parliament, the Government can justify the taking of any action.

In recent times we saw how the Premier of Queensland (Mr Bjelke-Petersen) slapped that State into a state of emergency; that happened only a few years ago. That sort of situation could arise in this State. Where the Act is stuffed full of very vaguely defined and broad terms or conditions, it can be used very conveniently by the Government or its Ministers.

Sir Charles Court: The people of Queensland backed Mr Bjelke-Petersen to the hilt on that matter.

Mr BRYCE: Any respectable legal interpretation of what happened would suggest that that declaration of a state of emergency by the Premier of Queensland during the Springbok tour was totally unjustified.

Sir Charles Court: Nothing of the sort.

Mr BRYCE: Knowing the sorts of sentiments which have been expressed by the Premier, and more particularly by the Deputy Premier, I fear for the welfare of the people of this State if he, or his deputy, is ever in charge of legislation like this and has the responsibility of deciding whether the Governor is satisfied that conditions have arisen to require the declaration of a state of emergency. If such a declaration is made he would draw up certain regulations which have not been delineated. In this legislation there is no delineation of what the regulations would comprise. That is why the people are justified in being worried that the Press could be gagged. Should such an occasion arise, all we would receive from the Press would be selected items of Government propaganda. There is room for arrest without warrant, detention without trial, and suspension of *habeas corpus*.

Mr Mensaros: That is in your mind, and not in the Bill.

Mr BRYCE: I am suggesting that, because the Minister has not limited that possibility in the Bill. He has introduced a wide, open scope to any person who happens to be a Minister, or more importantly, somebody deputised by the Minister. Such a person could make this sort of decision. Many people other than myself have considered this legislation, and they are beginning to see these are, in fact, serious and grave possibilities.

It is possible that members of the Cabinet had not really closely considered this measure before they introduced it. I do not think they put the measure under the microscope.

Sir Charles Court: Of course they did.

Mr BRYCE: If they did they would have discovered the possibilities of a serious threat to democracy in this State.

Mr Rushton: We do not use a microscope, but we do read the Bills.

Mr BRYCE: I do not think that the question at this stage is whether or not the Court Government will actually use the provisions of this legislation in the way we have suggested. The important point that the House has to consider is whether or not under the terms of this legislation the Court Government, or any other Government, could. That is the important and operative word: whether or not this legislation creates a set of conditions or possibilities whereby some Government at some stage in the future could do the sort of thing we have been talking about.

Mr Mensaros: Not according to the Bill.

Mr BRYCE: Whilst these possibilities are not limited by the proposed Act then anything is possible. The Minister knows that very well. I have already suggested that every back-bench member on the Government side has a fundamental responsibility, because those members were not part of the Cabinet that accepted the responsibility for introducing this legislation.

Mr Sibson: Are you suggesting we have not read the Bill?

Mr BRYCE: I suggest there is a strong possibility that many back-bench members on the Government side have not, because of the sort of interjections they have made in this debate.

Sir Charles Court: I suggest they know the Bill better than do the members on the Opposition side.

Mr BRYCE: I refer in particular to proposed new sections 45, 46, 53, and 56. I suggest the member for Bunbury should do a bit of weekend reading of the Bill, because he will have to answer to his electors. These are the sorts of questions the electors will be asking him.

Mr Clarko: Will you do away with elections?

Mr BRYCE: No suggestion that is closely aligned to what the honourable member has said has been made; but I would not be surprised if, given the opportunity, the Government extended a state of emergency from one six-month period to another six-month period to the stage where it desired to suspend elections.

Mr Clarko: Of course, you would not be surprised, but your judgment is not that good, as has been proved recently.

Mr BRYCE: It has been proved in many countries that legislation introduced in Legislatures like this one, in the name of a counter to industrial anarchy, has been used deliberately and ultimately to subvert political democracy.

The member opposite is aware that examples abound, and if he is not I suggest he should get some of his former students from the secondary teachers' college to explain them to him.

I would like to get back to the subject and draw the attention of members to a number of matters which cause concern. One has already been mentioned and I am sure it will be repeated many more times before the Government decides to withdraw the Bill. I refer to proposed new section 41 which suggests that the provisions of the Act will be all-embracing. Every other piece of legislation in this State will be swept aside by this measure.

