

Legislative Council

Tuesday, 4 November 1980

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

MEMBERS OF PARLIAMENT

Dress: Statement by President

THE PRESIDENT (the Hon. Clive Griffiths): I wish to announce that in response to requests received for my consideration concerning the relaxation of the convention relating to the traditional mode of dress in the House, it is my intention to permit members, should they so desire, to remove their coats during sittings should the atmospheric conditions in my opinion warrant such modification of the convention.

When it is considered that the conditions warrant the change, it is my intention to indicate my approval by placing an advice to this effect on the notice boards of the House.

It is also in order for members to wear safari suits in the House should they so desire, providing that when shirts are worn with this form of dress, ties are worn also.

LEGISLATIVE COUNCIL PHOTOGRAPHS

Australian Broadcasting Commission: Statement by President

THE PRESIDENT (the Hon. Clive Griffiths): The Australian Broadcasting Commission sought my approval to take some still photographs of this Chamber some time during the afternoon for the purpose of using them as backdrops to its news sessions associated with this House of Parliament. I granted approval for that.

The Hon. D. K. Dans: Photographing is still very appropriate.

The PRESIDENT: Order!

STANDING ORDERS COMMITTEE

Consideration of Adjournment Debate: Motion

THE HON. N. E. BAXTER (Central) [4.54 p.m.]: I move—

That the Standing Orders Committee at its next meeting consider whether—

- (a) Standing Order No. 88 confines a member to strictly debate the question "That the House do now adjourn" only, or is a member permitted to speak on whatever subject he may choose; and

- (b) a member who speaks after 11 p.m. on the question "That the House do now adjourn" and refers to matters that could be considered as new business, does in fact contravene Standing Order No. 117 by not confining his remarks to whether or not the House should adjourn?

I respectfully state at the outset that it is not my intention, Mr President, to question your undisputed right to give a decision in this House in regard to *Standing Orders*; rather it is my intention to seek a decision on the meaning of several Standing Orders and, in addition, while they are being considered I seek a decision as to whether it may be in the interests of the House to amend the Standing Orders concerned to make their intentions quite clear. I know when you were elected President of the House you inherited the practice of members speaking on the motion "That the House do now adjourn"; but since this practice was first introduced I believe it has gone far beyond a matter of reasonable debate.

One could not object to debate on the question "That the House do now adjourn" if it were confined strictly to the question. However, on recent occasions not one of the members who have taken advantage of the opportunity to speak on this motion has even referred to the question before the Chair. I would refer to page 1927 of *Hansard* No. 9 where the Hon. A. A. Lewis spoke on the adjournment motion and did not mention anything about the question before the House. He started by saying "I do not wish to delay the House for any length of time . . .", but at no time did he mention the question before the Chair.

The same thing happened in respect of a number of speeches made on the adjournment motion on 8 October. On that occasion a number of members spoke for quite some time, not one of whom mentioned the question before the House. Again, on 22 October, at page 2465 onwards of *Hansard* No. 11 we find that some six members spoke, and not one of them mentioned the motion before the House.

I wonder why the members of the early Legislative Council in the nineteenth century framed the question which has been in use ever since, and a question that is used not only in the House of Representatives and the Senate in the Commonwealth Parliament, but also in another place in this State. What significance did the members of the early Legislative Council place on the word "now" when they included it in the motion? Surely there must have been some specific reason for its inclusion. They must have meant at that time that the adjournment of the

House should take place as soon as possible after the movement of the motion.

If one looks at any dictionary—it does not matter which one—one finds the word “now” means “at the present time”. Therefore, when the Leader of the House or any other Minister deputising for him rises and moves the motion “That the House do now adjourn” it means the House should adjourn at that time, not one hour and 46 minutes later, and not 56 minutes later. In fact at present there is a possibility that the House could still be sitting at 4.30 the following afternoon, if the members of a party attempted to filibuster.

The Leader of the House could rise to his feet at, say, 10.00 p.m., to move the motion, and if members of the Opposition each spoke for about three hours the House still would be sitting in the following afternoon.

The Hon. Peter Dowding: Is there any evidence that has happened, or are you just making it up?

The Hon. G. E. Masters: I can't hear you!

The Hon. N. E. BAXTER: What a stupid statement.

The Hon. P. H. Lockyer: From a stupid member.

The Hon. N. E. BAXTER: We know that a member spoke in this Chamber for over four hours on one occasion.

The Hon. Peter Dowding: Has it happened this session?

The Hon. J. M. Berinson: On the adjournment motion?

The Hon. N. E. BAXTER: I do not care what session it has happened in.

The Hon. D. K. Dans: It certainly was not on the adjournment.

The PRESIDENT: Order!

The Hon. N. E. BAXTER: A filibuster could take place. Filibusters have happened in Parliaments all over the world. There is no use in members saying anything different.

The Hon. H. W. Olney: What happens if the motion is lost? You do not go home; you keep on sitting?

The Hon. N. E. BAXTER: Let me deal now with Standing Order No. 88.

The Hon. Peter Dowding: What are you frightened of?

The Hon. N. E. BAXTER: I am not frightened of anything.

The PRESIDENT: Order!

The Hon. N. E. BAXTER: If the honourable member would listen, perhaps he would learn from somebody who has been here for many years and who, for 11 years, was Chairman of Committees in this Chamber. One would think he was the only one who knew anything about the Standing Orders. He is one of the clever, smart-alecky lawyers who come in here thinking they know something about everything. Let him listen for a while, and learn something for a change.

The Hon. Peter Dowding interjected.

The Hon. N. E. BAXTER: I am almost old enough to be his grandfather, and I am still learning.

The PRESIDENT: Order!

The Hon. N. E. BAXTER: I was referring to Standing Order No. 88, which reads as follows—

88. No Member shall digress from the subject matter of any Question under discussion; nor anticipate the discussion of any subject which appears on the Notice Paper.

How many members have addressed themselves to the subject matter, “That the House do now adjourn”? If members refer to the speeches made on this question on Wednesday, 8 October, they find that the speeches went for one hour 40 minutes.

The Hon. R. Hetherington: Terrible!

The Hon. N. E. BAXTER: As I said before, not one of those speeches referred to the question before the House. There was no attempt to debate the question before the House.

On 22 October 1980, the speeches on the adjournment motion lasted 56 minutes.

The Hon. R. Hetherington: Your motion wipes out the Budget debate, does it not?

The Hon. N. E. BAXTER: Seven members indulged themselves on completely unimportant issues.

The Hon. D. K. Dans: Who is the judge of that?

The PRESIDENT: Order!

The Hon. J. M. Berinson: That was the night Mr Pike spoke, I believe.

The PRESIDENT: Order!

The Hon. N. E. BAXTER: It was absolutely without profit, as far as I am concerned. What was the purpose of all that talking?

The Hon. D. K. Dans: What is the purpose of half the talking within the Standing Orders?

The PRESIDENT: Order!

The Hon. R. G. Pike: Fancy bringing politics into this place!

The Hon. N. E. BAXTER: What a ridiculous situation this House has come to—

The Hon. R. Hetherington: Because we bring party politics into the Chamber?

The Hon. D. K. Dans: I agree with that last statement.

The Hon. N. E. BAXTER: —when not one member mentions the question before the Chair. Surely Standing Order No. 88 was framed so that there would be a reasonable attempt by members to stay within the subject matter of the question.

The Hon. Peter Dowding: You will send us all to sleep speaking about that.

The Hon. N. E. BAXTER: If we are not to observe the Standing Order, we might as well delete it completely.

The Hon. D. K. Dans: You move it, and I will second it.

The Hon. N. E. BAXTER: Now I come to Standing Order No. 117, which provides—

117. No business shall be proceeded with after 11 o'clock at night other than the business then under consideration or the receipt of Messages and the formal procedure following thereon.

I maintain that on at least two occasions members digressed from the matter then under discussion when it was after 11.00 p.m.

The Hon. H. W. Olney: The President knows the rules.

The Hon. N. E. BAXTER: After 11 o'clock, two members changed the discussion entirely. It was new business which was not before the House before 11 o'clock. They digressed and breached Standing Order No. 117 on that occasion.

If one reads the *Hansard* contents for Wednesday, 22 October 1980, one finds that six issues were debated between 10.45 p.m., when the motion "That the House do now adjourn" was moved, and 11.41 p.m., when the House eventually adjourned—a period of some 56 minutes. In the meantime, we had gone past 11 o'clock, and new issues had been introduced. The subjects debated during those 56 minutes, as they appear on the contents page of the *Hansard*, were: Confidential Documents: Leaking; Constitution: Amendment; Education Material: Premier's Letter; Electoral—Australian Labor Party Policy, Distribution of Seats—

The Hon. D. K. Dans: All of these non-political subjects; I agree with you.

The Hon. N. E. BAXTER: A real Irish stew of subjects.

The Hon. Peter Dowding: Isn't that terrible? How awful!

The Hon. N. E. BAXTER: Of course it is terrible.

The PRESIDENT: Order!

The Hon. Peter Dowding: It is an iniquity that we discussed such issues.

The Hon. N. E. BAXTER: It is an iniquity that members thrust those issues on the House.

The PRESIDENT: Order!

The Hon. N. E. BAXTER: I might tell members that when they finished the debate that night, I was safely at home in bed.

Opposition members interjected.

The PRESIDENT: Order!

The Hon. N. E. BAXTER: I would not degrade myself by sitting here and listening to some of the rubbish in that debate.

The Hon. J. M. Berinson: If you were asleep, how do you know it was rubbish?

The Hon. N. E. BAXTER: I can read *Hansard*. It is all recorded in *Hansard*, so I know exactly what went on. I have done a lot of research into this matter.

Surely the Standing Order was meant to restrict the discussion to the subject matter being discussed prior to 11 o'clock. The Standing Order provides that no new business shall be introduced after 11 p.m.; and that is clear enough.

Now we should consider when this practice commenced in the Legislative Council.

The Hon. D. K. Dans: I was going to remind you of that later.

The Hon. N. E. BAXTER: The Leader of the Opposition does not have to remind me. I know probably more about it than he does, because it happened during the period of the Labor Government.

The Hon. D. K. Dans: And it was caused by the person who used to sit where I am now sitting.

The Hon. N. E. BAXTER: It happened when party politics started to enter this House.

The Hon. R. Hetherington: What nonsense!

The Hon. N. E. BAXTER: It happened when some members were not here and did not know what was going on, and did not know what transpired, they are such experts on everything.

Opposition members interjected.

The PRESIDENT: Order! I ask members to cease their private conversations in such audible

tones, and to stop interjecting while the honourable member proceeds.

The Hon. N. E. BAXTER: Thank you, Mr President.

The Hon. R. Hetherington: Terrible! It goes on all the time.

The Hon. N. E. BAXTER: Some of these parrots cannot keep quiet, can they?

When the Hon. A. F. Griffith (now Sir Arthur Griffith) spoke on the motion—

The Hon. D. K. Dans interjected.

The PRESIDENT: Order! The Leader of the Opposition will come to order!

The Hon. N. E. BAXTER: We had better obtain a few cages. We might—

The PRESIDENT: Order!

The Hon. D. K. Dans: Don't hop in and throw away the key, for God's sake.

The Hon. N. E. BAXTER: The Hon. A. F. Griffith spoke on the motion on 13 September 1972, at page 3227 of *Hansard*. When he did so, I do not think there was any research carried out to ascertain whether the then member was in order in speaking on the question. I am certain it was just let go. As it did not become the practice at the time, no attempt was made to object to it.

At that time, the Hon. Arthur Griffith based his action on the practice in the Australian Senate and the practice in the House of Representatives.

The Hon. J. M. Berinson: And the House of Commons.

The Hon. N. E. BAXTER: Yes, the House of Commons, and other British Parliaments.

The Hon. Peter Dowding: Do they have grievance debates?

The PRESIDENT: Order!

The Hon. N. E. BAXTER: I am not dealing with grievance debates, for the information of the honourable member. This has nothing to do with grievance debates.

The Hon. Peter Dowding: It is an opportunity to air a grievance, is it not?

The Hon. N. E. BAXTER: I will deal with that later on, if the honourable member would like to be patient.

The early draft Standing Orders of the Senate contained a provision that the motion for the adjournment of the Senate was not open to debate. The provision was omitted from the Standing Orders on 18 June 1903 on the ground that in the majority of British Legislatures the rule is to permit a member on the adjournment debate to debate matters requiring redress. I want

members to note that. Debate was permitted on matters requiring redress. However, nowhere in the speeches on the adjournment motion can I find matters requiring redress.

The Hon. R. G. Pike: Was that in the Senate?

The Hon. N. E. BAXTER: This is the Senate, yes. The Senate did not carry the matter any further at that time. The position was that the motion for adjournment could be debated, but such debate was confined to the question of whether the Senate would adjourn.

On 7 October 1903 the Senate passed a resolution as follows—

This Senate is of opinion that members of the Senate should on motion 'that the Senate do now adjourn' be permitted to debate questions not relevant to the motion.

The Hon. R. G. Pike: Are you going to tell us about 1907?

The Hon. N. E. BAXTER: No.

The Hon. R. G. Pike: I will tell you later.

The Hon. N. E. BAXTER: The Senate continued to operate on that basis—

The Hon. R. Hetherington: I wonder whether the member is reading his speech, or is he quoting from copious notes?

The PRESIDENT: Order!

The Hon. R. G. Pike: He is not reading his speech.

The PRESIDENT: Order! I will decide whether the member is reading it.

The Hon. N. E. BAXTER: If I were reading my speech, I would have it in front of me. I am speaking from notes.

The Hon. D. K. Dans: Is that different from reading your speech?

The Hon. N. E. BAXTER: The Senate continued to operate on the basis of that resolution. The House of Representatives had a limitation of 10 minutes for each speaker, and it allows no further debate after 10.30 p.m. The 10-minute limit can be extended by permission of the House. The Senate also has no new business after 10.30 p.m. That is the same as we have under Standing Order No. 117.

The Hon. H. W. Olney: They start at 10.00 in the morning.

The Hon. N. E. BAXTER: What difference does that make?

I have not found any evidence of a resolution on similar lines being passed by this Legislative Council. I have been here since 1950, and I cannot recall any motion to the effect of that

passed in the Senate being moved or carried in this Chamber. There is no evidence that this chamber, agreed with the concept of members being able to speak on any question on the motion "That the House do now adjourn".

There is ample opportunity for members to indulge in party politicking, as one might call it, because there are—

The Hon. R. Hetherington: Some of us think we are talking about something important.

The Hon. N. E. BAXTER: Members can speak on any subject on the Address-in-Reply—

The Hon. R. Hetherington: Where does it say that in the Standing Orders?

The PRESIDENT: Order!

The Hon. N. E. BAXTER: One can go all around the world on the Address-in-Reply. One can say what one likes, as long as one keeps within the reasonable bounds of the English language.

The Hon. R. Hetherington: Where does it say that in the Standing Orders?

The Hon. N. E. BAXTER: Then there are the Supply Bills; the Loan Bill; and now the tabled papers. Members have the opportunity to say anything they like.

The Hon. D. K. Dans: And we have the urgency motions. We may have to use them more often.

The Hon. N. E. BAXTER: And members can give notice and move a motion on any subject. There is nothing in the Standing Orders to debar a member from moving a motion regarding a particular subject at any time, provided he has given notice of it. Of all the matters I have heard discussed in this House, none has been so urgent that it could not have been dealt with by notice of motion.

The Hon. Peter Dowding: If they were, would you approve of the practice?

The Hon. N. E. BAXTER: All matters could have been left to the next day, after they were raised.

The Hon. Peter Dowding: If they were urgent, would you approve of the practice?

The Hon. N. E. BAXTER: I will deal with that later. I would not have moved this motion had members used the adjournment debate to speak on matters of urgency and to obtain redress over a particular issue which was of great concern.

I ask that serious consideration be given either to discontinuing the practice of speaking at length on the adjournment debate or to introducing strict rules to limit the adjournment debate. The sort of

rules which should be introduced is a matter for the Standing Orders Committee to decide.

I have further information which I intend to use if you, Sir, permit me to do so when I exercise my right of reply after I have listened to the speeches made by other members. It is clear from records which go back into the nineteenth century that there is provision for members to take action if they want to refer to a particular matter. Standing Order No. 63 gives a member the right to rise in the House at the commencement of business and move that the House adjourn to a certain time to discuss a particular issue. Such a motion has to be supported by four members. However, if the matter is sufficiently urgent there is no reason that he would not be able to obtain the support of his fellow members.

The Hon. Peter Dowding: What if they say, "No"?

The Hon. N. E. BAXTER: What if who says, "No"?

The Hon. Peter Dowding: What if they say, "No", on a party political basis?

The Hon. N. E. BAXTER: That is always a risk in this House.

The Hon. Peter Dowding: What is your answer?

The Hon. N. E. BAXTER: The House could have said, "No" to my motion tonight and members may say, "No" to it and kill it if they wish. If that is the basis on which they wish to operate, they may do so.

I shall rest my case at the present time and will present further information when I exercise my right of reply.

Points of Order

The Hon. J. M. BERINSON: My point of order is, that this motion is not a proper one for the consideration of the House. In moving it, the Hon. Norman Baxter prefaced his comments by saying—

The Hon. G. C. MacKINNON: On a point of order, I should like to ask you, Sir, a question, if you will allow me to do so. Is it proper for the member to take a point of order on a motion which has not yet been seconded and, therefore, is not properly before the House?

The PRESIDENT: I am waiting for the honourable member to tell me his point of order. I thought it may have been about something other than this motion, because he has not yet told us what it is.

The Hon. J. M. BERINSON: With your indulgence, Sir, it may take me one or two seconds to do that. I raise this matter in advance of the seconding of the motion, because it is my proposition that the motion should not be considered at all, and, if it should not be considered, we should not proceed to obtain a seconder to it.

The Hon. Norman Baxter prefaced his comments by saying that it was not his intention to question your authority, Sir, by moving the motion. The proposition I put to you, Sir, is that the motion moved by the Hon. Norman Baxter does nothing other than question your authority in that it is directed solely to seeking the interpretation of Standing Orders by the Standing Orders Committee.

In my submission, that is inconsistent with your own authority as President of this House. Both by Standing Order No. 64 and by his inherent jurisdiction, the interpretation of Standing Orders is the prerogative of the Presiding Officer alone, subject only to the view of the Legislative Council itself, if prepared to disagree with the President's ruling pursuant to Standing Order No. 98.

