

Legislative Assembly

Thursday, the 7th September, 1961

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QUESTIONS ON NOTICE

RAILWAY SLEEPERS

Tenders

1. Mr. GRAHAM asked the Minister for Industrial Development:
 - (1) Regarding contracts for the supply of W.A.G.R. sleepers for 1961-62—
 - (a) what is the name of each successful tenderer;
 - (b) what was the quantity tendered for in each case;
 - (c) what was the quantity allocated in each case;
 - (d) what was the tender price in each case;
 - (e) were the lowest tenders accepted;
 - (f) if not, why not;
 - (g) if the answer to (f) is in the negative, what is the extra cost to the Government as a consequence;
 - (h) what were the recommendations of—
 - (i) the Tender Board;
 - (ii) the Railways Department;
 - (i) were these adopted by the Government;
 - (j) if not, what were the departures, and for what reasons?
 - (2) Regarding contracts for the supply of W.A.G.R. sleepers for 1960-61—
 - (a) who were the successful tenderers;
 - (b) what quantity was tendered for in each case;
 - (c) what was the quantity allocated in each case;
 - (d) what was the tender price in each case;
 - (e) were the lowest tenders accepted;
 - (f) if not, why not;
 - (g) if the answer to (f) is in the negative, what was the extra cost to the Government as a consequence;
 - (h) what were the recommendations of—
 - (i) the Tender Board;
 - (ii) the Railways Department;
 - (i) were these adopted by the Government;
 - (j) if not, what were the departures, and for what reasons;
 - (k) what number of sleepers was inspected and passed (or supplied) as the output of the contractors in each case;

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

- (1) what other sawmillers or firms had sleepers inspected and passed (or who supplied sleepers) in connection with the contract;

(m) what was the quantity in each case?

Mr. COURT replied:

After the information to answer this question was collated today, I have been informed that one of the successful tenderers desires to withdraw his tender.

In view of this, I propose to defer answering until I have confirmation and details of the request as well as what is proposed by the W.A. Government Railways and the Tender Board.

GRAIN AND SUPERPHOSPHATE

Rail Transport

2A. Mr. W. A. MANNING asked the Minister for Agriculture:

- (1) From what main centres east of Bowelling is grain railed for export through Bunbury?
- (2) To which of the same centres is superphosphate railed from the Picton works?
- (3) What is the rail distance of the centres named in both Nos. (1) and (2) from—
 - (a) Bunbury;
 - (b) Albany;
 - (c) Fremantle?

Mr. NALDER replied:

- (1) Wheat and oats are railed for export through Bunbury from the following centres east of Bowelling:— Darkan, Kojonup, Williams, Narrogin, Yilliminning, Wickiepin, Yealering, Corrigin, Kondinin, Kulin. Barley from these centres is shipped through Albany.

- (2) Darkan and Kojonup.

Bunbury Albany Frem.

(3) Darkan	82	228	177
Kojonup	123	148	242
Williams	111	199	195
Narrogin	132	178	174
Yilliminning	147	193	189
Wickiepin	159	205	201
Yealering	175	221	217
Corrigin	200	246	221
Kondinin	220	266	262
Kulin	206	252	248

SUPERPHOSPHATE PRODUCTION

Present and Anticipated Output

2B. Mr. W. A. MANNING asked the Minister for Agriculture:

- (1) Are all superphosphate works producing to capacity?
- (2) If not working to capacity, which works can increase output?

- (3) Where and when will future expansion of superphosphate production take place?
- (4) What increase in output does he consider will be necessary in the next three years?

Mr. NALDER replied:

- (1) No.
- (2) All works can increase output.
- (3) Expansion of superphosphate production can be anticipated at all works.
- (4) Approximately 100,000 tons.

METROPOLITAN REGION TOWN PLANNING SCHEME ACT

Chargeable Land

3. Mr. ROWBERRY asked the Minister representing the Minister for Town Planning:

What land is chargeable under the Metropolitan Region Town Planning Scheme Act?

Mr. PERKINS replied:

Tax is payable on all land within the region subject to the exemptions provided in section 10 of the Land Tax Assessment Act, 1907, which in the main provides for exemption for Crown lands and land held for religious, educational, institutional or municipal purposes and similar non-profit-earning organisations and pensioners.

The following land is also exempted:—

Improved land within the meaning of subsection (2) of section 9 of the Land Tax Assessment Act, 1907, and used solely or principally for the purpose of agricultural, pastoral, horticultural, agricultural, viticultural, grazing, pig raising or poultry-farming business.

RURAL LAND

Authority for Subdivision Objections

4. Mr. NORTON asked the Minister for Agriculture:

- (1) Under what authority does the department of Agriculture act when objecting to a subdivision of rural land, if such land is to be used for industrial and not agricultural purposes?
- (2) Has his department any authority to object to any subdivision?

Mr. NALDER replied:

- (1) The responsibility for subdivision of rural land for industrial purposes is vested in the Town Planning Board which takes into consideration the views of the Department of Agriculture in these matters.
- (2) Answered by No. (1).

MANDURAH OCEAN BAR*Opening During Summer Season*

5. Sir ROSS McLARTY asked the Minister for Works:

- (1) Has sufficient information been obtained to enable a decision to be made on whether there is a practical method of opening the Mandurah ocean bar?
- (2) If the cost of such work is a deciding factor, would it be possible to carry out the work over a certain period?
- (3) If so, what would be the period?
- (4) Meanwhile, is any action being taken to prevent the bar closing during the approaching summer season?