Subsection (2) of proposed new section 41 is most interesting and raises a very important question which the Minister and the Government will have to answer. It reads—

> (2) Emergency regulations made under this Part of this Act shall have effect notwithstanding anything, whether express or implied . . .

It goes on and mentions judgments, awards, and various other matters, but its aim is to limit the role of the courts.

Point of Order

Mr MENSAROS: Mr Speaker, I have listened with great interest to the Opposition members, but there is such a thing as Standing Order 139, covering repetition. We have heard this particular argument on one or two clauses about five times, almost word for word, and that is tedious repetition. It has been the same argument as though it were read from the same paper. I have listened patiently but I think there should be some new argument put forward.

Speaker's Ruling

The SPEAKER: I note the point of order raised by the Minister. However, I do not think it is relevant at this juncture. I rule that the member for Ascot is quite in order in speaking as he is doing.

Debate Resumed

Mr BRYCE: The Minister will find that I propose to refer to a number of the clauses in this Bill which have been mentioned by some of my colleagues. This is precisely the point. There are about eight or nine clauses in this Bill which are most objectionable. The attempt by the Minister to silence comments in respect of any one of these objectionable clauses leaves a great deal to be desired.

Sir Charles Court: He has not attempted to silence you at all. He raised the matter of tedious repetition.

Mr Rushton: He wants members opposite to get onto new material.

Mr Taylor: Cannot members opposite answer the points raised? No-one has answered them yet.

Sir Charles Court: The Minister will answer.

The SPEAKER: Order!

Mr BRYCE: Perhaps I would be plagiarising if I asked permission to interject! Subsection (2) of proposed new section 41 contains a provision which seeks to limit the power of the courts in this State. I do not believe that point has been made in quite the same way and the Minister, when he replies to the debate, will have a fundamental responsibility to explain to the House why the Government is afraid of the courts. Under the provisions of this Bill the Government is setting out to limit the power of the courts. No challenge will be able to be made to the criteria which will be used to gauge what constitutes an emergency.

Mr Mensaros: That is the opinion of one lawyer, but it does not stand up at all.

Mr BRYCE: The Minister will have an opportunity to explain; he has unlimited time.

Mr Mensaros: I do not have unlimited time.

Mr BRYCE: Can the Minister explain to the House why the Government appears to be afraid of the courts? There will be no chance for the courts to assess whether or not that which satisfies the Government as being an emergency is, in fact, reasonable enough to be defined as an emergency. There is no provision in

the Bill to enable the courts to challenge the validity of a declaration, or adjudicate on any of the regulations.

Mr Mensaros: I ask what other Bill has a provision such as that?

Mr BRYCE: I do not think there is need for any precedent because no other single piece of legislation is as important to democracy. There would not be a single piece of similar legislation on the Statute book.

Sir Charles Court: Is the member for Ascot to tell us about the public interest?

Mr BRYCE: I am not interested in the Premier's interest.

Sir Charles Court: We are speaking about the public interest.

Mr BRYCE: I consider that all members should pay close attention to proposed new section 43 because it is so important. The new section provides for a subjective decision on the part of the Governor—who, we all know means the Minister—that certain conditions or circumstances constitute a crisis and, therefore, warrant the declaration of a state of emergency. That sort of thing cannot be justified—not in 1974. The criteria for the operation of this new section are wide open, and are vague.

The vagueness and wide-open nature of the clauses are revealed throughout the whole of the Bill. I propose to speak to quite a number of these matters. I suggest this is the sort of legislation under which the courts should have the power to review any decision to declare a state of emergency. The rules of the Supreme Court of this State contain nothing to prevent such a decision being reviewed speedily so it certainly cannot be argued that too much time would be involved.

Subsection (2) of proposed new section 43 suggests that an emergency can be declared for a period of six months. Another possibility, which is not ruled out by the measure, is that if there is a strike in the transport industry, or in any other strategic industry, which lasted for six weeks, a state of emergency could last for the remainder of the six months.

I am not necessarily suggesting that under the leadership of the present Government it would last for the remainder of the six months, but it could. That is one provision which ought to be limited in the Bill. Why should there be a wide-open proposal that when a state of emergency is declared it may last up to six months? If in fact, an emergency lasted for one week, or six weeks, there is no suggestion in the Bill that the Government could not continue the emergency conditions for the remainder of the period set down.

Mr Mensaros: It is not the cause, but the fact that there is an emergency. It may last for only a short time.