In my submission, Sir, this motion is derogatory of the undoubted powers of the Presiding Officer and of the Council as a whole. It seeks also from the Standing Orders Committee an action not within its jurisdiction to engage in. The motion should be ruled out of order on those grounds.

President's Ruling

The PRESIDENT: I have listened to the comments made by the honourable member and I rule that the motion moved by the Hon. Norman Baxter is a substantive motion and the member has every right to move it, just as every other member has the right to refuse him approval to introduce it in the first place.

I rule it is a substantive motion and, therefore, it is in order.

Debate Resumed

The PRESIDENT: Is there a seconder?

THE HON. R. G. PIKE (North Metropolitan) [5.20 p.m.]: I second the motion.

In seconding the motion, I associate myself with the comments made by the Hon. Joe Berinson. When I looked at this motion, it clearly referred to the Standing Orders Committee, a matter which is within the jurisdiction of the President. Whether or not the motion is carried, the substantive content of it is not the matter to

which the Hon. Norman Baxter was referring when he moved it.

I want to commence by saying this: For the purpose of this debate, let the arguments of the Hon. Norman Baxter be admitted. Let it be admitted that sometimes an adjournment debate can be classified as being (a) irrelevant, or (b) too long. However, that is not the question before the House.

The question before the House is the absolute right of this upper House in this Parliament to be able to review, speak, question, determine, and decide as a matter of urgency. If one were to make a judgment as to whether a lower or upper House of Parliament should have that right, it is clear that right should more properly belong to an upper House if, indeed, there were to be a choice. I say the right should belong to both Houses of Parliament. It would be contrary to the maxim of a House of Review for anything along the lines of the suggestions made by the Hon. Norman Baxter to be admitted. The member suggested (a) there should be a discontinuance of the right—I am quoting from the notes I took when the member was speaking—or (b) there should be very strict rules of limitation.

I should like to quote from the Standing Orders of the Senate of the Commonwealth of Australia. Standing Order No. 63 of the Senate was adopted on 1 October 1909, and reads as follows—

63. The adjournment of the Senate may be moved at any time by or on behalf of a Minister of the Crown, and on such motion matters irrelevant thereto may be debated.

That is the present Standing Order of the Senate of the Commonwealth of Australia. It is interesting to note that, because the Senate was cognizant of the requirement for an upper House to have the right to review cases as a matter of urgency, Standing Order No. 190 was passed on 1 October 1937.

The PRESIDENT: Order! I am having difficulty in associating the remarks made by the honourable member with the motion before the House. If the honourable member could somehow or other relate his comments to the question that is before the House, and that is that the Standing Orders Committee at its next meeting consider whether (a) and (b) as stated in the motion should prevail, it would certainly help me.

The Hon. R. G. PIKE: Thank you, Sir. I accept your admonition, but I reply that, in speaking to the motion before the House in so much as the Hon. Norman Baxter mentioned the discontinuance of the practice of an adjournment debate or the introduction of strict rules of

limitation on that debate, and since we are dealing with the interpretation of the adjournment motion, I thought it relevant to consider the pertinent Standing Orders of other upper Houses in the Commonwealth.

I should like to make a very quick point in relation to Standing Order No. 190 of the Senate of the Commonwealth of Australia which reads as follows—

190. In Bills which the Senate may not amend, the Question "That this Bill be now read a First time" may be debated, and in such debate matters both relevant and not relevant to the subject-matter of the Bill may be discussed:

In his address to the House, the Hon. Norman Baxter quoted Senate Standing Orders and, therefore, I felt it proper and pertinent to the debate to continue along the point he made, and to quote Standing Orders Nos. 63 and 190 of the Senate which clearly refute the proposition put by the honourable member. I thought that point should be made.

I also go on to say that in the history and experience of upper Houses throughout the world it is and always has been considered that a matter of urgency should be able to be raised by way of an adjournment debate.

I want to make the point also that, in opposing the content of the Hon. Norman Baxter's speech whilst not opposing his motion, I do so with courtesy and regard to the long-standing experience the honourable member has in this House. It is very clear he sincerely believes—to use the term he quoted in reply to an interjection I made—that we are bringing too much politics into the House. I suggest that is unrealistic, impractical, and it has no real application to the world of politics in Western Australia and the Commonwealth of Australia to even imply, that the Standing Orders Committee should, therefore, review the very sensitive interpretation which has been placed on the adjournment debate by your predecessor Sir, in this place, giving this House of Parliament an unfettered and absolute right to bring up anything as a matter of urgency.

There is another point I should like to make. One of the biggest problems of all Parliaments, not only of our Commonwealth, but also throughout the world, is the massive accumulation of power and authority—sometimes overwhelming authority—in the hands of the Executive as opposed to the Parliament. I suggest to the House with humility and sincerity that any move on the part of this upper House in Western Australia to limit the right of members in an

adjournment debate to raise matters which are urgent, should be opposed tenaciously.

I close by making this final remark: The Hon. Norman Baxter made a real and proper point by saying none of the members who spoke in the adjournment debate mentioned the adjournment when they prefaced their comments. With respect, I say to you, Sir, and to the House that if every member, in speaking to the adjournment debate, prefaced his comments with words along the lines, "Before the House adjourns there is a fact or some facts which should be brought to the attention of the House as a matter of urgency..." such terminology would be the imprimatur for members to deal with the matters on that basis.

THE HON. PETER DOWDING (North) [5.28 p.m.]: I rise to oppose the motion moved by the Hon. Norman Baxter. Having been very smartly put in my place for my apparent youth, the short period I have been a member of this House, and my profession, which seems to have something dishonourable about it, perhaps I will adopt the humility referred to by the Hon. Robert Pike. I am sure members opposite will have seen many examples of that humility both from myself and Mr Pike.

The position I adopt in relation to the remarks made by the Hon. Norman Baxter is this: Age may well give the member the right to cite precedents and age may well give him some greater familiarity with the Standing Orders. However, age does not give him the right to suggest that members in this place should be shackled in their opportunity to speak on important matters.

It may seem unusual, but I join with the comments made by the Hon. Robert Pike and adopt his remarks about the seriousness with which this House ought to regard any attempt to impose such shackles.

The Hon. Norm Baxter, with his long years of service in this House, is no doubt familiar with the 5th Edition of *Odger's Australian Senate Practice*. He will no doubt know that the practice of speaking on the adjournment debate on matters irrelevant to the specified terms of the motion was instituted on 7 October 1903.

[Resolved: That motions be continued.]

The Hon. PETER DOWDING: The practice was instituted on 7 October 1903 and the Senate passed this resolution—

This Senate is of opinion that members of the Senate should on motion 'that the Senate do now adjourn' be permitted to debate questions not relevant to the motion.

The Hon. Norm Baxter would surely take the point that the role of the Senate or the upper House of the Commonwealth Parliament should not be dissimilar to the role of the House which is the upper House of the State Parliament. I do not know how the honourable member can possibly suggest that there should be some shackles on it or that the Standing Orders Committee should investigate some opportunity to restrict this right. Having regard to the Hon. Norm Baxter's age, perhaps he should note that on 6 December 1905 that resolution was actually incorporated into the Standing Orders of the Senate.

I take the view that there is absolutely no evidence that that situation has been abused. It is suggested that members may filibuster. If members in this House are going about their lawful business and reading the *Hansard* debates of the other place they will note that recently we had one of the most classic examples of filibustering from the Minister for Transport. The fact that the Government members have filibustered does not mean that other people will be guilty of the same action.

I would have thought that, with his years of experience, the Hon. Norm Baxter—as well as Government members—would note that members of the Opposition have in general terms, except on some particular matters of great weight and importance, spoken with relative brevity and there have not been any of the classic long speeches which I understand some members in this House have indulged in in past years.

It is my view that by our referring this matter to the Standing Orders Committee this will be no more than an attempt to stultify one proper democratic opportunity for members to raise matters of importance. There is no evidence of any irresponsible use of this power and there is no evidence that the speeches have continued for undue length. There is no evidence that the power is being used for anything but its proper purpose.

The Hon. Norm Baxter, when ploughing through Standing Orders over his many years of service, would have noted that there is no grievance debate or private members' day set aside each week for the debate of matters important to private members. This is one example of the tyranny of numbers. It is an enemy of democratic institutions and it would be my submission that this is a tactical move by some people who find the criticisms which have been voiced in the adjournment debate a matter of embarrassment. It is unfortunate that people who are experienced wish to restrict it improperly.

THE HON. G. C. MACKINNON (South-West) [5.34 p.m.]: Firstly, I take this opportunity to congratulate the Hon. Norm Baxter for bringing this matter forward. I found my last speech—through no fault of *Hansard*—was badly written and I think it was because of the noise which emanated from the two front benches. I must learn to speak loudly.

I wish to comment upon the Hon. Norm Baxter's performance in this House because he has been here for 30 years. I have tremendous admiration for him. Most people who have been in this House for a long time and who are due for retirement do not worry about the place in which they work. That has been my experience. However, the Hon. Norm Baxter does. He continues to be concerned and he continues to express his concern. I hope that some of the interjections I have heard have not meant to imply that he should not have a right to express his concern in the way he has. I hope that was not the intention.

I trust, Mr President, whether or not this motion is carried, that as President of the Standing Orders Committee, you can arrange the agenda as you wish and you may include this item on the agenda. I hope you will do so. I hope also that in the unlikely event or for some obscure reason this motion is defeated, you, Mr President, will still put the matter on the agenda for discussion. I think that the calmer atmosphere of the committee would be a better place in which to discuss the matter.

Whilst the matter is being discussed, I hope, Mr President, you will give some cognizance to one or two points raised—with incorrect logic to their conclusion—by the Hon. Bob Pike and the Hon. Peter Dowding. Senate Standing Orders have a Standing Order which allows for debate of an irrelevant subject on the adjournment and this Chamber has not. Therefore, it follows that if it requires a Standing Order in the Senate—and the Hon. Bob Pike and the Hon. Peter Dowding were at some pains to point that out—

The Hon. Peter Dowding: I did not. They didn't require it; they gave it.

The Hon. G. C. MACKINNON: If they wished to have that sort of debate on the adjournment motion, then a Standing Order was required. This House does not have that provision. This House has seen several methods of airing a grievance, but it has not seen such a debate on the adjournment motion.

I have no real objection to it. I suppose that as beauty is in the eye of the beholder, so is the relevance and importance of a subject in the brain

of the speaker. I have heard some matters raised in which I could not see any degree of urgency and at times I have listened and at times I have left this place. I have often done this because the matter being discussed was of no interest to me. However, I do maintain that if this debate is being brought forward as the Hon. Bob Pike has implied—that is, that it makes this House a better House of Review—then he wants to think again because it does not. In my opinion it was a better House of Review as it was before when that power was not used. Members may read past *Hansards* to form their own opinions, but I have been here for many years.

The Hon. D. K. Dans: It may have been a better House of Review when the Country Party had the balance of power.

The Hon. G. C. MacKINNON: That well could have been. I can remember the day when we had a more restricted franchise and there were more Labor members. After the Labor Party pestered us to extend the franchise, they had fewer members than they have now. Nevertheless, in those days we had to argue much more because with two Country Party members or two others opposing, the Government lost the vote. The Government did not have the large majority it has now and it was a different sort of House of Review and there were different debates from the ones we are discussing now. So, it is not a better House of Review. What does make a better House of Review is a careful examination of the Bills.

The Hon. Peter Dowding: It will be a better House of Review when there is no malapportionment of the electorates.

The Hon. G. C. MacKINNON: In those days the Labor Party had about 14 members.

The Hon. D. K. Dans: Thirteen.

The Hon. G. C. MacKINNON: Now, the Labor Party has nine members, so members should not talk about that nonsense.

The Hon. Peter Dowding: There have always been gerrymanders.

The Hon. G. C. MacKINNON: The member does not even know how to spell the word. I would hate to have anyone such as the Hon. Peter Dowding, who displays a total lack of logic, defending me in court. It would be a terrible situation.

Several members interjected.

The PRESIDENT: Order!

The Hon. G. C. MacKINNON: Mr President, irrespective of the result of this vote, I hope you will take cognizance of the attitude of the Hon.

Norm Baxter and me—as well as other members—who share the feeling that we are being used. We do feel that members are using us for their pet paranoias. That word is not too strong. I think the adjournment debate has become a little over the odds.

One can justify anything one likes by talking about freedom and the right to speak and all that sort of thing. I have lived long enough to know one can justify anything by this rule if one tries hard enough. However, some still feel they are being used.

I hope, Mr President, that you will look at the matter and accept the proposition of the Hon. Norm Baxter. I hope when you consider this matter you will consider the fact that there is a strong feeling, a majority feeling—whether they express it or not—that because the minority have used it, then it should not be the case here. I think we should consider what the other House has done and that is put a time limit on debates. Practically every problem we face in the Parliament could be solved with a little more fronting-up to the matter with a time limit imposed. This business of the other House changing times of sittings is all unnecessary. The problem could be solved by putting time limits on debates.

The Hon. Peter Dowding: They have been putting time limits on speeches.

The Hon. G. C. MacKINNON: If the honourable member just waits a little, he will be able to understand what I am saying. I am speaking about the time limit on the total period it takes to discuss and pass a measure. We should not let the matter go on and on. I am sure you understand what I am saying, Mr President, because you are the one to whom we address our remarks on such occasions.

I thank the Hon. Norm Baxter for continuing his interest in this place and bringing this matter forward. I wish to repeat the example which has been raised; that is, the Senate. It has been said that although the Senate has seen fit to have a specific Standing Order to cover the event, we have not. We take the line that as we have not, we ought to be allowed to do so. The Senate did not do so and I consider the matter should be debated by the Standing Orders Committee.

THE HON. R. T. LEESON (South-East) [5.42 p.m.]: No doubt, Mr President, you have been ear-bashed tonight and it is a possibility you will be ear-bashed further in relation to the Standing Orders and the reason for this unnecessary debate that some members seem to acknowledge.

When I first came to this House about 10 years ago I sat where the Hon. A. A. Lewis now sits. I sat in that seat for two years and never heard a speech on the adjournment of the House. Then, after a period of two years when the then Leader of the House (the Hon. Bill Willesee) moved "That the House do now adjourn"—the President at that time, being the Hon. Leslie Diver—a member rose to speak on the adjournment of the House. I wondered what was going on because as a new member I had never seen this done before. The member who rose to speak was the Hon. Norm Baxter. He spoke at about 10.00 p.m. about something to do with a water service for a person in Wundowie. Because I am the sort of fellow I am, I had to sit and suffer until we got the water supply situation sorted out.

The Hon. N. E. Baxter: It was an urgent issue.

The Hon. R. T. LEESON: That occurred about eight years ago. Sometimes it grieves me to have to suffer such speeches.

Of course in those days the Labor Party was in Government. It was not easy for some members to raise issues in relation to their provinces, particularly if they did not have the ear of a friendly Minister. So although I had been in this place for two years such a procedure was foreign to me, but it has been carried on ever since. I do not know what happened prior to 1970, but no doubt it was used on some occasions. The Hon. Norman Baxter, the "father" of the House, has moved this motion, and members are saying "Good on you, Norm".

The Hon. P. G. Pental: Not all of them.

The Hon. R. T. LEESON: Most members are saying that. We have had enough of that rubbish. The chickens will come home to roost.

The Hon. N. E. Baxter: Do you know what you said on 8 October? You said, "How long do we have to listen to this rubbish?"

The Hon. R. T. LEESON: I do not know the debate to which the Hon. Norm Baxter is referring; it could not have been a very important issue for me to say something like that. This matter should be reconsidered. I do not think the use of the adjournment debate has been abused. Perhaps one or two of the issues have not been matters of real urgency, but the debate gives members an opportunity to say something. We become sick and tired of this Chamber being used as a rubber stamp. I oppose the motion.

THE HON. V. J. FERRY (South-West) [5.47 p.m.]: I would like to make one or two comments on this motion. I believe it is competent for this House to make a recommendation to the Standing Orders Committee if it so wishes.

The Hon. D. K. Dans: By letter, if it so desires.

The Hon. V. J. FERRY: For the edification of members, I would like to inform them that the Standing Orders Committee meets occasionally—not infrequently—and a number of matters are discussed.

I have been very interested in the comments made here today. Such comments are very helpful to assist the Standing Orders Committee to try to understand the view of members—whether those views are correct or incorrect is not for me to judge.

It is competent for the Standing Orders Committee to discuss any matter relating to procedures in this Chamber. It does not have to wait for the House to pass a motion, but certainly motions are welcomed by this particular committee, and this has been the practice over the years. A number of items are discussed at meetings of the Standing Orders Committee, and occasionally it makes recommendations to this Chamber for consideration. Not all recommendations are adopted, but from time to time recommendations are presented for the consideration of members of this Chamber. If such recommendations are worth while, and if members feel that they will improve the operation of the House, they will vote accordingly. However, if a recommendation is not in accordance with the wishes of the majority of members, then the recommendation is not passed and it is not included in our Standing Orders.

When a recommendation from the Standing Orders Committee is brought before this Chamber, it is competent for all members to speak on it. Therefore, there is ample opportunity to discuss any proposed change.

Standing Orders may be changed from time to time. When recommendations come to this Chamber from a meeting of the Standing Orders Committee, members have an opportunity to judge their merit for themselves. Perhaps in the future we will debate further the very issue we are debating now. There is nothing wrong with that. The motion before us is to the effect that the Standing Orders Committee should consider the items listed, and I repeat: There is nothing wrong with that.

The matter of the adjournment debate has been discussed by the Standing Orders Committee on at least two occasions to my knowledge. From memory the item is still on the agenda for further consideration, so if this motion had not been brought before us, the committee would have discussed the matter anyhow.

The Hon. H. W. Olney: So it is a waste of time, is it?

The Hon. V. J. FERRY: It is not a waste of time at all. It is an expression of the opinion of members of the House, and as I am a member of the Standing Orders Committee, I value the comments made this afternoon.

The committee is charged with the responsibility to recommend amendments to our Standing Orders. I believe the committee tries to interpret the wishes of members, and it makes judgments in the light of parliamentary practice, and that may be the practice of the Commonwealth Parliament, of Westminster, or of some other Parliament. The committee tries to tailor the proceedings of this House having regard for proceedings in other Parliaments.