Mr. WILD replied:

- (1) Yes.
- (2) Yes; but if the work extended over a period of years the overall cost would be greater.
- (3) This would depend on the amount of money available annually if a decision was taken to proceed with the envisaged works.
- (4) No.

RAILWAY STATION AT ALBANY*Construction of Public Toilets*

6. Mr. HALL asked the Minister for Railways:

- (1) In what year were public toilets built on the railway station at Albany?
- (2) Is it the intention of the Railways Commission to build new toilets at the Albany railway station; and, if so, when?

Mr. COURT replied:

- (1) Probably in 1888, or shortly thereafter, by the Western Australian Land Co. They were taken over by the Railways Department in 1896.
- (2) It is the intention of the Railways Department to provide improved toilet facilities at Albany, and this will be done as soon as planning and finance will allow.

IRON ORE*Deposits in Albany Area*

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

- (1) How many licenses were issued by the Mines Department to export iron ore from—
 - (a) Warriups deposits;
 - (b) Cheyne Bay deposits?

(2) How many applications were received by the department for—

- (a) Warriups deposits;
 - (b) Cheyne Bay deposits;
- and what were the names of the applicants?
- (3) Are there other known deposits in the Albany area, and have applications been received for licenses to export iron ore from those deposits?
 - (4) If there are deposits in the Albany area, other than Warriups and Cheyne Bay, have geologists carried out surveys on those deposits?
 - (5) If surveys have been carried out on the other deposits, what are the findings?
 - (6) What are the findings on the iron ore deposits in the Warriups and Cheyne Bay areas by the surveyors and geologists of the Mines Department?

Mr. ROSS HUTCHINSON replied:

- (1) The Commonwealth Government—not the State—is the authority which grants licenses to export iron ore. The Mines Department has granted temporary reserves as follows authorising the holders to explore for iron deposits in regard to the districts mentioned:—
 - (a) Warriups—Australian Blue Metal Ltd.
 - (b) Cheyne Bay—O'Neil Construction Pty. Ltd.
- (2) Applications received were as follows:—
 - (a) Warriup—Two applications, one from Griffin Coal Mining Company Ltd., and one from Australian Blue Metal Ltd.
 - (b) Cheyne Bay—O'Neil Construction Pty. Ltd.—only application received.
- (3) Prospects exist for isolated deposits of limonitic bog-iron type of ore, but no surveys by departmental officers have been made. Five temporary reserves were granted in the Denmark area to Enterprise Exploration Company Proprietary Ltd.
- (4) and (5) Answered by No. (3).
- (6) These deposits have not been examined departmentally.

WATER SUPPLIES IN ALBANY AREA*Linking of Two People Bay and Waychinicup Schemes*

8. Mr. HALL asked the Minister for Works:

- (1) Has consideration been given by the department to the linking up of the water scheme at Two People Bay with the Waychinicup scheme?

- (2) What would be the overall pipe-line distance, if the scheme were adopted?
- (3) How many miles of pipe-line are there between the Two People Bay supply and Albany Reservoir, at the nearest point?
- (4) What are the sizes of the pipes used to convey water from Two People Bay to Albany, and how many miles are there of each size?
- (5) What is the saline content of Waychinicup water scheme and what is the saline content of the Two People Bay scheme?

Mr. WILD replied:

- (1) Yes.
- (2) Thirty-two miles.
- (3) Twenty miles 69 chains.
- (4) Eight inch diameter, 13 miles 25 chains.
Nine inch diameter, 1 mile 14 chains.
Twelve inch diameter, 3 miles 30 chains.
Fifteen inch diameter, 3 miles.
- (5) Waychinicup—50 grains per gallon.
Two People Bay—15 grains per gallon.

BEEF ROADS

Western Australian and Queensland Grants

9. Mr. RHATIGAN asked the Premier:
Has he seen an article by M. C. Uren in *The West Australian* of the 4th September, with the heading, "A Poor Deal for W.A. Beef Roads"? Does he not agree that this article is correct in the assertion that Western Australia is indeed receiving a raw deal in road grants in comparison to Queensland?

Mr. BRAND replied:

At this stage of negotiations, the complete scheme of assistance for Western Australian roads has not been finalised, and therefore no judgment on the relative levels of assistance can be properly made. The Under-Treasurer is in Canberra at present, and he will bring back details of the arrangement made with Queensland.

NATIVE HOSTEL AT HALLS CREEK

Tenders and Completion

10. Mr. RHATIGAN asked the Minister for Native Welfare:
 - (1) Have tenders been called for the building of a native hostel at Halls Creek? If so, who was the successful tenderer, and what was the amount?

- (2) When is the hostel to be completed?

Accommodation and Cost

- (3) How many children will it accommodate?
- (4) What is the estimated cost of accommodation per child at this hostel, and who shares in the cost?

Administration Policy

- (5) What organisation is to conduct this hostel?
- (6) Will it be run on all-denominational lines?
- (7) Will children accommodated at the hostel be permitted to attend any school at Halls Creek, or will they be compelled to attend the local State school?

Mr. PERKINS replied:

- (1) Tenders have been called and contract let to Steel Construction Co. for £39,931.
- (2) The hostel is to be completed for the commencement of the 1962 school year.
- (3) Sixty.
- (4) £6 per week per child. Cost will be shared by parents' contributions when able to pay, child endowment, Education Department living-away-from-home allowance, and Department of Native Welfare in much the same way as with missions conducted by the various churches at various centres throughout the State.
- (5) Department of Native Welfare in co-operation with the local committee of management.
- (6) Yes.
- (7) They will be required to attend the local State school where manual training will be available.