Mr BRYCE: If the Minister is prepared to listen to reason he should not object to the suggestion that if a state of emergency is to be declared Parliament should be called together at least within one month to ratify the declaration. No reasonable person could suggest that Parliament could not be called together quickly, within that period of time, to debate and authorise, or ratify, this action.

Proposed new section 45 deals with the question of retrospectivity, and the validation of acts done in anticipation of emergency regulations. This procedure is used on only very rare occasions in common law countries. Instances of Governments being prepared to pass this type of legislative provision, to justify and to legalise acts which were illegal previously, have arisen only in cases of extreme and dire emergency. This provision, in itself has made many people fearful.

Paragraph (d) of subsection (2) of proposed new section 46 sets out that emergency regulations may make provision for, or with respect to—

> (d) the adjustment of industry and commerce to the requirements of the community in time of emergency including the determination of user priority, the prohibition of specified uses, the taking of specified measures, and the allocation of supplies to prescribed consumers;

That provision suggests that for a period of up to 12 months the whole of industry and commerce in this State would be governed by regulation without the surveillance of Parliament. That will be a definite possibility. If Government members dispute what I am suggesting I challenge them to follow the argument through.

Proposed new paragraph (f) raises the possibility of a police State. It refers to the delegation of powers and, to put it in its correct perspective, states that emergency regulations made under this part of the Act may make provision for, or with respect to—

> (f) the delegation of powers and duties, the inspection of premises without warrant, the questioning of persons;

No member in the Chamber could suggest that the inspection of premises without a warrant, and the questioning of persons in

this way, do not constitute a very definite departure from the cherished features of democracy.

The Minister has a very important responsibility to explain to the Parliament why he considers this measure necessary. Why would not an ordinary search warrant do the job? A warrant can be obtained without a great deal of difficulty so why should not one be used in such a situation?

Proposed new paragraph (l) sets out that emergency regulations made under this part of the Act may make provision for, or with respect to, ensuring that the whole resources of the community are available for use, and are used, in a manner best calculated to serve the interests of the community. That does not confine the interests of the Government to fuel and energy resources.

Mr Mensaros: Yes it does; ask the member for Kalgoorlie.

Mr BRYCE: That provision may be meaningless, in which case it should be deleted. If it is not meaningless it will protect those who would take advantage of an opportunity to seize on one of these vaguely defined and wide-open sections of the legislation, in a time of emergency, and use it to suit their own purposes. The provision is too wide. If the Minister believes that the clause is meaningless, and not very important, I suggest he withdraw it.

Mr Mensaros: The former Attorney-General will explain it to you.

Mr BRYCE: I consider it worth while drawing attention to proposed new section 47 which states—

> 47. A person who does, or omits to do, any thing, at any time whether during or after the state of emergency, or in any manner, by way of retaliation . . .

The word "retaliation" is, of course, loaded with emotion. It goes on to refer to "discrimination" which is also impossible to define for the purposes of law. People have tried to define "discrimination" and most of them have got into a terrible mess. There is also a reference to "intimidation". Those three words, "'discrimination", "retaliation", and "intimidation" are used in this way so that people can be penalised before and after, not if they necessarily do anything, but if, in the eyes of the beholder, they apparently do not do anything.

The words used here are, "a person who does or omits to do", and once again this leaves it wide open.

Mr Mensaros: The Minister can have the power in an emergency. It is very simple.

Mr BRYCE: I can appreciate that the Minister places a very simple construction on it.

Mr Mensaros: I am placing the proper construction on it.

Mr BRYCE: The Minister places a very simple construction on it, in August, 1974, but I cannot be completely certain that someone as completely responsible and as honourable as he is will occupy his position in 1984.

Mr Stephens: You can be nearly sure.

The SPEAKER: May I suggest to the member for Ascot that he attempt to guard against Committee discussion? This is not warranted in the general debate on a second reading.

Mr BRYCE: By that, Mr Speaker, I assume you mean my references to the specific clauses.

The SPEAKER: Yes, I would prefer the debate to be more generalised rather than to have itemised reference to the clauses.

Mr BRYCE: I am perfectly happy to abide by that, Mr Speaker.

Proposed new sections 50, 53, and 56 of this Bill warrant close scrutiny. In my opinion the manner of the drafting justifies their deletion from the Bill.