So this debate is not a waste of time. It is a useful exercise, and I compliment the Hon. Norm Baxter on the introduction of the motion. The Standing Orders Committee will be meeting shortly, and this and other matters will be discussed at that meeting.

Points of Order

The Hon. R. G. PIKE: I rise on a point of order, Mr President. I believe I have been misunderstood by the Hon. Graham MacKinnon.

I refer you, Sir, to Standing Order No. 77 in regard to a member who feels he has been misquoted or misunderstood. I would like to clarify this matter. The Hon. Graham MacKinnon said that what the Senate does or does not do clearly is not relevant to this Chamber and that we do not have a Standing Order to cover such a debate.

Two points need to be discussed. Firstly, by tradition, from 1968 the Standing Orders do cover this situation. The second, and more pertinent point, about which the Hon. Graham MacKinnon has misunderstood me—

The Hon. G. C. MacKINNON: On a point of order, Sir I do not believe I have been quoted properly.

The PRESIDENT: If the honourable member is not quoting properly the Hon. Graham MacKinnon, then he cannot speak under Standing Order No. 77. I ask the honourable member to tell us where he has been misquoted.

The Hon. R. G. PIKE: Mr President—

The PRESIDENT: Firstly, the honourable member ought to point out specifically the area in which he has been misquoted, and having pointed that out, he may then indicate in what way he was

misquoted. I would like him to give us the exact words.

The Hon. R. G. PIKE: I rise, with respect, Sir, to point out to you that the Standing Order refers to "misquoted or misunderstood". I am not claiming to have been misquoted; I am claiming to have been misunderstood, and that is quite different from being misquoted.

The PRESIDENT: In that case, would you point out specifically in which way you have been misunderstood?

The Hon. R. G. PIKE: I make the point, I hope with succinctness and clarity, that in his speech the Hon. Graham MacKinnon said whether the Senate has a Standing Order is not in fact relevant to this debate. The Hon. Graham MacKinnon has misunderstood the import of the debate. The Hon. Norm Baxter, in his original speech, quoted the Standing Orders of the Senate in support of his submission, and he went on to adduce from that that we should proceed as he recommends.

I make the point that inasmuch as the honourable member quoted from the Standing Orders of the Senate, what he said was relevant, and the Hon. Graham MacKinnon misunderstood the import of what I intended to say.

Debate Resumed

THE HON. W. R. WITHERS (North) [5.54 p.m.]: If the subject matter of the motion before the House were to abolish the adjournment debate, certainly I would vote against it. However, I consider we should always seek to improve our procedures and to ensure that they are understood fully.

All the Hon. Norm Baxter is seeking here is to ask the Standing Orders Committee to clarify Standing Orders Nos. 88 and 117 for us. I believe that is a reasonable request and, therefore, I support the motion.

Adjournment of Debate

THE HON. T. KNIGHT (South) [5.56 p.m.]: I move—

That the debate be adjourned until the next sitting of the House.

Motion put and a division taken with the following result—

Ayes 11

Hon. N. E. Baxter	Hon. N. F. Moore
Hon. V. J. Ferry	Hon. Neil Oliver
Hon. T. Knight	Hon. P. H. Wells
Hon. G. E. Masters	Hon. D. J. Wordsworth
Hon. N. McNeill	Hon. M. McAleer
Hon. I. G. Medcalf	

(Teller)

Noes 11

Hon. J. M. Berinson	Hon. H. W. Olney
Hon. D. K. Dans	Hon. P. G. Pandal
Hon. R. Hetherington	Hon. R. G. Pike
Hon. R. T. Leeson	Hon. W. R. Withers
Hon. P. H. Lockyer	Hon. Peter Dowding
Hon. G. C. MacKinnon	(Teller)

Pairs

Ayes	Noes
Hon. A. A. Lewis	Hon. J. M. Brown
Hon. R. J. L. Williams	Hon. Lyla Elliott
Hon. I. G. Pratt	Hon. F. E. McKenzie

The PRESIDENT: As the voting is even, in accordance with Standing Order No. 221, I cast my vote with the Noes for this reason: As has been stated already during the course of the debate, this item is on the agenda for the next meeting of the Standing Orders Committee which is to be held at 9.15 a.m. tomorrow. Therefore, it seems logical to me that we conclude the debate tonight.

Motion thus negatived.

Debate Resumed

THE HON. R. HETHERINGTON (East Metropolitan) [6.00 p.m.]: I am a little perturbed, not so much by the motion—which I am going to oppose—but by some of the reasons put forward by the Hon. Norman Baxter in support of his contention that we should restrict the adjournment debate. On the one hand he said there is no Standing Order which allows us to debate the motion “That the House do now adjourn”, while on the other hand he points out we can say what we like on the Address-in-Reply motion.

The Hon. N. E. Baxter: I do not think you will find that in my speech. I did not say that.

The Hon. R. HETHERINGTON: I am sorry if I have misinterpreted the honourable member's remarks.

Sitting suspended from 6.01 to 7.30 p.m.

The Hon. R. HETHERINGTON: As I was driving back to the House after dinner tonight I found that the Hon. Norman Baxter had made the ABC news. According to the news item, he seemed to be concerned that this House was becoming political. I have taken the point that there seems to be some distress amongst some members of this House that it is becoming party political; that party politics have entered the House.

I find this interesting and ironic. It is as if this House had not been party political in the past. I gather that in the past, members of the Labor Party were so overwhelmed by the fact that they never had the numbers that they were grateful for

any crumbs that were thrown to them by the Country Party when it had the balance of power.

The Hon. G. C. MacKinnon: You should all be eternally grateful to the Country Party.

The Hon. R. HETHERINGTON: I think at times there is something to be said for a party holding the balance of power in the House if it is necessary; but times move on. At present, this House has a majority of Liberal members who are very much party members, whatever they may say. One is forced to look for other ways to get one's point of view across. I am speaking as one who has used the adjournment debate very rarely; I have spoken perhaps four or five times on it. The second occasion was when I made a blunder and did not realise what the adjournment debate was about, and I learned from that experience. I have spoken a couple of times in reply to the Hon. Robert Pike when, in my opinion, he misused the adjournment debate. I took the opportunity to use this debate the other night to raise a matter of urgency, which I will point out later played some part in bringing to a happy conclusion the subject on which I spoke.

I think the adjournment is a valuable debate, but that is not what we are talking about; we are talking about whether or not our Standing Orders allow something to occur.

The Hon. D. J. Wordsworth: I thought we were debating whether the Standing Orders Committee will investigate the matter.

The Hon. R. HETHERINGTON: No doubt that committee, of which I am a member, will investigate the matter. I want to raise certain matters—

The Hon. D. J. Wordsworth: Why burden us with them?

The Hon. R. HETHERINGTON: The sooner the Minister allows me to continue, the sooner I will sit down.

It seems to me that what has happened in this House is that we have adopted customs from Westminster and elsewhere which are not necessarily written into our Standing Orders or our Constitution. But if it is argued that Standing Order No. 88 means that we have to talk to the motion then, having looked through our Standing Orders, I can find nothing that allows us a wide-ranging debate during the Address-in-Reply or when speaking on the Budget. If the Hon. Norman Baxter's argument is correct we need to have a very close look at our Standing Orders, because his motion might do more to the forms of this House than we would care to allow.

My own view is that these forms of the House are valuable forms. I have no objection to party politics coming into this House and as long as I am here there will be party politics in the House, because I am a party politician.

The Hon. Peter Dowding: So are they.

The Hon. R. HETHERINGTON: I make no apology for that; I do not try to back away from it. I am more concerned with the fact that we do need occasions when we can raise matters of urgency when they are urgent. As I said, last week I had a matter of urgency to bring forward quickly and hotly, and I did so on the spur of the moment.

I have had a look at our Standing Orders Nos. 12, 13, and 14 and I cannot see where they make any specific allowance for us to speak as we do during the Address-in-Reply debate.

The other thing is that, if the arguments the Hon. Norman Baxter introduced into this House were to be accepted, it seems to follow that anyone who is speaking either to the Address-in-Reply or the Budget debate who changes subjects after 11 o'clock at night is introducing new business. This would seem to me to be one of the things that needs to be looked at.

The Hon. G. C. MacKinnon interjected.

The PRESIDENT: Order!

The Hon. R. HETHERINGTON: The arguments seem to be that one is allowed to speak to various subjects until the witching hour of 11 o'clock, after which time one cannot introduce a new subject.

The Hon. D. J. Wordsworth: Talk a little bit of common sense; it is a standing rule of the House and it applies to all business.

The Hon. R. HETHERINGTON: It would seem to me that business is a new motion or Bill; but it would seem to me too that some unfortunate things might follow from the kind of argument that was deployed earlier. I will keep my options open regarding whether I think the Standing Orders should be changed or how they should be interpreted. I am not trying to do that now; I am trying to say that I have no objection to politics coming into this House. The sooner we recognise this House is a party political House, the better. It always has been and now it is open and naked and that is how it should be, because it allows people to see the House as it really is.

As far as the desirability of the forms of the House are concerned, the adjournment appears to me to be a useful time when members may get up and speak. I do not know that if there were a Labor Government the honourable members

opposite would get up and filibuster all night on the adjournment. I would have thought if anyone wanted to filibuster he would do so on something more substantive in trying to show opposition to something. The adjournment would not be the right place. The adjournment is self-protecting in this way.

One of the things we are here for is to look at the Executive; we are not here just to consider Bills. I think there are three or four functions for which we are here, and one is to scrutinise the Executive. One of the things that comes up on the adjournment is the things the Executive does. I gather that the Hon. Norman Baxter himself has raised a matter relating to something that had gone wrong in his electorate through Executive action, just as has been done by other members.

I do not care for the motion or the arguments submitted in support of it, so I will oppose the motion. What worries me is the arguments that have been advanced in support of the motion, rather than the motion itself. Some of the stories I have been told by some of my colleagues suggest that it is not the first time the adjournment had been used by members of political parties to cause some embarrassment to the Government. Perhaps some of the people who are crying "stinking fish" should look to themselves.

The Hon. R. G. Pike: Mr President, I move an amendment.

The PRESIDENT: Order! The honourable member cannot move an amendment.

The Hon. D. K. Dans: Only on the adjournment!

The PRESIDENT: I refer the honourable member to Standing Order No. 78.

THE HON. H. W. GAYFER (Central) [7.35 p.m.]: Mr President, I did not hear all you said. Did you refer somebody to a Standing Order?

The PRESIDENT: The Hon. Robert Pike indicated that he wished to move an amendment. I ruled that he could not move an amendment and I referred him to Standing Order No. 78 which will indicate why he could not.

The Hon. H. W. GAYFER: I was not here when the Hon. Norm Baxter introduced the motion presently before us, although I have an idea of the matter about which he spoke and, certainly, a better idea than the Hon. Mr Hetherington after hearing what he put forward when he disagreed with the Hon. Norm Baxter. I am sure in the Hon. Mr Hetherington's wisdom he was being somewhat fallacious with the words he used and in his criticism of the Hon. Norm Baxter's speech.

The Hon. R. Hetherington referred to the fact that even in the Address-in-Reply, if a speaker went on after 11.00 p.m., he would be restricted to the subject under discussion at 11.00 p.m. and no other detail could be brought forward. That of course was entirely wrong because the subject would be the Address-in-Reply upon which any matter can be discussed.

The Hon. R. Hetherington: What is the Standing Order?

The Hon. H. W. GAYFER: I have put forward a simple fact; the subject matter before the House would be the Address-in-Reply; the same applies when we are discussing money Bills.

The Hon. R. Hetherington: You are talking about customs; the procedure is not in the Standing Orders.

The Hon. H. W. GAYFER: I am inclined to believe that the homework the Hon. Mr Hetherington accused the Hon. Norm Baxter of not doing should be done by the Hon. Mr Hetherington in this case.

The Hon. Peter Dowding: He does not need to do any homework.

The Hon. H. W. GAYFER: Hello, the Hon. Peter Dowding is back with us; I have not seen him for a couple of weeks.

The Hon. Peter Dowding: He tells us he does not need to do any homework; his age carries him through.

The Hon. H. W. GAYFER: Who is that?

The Hon. Peter Dowding: The Hon. Norm Baxter.

The Hon. H. W. GAYFER: I agree with that. I think he looks fairly good for his age.

The Hon. D. K. Dans: That is not a nice comment.

The Hon. H. W. GAYFER: I do not think another member has performed very well for his years.

The Hon. D. K. Dans: It depends on what yardstick one uses.

The PRESIDENT: Order! Order!

The Hon. H. W. GAYFER: I quite agree with the interjection by the Leader of the Opposition. The Hon. Norm Baxter has shown some degree of concern over the usage of the adjournment debate—I must agree with him. It is becoming a matter of boredom and repetition in some cases to see some members night after night—

The Hon. D. K. Dans: Day after day.

The Hon. H. W. GAYFER: —jumping to their feet on the adjournment debate. I would agree

with people who say that a certain group of members speak on the adjournment—the same ones.

The Hon. Peter Dowding: We are earning our pay. Who are you criticising?

The Hon. H. W. GAYFER: I do not know whether the Hon. Peter Dowding is earning his pay—I do know that the adjournment debate was not designed for him.

The Hon. Peter Dowding: What was it designed for?

The Hon. H. W. GAYFER: I believe it was designed to be used when necessary.

The Hon. Peter Dowding: That is a subjective judgment.

The Hon. H. W. GAYFER: I do not know whether it is subjective. The Hon. Peter Dowding would have to write out that word for me—spell it out. The point is that in all likelihood this question will go to the Standing Orders Committee and rules will be brought in for the adjournment debate and the privilege of having it occasionally and when necessary will go out the window.

The Hon. Peter Dowding: Should we bow to your judgment?

The Hon. H. W. GAYFER: Yes, the Hon. Peter Dowding will have to do that.

The Hon. Peter Dowding: Bow to your judgment!

The Hon. H. W. GAYFER: I read somewhere about a kangaroo dog which chased cars, but he did not know what to do with the cars when he caught them.

The Hon. D. K. Dans: Like a husband who whistles at girls.

The Hon. H. W. GAYFER: What happened there?

The Hon. D. K. Dans: Go on.

The Hon. Peter Dowding: Will you support the motion?

The Hon. H. W. GAYFER: Yes, I will.

The Hon. Peter Dowding: Then you are arguing against yourself.

The Hon. N. E. Baxter: We have had the adjournment debate since 1972.

The Hon. H. W. GAYFER: Yes, since 1972 we have had that privilege, but it will go out the window just because a few over enthusiastic members—

The Hon. R. Hetherington: Have you got the numbers?

The Hon. H. W. GAYFER: Yes. I direct this question to Mr Hetherington: Who had the numbers when the adjournment debate was brought in in 1972?

The Hon. R. Hetherington: I do not know.

The PRESIDENT: Order! Members will desist with their interjections and the member on his feet will stop endeavouring to attract interjections.

The Hon. H. W. GAYFER: Thank you, Mr President. I have got the message. Because of the nature of the use of this privilege, I believe that shortly when the Standing Orders Committee meets the privilege will no longer be available for members—

The Hon. Peter Dowding: With your support.

The Hon. H. W. GAYFER: —to use on an important occasion rather than for frivolous reasons for which it has been used.

The Hon. Peter Dowding: With your support.

The Hon. H. W. GAYFER: Nevertheless, if this situation is to prevail, we can blame only ourselves for the alteration of the Standing Orders governing the House. I surmise that some people—whoever they may be—are getting the Standing Orders into the shape they desire them to be in for their usage or ill-usage and to have the privilege curtailed in such a manner that it is not available to anybody else.

THE HON. D. K. DANS (South Metropolitan—Leader of the Opposition) [7.54 p.m.]: I did not intend to speak during this debate; however, first of all let me say I oppose the motion for the simple reason that I think it is stupid. After all, any determination on changes to the Standing Orders will be made by this Chamber as a result of a recommendation by the Standing Orders Committee. As I understand the situation, the Standing Orders Committee will meet tomorrow to discuss this matter and others that may have been referred to it. I accept the point made by the Hon. Mr Ferry that we do not need to refer matters to the Standing Orders Committee and that of its own volition it can bring before it any subject in regard to the Standing Orders.

I do not want to be involved in the mud slinging backwards and forwards across the Chamber. Some of the speeches tonight have done no good for the people making them and certainly, have not enhanced the standing of this Chamber.

I was astonished by the Hon. Norm Baxter's statement about politics in this place. We are in a Chamber of the Parliament of Western Australia in which political questions should be debated. I

say this to members of the Standing Orders Committee: Notwithstanding anything that has been said here tonight, I hope the committee will give the same sensible consideration to this subject as in the past it has given to this and others.

In regard to this matter it would be a travesty for this Parliament and of justice if the adjournment debate was taken away. If we are a little patient and remember the days that this House has sat and extract the number of sitting hours taken up with the adjournment debate, we would not find that those hours amount to a great deal. One may agree or disagree with a member on his feet speaking to the adjournment; the situation depends to a large extent on the time of the day or night that he speaks and how one feels.

I know I have been irked when the motion "That the House do now adjourn" has been moved and someone has jumped to his feet. However, I have since come to the conclusion that no matter how it affects me, I do not know to what extent an alteration of the rules would affect the member speaking.

I would have to take issue with people who say the adjournment debate is used irresponsibly, or frivolously, or in some other way. The only judge of that is the person on his feet. Let me remind this Chamber that if a member does not want to hear another member speaking on the adjournment, he can vote with his feet by leaving the Chamber, and that has happened previously.

The Hon. D. J. Wordsworth: Do you not think that the committee should look at that?

The Hon. D. K. DANS: Irrespective of the way this debate concludes, a recommendation will be made by the Standing Orders Committee, and that recommendation will come back to the House, and at that time we will debate it. Has that not happened in the past? Recommendations have come to us and we have debated them.

I believe any move to take away the rights of any member to speak on any subject during an adjournment debate would be a retrograde step. I well remember the first person I heard speak on the adjournment debate—the Hon. Arthur Griffith, now Sir Arthur Griffith. Unless we keep the right to speak on the adjournment, what do we have in this place?

I do not accept the argument that a person can speak on the Address-in-Reply, although I accept that he can speak on the Address-in-Reply after the Governor's Speech or when the Budget papers come in. I have expressed remarks about the futility of the Address-in-Reply or Budget

debates. The fact is that if a person does not speak on the adjournment, when can he speak?