AIR FREIGHT SUBSIDY ON PERISHABLES

Commencement Date

11. Mr. RHATIGAN asked the Premier:
Further to my question of the 23rd August, 1961, and his reply to No. (6), and in view of the personal representations made to him at Broome, Derby, and Wyndham by the local authorities, country women's associations, and other organisations, will he not agree that climatic and special conditions, such as the shortage of water for gardening purposes at the above towns, including Yampi and Koolan Islands, warrant the commencement of the air freight subsidy at least not later than the 1st November, as has been the normal practice since 1953?

Mr. BRAND replied:

The answer given to part (6) of the honourable member's question on the 23rd August, 1961, covers the position when I advised that "Climatic and other special considerations may necessitate an extension of subsidy on some occasions."

The matter will be kept under review. It has not been established practice to extend the period in the past, each year having been a separate decision.

METROPOLITAN REGION IMPROVEMENT TAX

Details of Amounts Obtained and Expended

12. Mr. J. HEGNEY asked the Minister representing the Minister for Town Planning:

- (1) What amount of revenue was derived from the Metropolitan Region Improvement Tax Act for the years ended 1959, 1960, 1961?
- (2) What amount has been expended from the fund?
- (3) What were the principal items of expenditure?
- (4) What is the amount remaining unexpended?

Mr. PERKINS replied:

	£	s.	d.
(1) Year ending the 30th June, 1959		Nil	
Year ending the 30th June, 1960	210,593	0	0
Year ending the 30th June, 1961	221,217	0	0
(2) To the 31st July, 1961—			
Expended	223,869	9	8
Committed (acquisitions in progress, etc.)	160,458	11	6
	£384,328	1	2

- (3) Land for regional roads (other than those for which Main Roads Department is responsible)—

Expended	185,537	7	2
Committed	145,455	0	0
	£330,992	7	2

Land for public open space—

Expended	34,719	12	6
Committed	10,000	0	0
	£44,719	12	6

- (4) Amount unexpended as at the 31st July, 1961—

Balance at Treasury	214,476	5	9
Rents due to 31/7/61	511	6	7
	214,987	12	4
Less commitments	160,458	11	6
Total uncommitted	£54,529	0	10

MIDLAND JUNCTION WORKSHOPS

Rolling-stock for New Broad-gauge Railway

13. Mr. BRADY asked the Minister for Railways:

Will the Government Railway Workshops at Midland be geared up to handle all locomotive, diesel, and other rolling-stock requirements for the new broad-gauge railway?

Mr. COURT replied:

The commissioner is at present in the Eastern States conferring on details of the standardisation agreement and technical matters related thereto.

I will give the honourable member more information on the commissioner's return, although it should be appreciated that it is too early to be specific about final plans.

GREAT EASTERN HIGHWAY

Completion of Road Work at West Midland

14. Mr. BRADY asked the Minister for Works:

- (1) When is the road work at West Midland (Great Eastern Highway) likely to be completed?
- (2) Are the electric light poles to be left in their present dangerous position?
- (3) Has provision been made for replanting existing trees, or will new growth be allowed to cause hazards for truck-drivers?

Mr. WILD replied:

- (1) It is expected that the widening work in progress between Second Avenue and Morrison Street, West Midland, will be tar-primed and kerbed by the end of the present month.
- (2) The electric light poles will be moved to positions behind the raised concrete kerbing.
- (3) Street trees are a matter for the local authority.

NATIVES

Applications for Citizenship

15. Mr. BRADY asked the Minister for Native Welfare:

- (1) What is the approximate number of natives who have applied for, and been granted, citizenship under the Natives (Citizenship Rights) Act, 1944?
- (2) What is the approximate number of natives who could apply for citizenship under the Natives (Citizenship Rights) Act?

Mr. PERKINS replied:

- (1) There have been 2,202 applications for citizenship rights certificates, 1,652 having been granted.
- (2) Information from the recent census is not yet available, and until this is to hand the number of natives who could apply for citizenship rights cannot be reasonably estimated.

NEW ELECTORAL DISTRICTS

Approximate Number of Electors

16. Mr. TOMS asked the Attorney-General:

Can he indicate the approximate number of electors in each of the proposed new electoral districts?

Mr. WATTS replied:

I have not a written answer to this question, but I thought the member for Maylands would wish to know at this stage that the information he seeks cannot be made available. I do not have the information, of course; but I did seek it from the chairman of the commission, and he told me, just prior to the House meeting today, that he regards the making available of the information at this stage as inappropriate.

UNIVERSITY OF WESTERN AUSTRALIA

Increased Fees

17. Mr. JAMIESON asked the Premier:

- (1) Is it a fact that the total amount charged students at the University of Western Australia per annum has risen by an average in excess of 200 per cent. in the various faculties during the life of the present Government?
- (2) Has the Government placed any pressure on the University Senate to increase fees?
- (3) Does the Government approve of the increases?

(4) If the answer to question No. (3) is "No," will the Government—

- (a) instruct its nominees on the University Senate to oppose further rises;
 - (b) take steps to increase its financial assistance to the University in order that fees may be returned to the levels charged in 1960?
- (5) What is the difference between a University faculty service charge and tuition fee?
- (6) Is it a fact that the charging of tuition fees at the University of Western Australia is *ultra vires* the terms of the Hackett bequest, and may cause the loss of further income from this source?
- (7) Is it a fact that, when the University Senate increased fees for the 1961 academic year, the reasons given were that the extra money was required to meet a temporary overcommitment of funds for building purposes, and that the rises would be only temporary?
- (8) Is it a fact that, when the University Senate further increased fees on the 28th August, 1961, the reason given was that the increases were being made as part of a general policy of bringing fees here in line with those charged at Eastern States universities?