The SPEAKER: I do not want to hamstring the honourable member from reading out occasional clauses. I just wish to point out that second reading debates are usually along general lines.

Mr BRYCE: Yes, Sir. Some of my colleagues have referred already to the provision of the Bill which prescribes continuing penalties. The proposition contained in new section 48 is that an individual may be gaoled for six months and/or fined $500, and this penalty can operate on a continuing basis.

The proposition on the top of page 8 has been referred to by my colleagues, but I feel obliged to emphasise their remarks on this point. My experience in this House is not as broad as that of many other members, but I cannot think of any other piece of legislation which gives permission to a court to impose completely undefined fines in the manner suggested in this new section. I would like the Minister to tell the House what other types of legislation brought before this House have contained similar provisions.

Mr Mensaros: But there is a built-in—

Mr BRYCE: My colleague, the member for Balga, made the point that under this provision a trade union or a business institution could be fined $1 million.

Mr Mensaros: That is not so—you have to read on.

Mr BRYCE: I have read on fairly thoroughly, and so have many other members. I would be very happy to hear the comments of the Minister. Many other people have come to a different conclusion.

Mr Mensaros: Read it out, then we will see.

Mr BRYCE: New section 53 suggests that anything that happens during a state of emergency, particularly so far as actions of the Minister are concerned, should not be actionable by people—

Mr Mensaros: That is unusual, you think?

Mr BRYCE: No, it is not unusual, but there is a particularly unusual and unreasonable aspect of the legislation added to this proposition. We are not concerned particularly about actions taken by the Minister during a state of emergency, but the important words are, "in the exercise or purported exercise of his powers". This certainly suggests to me that if something goes wrong during a state of emergency and an individual has good reason to complain to the courts about it, so long as the Minister responsible or a person appointed by the Minister to exercise those powers, did something which he believed was correct under a state of emergency, no complaint could be made to the court. This would cover almost anything, and once again it is a question of the broad possibilities in this legislation.

Mr Mensaros: What I cannot understand—

Mr BRYCE: The Minister will appreciate that I have limited time. I conclude, so far as the clauses of the Bill are concerned, by drawing the attention of the Minister—and already some of my colleagues have referred to this—to the fact that in a legal sense an appeal from Caesar to Caesar is not an acceptable situation. This is clearly set out in the measure. In a state of emergency the Minister is given these unbridled powers, and if an individual is disadvantaged by what happens, then he is invited to appeal to the Minister—the man who instigated the actions by which he was disadvantaged.

The Minister has a responsibility to explain why no proper safeguards for the individual are included. So often we hear from Government members of their concern for the individual. The Minister has a responsibility to explain why the individual is not safeguarded against the State in this sort of situation. He also has a responsibility to explain to us why the normal legal safeguards in this sort of situation have been removed.

Mr Mensaros: Where is the normal legal appeal to courts on an administrative action? This does not take anything away.

Mr BRYCE: This legislation is toying with a situation that does not constitute a normal administrative situation.

Mr Mensaros: Then you cannot compare it. You said the individual cannot go to court and yet another speaker said he can go to court. It is so illogical.

Mr BRYCE: We say these provisions should never have been associated with the Fuel, Energy and Power Resources Act. The Minister should have no trouble accepting the proposition we are making here that the individual should be safeguarded against the unbridled power of the State in a situation of emergency.

The SPEAKER: The honourable member has five minutes.

Mr BRYCE: It is not only my conclusion, but also it is the conclusion of many people I know who have already looked at the contents of the measure, that if the rule of law is to be preserved in the fashion we know it in Western Australia, the courts must have the ability and the right to adjudicate upon a declaration of a state of emergency. The courts must judge the validity of regulations and the behaviour of the people who are given this delegated power. It is not an ordinary situation.

Mr Mensaros: They have this right.

Mr BRYCE: The Minister will have the opportunity to prove they have this right when he replies to the debate. Many people with a great deal of legal knowledge have examined the Bill and they do not believe what the Minister has just suggested.

We need a guarantee that the wide-open provisions of this particular measure will always be used responsibly. Of course, no-one can give us a guarantee. The arguments against the fears that have been raised about the type of regulations that could be brought down in a state of emergency are that the powers will be used responsibly. However, no guarantee can be given that once this piece of legislation

is on the Statute book of this State it will be used in a responsible fashion. We have to remember what happened in Queensland.