The Hon. H. W. Gayfer: As you have done.

The Hon. D. K. DANS: If the Hon. Mr Gayfer will give me a chance, I will complete my speech. What is the solution? Should we write to the Standing Orders Committee to ask it for a grievance debate, or should we have a private members' day in this Chamber?

The Hon. H. W. Gayfer: That might be better; it would be regulated indeed.

The Hon. D. K. DANS: I think the situation is fairly well regulated now—the Hon. Mr Gayfer knows that. Should we on this side of the Chamber speak first and then the Hon. Mr Gayfer and his colleagues? Should we introduce an urgency motion and debate it *ad infinitum*? Is that what we should do? I ask members of this Chamber, in particular the members of the Standing Orders Committee, to consider the alternatives already available within the Standing Orders which will cause—taking the Hon. Norm Baxter's point—a lot more pain and suffering. Members can exercise their right to walk out of the Chamber.

This matter has been before us previously. I suggest to you, Mr President, to the House, and, in particular, to the members of the Standing Orders Committee, that common sense should prevail. It has got us to this stage and it will aid us in the future. No great harm has been done under the present Standing Orders.

I know what the Hon. Norm Baxter would say. He does not agree with the present situation because the adjournment debate takes place late at night. What he is saying really is that he does not agree with the subjects about which members speak. I have heard the adjournment debate on a number of occasions and often I have not agreed with the speakers, but I could walk outside. The opinion of the Hon. Norm Baxter—after all, anyone's opinion is equal to anyone else's—is that the subjects discussed have been displeasing to him.

The Hon. N. E. Baxter: That is not what I said.

The Hon. D. K. DANS: That is what the member is saying. Why raise it? The member said we should do away with the adjournment debate because he does not agree with what members have said.

That is not a mature or adult way to approach politics in 1980. This is the place where debate should take place. No-one will deny that the parliamentary system under which we operate is under great pressure. Rather than restrict its use

we should be submitting items to the Standing Orders Committee to expand its use. Anyone is able to come into the gallery of this place and look around. What we do is done in the open. Every word we say is recorded in *Hansard*. There is nothing wrong with that. I am very much aware of what the Ministers have to do.

The Hon. D. J. Wordsworth: Do you feel that if you were in our position you could walk out?

The Hon. D. K. DANS: The Minister is in the same position as I am.

The Hon. N. E. Baxter: No he is not, you are the Leader of the Opposition.

The Hon. D. J. Wordsworth: We have a certain responsibility to stay.

The Hon. D. K. DANS: That is right; the Minister stays, and I stay—at least I have ever since I have been Leader of the Opposition. Members have a duty to remain here. After all, members are here first and foremost as private members and it is only coincidental that some members have the responsibility of a Minister. The duty which resides in a Minister in this place also resides in every other member in this House. No matter what position a member holds, if he wants to take advantage of the parliamentary system for which he offered himself in selection, was selected by his party, and subsequently put here by the electors, he should remain here.

The Hon. D. J. Wordsworth: You argued about walking out.

The Hon. D. K. DANS: Mr Baxter raised that matter. If he wants to walk out, he can do so. However, most members are aware of their duty and accept it. Anything which diminishes the role of a member of Parliament here, such as is the case when a member says he will not debate an issue because it is distasteful, or because he did not want to hear it, should not be considered. It is a foolhardy course to attempt to restrict the right of a member to speak on the adjournment.

The Hon. H. W. Gayfer: The Leader of the Opposition is on the Standing Orders Committee.

The Hon. D. K. DANS: No, I am not.

The Hon. R. Hetherington: I am on the committee.

The Hon. D. K. DANS: There is ample opportunity to cause Mr Baxter, and other members who think like him, more pain and suffering—if I may use that term—under Standing Orders as they exist. If that is the course to take, when another Standing Order is used to debate an important issue we will have other motions claiming that that particular Standing

Order is no good either. We will be restricted even more in the future.

Several members interjected.

Point of Order

The Hon. P. H. LOCKYER: On a point of Order, Mr President, I believe that the remark by the Hon. Peter Dowding to the Hon. Norm Baxter stating that he was a geriatric is unparliamentary.

The PRESIDENT: Order! I did not hear the comment. Did the honourable member make the comment?

The Hon. PETER DOWDING: I said that is what the geriatric brigade would like. If Mr Lockyer likes to interpret that as referring to the Hon. N. Baxter, that is not my fault.

The PRESIDENT: Order!

Several members interjected.

The Hon. D. K. DANS: Mr President—

The PRESIDENT: Order! The honourable member has raised a point of order and I am endeavouring to get a word in edgewise to comment on the point of order. I do not consider the comment to be unparliamentary.

The Hon. P. H. Lockyer: It is the second time he has used it.

Debate Resumed

The Hon. D. K. DANS: I hope all members will keep in mind the reason they are here. They are here as a matter of politics. The system provides the opportunity for them to oppose any activity which in any way will diminish the Westminster system in the eyes of the public. Irrespective of our Standing Orders members talk about all manner of subjects in this place. Some of those subjects may not interest everybody, but is that not the parliamentary system? The Hon. Neil McNeill has a duty to fulfil to the electors within the area he represents which, largely, is a rural area the same as is the area represented by the Hon. Margaret McAleer. I represent the views of a largely port and industrial area. If I feel on any occasion I want to get up and express the views of the people in my area, it is my right to do so on the adjournment motion. The Standing Orders of this House should allow me to do so, and no-one should move to diminish that opportunity for any member; not Mr Baxter, me, or anybody else. I personally believe it would be a retrograde step.

THE HON. NEIL McNEILL (Lower West) [8.05 p.m.]: The motion moved by the Hon.

Norman Baxter essentially provides an opportunity to discuss whether the Standing Orders Committee ought to have an opportunity to have matters referred to it for consideration. That really is the motion. I must make the observation that it appears to me most of the debate gave little attention to that particular question. Much of the debate has been directed towards our making a decision for or on behalf of the Standing Orders Committee. That is quite unnecessary. However, the motion has stirred up the emotions of members.

The Hon. D. K. Dans: Mr Gayfer stirred them up.

The Hon. Peter Dowding: The motion was designed for that purpose, surely.

The Hon. NEIL McNEILL: I agree with the Leader of the Opposition that the motion has caused members to say things which should not have been said because, in fact, they were not strictly related to the motion. In saying that, I am not being disrespectful to you, Mr President, in your position as President.

I will be brief in my comments, but I make the observation, firstly, that certainly there is an opportunity and, in fact, a right for the Hon. Norman Baxter to have this matter referred to the Standing Orders Committee. I support that motion, but that does not mean to say I believe the present motion is the answer in relation to the way it should be done. Mr Baxter could have notified you, Mr President, that he would like this matter discussed. The Standing Orders Committee, of its own initiative, could well be discussing the same content. However, I am falling into the same trap of which I am critical; the question as to whether or not there ought to be some restriction on the adjournment debate. I will be one of those who will vote "No". I do not believe there should be any restriction by way of Standing Orders.

The Hon. R. Hetherington: Hooray!

The Hon. NEIL McNEILL: I do not believe Standing Orders ought to be used to restrict this type of debate.

The Hon. R. G. Pike: Hear, Hear!

The Hon. NEIL McNEILL: I have a number of reasons for that view. The most important one is not the fact that I happened to be one of the first members in this House to use the adjournment motion for the purpose of speaking on a particular matter. I do not know whether I preceded the Hon. Arthur Griffith (now Sir Arthur Griffith), but we took the action about the same time. It was quite early in my parliamentary experience in this House.

Like the Hon. Joe Berinson I had had experience—certain other parliamentary experience—in which the adjournment debate constantly was used and, I believe, quite properly. It has to be borne in mind that the Leader of the Opposition also made the same observation, or if not the same observation he certainly implied it.

In the circumstances to which I have referred, the adjournment debate was an arranged debate. It was a domestic arrangement within the House and it was expected that the members from both sides would respect the arrangements made between the respective Whips as to the number of speakers on the adjournment and also some limitation of time.

The adjournment debate has served a very useful purpose. Not only do I say that because I had the experience—I spoke in this place only on one or two occasions—but more importantly because I believe the opportunity to speak to the adjournment debate ought to be retained as it is my belief there are too few opportunities in this place for members to raise matters of particular electoral importance to them and the people.

The Hon. Peter Dowding: Hear, hear!

The Hon. NEIL McNEILL: I think properly—and I use that word deliberately—the adjournment debate ought to be used for that purpose—to raise a matter of urgency which ought to be stated before the House does adjourn. It is true, unfortunately, in this session we have been subjected—more than during any other session of this Parliament—to cases where the conditions I have outlined have not applied, and when the matter has not been of some importance and there has not been some degree of urgency. Many matters should not have been raised in the way they were raised and, particularly, in the manner they were raised.

It is not a matter, as was suggested by the Leader of the Opposition, that members may not have liked the subject matter. I do not believe that is the important consideration.

The Hon. D. K. Dans: But some members do feel that way.

The Hon. NEIL McNEILL: Some members do have a feeling towards the subject matter. I believe it is the manner in which the adjournment debates have been presented to the House which is the problem. In many instances that manner has caused some feeling on both sides. That has probably caused the greatest degree of concern.

I will come back to the point that in my belief the reason the adjournment debate has been abused, misused, or ill-used—whatever the appropriate word—is that insufficient

opportunities are available to private members in particular to raise matters which are of topical and urgent interest to both them and their constituents. I repeat: Very early in my parliamentary experience I believed that the adjournment motion could and should be used. Ever since that time a number of changes have been made to our Standing Orders. Increased opportunities have been provided, under Standing Orders, for members to raise matters of importance to them. Standing Order No. 63 was a case in point and certainly one which has been of tremendous importance when taken advantage of. Another opportunity for members to raise matters is on the motion for the Budget papers to be noted. For a great number of years we did not have an opportunity to debate the Budget except when speaking to the Appropriation Bill or the Loan Bill. At least members now have an opportunity to raise electoral, constituent, and political matters when speaking to the motion for the tabled paper to be noted. Perhaps we need to go further.

Ever since I have been here I have been an ardent advocate of the belief that when there are matters of serious concern on topical issues of great public interest, particularly emanating from the Government level, there ought not to be special public statements to the Press, but statements made in the Parliament. In fact, if statements are made for the public—and I am sure the Hon. Joe Berinson will agree because this would have been his experience in the House of Representatives where most governmental statements are made in the Parliament—Parliament is where they ought to be made. By leave, they are made in ministerial statements in the House. They then are placed on the notice paper, and are debated. The opportunity is provided for debate to ensure that those matters of interest are brought to the notice of the public. Even at that stage there is the opportunity for a member to expound upon a particular grievance. I believe the adjournment motion is an opportunity which, in fact, properly can be used to raise any matter.

I will recap. The changes which have been made to our Standing Orders during the years I have been here have extended the opportunity for members to air their views and to speak on behalf of their constituents. It has provided an opportunity for members to make their views known to Parliament, so that other members are aware of them, and so that Parliament can take action if it is necessary.

Certainly it has been suggested in this debate that that should be reversed. The suggestion could

well be made that the debate ought to be restricted; in other words, that those opportunities should be lessened. I could not agree with that.

Having said that, I come back to the point which I believe is basic: The whole problem is not caused because we have an adjournment debate of which members take advantage; but rather because of the way the debate has been ill-used by certain members who have taken advantage of the opportunity and the privilege available to them.

THE HON. W. M. PIESSE (Lower Central) [8.16 p.m.]: I support the motion. I also fully support the remarks of the Hon. Neil McNeill, and for that reason I will not speak for very long because he has covered the whole matter admirably. As I read the motion, the question is that the Standing Orders Committee should discuss and examine the manner in which the motion "That the House do now adjourn" has been used or, should we say, abused. That is the crux of the whole matter.

Mention has been made already that this House has adopted a practice that has been in use in other Parliaments for ages—as if there were something wrong about that. I see nothing wrong about adopting such customs and continuing with them, but I do see something wrong when they are abused and the abuse is permitted to continue without anything being said about it.

I, too, would not like the opportunity lost to members to raise any matter that they feel is urgent and of great consequence to the State, but unfortunately the matters raised recently have not been of such a nature.

For that reason I support the motion that the Standing Orders Committee be asked to examine the Standing Orders in question to ascertain whether perhaps there is some way it can be pointed out to members that the debate was not intended to be used in the way it has been used recently. Perhaps it is necessary only to point this out to the new members after each election. Perhaps the fault lies in the fact that people have entered this place without really understanding what this privilege is all about.

THE HON. P. H. LOCKYER (Lower North) [8.17 p.m.]: I rise to speak briefly. Mr President, if I heard you correctly earlier in the evening you said this matter is already on the agenda for the meeting of the Standing Orders Committee tomorrow. I must agree with the Hon. Des Dans, that no matter what time we spend on this motion tonight, and no matter whether the motion is passed, it is all of little importance because the matter will still be on the agenda for tomorrow's meeting of the Standing Orders Committee. So in

fact we are only talking in circles, and probably this debate is worse than any we have had on the adjournment motion this year.

THE HON. N. E. BAXTER (Central) [8.18 p.m.]: At the outset I would like to say that I did not think I would stir up such a hornet's nest with this motion. I moved it to enable the Standing Orders Committee to look at the Standing Orders in question and to make a decision in respect of what should be done in the future, because I believe the debate on the adjournment motion has got out of hand.

It is not a case of our not agreeing with the subjects that have been raised in the adjournment debate. It is a case of whether members are taking unto themselves a right rather than a privilege, as referred to by Mr Pike. There is no suggestion of a right within the Standing Orders.

When I moved the motion I was not aware that the matter was due to be discussed by the Standing Orders Committee. I am not a member of that committee and I do not know what is on its agenda. All I have heard is that the matter of the adjournment debate is on the agenda for the next meeting of the Standing Orders Committee, and I do not know any other details about that. I heard of it only tonight. The fact that the matter is on the agenda of that committee is all the more reason that members should support this motion in order to strengthen the hand of the committee.

The Hon. Peter Dowding: It is the reasons with which everyone disagrees.

The Hon. N. E. BAXTER: Mr Pike himself said, "Let the arguments I made be admitted." I thank him for that, and I appreciate it.

The Hon. R. G. Pike: I can't believe it!

The Hon. N. E. BAXTER: Let us refer back to the Standing Orders of the Australian Senate, to which Mr Pike referred. He referred to Standing Order No. 63 of the Senate. This House has no Standing Order similar to that, so where do the rights of members lay? Mr Pike also quoted Standing Order No. 190 of the Senate; I have looked at it and I find it has nothing at all to do with this matter.

The Hon. Peter Dowding: Don't you think Standing Order No. 63 is less useful to the House than the adjournment debate, because it interferes with the business of the House?

The Hon. N. E. BAXTER: I will answer that in a moment. Mr Dowding referred to my age. I referred him to my experience, and to his own experience in this place. When he has been here as long as I have, perhaps he will have as much experience as I have. I never referred to my age,

and if Mr Dowding thinks I am a geriatric, he is making a mistake. I will run 100 yards with him any day; he might beat me by 10 or 20 yards, but I will still run it.

Had Mr Dowding listened to me instead of interjecting he would have heard me quote a motion moved in the Senate in October 1903. He also referred to that motion, which was to the effect that the Senate was of the opinion that, on the motion "That the Senate do now adjourn", members of the Senate should be permitted to debate questions not relevant to the motion. Mr Dowding quoted that, but he did not listen when I said that to my knowledge no such motion had ever been moved in the Legislative Council before I entered the Chamber, and no such motion has been moved since I have been here. Therefore, Standing Orders really make no provision for debate on the question "That the House do now adjourn."

However, the Senate, in 1905 included in its Standing Orders a provision to enable such a debate to occur. On the other hand, we have no such Standing Order to permit debate on the adjournment motion.

All I am asking is that the committee consider this matter. This is not the first time I have made this suggestion. I suggested in this place previously that the Standing Orders Committee consider the matter to see whether it saw fit to lay down rules or restrictions in respect of debate on the adjournment motion.

The Hon. Peter Dowding: You are not just referring it to the committee; you want it restricted or prevented, and you have made that clear.

The Hon. N. E. BAXTER: I do not want the Standing Orders amended; I want to leave the matter in the hands of the committee, in which I have the utmost confidence. Of what are the members who oppose this motion frightened? Have they no confidence in the Standing Orders Committee? I have confidence that the Standing Orders Committee will consider this issue and come up with something more suitable than the present situation.

The Hon. Peter Dowding: We are quite content with the President's ruling as it stands.

The Hon. N. E. BAXTER: Some members said I should have referred this matter to the President. You will recall, Sir, an occasion in this House when the Hon. John Tozer rose and entered into a long dissertation on the adjournment motion. I spoke in that debate and said it was high time consideration was given to what was being done in respect of debate on the

adjournment motion, and that some rules should be laid down regarding the rights of members on this issue.

Mr Dowding said there is no provision in this Chamber for a grievance debate. Must we have provision for a grievance debate? Are not our Standing Orders as they exist sufficient to enable grievances to be raised from time to time in accordance with British tradition?

The Hon. Peter Dowding: No.

The Hon. N. E. BAXTER: Of course they are. I have already referred to how Standing Order No. 63 can be used.

The Hon. Peter Dowding: And hold up the whole order of debate.

The Hon. N. E. BAXTER: A member may move a motion in this House, or may use the opportunities provided by the Loan Bill, the Supply Bill, the Address-in-Reply, and the tabling of Budget papers, to raise a grievance. It is much easier to raise such matters now than it was when I entered the Chamber; because now we have the debate on the Budget papers.

When Mr Gayfer was speaking, Mr Dowding said by way of interjection that when speaking on matters in the adjournment debate he was merely earning his pay. That is a typical lawyer's attitude.

Several members interjected.

The Hon. N. E. BAXTER: Mr Hetherington referred to party politics. I referred to party politicking, and perhaps that is a term which is not in the dictionary. However, members have used the adjournment motion to enter into party politicking and to have a verbal fight across the Chamber in respect of matters that are not urgent. As Mr Leeson said: For how long do we have to sit here and listen to this rubbish?

Mr Hetherington himself at one stage referred to a speech made by Mr Pike, and made scathing comments about what Mr Pike said. It is not a question of whether we agree with the subject matter. I am aware that Mr Hetherington and Mr Leeson did not agree with the matter raised, but they did not make a murmur about that.