Part-time and Full-time Students

- (9) What are the numbers of part-time and full-time students now studying at the University?
- (10) What were the numbers of part-time and full-time students at the University in 1951?

Financial Assistance for Students

- (11) Of the students enrolled at the University this year, how many are—
 - (a) receiving Commonwealth scholarships;
 - (b) receiving financial aid via the University in the form of Hackett bursaries and other grants;
 - (c) receiving aid from other sources?
- (12) In 1951 how many students were receiving aid under each of the three categories mentioned in question No. (11)?
- (13) What is the maximum amount available to individual students under Commonwealth scholarships now; and what was the 1951 figure?

*Cost to Part-time Students of a
B.A. Degree Course*

- (14) What was the cost to a part-time student of a course spread over five years leading to a B.A. degree in 1951 and in 1960?
- (15) What is the cost of a course spread over five years leading to a B.A. degree to a part-time student now?

Fees for Medical Students

- (16) What is the new inclusive fee determined for medical students for each year from the first to sixth years of the course?

Mr. BRAND replied:

- (1) In some faculties—yes. In others—no.
- (2) No.
- (3) As the Senate alone has the power to fix the level of fees, it is not for the Government to approve or disapprove.
- (4) Answered by No. (3).
- (5) This really is a matter of terminology. The term "faculty service charge" was used for many years to indicate the limited nature of the payments made by students. They were quite nominal payments. Since payments by students have recently been increased to bring them closer to those paid in other Australian universities, the word "fees" which is the one commonly used throughout universities, has been substituted for "faculty service charges." It should be noted that they are called fees and not tuition fees, as they represent a contribution towards the overall cost per student and also cover use of laboratory equipment, the issue of lecture notes, and the use of the library and examinations.
- (6) No.
- (7) No.
- (8) I understand this was one of the reasons.
- (9) 1961—Full-time students: 1,989.
Part-time students: 1,190.
External students: 366.
- (10) 1951—Full-time students: 975.
Part-time students: 528.
External students: 225.
- (11) (a) 780.
(b) 52.
(c) 713.
- (12) (a) 550.
(b) 35.
(c) 337.
- (13) At present, payment of fees plus a maximum living allowance of £338 p.a. if away from home and £221 p.a. if at home.
In 1951, the respective living allowances were £195 and £130.

- (14) It is presumed that this question means the cost to a part-time student who completed a B.A. degree in 1951, and similarly in 1960, after five years' study in each case—

	£	s.	d.
Degrees completed			
1951	18	2	6
Degrees completed			
1960	38	3	0

- (15) In 1961 the fee for part-time students in Arts was £20. If this had remained, the cost of a B.A. degree course to a part-time student at the end of five years would have been £100. Under the new fees to operate from the 1st January, 1962, the cost at the end of five years will be £165.
- (16) First year, £69.
Other years, £90 each year.

QUESTIONS WITHOUT NOTICE

RAILWAY SLEEPERS

Tenders

1. Mr. GRAHAM: In asking this question of the Minister for Railways, I would like, first of all, Mr. Speaker, with your indulgence, to say that I am aware of a change of circumstance, and suggest to the Minister that there will be more changes on account of allocations made by the Government. I would refer the Minister to question No. 1 (2) on today's notice paper and ask him whether he will supply information in reply to my questions based on the tenders which were submitted, and the Government's decision in relation thereto. Will he also accept the situation that there could be quite a number of variations to the answers that he might supply in reply to my question No. (1); and that I ask him to accept from me an assurance that I desire the information as previously set out?
- Mr. COURT: I request that the honourable member place his questions on the notice paper, but I would like to make an explanation. The information the honourable member requested was prepared.
- Mr. Graham: That is the information I want.
- Mr. COURT: If the honourable member would just wait a minute—
- Mr. Graham: I am the one asking the questions.
- Mr. COURT: We are answering the questions and we will answer them our way, and in the proper way.

Mr. Graham: We know that!

Mr. COURT: The railway officers requested, in view of this information they have just received, that I do not submit the full information; and for good and sufficient reasons.

Mr. Tonkin: How would that affect the figures for last year?

Mr. COURT: I am trying to state the situation. If members will listen for a moment—

Mr. Graham: But we are aware of that fact. We still want this information.

Mr. COURT: There is a changed set of circumstances.

Mr. Tonkin: What have you to hide?

Mr. COURT: A successful tenderer has requested that his tender be withdrawn. We have not yet had confirmation; but the railway officers, for a very good reason, suggested it would be improper for me to answer these questions. It is not a matter of our not wanting to give this information; it is only proper that we should take some notice of the advice of the officers who, after all, have to live with these things all the time. The honourable member will get the information in connection with these tenders at the appropriate time. The advice given to me not to disclose these details, in view of the changed circumstances, was proper.

2. Mr. TONKIN: Following on his answer to the previous question, will the Minister kindly explain how the withdrawal of a tenderer, who tendered for the supply of sleepers during 1961-62, will affect the information required during the 1960-61 season?

Mr. COURT: I would readily state that it will have no effect on it. But in view of the outcry we get from the other side when we do not completely answer questions, it was thought proper to deal with the questions at the one time. That is a fair enough proposition, and from it I am not going to depart. The full information for 1960-61 is readily available, but it was assumed that the honourable member asking the questions wanted information on both parts of the question simultaneously. Had I given answers for 1961-62 before this changed set of circumstances, and then come back to the House and said there had been a changed set of circumstances, there would have been a

hullabaloo from members opposite implying that I had influenced the change.