I will conclude by suggesting to the Minister—and he will appreciate this philosophical point about the basis of any law-making procedure—that any law which the majority of the people judge to be a bad law will not be accepted and tolerated. A Bill which is alien to the mores of the society on which it is imposed will not be accepted by the people for whose benefit supposedly it was imposed.

If this measure becomes law it will divide the people of the State in a fashion in which they have never been divided before —certainly in my memory. It is absolutely loaded with dangerous possibilities. The Premier speaks about industrial anarchy, but it will not be the unionists alone who will be upset by the legislation; whole hosts of people throughout the rest of the community will react. Any person who reads the Bill carefully and studies the provisions to which the members on this side of the House have drawn attention, will appreciate that this legislation is pernicious—it is rather terrifying.

Sir Charles Court: You are speaking for a minority of people who have urged you onto this because they have a vested interest.

Mr BRYCE: The Premier may scoff now—

Sir Charles Court: Why don't you talk about the probabilities for a change?

Mr BRYCE: We cannot be certain that some things cannot possibly happen. Finally, I make the point that this Bill provides for power to be given to a Government to which no Government is entitled in a democracy.

MR O'CONNOR (Mt. Lawley—Minister for Transport) [5.41 p.m.]: I am sure that members will not be able to accuse me of tedious repetition in connection with this measure because I intend to cover a number of aspects which have not been covered by members of the Opposition to this stage. The attack of the Opposition appears to be an endeavour to incite the unions in the community to extreme action and I for one do not believe this is necessary at all.

A Government member: Hear, hear!

Mr O'CONNOR: One point the Opposition has endeavoured to gloss over to a degree is the fact that the legislation before us now is similar to legislation that the previous Government had drawn up and ready when we came into office.

Mr Bryce: Rubbish.

Mr O'CONNOR: The honourable member says "rubbish". He should ask his leader whether or not that is so.

Mr May: The legislation was drawn up, but it was never introduced.

Mr B. T. Burke: If I drew up an order to chop off your head, would you go ahead and do so?

Mr O'CONNOR: The member for Balga has to be nasty—I understand he cannot help himself so I will disregard his comments. We have become used to this type of abuse from him and we will get it during his term of office, which I understand will be a short period of time.

Mr A. R. Tonkin: That is unlikely.

Mr O'CONNOR: Some speakers were upset because I claimed the legislation was drawn up by the Opposition when it was in Government. That is true.

Mr May: It was not drawn up by the Opposition; it was drawn up by the Crown Law Department.

Mr O'CONNOR: "It was drawn up by the Crown Law Department"—is not that an admission?

Mr Bryce: Without instruction.

Mr O'CONNOR: The Opposition admits it was drawn up by the Crown Law Department whilst it was in Government. Have members ever heard such rubbish?

Mr May: We are listening to it now.

Mr O'CONNOR: The Crown Law Department draws up what it is told to draw up, and legislation of this nature would be drawn up on instruction.

Mr May: That is incorrect. This is a typical stirring speech on a Thursday afternoon.

Mr O'CONNOR: I am not stirring because I intend to give the Opposition facts.

Mr Jamieson: You have not given us any facts at all.

The SPEAKER: Order! The Minister is entitled to be heard.

Mr O'CONNOR: We have heard Opposition members say that every clause is violent, violent!

Mr Bryce: Who said that?

Mr O'CONNOR: The member for Morley said that, and if the honourable member had been present he would have heard this sort of comment from Opposition speakers. And yet, this is the same type of legislation which the Crown Law Department drew up for the Tonkin Government whilst it was in power.

Mr A. R. Tonkin: But not approved of by us.

Mr O'CONNOR: Not disapproved either.

The SPEAKER: Order! There are too many interjections.

Mr O'CONNOR: The community interest has been completely forgotten in the debate on this Bill. We should take note of that because the community in this State has been disadvantaged so many times in recent months. Quite obviously the community will be disadvantaged in the future unless some action is taken by this Parliament.

Mr May: So the legislation is designed against the unions.

Sir Charles Court: It is not.

Mr May: He just said it.

Sir Charles Court: You interpreted it that way so you have a guilty conscience.

Mr Jamieson: We did not interpret it at all.

Mr May: He just implied it.

The SPEAKER: Order!