Mr Hetherington also referred to the Address-in-Reply debate and the Speech presented by the Governor; and he said members can speak on any subject in that debate. That is right; that is an accepted tradition of the British Parliament, and the right to do that goes right back to the establishment of the British Parliament. That right is also established in respect of Loan Bills, Supply Bills, and, in more recent times, the Budget papers.

The Hon. R. Hetherington: It is not in Standing Orders.

The Hon. N. E. BAXTER: It is strange that this Parliament has been in existence since 1832, and it was not until 1972, some 140 years later, that the practice arose of members speaking on the adjournment motion.

Mr Dans apparently wants to deny the right of members of this House to make suggestions to members of the Standing Orders Committee in respect of the Standing Orders. Members must have the right to rise and make suggestions in respect of Standing Orders, and that is just what I have done. I do not know what Mr Dans wants to do; perhaps he wants the committee to be all-powerful, and not to allow members to submit suggestions.

The Hon. D. K. Dans: You are playing with words; I did not say that. I said the Standing Orders Committee should bring back a recommendation, and then we should debate the matter.

The Hon. N. E. BAXTER: The honourable member said the committee should amend the Standing Orders, and by saying that he denied members the right to make suggestions.

The Hon. D. K. Dans: You are twisting my words.

The Hon. N. E. BAXTER: He said also it would be a travesty of justice if the adjournment debate were removed. I cannot see that, based on the adjournment debates we have experienced so far.

The Hon. D. K. Dans: You are denying what you said a moment ago.

The Hon. N. E. BAXTER: Mr Dans also said a member would not raise a matter unless it was pertinent to this Chamber. I have examined the speeches made in adjournment debates over the last month and I can see in them nothing pertinent to this Chamber; and many of them are not even pertinent to this State.

The Hon. D. K. Dans: It comes back to what I said. It is a matter of what the member determines, not what you determine.

The Hon. Peter Dowding: You have not the right to judge that.

The Hon. N. E. BAXTER: I have the right to judge what I believe is pertinent to this Chamber and to the State.

The Hon. Peter Dowding: And if you don't like it, you want to gag it.

The Hon. N. E. BAXTER: No, that is not right. Mr Dowding has not listened to my speech.

I remind him again that I am merely asking the Standing Orders Committee to look at the Standing Orders in question and, if it thinks fit, to lay down conditions and rules in regard to this debate. Is that gagging the debate?

The Hon. Peter Dowding: You have urged the committee to restrict it.

The Hon. N. E. BAXTER: That is not gagging the debate in any way.

I would like to refer to another point Mr Dans raised in his opposition to the motion. I wonder whether, if he did become Leader of the Government in this Chamber, he would allow the business of the House to be taken out of his hands as it has been taken out of the leader's hands in relation to the motion "That the House do now adjourn"?

The Hon. D. K. Dans: The business of the House has never been taken out of the hands of the Leader of the House. You quote me when that has happened.

The Hon. N. E. BAXTER: The Leader of the House, or a Minister in his absence, rises and moves "That the House do now adjourn". That is a motion that is interfered with. The business of the House is taken out of the leader's hands, because the leader has moved "That the House do now adjourn", not in an hour and 40 minutes, or in 56 minutes, or in three hours; but "now".

The Hon. H. W. Olney: If you do not agree that it adjourn, why not extend the time?

The Hon. N. E. BAXTER: In referring to Mr Wordsworth (Minister for Lands) Mr Dans says that he stays here, and that Mr Dans stays here. On a number of occasions I have seen this House adjourn when Mr Dans has not been present, so if he says he stays, that is not factual.

The Hon. D. K. Dans: What do you mean by that last statement?

The Hon. N. E. BAXTER: Mr Dans said to Mr Wordsworth (Minister for Lands), "You stay here and I stay here."

The Hon. D. K. Dans: I may not be in the Chamber, but I have been in the precincts. I have never walked away from this Chamber.

The Hon. Peter Dowding: You and the Hon. Mr. Gayfer have been breaking your own rules.

The Hon. N. E. BAXTER: That is not true. That statement is not factual.

I thank the Hon. Neil McNeill for his remarks. He hit the nail on the head and explained what I am aiming at.

The Hon. D. K. Dans: At least I never went home to bed.

The Hon. N. E. BAXTER: That is my prerogative.

The Hon. D. K. Dans interjected.

The PRESIDENT: Would members cease their interjections so the member on his feet can proceed uninterrupted.

The Hon. N. E. BAXTER: I rest my case on that, and I trust the House will pass the motion.

The PRESIDENT: The question is "That the motion be agreed to." All those in favour say "Aye" and against say "No". The "Noes" have it.

The Hon. N. E. Baxter: Divide!

The Hon. Peter Dowding: Divide!

Bells rung and the House divided.

Remarks During Division

The Hon. N. E. Baxter: I claim the Hon. Peter Dowding on his call.

The PRESIDENT: The Hon. Peter Dowding will vote with the Ayes.

Result of Division

Division resulted as follows—

Ayes 19

Hon. N. E. Baxter	Hon. N. F. Moore
Hon. Peter Dowding	Hon. Neil Oliver
Hon. V. J. Ferry	Hon. P. G. Pandal
Hon. H. W. Gayfer	Hon. W. M. Piesse
Hon. T. Knight	Hon. R. G. Pike
Hon. P. H. Lockyer	Hon. P. H. Wells
Hon. G. C. MacKinnon	Hon. W. R. Withers
Hon. G. E. Masters	Hon. D. J. Wordsworth
Hon. N. McNeill	Hon. Margaret McAleer
Hon. I. G. Medcalf	(Teller)

Noes 5

Hon. J. M. Berinson	Hon. H. W. Olney
Hon. D. K. Dans	Hon. R. T. Leeson
Hon. R. Hetherington	(Teller)

Pairs

<i>Ayes</i>	<i>Noes</i>
Hon. A. A. Lewis	Hon. J. M. Brown
Hon. R. J. L. Williams	Hon. Lyla Elliott
Hon. I. G. Pratt	Hon. F. E. McKenzie

The PRESIDENT: The question is decided in the affirmative. The Standing Orders Committee, at its next meeting, will consider the two Standing Orders.

The Hon. D. K. Dans: And I hope it takes no notice of the debate.

The Hon. D. J. Wordsworth: I hope we do not have to repeat the debate.

The PRESIDENT: Order!

MINE WORKERS' RELIEF AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. I. G. Medcalf (Leader of the House), read a first time.

Second Reading

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [8.36 p.m.]: I move—

That the Bill be now read a second time.

The Mine Workers' Relief Act provides for the relief of mineworkers, other than coalminers, when they contract certain occupational diseases in the course of their employment as miners.

Workers' compensation was introduced into this State by Act of Parliament in 1912. This covered only personal injury by accident, but gave no cover for industrial diseases. A voluntary fund, known as the Mine Workers' Relief Fund (Incorporated), was formed on 1 February 1914. By 1926 the fund was in serious financial straits and the Government then intervened with the Mine Workers' Relief Act 1932, making it compulsory for all mineworkers in the State's industry to contribute at a prescribed rate; that is, \$8.40 per annum.

The Act provided for the periodical medical examination of mineworkers by the mine medical officer and also set down the scale of benefits of \$4 per man per week, plus \$4 for his dependent spouse or widow, and \$1 per child per week, to a maximum of \$9 for any one mineworker. This was payable when he had been diagnosed by the mine's medical officer to be suffering from advanced silicosis, asbestosis, or tuberculosis, and had exhausted any entitlement to workers' compensation.

The Act also provides that mineworkers who are diagnosed as early sufferers of silicosis, asbestosis, or a combination of both diseases, may register under section 50 of the Act, to protect their rights and continue employment within the industry. Advanced sufferers must leave immediately they are advised.

Since 1932, the Mine Workers' Relief Fund has gradually lost all relevance to the industry through—

the establishment of social security payments in 1946 by the Commonwealth Government;

the acceptance of industrial diseases and ever-increasing benefits under the Workers' Compensation Act, in particular, since 1973;

the virtual non-existence of the disease tuberculosis in the mining industry;

the vast expansion in the mining industry in areas such as iron ore, where contributions are compulsory, but likely claims remote; and

non-acceptance of increases in contributions by both mineworkers and employers, so that benefits more meaningful than the \$4 could be paid.

On 13 September 1976, the Mine Workers' Relief Board unanimously agreed that, because its role had been taken over by other agencies, and its benefits eroded by time, it should be wound up. A committee consisting of representatives of employees, employers, and the Government, was formed to inquire into the best means of winding up the scheme, and at the same time safeguarding the interests of all parties concerned. A survey of beneficiaries showed that 96 per cent wanted the fund wound up and a lump sum paid.

This Bill puts into effect the recommendations of the committee, which are—

the Mine Workers' Relief Fund be wound up over a three-year, three-month period;

all mineworkers who are still in the industry be treated as though they left the industry on the date of proclamation, and thereby permitted to lodge claims against the fund whilst still actually employed;

pay-roll deductions of contributions on behalf of employees, employers, and matching Government share to cease from date of proclamation; and beneficiaries be offered lump-sum redemption of their fortnightly entitlements, and a share in any surplus of funds on windup. Any who do not want a lump sum would continue to receive fortnightly amounts through the State Government Insurance Office.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. R. T. Leeson.

TRANSPORT AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. D. J. Wordsworth (Minister for Lands), read a first time.

Second Reading

THE HON. D. J. WORDSWORTH (South—Minister for Lands) [8.41 p.m.]: I move—

That the Bill be now read a second time.

This Bill represents a further progression in the implementation of the land freight transport policy which was presented to Parliament in November 1979. At that time, further legislative changes were foreshadowed.

The ultimate objective of the land freight transport policy is to establish in Western Australia a transport system wherein each mode of transport performs that portion of the transport task for which it is best suited—

where both State and private resources allocated to transport are used to maximum efficiency with a minimum of waste;

where all Western Australians benefit from a co-ordinated secure transport system; and

where by and large the interplay between the suppliers and users of transport will determine the allocation of traffic between and within modes.

The Transport Commission will supervise the system, intervening only where intervention is necessary to safeguard the interests of the community.

It would be unrealistic to expect that legislation introduced at the commencement of this historic and major programme would cater precisely for all the contingencies that could be encountered along the way. Rather, progressive changes to the present legislation probably will be necessary. Legislative changes will depend largely on the success of each stage of the policy and the experience gained from the monitoring of each progressive stage.

The first stage of the policy came into operation on 14 April this year; and, whilst public response is very encouraging, it has become apparent that the legislative changes proposed in this Bill are essential to the attainment of the long-term objectives of the policy.

It is important to appreciate that the policy is one which will benefit all Western Australians in the long term; and, as progress is made towards its implementation, the full co-operation of all participants will be necessary.

The specific changes proposed in this Bill are as follows: The duties and responsibilities of the Commissioner of Transport are to be consistent with his new role as a monitoring authority during the policy's implementation. These responsibilities will require the commissioner to undertake certain new functions previously the responsibility of the Director General of Transport.

There is no doubt that as the new policy is introduced there will be some interchange of

traffic between rail and road; and attendant problems could arise relating to the need of public moneys to ensure adequate transport services. The Commissioner of Transport will ascertain the need and priorities for such investment.

The Government has given an undertaking that the new transport policy will not mean that existing services will be arbitrarily withdrawn or reduced. It will be the Commissioner of Transport's responsibility to determine the adequacy of transport service to towns or districts alike where their reasonable needs are not being adequately met. Should a conflict of interests arise between either suppliers or users of transport services in respect of their individual problems or needs, the commissioner will be required to find an equitable solution and, if necessary, recommend to the Minister the establishment of new services by the calling of tenders or otherwise.

Complementary to the commissioner's overall responsibility for the adequacy of transport services, he will also be the authority recommending to the Minister need for the construction of a new railway or the closure or suspension of any transport service including a railway. This duty is related to his responsibility to ensure that communities receive an adequate transport service. In the case of the construction or the closure of a railway, the commissioner's report is to be tabled before the second reading speech of any enabling legislation.

The commissioner also will advise the Minister on such matters as the operational efficiency, financial viability, and plans for the future improvement of the services operated under the Eastern Goldfields Transport Board Act and the Taxi-cars (Co-ordination and Control) Act.

He also will report, as required, as to the capital needs or loan moneys needed for the purpose of maintaining or improving the transport services provided under these two Acts.

Finally, the commissioner may be required to undertake such other duties affecting transport as directed by the Minister.

For some time the commissioner has been constrained in the issue of omnibus and aircraft licences by virtue of the fact that the existing criteria to be considered do not sufficiently emphasise the needs of the user or of the community generally.

The principle of user interest must be considered when issuing a licence for the transport of goods and it is proposed that the Act be amended so that the same principle should

apply to the issue of omnibus and aircraft licences.

There is provision already to enable applicants to obtain a commercial goods vehicle licence by phone. The applicant is required to submit within seven days of his phone application a written application supporting the verbal information supplied already.

Experience has shown that in many instances the seven days' requirement does not allow the applicants sufficient time to submit the written application. In order to avoid any difficulties in this area, it is proposed that the seven days' requirement be amended to 14 days.

The business franchise —petroleum products— licensing fee has been in force for over a year and, at the time of its introduction, it was not intended to include in this fee under the definition of "motor spirit" the collection of moneys from such propellants as aviation gasoline.

In order to clarify this matter and avoid any misunderstanding, it is proposed to amend the Act to specifically exclude a number of substances from the definition of "motor spirit". A provision is also being made to prescribe other substances as being exempt, should the need arise.

To a marked extent the success of the stage-by-stage introduction of the new land freight transport policy will depend upon all transport operators and users complying with the altered provisions of the Transport Act and so ensuring that existing transport operators, both Westrail and private operators alike, are given the opportunity to adjust their operations to any altered circumstances that might arise.

In order to give effect to this, the investigatory powers available to the commissioner are to be strengthened to enable him to ensure that the provisions of the Act are being complied with.

Basically, many of the new subsections differ little in context from those which they replace, except in such matters as to make more specific that information requested may be obtained in respect of any vehicle or any load or their operation, rather than just the obtaining of information in respect of one particular vehicle and its load.

Likewise, an authorised officer of the commissioner will have the additional authority to request information with respect to the despatch and receipt of a load. Also, the authority to inspect the load and any documents carried has been more clearly defined.

There are additional provisions under which an authorised officer of the commissioner, where he

has reasonable grounds to suspect that an offence has been committed, or is being committed, subject to his obtaining a warrant, may lawfully enter premises and search for and inspect any vehicles, goods, or documents and including the examination and recording of relevant documents.

Without this provision, the task of the commissioner in ensuring that the provisions of the Act are being complied with would be almost impossible. However, attention is drawn to the provision which requires the officer to obtain a warrant before entering on the premises.

The amendment also provides that any information so obtained will not break any duty of secrecy imposed on the person supplying the information or documents concerned.

The existing penalty for this part of the Act dates from 1970 and provides for a maximum fine of \$100.

However, experience has shown that with the changing value of money many operators and other persons engaged in illegal transport prefer to risk prosecution—which generally attracts a nominal fine—rather than disclose the information sought. Thus, the deterrent effect of the penalty largely has been lost.

It is, therefore, proposed that a more appropriate scale of penalties be introduced, which will provide for a maximum fine of \$200 for a first offence, \$300 for a second offence, and for a third and subsequent offence \$500, with a minimum fine of not less than \$200 for a fourth or subsequent offence committed within a three-year period.

The minimum penalty will apply only where it can be established that the accused has engaged in a course of action which is in flagrant contravention of the Act.

These proposals are consistent with increased penalties agreed to by Parliament last year in relation to a person operating a vehicle without a licence.

Officers of the Transport Commission work alone at all hours and in remote areas. To afford better protection for them it is proposed to increase the penalty for assault, threat, or intimidation from \$100 to \$400, or imprisonment for six months.

The penalty provisions relating to the failure to obtain a licence or observe conditions to which a licence is subject provide for first, second, third, and subsequent offences over a three-year period. However, the provisions are defective in that they are so drafted as not to provide for penalties for offences occurring beyond a three-year period.

For example, if an operator was convicted of a third or subsequent offence in 1979, but did not offend again until 1983 there is no provision in the present provisions of the Act for any penalty for such latter offence or offences. The Act is to be amended to rectify this position.

There is in the Act a discretionary power for the courts to order the payment of any licence fees avoided by an operator of a vehicle operating illegally.

It is unreasonable that an operator who has acted illegally should benefit from his illegal act. Accordingly, it is proposed that the discretionary power at present exercised by the courts be repealed and that where an operator is convicted it will be mandatory on the court to order payment of any licence fees avoided.

Provision is made also for the machinery under which any such claim made by the commissioner must be presented to the court.

The order will be in addition to any other penalty the court may impose for the offence.

Air service operators operating within the State are required to pay fees to the Transport Commission. Fees collected under this authority are paid into the Transport Commission fund.

However, from time to time circumstances can arise where an operator may not be bound by the State Act, but, nevertheless, elects to make an *ex gratia* payment. Under the Act such payments may not be paid into the Transport Commission fund, but must be paid into Treasury.

The amendment will rectify this situation and enable these *ex gratia* payments to be paid into the Transport Commission fund.

There is provision in the Act for any balance in the Transport Commission fund at the end of the financial year to be distributed three ways: Part for the maintenance of roads on which omnibuses operate; part for the maintenance of roads on which commercial goods operate; and part to a trust fund for the provision and maintenance of landing fields, etc.

However, of recent years, with the approval of the Treasurer any balance at the end of the year has been allocated towards the payment of transport subsidies.

In effect, this has meant that trust moneys held by the commissioner with respect to the provision, maintenance, etc., of aircraft landing grounds are being depleted gradually and there is no provision to replace them.

It is proposed that the commissioner, with the approval of the Treasury, may add to these trust moneys such amounts as are considered necessary

to provide for grants towards the construction and maintenance of aircraft landing grounds and facilities.

Since this new provision will furnish an adequate source of funds for aircraft ground facilities, there is no necessity to provide for additional funds for this purpose and the Act is to be amended accordingly.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. H. W. Olney.

BILLS (2): THIRD READING

1. Acts Amendment (Motor Vehicle Pools) Bill.

Bill read a third time, on motion by the Hon. D. J. Wordsworth (Minister for Lands), and returned to the Assembly with an amendment.