3. Mr. GRAHAM: Will the Minister admit, using round figures, that there were at least two tenders for sleepers at £20 a load, for the supply of the entire quantity needed for the Western Australian Government Railways during the current financial year; and notwithstanding that fact, 165,000 sleepers were ordered from a firm which tendered at an approximate price of £21 per load? If the Minister admits that to be the case, could he give us the reasons for the decision?

Mr. COURT: I am not going to answer that question off the cuff.

Mr. Hawke: I bet you are not!

Mr. COURT: It is not reasonable to expect me to.

Mr. Hawke: These people have put the Government well down the drain.

Mr. COURT: The member for East Perth knows that when tenders for sleepers are accepted it is not unusual to accept some out of each category of tender.

Mr. Graham: Since when?

Mr. COURT: When the honourable member knows why tenders were accepted in the present form he might be sorry he raised this question publicly. He will get the answers to his questions at the Tuesday sitting of the House.

NEW ELECTORAL DISTRICTS

Approximate Number of Electors

4. Mr. TOMS asked the Attorney-General:

This question arises out of the answer given to Question No. 16 on today's notice paper. As the knowledge of the figures asked for could be one of the factors on which to base objections to the electoral boundaries, would it be possible to obtain those figures before the period of objection expires?

Mr. WATTS replied:

I am unable to state at this juncture whether that would be so or not. I can only convey to the honourable member what was conveyed to me by the chairman of commissioners approximately one hour ago. I will make further inquiry on the point he mentions.

RAILWAY SLEEPERS

Reasons for Withdrawal of a Tender

5. Mr. GRAHAM asked the Minister for Railways:

Will he deny that the move to withdraw, or seek a variation of the tenders submitted by one of the suppliers, has been brought about because of the decision of the Government to allocate orders for sleepers from a certain firm at approximately £1 higher than in the case of others; notwithstanding that the original tenderers were prepared to supply the entire output at a figure of approximately £20 a load?

Mr. COURT replied:

The tenders accepted were accepted on the recommendation of the Commissioner of Railways. As is well known, he makes a recommendation, and that eventually goes to the Tender Board, and then on to Executive Council. I do not know the circumstances surrounding this withdrawal, and I have not had it confirmed to me. It was only given me by phone that the withdrawal had taken place. I am unaware of the reasons for the changed circumstance. They will be known in good time; and if the honourable member remains patient until Tuesday, he will get the information he wants.

Mr. Hawke: Nothing to what the Minister will get!

TOBACCO INDUSTRY

Appeal from Growers for Assistance

6. Mr. HAWKE: Mr. Speaker, I have had a telegram handed to me. It is from Manjimup and with your indulgence I would like to read it. It is as follows:—

Our President T. Tannin wired Premier re tobacco industry as follows stop Government proposals no help stop all growers need immediate financial help to meet accumulated debts re last year's crop stop useless growing more tobacco without guarantee profitable sale for it stop

In the absence of the member for Warren, who is on his way to Manjimup now, I would ask the Premier whether he has received a telegram along these lines; and if so—and even if not—will he give serious consideration to the representations from the Manjimup tobacco growers?

Mr. BRAND: I am advised there is a telegram from the tobacco growers in my office, but I have not been there since 11 a.m. I did receive a telegram along the lines suggested, and I shall certainly give consideration to it. It is a fact that there is very little use in growing tobacco unless we can prove that it can be grown in this State profitably.

The purpose of the exercise as proposed in the published statement of the State Government last night is to prove whether this State can grow tobacco satisfactorily in Manjimup, and on an economical basis. Surely that must be the first consideration.

I understand the committee appointed by the Commonwealth Government will be in this State on Tuesday next. We will then be in a position to look further into the matter and give consideration to the request in the telegram.

COOGEE-KWINANA (DEVIATION) RAILWAY BILL

Introduction and First Reading

Bill introduced, on motion by Mr. Court (Minister for Railways), and read a first time.

ORDERS OF THE DAY

Precedence of No-confidence Motion

MR. HAWKE (Northam—Leader of the Opposition) [2.43 p.m.]: I move—

That all items on the notice paper under Orders of the Day, from item 1 to item 26 inclusive, and notices of motion Nos. 2 and 3, be postponed until after the consideration of notice of motion No. 4 standing in my name.

The notice of motion to which I have referred standing in my name is as follows:—

That the Government, because of its action in disposing of valuable State-owned assets at bargain prices to an enormously wealthy private company, in misleading the House and the public as to the sale price, and in refusing to make vitally important information available to Parliament relating to the sale of those assets, no longer possesses the confidence of the House.

This notice of motion No. 4 is one of no confidence in the Government in relation to a vitally important matter. It has now been on the notice paper, and at the bottom of it, for at least two weeks.

In respect of the motion which I have just moved to have my motion of no confidence brought forward, I want to put

into the witness box some witnesses. I do not propose to say anything at this stage about their standing, but rather I propose to allow them to speak for themselves, as it were, through me. In doing this I stress the urgency of this motion in relation to the period of two weeks during which time it has been allowed by the Government to remain at the bottom of the notice paper.

I shall quote from *Hansard* of the 6th September, 1956, to indicate that the Government in allowing this motion to remain at the bottom of the notice paper for a period of two weeks without any move or indication on its part that the motion would be brought up for consideration, has at least, in the opinion of these witnesses, done something which is inexcusable and unpardonable, and has done something which has never been done to the same extent in this Parliament or any other British Parliament since responsible Government existed.