Mr O'CONNOR: Opposition members talked about a dictatorship, but we have seen dictatorship by a small minority of left-wing groups to the extreme disadvantage of the community. If a Government operated in a dictatorial way, the members of the public would sack it.

Mr B. T. Burke: Hear, hear!

Mr O'CONNOR: Members opposite have had that experience recently, when they went out of office. What we do is in the hands of the electors. If they believe we are wrong, we will not get back into office again. However, I know that we are right. The reason we are here is to act in the interests of the community generally and not to support a dictatorial group which seeks to take over the community and to disadvantage people whenever the opportunity arises. Not many people in this country adopt such tactics, but they do apply occasionally.

Mr Davies: I will tell you a few things about that.

Mr O'CONNOR: The honourable member will have his chance to speak later.

Mr Davies: I will not have a chance of speaking tonight, but I will tell you a few things next Tuesday.

The SPEAKER: Order!

Mr O'CONNOR: I will be happy to listen to the member.

Mr Davies: It will give you something to look forward to over the weekend.

The SPEAKER: Order! The Minister will resume his seat. I do not like these persistent interjections. All members are entitled to be heard in reasonable silence with reasonable interjections from time to time. But when members continually interject and there is a barrage of interjections it is impossible for anyone to make a reasonable speech. Members are entitled to make a speech; it is a hard-won privilege to speak in Parliament and it will be done in reasonable silence.

Mr O'CONNOR: The public is sick and tired of minority dictatorships; this was amply demonstrated by the march which took place recently.

Mr Bryce: Do you think they should be allowed to march?

Mr O'CONNOR: Yes, when the issue justifies it.

Mr Bryce: I am pleased to hear it.

Mr O'CONNOR: The honourable member should think back on the marches he has supported and see what groups of people were represented there.

Mr B. T. Burke: What group are you referring to?

Mr O'CONNOR: I did not refer to the member for Balga because he is not worthy of reference. The community has expressed its concern at the shortage of food, milk, petrol and the like and, likewise, the Government must also be concerned with the situation. It is the Government's responsibility to make sure as far as possible that the needs of the community are met—not with hospitals or emergency supplies but with everyday commodities like bread, milk and that sort of thing.

Mr Jamieson: Would you like a handkerchief to dry your eyes?

Mr O'CONNOR: These people do not concern the Deputy Leader of the Opposition; he is above them. But we as a Government are concerned that the community should be properly provided for.

Mr May: Then why do you not bring in genuine legislation?

Mr O'CONNOR: Members talk about these violent, violent clauses. What a lot of tommy rot! I should like to quote from some clauses of the Bill. Proposed new section 43 states—

> At any time, if the Governor is satisfied that by reason of embargoes by oil producing countries, disruption of shipping services, disruption of other transport whether outside or within the State, natural disasters, or other events, . . .

The Government may act. These are all things for which the Government is responsible. Surely the Government is entitled to act in the interests of the community.

Mr May: We agree.

Mr O'CONNOR: I am just pointing out these things to the member because these are clauses of the Bill which have been completely ignored by the Opposition.

Mr May: No, that is not correct.

Mr O'CONNOR: Members opposite say, "Forget the community."

Mr May: You have not read the Bill.

Mr O'CONNOR: I have just read part of the Bill to the honourable member; it probably was the first time he heard it.

Mr B. T. Burke: Can you not be reasonable?

Mr O'CONNOR: I will not ask the member for Balga about the word "reasonable" because I heard him speak for half an hour in this House on the word and still not define it. This Bill will give the Government power to act in cases such as the ones I have quoted where a substantial number of the community is disadvantaged by the disruptions. Clause 9 of the Bill states—

> Where a state of emergency is declared under this Part of this Act and continues to subsist, the Governor, for the purposes of—
>
> (a) providing or securing supplies and services required by the community, or any substantial portion of the community; or . . .

In those circumstances, the Government may act. What is wrong with that? I think that is a very good clause and one which is in the interests of the community. It goes on to state—

> (b) preventing supplies or services being disposed of in a manner prejudicial to the attainment of the objects of this Part of this Act, . . .

In other words, if there is a shortage of goods in the community and goods are being sold on, say, a black market, the Act when it comes into effect will be able to overcome these problems to make sure the community is properly provided for. That is a proper course for a Government to take in situations like that.

Mr May: All this happened before you came into office.