2. Door to Door (Sales) Amendment Bill.

Bill read a third time, on motion by the Hon. G. E. Masters (Minister for Fisheries and Wildlife), and returned to the Assembly with an amendment.

BANANA INDUSTRY COMPENSATION TRUST FUND AMENDMENT BILL

In Committee

The Chairman of Committees (the Hon. V. J. Ferry) in the Chair; the Hon. D. J. Wordsworth (Minister for Lands), in charge of the Bill.

Clauses 1 to 10 put and passed.

Clause 11: Section 19 amended—

The Hon. D. J. WORDSWORTH: I move an amendment—

Page 4—Insert after line 5 the following passage—

in subsection (1)—by deleting all that occurs after “assessed” and substituting the following—

“in accordance with subsection (2) of this section and shall be paid by the wholesaler in accordance with section twenty of this Act.”; and

Members will know that subsection (1) of section 19 of the principal Act provides a general basis for deducting the levy payable by a grower. This relates to the amount of money payable to the grower by a wholesaler. However, when one reads subsection (2) one finds the rate of contribution to be made by the grower under that section shall be in respect of the number of cartons.

So, it is rather amazing that that situation has existed for such a length of time. It was not noticed until the Hon. Bill Withers—whilst doing his homework—detected that mistake and so this amendment is to correct it. Of course, the collection of the levy will be provided for in the following subsection.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 12 to 16 put and passed.

Title put and passed.

Bill reported with an amendment.

ROAD TRAFFIC AMENDMENT BILL

In Committee, etc.

Bill passed through Committee without debate, reported without amendment, and report adopted.

Third Reading

Bill read a third time, on motion by the Hon. G. E. Masters (Minister for Fisheries and Wildlife), and passed.

BEE INDUSTRY COMPENSATION AMENDMENT BILL

Second Reading

Debate resumed from 29 October.

THE HON. R. T. LEESON (South-East) [9.05 p.m.]: This Bill provides compensation for beekeepers if they have to destroy their hives or equipment which may have become contaminated by diseases which affect this industry from time to time.

I was unaware of some of the problems of this industry until I made a few inquiries. This industry is one of those which does not receive a great deal of publicity, but it does an efficient job, although it is a fairly small industry in Western Australia.

This Bill provides an amendment concerning the compensation fund committee. In the past, members of that committee were elected for an infinite period of time. However, it is proposed that members will be elected for a maximum of three years after which time the memberships will be reviewed. As Mr Pike has mentioned, it seems incredible that these committees continue to operate for as long as they do, especially when we do not know the reasons for their existence. Here we have a classic example of people being on a committee for ever and a day. At least with this legislation we will be able to look at who is on the committee every three years, ascertain what sort

of job is being done, and make alterations if they are desirable. I support the Bill.

THE HON. D. J. WORDSWORTH (South—Minister for Lands) [9.07 p.m.]: I thank Opposition members for their support of this legislation. Members will appreciate the fact that Western Australia is a very important producer and exporter of honey. We in this State are fortunate we do not have very many diseases and particularly the brood disease which has been referred to in the legislation. We go to a considerable amount of trouble to keep infected honey out of the State.

It may be of interest to members to know that when the Miss Universe competitors were in Perth, the entrants, who were looking after their beauty, appreciated the benefits of honey and ordered it with their breakfast. The hotels did not have the familiar individual plastic containers for the honey because we do not allow honey to be imported from other States and we do not have the necessary equipment within this State to carry out that sort of packaging. However, the bee industry came to their assistance and the girls obviously kept their complexions.

I thank members for their support of this legislation.

Question put and passed.

Bill read a second time.

In Committee, etc.

Bill passed through Committee without debate, reported without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by the Hon. D. J. Wordsworth (Minister for Lands), and passed.

BEEKEEPERS AMENDMENT BILL

Second Reading

Debate resumed from 29 October.

THE HON. R. T. LEESON (South-East) [9.12 p.m.]: I sometimes wonder why these Bills cannot be put into one pot or in one measure. Perhaps one evening we should get a legal boy to rise on the adjournment debate and say why we cannot do this.

This Bill is related to the diseases in the bee industry and provides for the Minister to gazette areas which may be diseased. Of course, we hope this does not occur. I know the Minister for Lands comes from an area where the industry has grown

tremendously. My first introduction to bees was when I went to Esperance on holidays and I hope this industry does not run into the problem of diseases.

I wish to raise the matter of the penalty for breaches of the Act. Often, during the second reading stage of a Bill, the Minister says that because of inflation the penalties have to be increased. I note that the penalties for this particular Act have been increased tenfold. The penalty for impersonating an inspector will be increased from \$100 to \$1 000.

I wonder how many, if any, attempts have been made to impersonate a bee inspector. There are plenty of "b . . ." inspectors, but I have never known anyone to impersonate a bee inspector!

I wonder why we continue automatically to increase these penalties, one after the other, and say, "We don't know much about this, but it may prevent something happening which probably will never happen". This Bill is related to the Bee Industry Compensation Amendment Bill and we on this side of the House support it.

THE HON. D. J. WORDSWORTH (South—Minister for Lands) [9.15 p.m.]: I thank members for their support. I note the comments of the Hon. R. T. Leeson in respect of the increase in fees. It is necessary to increase fees from time to time, but it is an interesting point as to whether it is absolutely necessary in this case. I do not think many people are charged with the offence of impersonating bee inspectors. In fact, I do not know what a bee inspector looks like, or how we could identify one.

The Hon. D. K. Dans: Perhaps he has a bit of a sting in his tail!

Question put and passed.

Bill read a second time.

In Committee, etc.

Bill passed through Committee without debate, reported without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by the Hon. D. J. Wordsworth (Minister for Lands), and passed.

DAIRY INDUSTRY AMENDMENT BILL

Second Reading

Debate resumed from 29 October.

THE HON. J. M. BROWN (South-East) [9.18 p.m.]: It appears tonight that the South-

East Province members are having a milk and honey evening—we have now disposed of the bees and we are onto the dairy industry.

The Opposition supports the proposed amendments to the Act. When these amendments are put into effect, certain matters will arise from them which will play a very significant part in the dairy industry. The Dairy Industry Authority will have a great responsibility to ensure that its administration of the industry assists not only the industry itself—the producers, the handlers, and the distributors—but also the consumers.

It is significant to note that the price of milk in the metropolitan area has increased by 63 per cent since 1975. As milk is an essential commodity, this has an effect on the whole community. Therefore, it is to be hoped that the amendments which will affect the way milk is distributed will not increase the cost spiral.

People in country areas pay considerably more for milk than do people in the metropolitan area, and it will behove the authority to look at the distribution and supply of milk throughout the whole State of Western Australia. It must give consideration to the licensing of the various resellers who have the agency to distribute the milk. The cost burden caused by the distribution increases all the time. The milk tankers cart milk from Perth to Kalgoorlie, and yet in Kalgoorlie the milk is 10c a carton cheaper than it is in Merredin, which is supplied from Northam. I hope the Dairy Industry Authority will note the comments we have made in the Parliament and that it will seek to rationalise the industry.

I turn now to the amendments contained in the Bill. It is proposed to make it obligatory for vendors to supply milk five days a week to the Community. Members are aware that at the moment the milk vendors are required to distribute milk six nights a week, but it has been found that this provision cannot be enforced. Therefore, it became necessary to amend the parent Act and to seek a five-day-a-week distribution. This is the least we should seek for the customers, and we hope it will lead to better service to the community and a greater output from the producers. If this happens, everyone in the industry will benefit.

Stability in price is probably the most essential requirement at the moment. The authority will now have the power to enforce the five-day-a-week delivery. However, we do not know whether this will include either Saturday or Sunday, or whether it means a Monday to Friday delivery service. Some milk vendors are supplying milk on a three-day-a-week basis at present, and expecting

customers to order extra milk on those three days. It can be said, of course, that every household has a refrigerator and it is not necessary to supply milk more frequently. However, not everyone is in a position to purchase milk under these conditions. It is essential to give the public the service they desire. Certainly the supermarkets are not taking up the slack.

The figures show that only 40 per cent of the milk requirements of Western Australia is supplied by milk vendors. In the Eastern States this figure is 60 per cent, and I believe this is attributable to the service given. In the last 12 months the increase in the production of milk has been 2 per cent only, and I believe that if we supply a greater service to the public there will be increased consumption.

The Dairy Industry Authority is considering the creation of zones for the milk vendors. A vendor who is operating satisfactorily within the industry considers himself a small businessman. A person who is supplying a service is entitled to protection within the industry.

The Dairy Industry Authority will have the power to impose quite severe penalties if a milk vendor does not meet his obligations. The penalty is a suspension of up to three months, so obviously someone else would have to operate the milk run of a suspended vendor. The authority will be able to impose further penalties in the case of additional infringements. So the amendments will give added power to the Dairy Industry Authority, and it is my belief that the Manager of the Dairy Industry Authority (Mr Travers) and his staff will use that power in the interests of the whole industry from the producer to the customer.

The Hon. G. C. MacKinnon: Why is 20 per cent less delivered in Western Australia than in the Eastern States?

The Hon. J. M. BROWN: That is a good question. The authority believes it is because the public are not receiving the service they want. It was found that the authority did not have the power to enforce the six-day-a-week delivery.

The Hon. P. H. Wells: Do they have a six-day-a-week delivery in the Eastern States?

The Hon. J. M. BROWN: I do not know about that. The authority will now have the power to compel the milk vendor to supply the service for which he is paid. It is important to note that the income of milk vendors is assessed on the basis of a six-day-a-week delivery. Some vendors take up milk delivery as a bit of a hobby, and this is where problems arise. People are then paying too much for the product they are consuming. It is this sort of thing that has led to the decrease in the

amount of milk delivered. I do not think the supermarkets are picking up the shortfall in sales because milk sales have not increased in line with our population explosion.

The Hon. G. C. MacKinnon: Perhaps the Minister can tell us why there is such a large disparity.

The Hon. J. M. BROWN: I have told the House my views on the problem, and I will leave it to the Minister to tell us what he knows about it.

We want to ensure that the authority uses its powers correctly, and certainly we would not wish zoning to be introduced in a haphazard way.

The Bill provides also for the Dairy Industry Authority to invest its funds in permanent building societies to achieve a better return. We do not oppose this provision, although we do not know why permanent building societies have been specified.

Finally, the Dairy Industry Authority is to take over the role of the advisory committee which was set up under the Filled Milk Act of 1959. This committee has not met for a decade. Dr Lorenz of the University of Western Australia is an adviser to the DIA, and following representations to him from producers, consumers, manufacturers, or wholesalers, he makes a submission to the authority.

I would like briefly to refer to the Milk Vendors' Association. Not all milk vendors are members of this association. I understand some milk vendors belong to the Transport Workers' Union and others do not belong to any association. Mr Bob Lewis is the spokesman of the Milk Vendors' Association and he believes that this legislation will bring greater stability to the industry.

Handled correctly, the measure will improve the production and distribution of milk. I hope that when the Minister for Lands replies he will be able to answer some of my questions. I would not like him to forget the matter of the distribution of milk in country areas. This seems to place a greater penalty on people living there. We support the measure.

THE HON. W. R. WITHERS (North) [9.30 p.m.]: When I first saw that the Government intended to introduce this Bill, I was a little stunned because I had forgotten there was such an Act as the Filled Milk Act. It was remiss of me not to be aware of this legislation because I had assumed some of the milk we were drinking in the north of the State was filled milk.

Members may recall that last week I asked some questions in this House concerning the milk which was available in the north of the State. I queried whether, due to the thawing characteristics of the milk, it was possible that something other than butterfat was in the milk. However, the Minister assured me the characteristics of the milk and its thawing qualities were being researched. Obviously, the department does not know why the milk purchased in the north has the butterfat on the bottom instead of on the top of the liquid.

I rise tonight not simply to pass on a little general knowledge, but to pass on to the industry through the Parliament the fact that the milk we receive in the north of this State which is produced in Western Australia is not as good as the product imported from Queensland. I will not mention the brands of the Western Australian milk, but the Queensland milk is a brand by the name of Malanda, and comes from the Atherton Tablelands in Queensland. When I say it is superior to the Western Australian milk, I am speaking mainly from experience through the taste buds and stomach; I am not speaking from scientific experience. However, let us face it: That is how the public judges the quality of their milk. I would like to think the Western Australian producers could upgrade their standards, although I do not know how this would be done.

The Hon. G. C. MacKinnon: Are these milks ordinary pasteurised varieties?

The Hon. W. R. WITHERS: Yes, they are.

The Hon. G. C. MacKinnon: Not UHT?

The Hon. W. R. WITHERS: No, they are not long life milks. I am referring to the homogenised, pasteurised, frozen milks which arrive in cartons. Strangely enough, the homogenised and pasteurised flavoured milk produced by Moove appears to be a very good product; it is of a higher quality than some other flavoured milks. If this is the case with flavoured milks I do not know why it should not also be the case with ordinary, plain, homogenised and pasteurised milk.

The Hon. D. K. Dans: A great deal has to do with the handling of homogenised and pasteurised milk.

The Hon. W. R. WITHERS: That is a possibility. I recall that when milk was transported to the north on State ships, we used to have terrible trouble. Sometimes the milk would be half thawed; at other times it had been thawed and refrozen, and resembled curds and whey, rather than milk.

The Hon. D. K. Dans: The milk used to be loaded onto the ships, very often in the heat of the day.

The Hon. W. R. WITHERS: That is true. Now the milk is transported to the north on trucks, and it arrives in much better condition. However, the Malanda milk from the Atherton Tablelands also must be transported a long distance by truck, yet it appears to be a better product.

I am a milk drinker; I like a glass of milk each day. I find Malanda milk is a better product than the Western Australian varieties, so I have instructed my wife to purchase that brand when she goes to the local stores.

The Hon. J. M. Berinson: Surely "requested"?

The Hon. W. R. WITHERS: Did I not say "requested"?

The Hon. J. M. Berinson: You said, "instructed".

The Hon. W. R. WITHERS: If I said, "instructed" I meant "instructed". If I like something to be in the household, I instruct my wife of my desires.

The Hon. P. G. Pandal: With what result?

The Hon. W. R. WITHERS: I think I have said enough. I support the Bill. However, in doing so I point out to the industry that a better product is available from another State. I hope the Western Australian industry can improve its product to provide us with the equivalent of or better than the Queensland product.

THE HON. J. M. BERINSON (North-East Metropolitan) [9.36 p.m.]: I have often heard people say that shops should be permitted to open on more than one night a week; I have never heard it suggested that they should be forced to open on more than one night a week. In the same way, I have heard it said that it would be very nice to have fresh bread on Sundays, and that bakers should be permitted to bake on Sundays; again, however, I have never heard it said that bakers should be forced to bake bread on Sundays.

As the converse to those two situations, I can honestly say I have never once heard a consumer say that more frequent milk deliveries are desirable. Yet that is what this Bill not only will allow, but also positively will demand.

The justification provided by the Minister for this legislation is meagre, and that is putting it at its highest. In the first place we have from him an inference which might better be described as a hope that the measure requiring compulsory deliveries five nights a week will lead to greater consumption of milk. There was not even the

slightest evidence that would be the result and I would like to say that I for one do not regard it as self-evident; in fact, I do not believe it will happen.

The only other attempted justification by the Minister was on the grounds of inconvenience. In his second reading speech, the Minister stated as follows—

... a number of vendors in the metropolitan area deliver only three or four times a week, thus causing inconvenience to the householder in having to store large quantities of milk or visit shops for supplies.

That in my opinion simply is not true. With great respect to my colleague (the Hon. J. M. Brown) who has a somewhat different view from mine as to the extent to which householders might be inconvenienced, the fact is that refrigerators now are a universal household appliance, and storing two days' supply of milk instead of only one can involve no conceivable hardship to anyone in the community.

They are the only two reasons which appear in the Minister's second reading speech, and neither of them carry any conviction. Since no other justification is offered, I can only doubt the desirability of this part of the Bill.

What cannot be doubted is that this aspect of the Bill will lead to some clearly undesirable consequences. In the first place, milk will cost more. We do not need a computer or a cost benefit analysis to enable us to make that judgment. It simply stands to reason and to ordinary observation that if there is now a milkman delivering two pints of milk to my home every second night, and he is forced to deliver one bottle each night or, alternatively, two bottles on one night, without being able to deliver anything at all on the second night, costs will rise. If costs do rise, somebody must pay and the people who will pay are the consumers.

There is no doubt in my mind that even though the increased cost arising from this legislation might not be capable of being identified precisely and separately, nonetheless it will be there and will be a component of the next increase to hit this particular commodity. Mr Brown pointed out that in the last five years the cost of milk has gone up by 63 per cent and, from memory, this involved at least 15 separate increases. The sixteenth increase is on the way and by the time we get to the seventeenth or eighteenth increase I do not have the slightest doubt that built into the increase will be a component to compensate for the increased cost arising from this legislation.

This Bill also is undesirable on more general grounds. It strikes me as ludicrous, and I am rather concerned it does not also strike other members as ludicrous, that in a world of limited resources, where we are constantly being exhorted to save fuel and energy, we are here being invited to support a measure which must have exactly the contrary effect. It must result in a waste of resources, of fuel and energy; there is no escaping that.

Mr Deputy President, as you will have heard, the Opposition supports the measure; so, it goes without saying that I support it as well. Perhaps I can best explain my own position by saying I support the delivery section of this Bill with rather less enthusiasm than I support its other sections. In particular, I support it with this reservation: That the provisions relating to compulsory delivery of milk on five nights a week be kept under review. If experience shows—as I believe it will show—that the measure does not increase the *per capita* consumption of milk, we will have introduced legislation for no purpose at all, and we should be open to the proposition that in such event, what we are now legislating for ought to be reversed.

THE HON. N. E. BAXTER (Central) [9.43 p.m.]: I feel I should make a small contribution to this debate, particularly in regard to the matter of milk deliveries by retail vendors. At one time, milk vendors delivered on six nights a week. The only day they had off was either Saturday or Sunday, according to what suited their clients. Gradually, deliveries were cut back to four nights a week, with consultation with the housewives.

Some housewives do not like this system and have moved away from the milk vendor to the supermarkets and shops. It was inconvenient for them to have milk delivered every alternate day. In those days, milk was not date stamped. However, today the date is stamped on the bottle cap. Women are pernickety creatures, particularly when it comes to milk. They do not like to be messed about. They were of the belief the milk they were receiving from the vendor was not as fresh as it could be and that they would be better off to obtain their milk daily from the local supermarket or shop.