The first witness is the present member for Murray when he was speaking on the 6th September, 1956, in this House in relation to a motion of which he had given notice the previous day, and which the Government did bring forward for consideration two sitting days later, when it was debated. On that occasion he had this to say—

I take the strongest possible exception to the treatment meted out to the Opposition by the Government regarding this motion. It is a complete negation of the rights of Parliament. I would say that by its action, the Government has not only shown contempt for the Opposition, but it has also shown contempt for public opinion.

Further on in his speech, when the present member for Murray was talking in a similar strain, the then member for Harvey—who is also the present member for Harvey—said—

That is communism.

In other words, in the mind of the member for Harvey or somewhere in his being, he considered the action of the then Government in relation to the notice of motion given at that time by the present member for Murray—the then Leader of the Opposition—was communistic.

Mr. Bovell: There is a difference in this case. What you are now doing is a burlesque.

Mr. HAWKE: The difference is that the witnesses I intend to quote in support of my move are now on the Government side.

Mr. Bovell: That is not the difference at all.

Mr. HAWKE: I suggest to the Minister that he get hold of himself. I remember very well the episode on the 6th September, 1956. On that occasion the Minister

was out of control and made more interjections during that hour than he has made in all the rest of his parliamentary career put together.

Mr. Bovell: I must have occupied the full time in that debate. That case is not the equivalent of the present case.

Mr. HAWKE: The member for Murray proceeded to say in his speech—

If this is the treatment to be accorded the Opposition, then I cannot see how it can function usefully in the future.

Then the present Minister for Lands interjected—

This House will be like the Kremlin, with one political side only.

He was referring to the Government side.

Mr. Bovell: The present motion of yours is totally different from the motion moved at that time.

Mr. HAWKE: In another part of his speech, the member for Murray said—

If the Premier, the Deputy Premier and the Minister for Transport were sitting on this side of the House, and in a situation like the present, what a fuss they would kick up! We would be here for hours listening to them. We would be most violently criticised as being dictators and as people not fit to govern.

Mr. Roberts: It turned out right.

Mr. HAWKE: Further on, the then Leader of the Opposition said—

I think it is insulting to say the least of it not only to myself but to all other members of the Opposition. It shows complete contempt of our Parliamentary system and I have never known this to happen before.

If members of the Government side would like me to quote further from the speech made by the present member for Murray I will do so. I notice the present Attorney-General has a wonderful look of anticipation on his face.

Mr. Watts: Not a bit of it; I am just interested to hear you go on.

Mr. HAWKE: I think we had better put the present Attorney-General in the witness box straightaway.

Mr. W. Hegney: Swear him in.

Mr. HAWKE: No; we will take him for granted. In this particular part of his speech he was comparing two actions in the House when some delays have taken place in the Government according a no-confidence motion some reasonable degree of priority. He said—

So far as I know, two wrongs have never made one right satisfactorily, and it seems to me that there are much sounder precedents and a much greater tradition directed at giving

the Leader of His or Her Majesty's Opposition in this legislature a considerable measure of priority.

The present Minister for Health, with almost angelic tones, interjected, "Hear, hear!" The present Attorney-General continued—

At least he should not be held up for a week.

That is the Leader of the Opposition, not the present Minister for Health. To continue—

That is the part that appeals to me. A little later on in his speech—a very good one, that even moved me on that occasion—the present Attorney-General said—

I can come to no other conclusion but that the Leader of the Opposition has, to say the least of it, been treated somewhat scurvily.

This debate of the 6th September, 1956, took place the day after the then Leader of the Opposition—the present member for Murray—had given notice in this House of his intention to move his motion. My notice of motion is now No. 4 under "Notices of Motion" on today's notice paper; and it has been on the notice paper for two weeks, not 24 hours. So, if in the judgment of the Attorney-General, the then Leader of the Opposition was treated somewhat scurvily, I am waiting with wonderful anticipation to hear how the Attorney-General will describe the present situation. At a later stage, the present Attorney-General said—

I do not want to see the systems, as I have seen them exist here fairly clearly for a long period of years, abrogated or destroyed.

Later again he said—

I repeat that two wrongs do not make a right.

Then the present Premier spoke for a few moments. As far as I can see from reading his speech and studying it, most of what he said was out of order. As you know, Mr. Speaker, you were not the Speaker of the House at that time, so I am not attempting to reflect at all upon you.

Mr. Ross Hutchinson: What about the previous man? You had better excuse him, too.

Mr. HAWKE: The Minister for Health had better be careful about rushing in because, as a matter of fact, the present member for Middle Swan did not happen to be in the Chair at that particular time.

Mr. Ross Hutchinson: Whoever it was, then.

Mr. HAWKE: The present Minister for Health, by the way, made a long speech. I have gone through it very carefully, but I have not been able to find anything in it worthy of marking or worthy of comment.

Mr. W. Hegney: That is not unusual.

Mr. HAWKE: The present Minister for Railways came into the debate.

Mr. Heal: That's for sure!

Mr. HAWKE: He took up a high and lofty stand in the matter; he even quoted Sir Erskine May—

Mr. Court: Not Harry May?

Mr. HAWKE:—and the quotation he gave us on that occasion was as follows:—

By establishing convention the Government never fails to accede to a demand from the Leader of the Opposition—

and I would never be so unthoughtful or ungracious as to issue any demand in a matter of this kind—

—to allot a day for the discussion of a motion expressing lack of confidence in the Government—a "vote of censure" as it is called.