Mr O'CONNOR: These are the major parts of the Bill, but parts which members of the Opposition ignored. I bring them to everyone's notice now so that all members can be fully aware of their implications, and can understand the purpose of the Bill. Subsection (2)(c) states—

> . . . maintaining, controlling and regulating supplies and services so as to secure a sufficiency of those essential to the well being of the community or their equitable distribution, including a permit or rationing system;

These are all designed to make sure that members of the public receive supplies and that the Government has the power to act in cases such as this to make sure that the public is properly catered for.

It has been demonstrated that the people of this State want a Government to show some strength and not to go under to some minor pressures which have been made to look like major pressures. Governments are threatened by small dictatorial groups beyond the control of the general trade union movement. We have seen these minor groups applying pressure for their own purposes and getting other people to participate in their actions when they really have no desire to do so. Recently I have seen pressures and attempts at dictatorships the likes of which I have never seen before. I believe the people of this State expect the Government to act in cases like this.

Mr May: May I ask one question? If you are sincere in what you say, why was the Fuel, Energy and Power Resources Act used when the verbiage of the proposed amendments has nothing to do with that Act?

Mr O'CONNOR: Would the member for Clontarf tell me why he had these points included by the Crown Law Department when he was the Minister?

Mr May: Because at that time we had an overseas emergency.

Mr O'CONNOR: The honourable member was the Minister at the time this Bill was drawn up, and he says the Crown Law Department drew it up. Of course it did; it draws up most of the legislation which comes before this House.

Mr May: It draws up all your legislation.

Mr O'CONNOR: But at whose direction does it draft legislation? My Bills are certainly drafted by the Crown Law Department, but under my direction and after I have perused them and taken them to Cabinet and received approval.

Mr Taylor: This one did not receive approval; that is the difference.

Mr O'CONNOR: Did the previous Minister take legislation to the Crown Law Department and ask its officers to draft Bills before the matters were discussed with the Premier and other members? If so, I think that shows great negligence on the part of the then Minister; and the member for Cockburn having been a Deputy Premier of the State would know that.

Mr Taylor: It is what you get back from Crown Law that you check, and not what you ask for.

Mr O'CONNOR: If things are done properly then mistakes do not occur. The Crown Law officers send back a Bill based on the information given to them.

Mr Taylor: Not necessarily, and you should know that.

Mr O'CONNOR: The Crown Law Department does not draft this sort of Bill unless it is instructed to do so. If the department had not been advised by the Minister of what was required it would not have drawn up the Bill.

Mr J. T. Tonkin: I would like to put you right on this question, and I am the one who should know most about it. The minute from the Crown Law Department said that the draft was drawn up without specific instructions.

Mr O'CONNOR: Was the Crown Law Department advised by the previous Government not to proceed with the Bill?

Mr May: The Bill was never approved for introduction to Parliament.

Mr O'CONNOR: I did not say it was.

Mr Jamieson: You are implying it was; there is no doubt about the inference.

Mr O'CONNOR: I am implying that members opposite knew what was in the Bill.

Mr May: I told you that. I have admitted it many times.

Mr O'CONNOR: Well, I have had difficulty in listening to some of the speeches made, and I have had work to do outside the Chamber.

Mr May: We can tell you, but we cannot make you understand.

Mr O'CONNOR: The Bill provides for the protection of people during floods, fires, and other disasters. It also endeavours to ensure that they will receive adequate supplies of milk, bread, etc., and that hospitals will be adequately supplied. It is the responsibility of the Government to do that; and if we did not do it we would not be doing our job. Decent people have nothing to worry about in regard to this legislation; all the fears expressed by the Opposition are without foundation.

Mr May: Would you say that about the Law Society?

Mr O'CONNOR: The Opposition has spoken of these matters in an effort to induce unions to take extreme action. I believe as a Government we must take action to ensure that the community is not continually deprived of the goods and services to which it is entitled. At the moment Western Australia, Australia as a whole, and various other countries of the world are at the crossroads in regard to the supply of fuel and energy. We should not allow individual people or small groups to dictate to us when overseas supplies are stopped; we should be able to ration those supplies which are needed by the public.

I have little more to say. I wished to raise these points because I believe they have been omitted by the members who have spoken to the Bill so far. We would be falling down in our duty as a Government if we did not take action in the manner of this legislation in order to protect the community.

Debate adjourned, on motion by Mr Young.

House adjourned at 5.58 p.m.