The Hon. J. M. Berinson: Do you believe the total milk consumption suffered because of that?

The Hon. N. E. BAXTER: To some degree, I believe it did. I believe many housewives said, "Rather than rush off to the supermarket every time we run out of milk, we will lay in a store of powdered or canned milk." These alternative

products are easier to handle and may have taken a share of the fresh milk market.

All this means there has been a reduction in the amount of fresh milk sold to the consuming public. I know some families prefer to use powdered milk, which I believe to be quite a horrible substance. Some people use it for all their needs and, of course, this adds to a lowering in the consumption of fresh milk.

The delivery of milk has been a remunerative business for many years, although costs have crept up to some degree, causing vendors to drop their deliveries to perhaps just three or four days a week. There is a margin per litre of milk delivered built into the amount the vendors receive for their deliveries. By cutting down on deliveries the vendors can save on their fuel and energy outlay. However, this practice does not enhance the milk industry and it causes many people not to use fresh milk.

Over the years there have been many good milk vendors in both the metropolitan and country areas. These people have kept up a five or six-day-a-week delivery. Many housewives are unhappy with the service they receive from others; when they leave out the money for their milk they often find the next day it has not been collected, and this worries them. This sort of situation is of concern to the industry.

This Bill will allow us to see what takes place with a mandatory five-day delivery of milk. If the milk vendors feel they are being hard done by they can apply to the Dairy Industry Authority to be recompensed. It will be up to the authority to decide what is a fair thing.

THE HON. NEIL McNEILL (Lower West) [9.47 p.m.]: I think the remarks made by the Hon. J. M. Berinson, without being disrespectful to the other speakers, probably raised the more interesting points in relation to this Bill. Without attempting to use his words, I indicate he suggested there was insufficient justification given by the Minister to do certain things contained in this Bill, such as to give the Dairy Industry Authority clearer power to impose conditions on milk vendors' licences and, at the same time, to clarify its powers in relation to the defining of districts and boundaries as delivery areas.

The Hon. J. M. Berinson: I have no problem with the second proposition about defining boundaries.

The Hon. NEIL McNEILL: His observations are of interest because I could be somewhat inclined to similar views myself in relation to whether these moves will increase milk

consumption, which is claimed to be the prime purpose of the Bill.

Perhaps I can recount a little of the background of which I am aware. I do not claim to be well informed on all these aspects, but I am aware that for some considerable period, the vendors—members of the Amalgamated Milk Vendors Union of Employers—have been concerned because they have been aware that a number of their colleagues and other people involved in the milk vending business have not been giving the performance to their customers which they believe is warranted. They would like all the people to perform to their greatest ability in order to enhance their section of the industry and to have it in good standing.

When I first heard about this I thought that disciplinary action, if necessary, could have been taken within their own organisation. If they had a sound and well-operating organisation, I thought they would be able to impose the disciplinary measures to ensure that the performance by their members was of a high standard. Apparently that was not the case.

They have been unable to do this. I do not know for what reason, but I can surmise that one of the reasons contributing to this is that milk vendors take a variety of forms. There are large numbers of them who are on a contract arrangement with the dairy companies; they are tied to the companies. This is well known to people who want to arrange deliveries; they ring up one or other of the dairy companies and arrange for milk to be delivered to their door. In addition, there are quite a number of independent vendors who are not tied to dairy companies. I suppose this is one aspect which would contribute to any lack of cohesion amongst all the people involved in that part of the industry.

It is also true that for a period of years vendors themselves have not been satisfied totally with their share of the market return. As the Hon. Norman Baxter has mentioned, the DIA, through its prices committee, establishes what will be the price of milk; the price to the farmer at the farm gate; the various margins for the companies; the price for the transport of the milk off the farm by tankers and to the vendors; and in fact, the price for every section of distribution of the milk. Everyone gets his share of any increase in price. From 1 November the price has been increased by 2c a litre. That 2c is distributed in various proportions to each of the people involved in the industry.

It has been true that in past years the vendors were grossly dissatisfied with their share of the

milk return. At one stage they put up a very strenuous lobby in order to have a fair share of the milk price returned to them. It would be true to say the Milk Vendors' Association, as the responsible body concerned, would have appreciated that it would have great difficulty in convincing the DIA that it had a right to any greater share when its members were not providing what might be regarded by that body as a suitable performance. It follows that in order to justify a larger share of that milk return, the vendors would need to provide a better service to the customer. That would improve their chances of increasing their share.

I am surmising this may be a contributing factor; but the fact remains that the reasons for the amendments are as a consequence of action taken by the milk vendors' union. I have a letter from the union's president (Mr Walters) dated 23 November 1979 in which he expressed great concern because the Government up to that time appeared to be reluctant to agree to certain amendments to the Act. It has taken up to now for the Government to agree to these amendments.

The amendments are being implemented very largely as I can ascertain as a consequence of the representation of the whole body of milk vendors. I acknowledge also that I am well aware that not all milk vendors are members of this union of employers. The union would like to have one cohesive body, but that is not the case. If it is any answer to the Hon. J. M. Berinson, to the best of my knowledge—and I think this is borne out by Mr Brown's discussion with Mr Bob Lewis—it was those representations that brought about these amendments.

The next point made by the Minister is that the amendments will bring about an increase in the consumption of milk. I doubt it. Perhaps I could cite two instances, both from overseas. I have referred to one previously which related to my observations in Canada where they have a milk and dairy situation very similar to ours. I expressed concern on behalf of the industry in Canada that because of the availability of ultra-heat treated milk, perhaps fresh milk consumption was being reduced, but those views were not held by the dairy industry in Canada. The industry considered that the UHT milk was simply a long-life milk used by the people when necessary and convenient. Another point about the industry which interested me was that there were no daily deliveries. I am speaking about the situation in Ottawa and I believe it is equally true in other provincial centres.

Most of the milk was purchased from stores not in bottles—and to correct the Hon. Norman Baxter, they are 600 ml bottles—but in gallon buckets. It was quite an experience to see housewives going home from the supermarkets carrying little white buckets of milk. It was a jolly good situation. A similar situation applied with respect to soap powder which was available in four-gallon containers and there was a larger bucket also available.

The Hon. D. K. Dans: Disposable buckets?

The Hon. NEIL McNEILL: They were plastic, non-returnable containers. The industry there believed there was no loss of sales because there was no daily delivery.

The other experience I shall relate to members concerns a visit to Amsterdam. I was travelling down the Rhine in one of the Rhine ferries and as we approached Amsterdam a lady came on the public address system to give a tourist spiel and one of the first things she said was that Amsterdam is quite a unique city because it is one of the only places left in Europe where there is still a daily delivery of milk. Holland is well-known as one of the premier dairy countries, and it seems that they thought it was quite an interesting point to indicate that Amsterdam still had daily milk deliveries. The inference is clear that it is probably not the case in many of the European cities.

I will return to the position relating to Western Australia. I doubt whether the imposition—the Hon. Mr Berinson referred to it as that—of compulsory five-nights-a-week deliveries of milk will contribute to increased sales. In years past when there was a great deal of competition in the dairy industry, and, particularly between vendors, the vendors ensured that they gave a daily delivery—six days a week at least—in order to maintain their share of the business and, if possible, to improve the extent of their business.

Obviously the wheel has turned a good deal and it is no longer considered either necessary or desirable to have competition, and that competition is no longer something in which the vendors feel they must be involved in order to retain their sales. I believe that is why it is apparently not as profitable for them to do that, and therefore, they have opted for three-nights-a-week or four-nights-a-week deliveries.

I believe it is wrong to be at a point at which the industry can exist only if milk is delivered five times or more a week—it is the wrong incentive. No great hardship will be suffered if milk is stored for two days in a refrigerator—certainly, it

would keep. Milk can be stored in a deep freeze for a week and it is still all right.

Another attitude does exist which relates to the psychology of the supermarkets and why they are the great rage of the present. Obviously they are successful because customers buy more and exercise their choice over whatever is in front of them, as distinct from the old days when people came around to take orders and the consumer ordered only what he could think of at the time. A customer would limit his order for milk to a bottle or two or a carton as the case would have been for each day, but now when he goes to a supermarket it is clear that he will bring home far more goods and a greater variety of goods than he might otherwise have.

I will not oppose the Bill; I will support it for the reasons I have given; it is a consequence of a request.

The public will be affected and I will be interested to see how the proposed situation works out. I would like to be convinced and have it proved to me that milk consumption will increase. If we are to seek increased consumption, as I have said on numerous occasions in this Chamber—more times than necessary—other ways exist by which increased consumption can be obtained.

The Hon. Bill Withers has again drawn attention tonight to one instance. The north of Western Australia, and, particularly, the Kimberley area which happens to be a long way away, are areas which the dairy industry needs to consider. The northern areas import milk from Queensland at a time when the dairy industry in the south-west of Western Australia is experiencing difficulties. It seems to me there is a need for greater milk consumption, and that is evidenced by the highly expensive and somewhat sophisticated commercials on television—the “Milk It Instead” campaign. The industry realises a need for greater consumption exists while at the same time other avenues are not being investigated thoroughly to take advantage of every opportunity that may exist to increase sales. With those comments, I support the Bill.

THE HON. D. J. WORDSWORTH (South—Minister for Lands) [10.06 p.m.]: I thank members for their support of this proposed legislation. I should say I thank them for their contributions, for I think the members reflected the attitudes of the community and the changes taking place in the dairy industry. If one thinks a little about this matter—I saw the member for Dale in the gallery a little while ago—one realises that in the old days milk was produced in one's

electorate and was carted to the door and poured into a billy, and goodness knows how one's head was knocked with the smell when the lid of the billy was removed. It was not a very hygienic way of distributing milk, and was carried out generally by those who owned the cows.

The Hon. N. E. Baxter: The cat got it first.

The Hon. D. J. WORDSWORTH: Yes. Then we saw the Hon. Neil McNeill's area as the area producing milk for Western Australia. The land was under irrigation and the outer areas produced the processed milk that went into butter and other dairy products. Then we saw the Federal Government's withdrawal from the heavily subsidised butter side of the dairy industry.

The Hon. Neil McNeill: Did you say "heavily subsidised"?

The Hon. D. J. WORDSWORTH: The Hon. Neil McNeill might say that it was not subsidised heavily enough, but certainly the situation existed whereby butter products were sold at a higher price in Australia than they were sold overseas. During the last five years we have seen major changes which have had important consequences for the dairy industry and particularly the whole milk producers. We have seen the centre of production moved more into the southern areas of Vasse, as we know it.

Here we have proposed legislation put forward by the dairymen themselves and, obviously, by the authority set up for dairy promotion. It is rather interesting to hear the Hon. Mr Berinson's remarks from his side of the House because I do not suppose there is an industry which is more price controlled than the dairy industry, and price control is something for which the Labor Party cries. In the dairy industry we have price control in its ultimate form.

On the matter of milk deliveries, as the Hon. Neil McNeill said, a five-days-a-week service has been paid for, and if it has been paid for, we should use it because it is included in the price of milk. If a vendor delivers milk three times a week he will make a higher profit and it could affect the amount of milk consumed. Obviously there is no chance of his being able to sell the milk cheaper because he delivers it three times a week; in fact, we can purchase milk from a supermarket where we would expect it to be cheaper still, but it is the same price as if it were delivered. Home deliveries is one of the areas in which the dairy industry is attempting to maintain sales.

A great deal of statistics has been printed which I have been asked to produce in regard to this matter to indicate how much daily deliveries affect consumption. In Adelaide, Sydney, and

Brisbane, six-days-a-week home deliveries exist and by doing so those cities have over 70 per cent of the milk consumed being home delivered. The two cities which do not have, should we say, good deliveries—if the number of deliveries a week is considered to be a standard—are Melbourne and Perth. In Melbourne milk is delivered three times a week but the sales from home deliveries have dropped to 16 per cent of the total.

The Hon. J. M. Berinson: What about the total *per capita* consumption? Do you have those figures?

The Hon. D. J. WORDSWORTH: Those figures have not been provided.

The Hon. J. M. Berinson: Would you agree the amount sold at the door is totally irrelevant to total consumption?

The Hon. D. J. WORDSWORTH: I am not in a position to comment. We have said this argument is rather interesting. I am aware the dairy industry has come to the opinion that deliveries five times a week will increase consumption, and it has put forward the figures to which I am referring.

The Hon. J. M. Berinson: Your figures do not refer to consumption, only to the proportion of consumption.

The Hon. D. J. WORDSWORTH: I cannot give the member the consumption per head but I will get on to that matter generally in a moment. It is felt that other matters affect consumption. Wait-Aid Ltd. did a study in Western Australia some two years ago which showed that 40 per cent of milk in Western Australia was home delivered and that five years ago when there were, shall we say, better deliveries, 70 per cent of milk consumed was home delivered, which is the same figure for other cities, except Melbourne. So the industry as such feels that if it allows the number of deliveries per week to fall then the home consumption, or the milk that is—

The Hon. J. M. Berinson: You mean the percentage of milk.

The Hon. D. J. WORDSWORTH: The percentage of milk consumed will fall. Other factors could be said to affect the sale of milk. It is a general view that if a customer has milk delivered six times a week he will be forced to drink more milk because he would have, say, a full bottle and another bottle arrives the next day which he would not normally purchase.

The Hon. J. M. Berinson: You cannot make statements like that.

The Hon. D. J. WORDSWORTH: I am saying that this is the feeling of the industry.

The Hon. J. M. Berinson: But you just made the statement. Do you mean the industry does not know at all?

The Hon. D. J. WORDSWORTH: A board has been set up now for many years which is as expert as one could have in this field.

The Hon. J. M. Berinson: And it has a feeling?

The Hon. D. J. WORDSWORTH: What I have stated is its opinion. I think it is fair enough to say that.

The Hon. D. K. Dans: It is a statement of fact!

The Hon. J. M. Berinson: It is a statement of fact that they have a general feeling!

The Hon. D. J. WORDSWORTH: The industry has a feeling about the matter because it does not have any way to prove its statement other than by putting forward statistics it has collected.

The Hon. D. K. Dans: What will you do when people do not drink more milk?

The Hon. D. J. WORDSWORTH: If consumption decreases so do sales and production, and the number of dairy farmers in the industry.

The Hon. D. K. Dans: One man's laugh is another man's tears. Have you ever thought of making the milkos into dairymen to deliver a variety of products, as happened during other times?

The Hon. D. J. WORDSWORTH: This is a matter which the milk authority is examining.

The Hon. D. K. Dans: Perhaps the concept is too revolutionary.

The Hon. Neil McNeill: Heresy.

The Hon. D. J. WORDSWORTH: Perhaps it could be argued that the milk industry is in the same position now as the dairy industry was when we were attempting to ban the consumption of margarine. The situation in the Hon. Bill Withers' electorate can be instanced. Consumption in the north-west has been tailored to the situation in the south-west.

In addition there is the situation at Yilgarn, as described by Mr Brown, and the major change which will take place in the Esperance area which is about to be declared a milk area. It is one of the few areas outside the declared milk area.

The Hon. Neil McNeill: Will Esperance be a declared milk area?

The Hon. D. J. WORDSWORTH: Yes, and the price of milk will increase considerably. I am in a difficult position from which to support the authority because I would rather have my milk much cheaper as it was when private enterprise was allowed to exist.

The Hon. J. M. Berinson: The Government is deserting free enterprise in favour of big government.

The Hon. D. J. WORDSWORTH: It is a difficult industry, obviously, and I have some sympathy for the Minister for Agriculture.

The Hon. J. M. Berinson: And we have sympathy for you.

The Hon. D. J. WORDSWORTH: We have the position in Esperance where one person has been endeavouring to produce the milk, process it, and deliver it. He has battled long and hard, and he cannot continue. We have benefited from the Perth price for milk.

The Hon. D. K. Dans: Has anyone been able to come up with a reason for a 60 per cent consumption rate of milk in this State compared with New South Wales?

The Hon. D. J. WORDSWORTH: It is felt the reason is the falling down in the number of home deliveries. That is the reason this Bill incorporates a provision for a five-day delivery.

The Hon. D. K. Dans: A large number of people, including me, have not had a milkman deliver for a number of years. We have refrigerators, and we can go to the local shop if we run out. Hundreds of people do the same thing.

The Hon. D. J. WORDSWORTH: I understand what the Leader of the Opposition is saying. I am aware he is not interjecting because of any bias. The dairy industry is concerned, and it has asked the Government to make some fairly major changes which are incorporated in the present amendments. There is considerable emphasis on deliveries, and for this reason the Government is supporting the dairy industry as, indeed, the Opposition has supported it.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (the Hon. T. Knight) in the Chair; the Hon. D. J. Wordsworth (Minister for Lands) in charge of the Bill.

Clauses 1 to 6 put and passed.

Clause 7: Section 24 amended—

The Hon. J. M. BERINSON: I rise to make a short point without attempting to make a big deal of it. When speaking to a previous Bill I had occasion to ask the Minister for quite basic information. I think it was a question relating to the total cost of a gas subsidy. It was the sort of

basic information that ought to be provided in the Minister's second reading speech so that members can make up their minds in advance of the debate whether to say something about the fundamentals of the legislation.

In the present Bill we have a somewhat similar situation. It turns out that the Minister does have a certain set of statistics which he presented by way of reply to the debate whereas in my opinion more properly it should have been provided at the outset of the debate.

I take the opportunity to stress, not only to the Minister handling this Bill, but to all the Ministers in this place, that they ought to use whatever influence they have within the Government at least to ensure that when this place is preparing for a debate on any subject, we are provided with whatever information is available.

As it happens, the statistics which the Minister provided in his reply to the second reading were quite useless and irrelevant. However, if the Minister intended, at any stage, to introduce those statistics, the appropriate time was in his second reading speech to allow us sufficient time in which to consider them, and to comment when debating the Bill. When all is said and done, it is the Government which has access to the information. It is difficult for ordinary members, from either side, to have access to the source of information which is required to give us a balanced view of what is being done.

I take this opportunity to stress again to the Minister that if we are to have a meaningful debate we need to have the relevant information at the outset, and not by way of reply.