He then went on to quote further from May—

... to have regard to the exigencies of their own business, but a reasonably early day is invariably found.

I am sorry the present Minister for Works is not in his seat. I would not say he took up a high and mighty and lofty stand in the matter, but he was very vigorous in what he had to say—physically vigorous, as I remember it, and mentally vigorous, with qualifications. He said—

I want to join with my leader—

There was a coalition!—

—and other members on this side of the House, in protesting very vehemently against the decision of the Government to refuse to allow this motion to be debated.

Sir Ross McLarty: They all stuck to me, didn't they?

Mr. May: They all got drowned with you.

Mr. Bovell: Very loyal.

Mr. HAWKE: In his reply to the debate, the present member for Murray—then Leader of the Opposition—had, among other things, this to say—

Then, again, the Premier talked about a reasonable time being allowed, and all the rest of it. I would say that if a motion like this is dealt with the day after notice is given, then that is a reasonable time. But how am I, or how are we treated by the fact that our motion is postponed for a week? And, as I say, until we raised the question tonight, nothing definite was suggested that the motion would be discussed even then.

I am disgusted with this treatment, and I do not want to stay in this place if the Premier is going to treat me in this fashion, because I feel that in my capacity as Leader of the Opposition I have been belittled; and

not only has an attempt been made to belittle me in the eyes of Parliament, but in the eyes of the people, too. Well, I am not going to stand for that treatment, and I do not want to stay here if I am to receive it.

Mr. J. Hegney: Hear, hear!

Mr. HAWKE: I am not going that far, Mr. Speaker,—

Mr. Court: We had hopes for a while.

Mr. HAWKE: —because, like all other members of the Chamber, I do want to stay here. Of course, it is very interesting to notice the member for Murray is still here; and from all accounts he intends to try to stay here for at least another three years. I think I have shown that I am not annoyed about this present situation; I am not upset; I am not threatening the Government; I am not complaining, or moaning, or groaning; I am not even abusing the Government; I am not saying that it has done anything frightful to me or to the members of the Opposition generally. However, I do think that the Government, after two weeks, might at least have indicated what is in its mind—if there is any room left in the mind of the Government for a thought in connection with this motion.

As the Government has given no indication or sign, and apparently intends to leave this notice of motion down at the bottom of the notice paper, I think the Opposition is thoroughly justified—and a million times justified on the basis of the action of the present member for Murray when he was Leader of the Opposition in 1956—in taking this move this afternoon to try to have this motion of no confidence given at least a reasonable degree of priority from today.

Had the Government given it the reasonable priority to which it was surely entitled, the motion would have been brought forward for discussion by the Government before now, and the debate in connection with it would have taken place and, of course, concluded. So I now repeat the motion which I have moved, as follows:—

That all items on the notice paper under Orders of the Day, from item 1 to item 26 inclusive, and notices of motion Nos. 2 and 3, be postponed until after the consideration of notice of motion No. 4 standing in my name.

MR. BRAND (Greenough—Premier) [3.2 p.m.]: It was quite interesting to read some of the past debates. I suppose it would be just as interesting to do so on other matters. The reason the Government has not given this censure motion priority is that there had been a censure motion dealt with on these very same subjects; one—the amendment on the amendment to the motion to adopt the Address-in-Reply—being in particular relation to the agreement itself.

The Leader of the Opposition made it quite clear to me that he considered it to be a censure motion. In fact, he said so publicly; and that was in relation to the granting of pairs on the censure motion. On two occasions, if not right through the Address-in-Reply, the subject of the sale of the State Building Supplies was dealt with at length. In fact, I think almost four days were taken on this matter. Parliament decided on the amendment to the amendment, dealing with the agreement, and the amendment was defeated. Therefore, because it was considered to be a censure motion, a censure motion on this matter was defeated.

Mr. Toms: All the public got was Moola Bulla.

Mr. BRAND: That question was not raised by me. It was raised by the other side of the House in relation to the debate, and as far as I am concerned the question of the censure motion also received very real publicity.

On the occasion of private members' day, yesterday, it had been my intention to go through the notice paper; but because it was decided to adjourn early, a censure motion at that time of the day did not seem to be the right thing. However, all the subject matter referred to in the motion by the Leader of the Opposition had been discussed at great length. In the case concerning the previous Government, referred to by the Leader of the Opposition, the then Leader of the Opposition was calling on the Government to give the then Opposition an opportunity to raise the Hardy case, as it was for the first time.

Mr. Bovell: That is the point.

Mr. BRAND: Even then it was considered to be a matter for private members' day; and, therefore, I can say that I consider the censure motion standing in the name of the Leader of the Opposition was a matter for private members' day. We did not reach it last night, and it was proposed to leave it until next private members' day. However, seeing that the Leader of the Opposition desires that it should come forward now, I am not going to oppose the motion which reads—

That all items on the notice paper under Orders of the Day, from item 1 to item 26 inclusive, and notices of motion Nos. 2 and 3, be postponed until after the consideration of notice of motion No. 4 standing in my name.

Question put and passed.

GOVERNMENT SALE OF STATE ASSETS

No-confidence Motion

MR. HAWKE (Northam—Leader of the Opposition) [3.6 p.m.]: I thank the Premier and his colleagues for having responded to the rather charming appeal I made to them. It only goes to prove, I think, that

the tender approach sometimes achieves much more than the vigorous, brutal approach which the present member for Murray, with the support of his front-bench colleagues, used against the then Government in 1956.