The Hon. D. J. WORDSWORTH: It is impossible for a second reading speech to contain all such information. We had a very long report on the Transport Amendment Bill, and it will be interesting to note whether the member will speak longer because more information has been made available.

As it happens, the member of the Opposition handling this legislation did have the information, and he quoted from it. I think members have to do some research on these matters.

The Hon. J. M. Berinson: I am talking about the attitude of the Government.

The Hon. D. J. WORDSWORTH: The information was readily available.

Clause put and passed.

Clauses 8 and 9 put and passed.

Clause 10: Section 55A inserted—

The Hon. N. E. BAXTER: This clause provides for the conditions of a licence, and it includes a five-day delivery each week. In discussing this matter with the Minister for Agriculture in the last half hour I was assured that the margin to vendors is based on a six-day delivery, which has not been enforced. With a five-day delivery, the vendor should be in front to the extent of one day's costs. There is an argument for a five-day delivery, when the vendor is being paid on a six-day delivery basis.

Clause put and passed.

Clauses 11 and 12 put and passed.

Clause 13: Section 75 amended—

The Hon. NEIL McNEILL: This clause refers to the funds of the authority not immediately required for the purposes of the Act, and will give power to the authority to invest those funds in a building society. Previously, they were required to be deposited with the Treasury.

The Minister said that because the Act presently did not allow for funds to be invested in a building society, in fact the housing industry was losing the use of those funds. That is a commendable thought. If funds are available they ought to be made available to the housing industry, and they could help the housing industry to some degree. But, with charity beginning at home I would have thought it would be a greater incentive to invest the funds at a greater rate of interest in order to provide a greater return through the funds to the Dairy Industry Authority.

Having made that observation, I ask the Minister whether he has available to him information showing the extent of the surplus, and how the funds came to be surplus?

The Hon. D. J. WORDSWORTH: I am unable to supply the information, but the figures will be in the annual report of the Dairy Industry Authority.

The Hon. Neil McNeill: The report to 30 June would not be available yet, in any case.

The Hon. D. J. WORDSWORTH: Probably not. Previously, the money had to be invested in an approved investment. We are now allowing home building societies to be acceptable investments for trusts.

The Hon. NEIL McNEILL: That aspect simply was an observation on my part. My real inquiry relates to the extent of the funds, and the reason they became surplus.

The Hon. D. J. WORDSWORTH: I will make that information available to the member.

Clause put and passed.

Clauses 14 to 22 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

ADJOURNMENT OF THE HOUSE

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [10.30 p.m.]: I move—

That the House do now adjourn.

Standing Orders Committee: Consideration of Adjournment Debate

THE HON. R. G. PIKE (North Metropolitan) [10.31 p.m.]: I think the House ought not to adjourn this evening until the 30 seconds I propose to take to make my point have expired.

The Hon. G. C. MacKinnon: I will demonstrate what I feel in regard to that by walking out.

The Hon. R. G. PIKE: I do not mind what the member does at any time; I think that is pretty obvious.

Mr President, I ask you to take to the Standing Orders Committee when it meets tomorrow—and that is why the matter is urgent—the request that it consider Standing Order No. 63 of the Australian Senate, passed in 1905, which states—

63. The adjournment of the Senate may be moved at any time by or on behalf of a Minister of the Crown, and on such motion matters irrelevant thereto may be debated.

Federal Election: Australian National Alliance Pamphlet

THE HON. J. M. BERINSON (North-East Metropolitan) [10.32 p.m.]: In the last days of the recent Federal election, I received in my letter box a pamphlet which I am holding up for the information of members. As I am sure members even from the farthest reaches of the Chamber can see, it is headed "Vote out McLean". Mr McLean is a Liberal member of Parliament, so that sentiment is one which I would heartily endorse. On the other hand, I want to make it clear that I do not endorse anything else in this document, and I would hope indeed that its contents are not endorsed by anyone in this Chamber. If that is so, I believe some of us ought to say so.

The pamphlet was issued by the Australian National Alliance. Its views on migration apparently are shared by the Progressive Conservative Party, which fielded candidates in

this State and elsewhere; and while both groups are on what might be fairly described as the crackpot fringe, it would be unwise in my view to ignore their potential for harm.

The pamphlet is a frankly racist diatribe, totally devoid of both decency and rationality, and obsessed with what it describes as the "Asianisation of Australia" and the novel crime of "Demographic Treason".

I find it remarkable that an organisation with no other aim than to provoke hatred, divisiveness, and bigotry, should accuse its targets of being un-Australian. In fact, it is the racists who are un-Australian and the poison they are trying to spread is far more dangerous to the Australian community than any conceivable level of migration from any conceivable source.

So far as I can judge we have in Australia today a substantial political consensus on the subject of migration. In a nutshell, this consensus proceeds on the following basis—

Firstly, it is a fundamental expression of the sovereignty of a nation that its migration policy should be a matter for its own decision.

Secondly, especially in times of high unemployment, migration policy should reasonably give preference to persons who have needed skills or at least useable skills.

Thirdly, two exceptions to the general rule are justified. The first permits the migration of close relatives. The second makes place for bona fide refugees.

Since the latter category has attracted particular attention in recent times, I believe it is worth considering in some sort of historical context. The fact is that Australia has a record of large-scale refugee acceptance and absorption which is of long standing and of which we are entitled to be proud. After the Second World War we accepted refugees from the DP camps in their tens and hundreds of thousands. Then came the refugees from Hungary, Egypt, Czechoslovakia, Chile, Lebanon, and Cyprus. More recently, several thousand refugees have arrived in Australia from the Soviet Union and Poland.

This inflow has now proceeded for about 35 years and, at least in the last 25 years, it has gone pretty well unremarked. To the extent that antagonism persists against migrants—and especially migrants of refugee status—this is now virtually restricted to Asian migrants and the reason for that is pretty obvious and very unhealthy. The reason cannot lie in any threat of overwhelming hordes, though that seems to be the favoured racist theme.

The truth is to the contrary. Regulated migration from Asia is of very modest proportions, and on the same restricted criteria as apply to the general migration programme. Even the boat people, though posing a special sort of problem because they are effectively unregulated, can hardly be said to have overstrained our resources. So it cannot be a problem of hordes. Nor can it be because of some threat to work or living standards, or to moral or political values, or to law and order. In the 10 to 15 years of measurable Asian and Anglo-Asian migration there is simply no objective evidence of that. If anything the evidence is all the other way. It really comes down to plain and simple racism based in turn on some unreasoning prejudice and hatred and, very often, fear.

If there is any consolation to be found in the appearance of the sort of ratbagery which the National Alliance represents, it is in the general rejection of its approach by the electorate. In Perth a candidate for the Progressive Conservative Party stood basically on the same racist platform as the National Alliance. That candidate polled less than one per cent of the vote and, while one would have to be naive to assume that is a full measure of the residual prejudice in

the community, it can only be understood as a rejection of the more outlandish view that the National Alliance represents.

The anti-Asian hatemongers are basically anti-Australian. Despite their peripheral position now, we cannot afford to ignore or underrate their very real potential for harm. I want to suggest it is not enough to throw their pamphlets in the bin. Our rejection of them ought to be more positive and tangible; and I urge all members to direct their attention to that.

I regret that these comments might not now be as topical as they would have been a couple of weeks ago. Believe it or not, considering the motion debated earlier today, there has not been an appropriate occasion in the meantime on which to raise the matter. However, rather than allow this issue to be passed over altogether, I prefer to adopt the principle of better late than never. I hope members will accept this as a serious matter and one worthy of our concern.

Question put and passed.

House adjourned at 10.37 p.m.

QUESTIONS ON NOTICE

WATER RESOURCES

Sewage Water: Recycling

363. The Hon. F. E. McKENZIE, to the Minister representing the Minister for Water Resources:

- (1) Is the Metropolitan Water Board, in conjunction with the Health and Medical Services Department and Murdoch University, conducting tests aimed at the recycling of sewage water?
- (2) If "Yes", what is the purpose of the test?
- (3) Is there any likelihood of recycled sewage water being introduced into the metropolitan water supply in the future?
- (4) If not, will the Minister give a categorical assurance to this effect?

The Hon. G. E. MASTERS replied:

- (1) A pilot scheme to study the effects of recharging groundwater with highly treated waste water is about to commence.
- (2) To evaluate over a period of about 10 years and under controlled conditions the feasibility of the process.
- (3) There are no current proposals.
- (4) It is not responsible to give categorical assurances for all times in respect of an activity where rapid technological advancements are occurring. The only assurance that can be given is that the use of effluent will not be introduced until shown in the future it is safe to do so and then if it proves to be more economical than other available sources.

COURTS

Petty Sessions: Confessional Statements

369. The Hon. J. M. BERINSON, to the Attorney General:

Referring to the consistent refusal by the Commissioner of Police to make available to accused persons in petty sessions their own confessional statements—

- (1) Is the Attorney General aware of the condemnation by the legal profession of the present practice?
- (2) If not will the Attorney General seek to ascertain the views of the legal profession?

- (3) In the context of his general responsibilities in the administration of justice will the Attorney General indicate whether he supports the present practice?
- (4) Whether or not the Attorney General supports the present practice, will he undertake to submit this matter for consideration and report by the Law Reform Commission?

The Hon. I. G. MEDCALF replied:

- (1) I am aware of some dissatisfaction having been expressed by some members of the legal profession that, where the defendant has made a written statement, he is not provided with a copy.
- (2) Answered by (1).
- (3) and (4) It is not appropriate for me to say whether I approve of the present practice or not, or to consider a reference to the Law Reform Commission, as it concerns the administrative responsibility of another Minister. I am, however, prepared to refer the matter to the Minister for Police.

FUEL AND ENERGY: ELECTRICITY

Power Station: Muja

370. The Hon. J. M. BERINSON, to the Minister representing the Minister for Fuel and Energy:

Referring to the precipitators proposed to be installed in the extensions to the Muja power station—

- (1) Has the State Energy Commission requested or received an independent environmental assessment or opinion on the need for their installation?
- (2) If "Yes", what was the source and nature of any such opinion?
- (3) If not, and in view of the substantial cost involved, why not?
- (4) In the absence of precipitators, what amount of ash per year would be deposited over surrounding areas, and what would be the extent of those areas?
- (5) What environmental or other detriment, if any, would result from such deposits?

The Hon. I. G. MEDCALF replied:

- (1) to (5) The member has now asked a series of questions in relation to precipitators at Muja power station, and the answers to his questions could be summarised as follows:

The Energy Commission and the Government have decided that precipitators should be installed on all modern coal-fired plant because of the well-known adverse effects of fly ash emission on the surrounding environment. The Energy Commission is expert in such matters, and the performance of the electrostatic precipitators at the Kwinana and Bunbury power stations amply demonstrates the Government's and the commission's foresight in installing this equipment in association with the increased consumption of coal.

The Minister finds it difficult to believe that the member is seriously questioning their necessity on a power station the size of the Muja power station. Should he be so, however, the Minister respectfully suggests he contact the Commissioner, State Energy Commission, and discuss his concerns.

However, this is not always the case as there have been a number of instances when the information on the return form differs from that in the trust document. In addition, the information in the trust document can have a bearing on the administration of some provisions of the legislation.

FUEL AND ENERGY: ELECTRICITY

Power Station: Muja

372. The Hon. J. M. BERINSON, to the Minister representing the Minister for Fuel and Energy:

Referring to the precipitators proposed to be installed at the Muja power station—

- (1) What amount of ash per year will require disposal as a result of the installation?
- (2) What is the planned method and cost of disposal of the precipitate?

The Hon. I. G. MEDCALF replied:

- (1) and (2) I refer the member to my answer to question 370.

The Hon. J. M. Berinson: A most improper answer.

The Hon. P. H. Lockyer: A most improper outburst.

LAND TAX

Assessment

371. The Hon. V. J. Ferry (for the Hon. H. W. GAYFER), to the Minister representing the Treasurer:

- (1) Under what section of the Land Tax Assessment Act can the Commissioner of State Taxation demand copies of trust documents?
- (2) If there is a section of the Act that provides that trust documents must be sent to the commissioner upon request, what bearing have trust documents on a land tax assessment when correct and complete land tax return forms have been provided by a taxpayer or his agent?

The Hon. I. G. MEDCALF replied:

- (1) Section 10.
- (2) Little bearing if the relevant facts agree.

MINING

Aboriginal Reserve: Yandeyarra

373. The Hon. PETER DOWDING, to the Minister representing the Minister for Mines:

I refer to the Press release incorporated in *Hansard* on page 2485 in answer to question 334 of 22 October 1980—

- (1) What did the Minister mean by the words "An application for mining"?
- (2) Do they refer to—
 - (a) an entry permit to the reserve;
 - (b) a mineral claim; or
 - (c) a right to explore?
- (3) Is the request by Mr Locke still under consideration?
- (4) If "Yes", for what right is his request?
- (5) Are the warden's recommendations still under consideration?

- (6) If "Yes", for what reason?
- (7) When did Mr Locke apply to the—
 - (a) Minister; and
 - (b) Warden's Court;
 and in each case, what did he apply for?

The Hon. I. G. MEDCALF replied:

- (1) to (7) The member has now asked several questions relating to this matter. It would greatly assist, as well as saving the time of departmental officers, if he were to write to the Minister for Mines specifying the basis of his questioning, and certifying his real concerns in this matter, if any.

The Hon. Peter Dowding: Shame, shame! Disgraceful!

The Hon. P. H. Lockyer: You are disgraceful!

QUESTIONS WITHOUT NOTICE

COMPANIES

Takeover: Legislation

- 111. The Hon. PETER DOWDING, to the Attorney General:

I refer to the proposed introduction of amendments to the companies takeover legislation, and I ask the Attorney General—

- (a) Has he received; or
- (b) has he given consideration to any recommendations on this Act from the Law Society?

The Hon. I. G. MEDCALF replied:

- (a) and (b) As this question relates to a Bill of which notice has been given, I submit that it may be out of order.

President's Ruling

The PRESIDENT: I would rule it is out of order.

Questions (without notice) Resumed

COMPANIES

Takeover: Legislation

- 112. The Hon. PETER DOWDING, to the Attorney General:

Has the Attorney General received any recommendations from the Law Society

of Western Australia for amendments to the companies takeover legislation?

The Hon. I. G. MEDCALF replied:

As this question is an attempt to obtain the same information, by another method, I suggest the member may prefer to await debate when it takes place.

COMPANIES

Takeover: Legislation

- 113. The Hon. PETER DOWDING, to the Attorney General:

I ask the Attorney General a question unrelated to any proposals he may have.

Has he received any recommendations from the Law Society in relation to the amendments to the companies takeover legislation?

The Hon. P. H. Lockyer: Gosh, you are a clown!

The Hon. I. G. MEDCALF replied:

I am not aware of any.

MINING

Aboriginal Reserve: Yandeyarra

- 114. The Hon. PETER DOWDING, to the Attorney General:

I refer the Attorney General to his answer to question 373. In view of the contradictory statement made by the Minister in relation to entry permits on to Yandeyarra, will the Attorney General say whether he believes that the public have a right to know the true position?

The Hon. I. G. MEDCALF replied:

The Minister whom I represent in this House, has already suggested that the member write to the Minister specifying the basis of his questioning, whereby he will receive a full answer.

The Hon. Peter Dowding: You have had a detailed question. Why not answer it?

The Hon. P. H. Lockyer: He is too good mannered.

The Hon. Peter Dowding: It would be too honest.

The PRESIDENT: Order!

COURTS

Petty Sessions: Confessional Statements

115. The Hon. J. M. BERINSON, to the Attorney General:

My question is supplementary to question 369, and is as follows—

- (1) Is he not the Minister responsible for the Law Reform Commission?
- (2) If "Yes", why is it not appropriate—to use his words—to refer to the commission either the matter listed in question 369 or any other matter related to the administration of the law in this State?

The Hon. I. G. MEDCALF replied:

- (1) Certainly I am the Minister responsible for the Law Reform Commission, as the member well knows because it is specified in the Statute.
- (2) The member should know also that it is not customary for one Minister to interfere with the portfolio of another Minister; and if it were my intention to refer to the Law Reform Commission a matter affecting another Minister's portfolio, I would most assuredly first discuss the matter with the other Minister.

LAW REFORM COMMISSION

Matters Referred

116. The Hon. H. W. OLNEY, to the Attorney General:

- (1) Would the Attorney General say what is the practice in respect of referring matters to the Law Reform Commission?
- (2) Does he await the initiative of other Ministers before referring matters which come under the jurisdiction of another Minister, or does he take the initiative and refer the matter after consulting the other Minister concerned?

The Hon. I. G. MEDCALF replied:

- (1) and (2) The Attorney General may refer a matter directly to the Law Reform Commission, or the Law Reform

Commission may suggest to the Attorney General that a matter be referred by him to it. Both situations operate from time to time. In any event, whichever of those courses applies, it is the invariable practice to refer a matter which comes within the portfolio of another Minister to that other Minister for comment before making a reference. It would be impossible to carry on a Cabinet Government otherwise.

FUEL AND ENERGY: ELECTRICITY

Power Station: Muja

117. The Hon. J. M. BERINSON, to the Leader of the House:

My question is supplementary to the answers given to questions 370 and 372. By way of preface I draw the attention of the Attorney General to the fact that in at least four points those questions raised matters of fact alone. For example, "What amount of ash per year will require disposal . . .?"; and "What is the planned method and cost of disposal . . .?" and so on.

I ask whether the Attorney General regards it firstly as proper, and secondly as adequate, in response to questions seeking answers on matters of fact to refer members of this House to a department or authority?

The Hon. I. G. MEDCALF replied:

Members are frequently referred to departments or authorities when technical aspects are involved. They are referred to a department or an officer who has special knowledge in the area involved.

MINING

Aboriginal Reserve: Yandeyarra

118. The Hon. PETER DOWDING, to the Attorney General:

As he is aware that the Minister for Mines and the Minister for Community Welfare issued a Press release on the

subject of question 373, will he not accept that it is the right of the Parliament to know the specifics behind the material given by the Ministers to the Press?

The Hon. I. G. MEDCALF replied:

I do not know how the member knows that I am specifically aware of—

The Hon Peter Dowding: Because you have answered questions in the past, and you have given us a copy of the Press releases.

The Hon. I. G. MEDCALF:—the details of the Press releases. I suggest he follows the suggestion given in the answer to the question; namely, that he write to the Minister for Mines.