This motion is one which deals, as I said a while ago, with a very important matter indeed from the point of view of the public; and I have not yet moved it. I can see the Attorney-General ready to spring to his feet when it is moved, but I will proceed to discuss it and move it later on; and I hope the Attorney-General will be able to exercise such patience as is requisite to the situation.

This motion, as the Premier suggested a moment ago, does seek to censure the Government on three points. The first point has to do with the action of the Government in selling the State Building Supplies and the railway mill at Banksia-dale; the second, with the action of the Government in misleading the House and the public as to the sale particulars; and the third with its refusal to make vital important information available.

Point of Order

Mr. BRAND: On a point of order, what motion is the Leader of the Opposition speaking to? Is it No. 4 on the notice paper? This reads—

That the Government, because of its action in disposing of valuable State-owned assets at bargain prices to an enormously wealthy private company, in misleading the House and the public as to the sale price and in refusing to make vitally important information available to Parliament relating to the sale of those assets, no longer possesses the confidence of the House.

Is that the one the Leader of the Opposition is moving?

The SPEAKER (Mr. Hearman): Yes.

Debate Resumed

Mr. HAWKE: I hope the Premier was quite serious in what he just did.

Mr. Brand: He was quite serious.

Mr. Bovell: The Leader of the Opposition said he was not moving anything; and you have to have a motion to talk to.

Mr. Jamieson: You know better than that.

Mr. Tonkin: Does he?

Mr. HAWKE: I am very pleased that we, the members of this Assembly, are in your hands, Mr. Speaker, and not in the hands of the Minister for Lands. He tries always to give us the impression that he is kindly, benevolent, and dignified; but we know from his interjections that if he had the power exclusively to himself it would be awfully bad for anyone who disagreed with him on any matter of importance.

The words referred to in this motion are very substantially—

Points of Order

Mr. BRAND: Can I ask you, Mr. Speaker, the purpose of having to give notice of this motion? What is the purpose of having it printed on the notice paper?

Mr. Hawke: So members will know it is there.

Mr. BRAND: I feel, unlike the Leader of the Opposition, that it is in order that we might know what motion is being moved. Is that the situation?

The SPEAKER (Mr. Hearman): The position is that notices of motion are given so that the House may be notified as to what is to be placed before it. I think it is a practice that if a member speaks to a motion he can indicate that he intends, later on in his speech, to move his actual motion. One would expect him to indicate at this stage whether he intended to move the motion substantially in accordance with what is on the notice paper, or whether he intended to depart from that motion substantially. Unless the motion to be moved is substantially as it appears on the notice paper, the question of whether he is moving the same motion would arise. At the moment the Leader of the Opposition has not moved his motion. Does that answer the Premier's question?

Mr. BRAND: No; it does not. Did not the House agree, on the motion of the Leader of the Opposition, that certain Orders of the Day and motions would be postponed until notice of motion No. 4 had been dealt with? The Leader of the Opposition is apparently dealing with motion No. 4, and that was the motion referred to. Is not the House entitled to assume that he is going to move this motion?

Mr. Tonkin: It is not entitled to assume anything.

Mr. BRAND: Of course it is! That is the purpose of giving notice. I know we cannot assume anything about which the Deputy Leader of the Opposition is talking; but the Leader of the Opposition is moving this motion.

The SPEAKER (Mr. Hearman): I think the Premier is entitled to assume that the motion that the Leader of the Opposition will move is as it appears on the notice paper and which the motion that was previously passed by this House gave him leave to move. The Premier is entitled to assume that the motion the Leader of the Opposition intends to move will be the same.

Mr. HAWKE: What is the argument? I cannot quite make out what the Premier is bobbing up and down about.

Mr. Tonkin: What about the assumption; is it right?

Mr. Brand: The Speaker has said I am in order in assuming that this motion is being moved.

Mr. HAWKE: "Is to be moved." Not "is being moved"; "is to be moved."

Mr. Bovell: You cannot meander around a motion before you move it. We are not speaking to anything in the House.

Mr. HAWKE: Surely the Premier does not think I am going to move notice of motion No. 5.

Mr. WATTS: On a point of order, Mr. Speaker, is there any question before the House at the moment? There is no question before the House.

The SPEAKER (Mr. Hearman): There is no actual question before the House. The Leader of the Opposition has indicated that he intends to move the motion at the conclusion of his speech. In parliamentary practice that has been accepted as being permissible. So long as the member indicates that he intends to move a motion, he can speak to that motion.

Mr. WATTS: I refer you, Sir, to Standing Order No. 117, and we will see if we can get a little clarity out of this mess. Standing Order No. 117 says—

When no Question is before the House, no Member shall be at liberty to speak, unless he states his intention to conclude by making a Motion; and if any Member objects, such intended Motion cannot be proceeded with, unless handed to the Speaker and the Question being first put.

The Leader of the Opposition, if I did not mistake him, did say earlier on, having made some reference to some bright or intelligent look in my eye, or something of that nature—

Mr. Hawke: Look; look in your eye.

Mr. WATTS: —that he was going to move the motion later on. It appears to me that either he should move it now, or I will object to his moving it later on; in which case he must move it now. I submit that the motion should be moved now; or, alternatively, I shall have no option but to object; and I shall ask you, Sir, on a point of order, whether it has not to be moved now.

The SPEAKER (Mr. Hearman): The objection is based on Standing Order No. 117. Is the Leader of the Opposition prepared to move his motion?

Mr. HAWKE: I would point this out to you, Sir, and to the Ministers: The motion agreed to unanimously by the House a few moments ago is that all Orders of the Day, and notices of motion No. 2 and No. 3 be postponed until after consideration of notice of motion No. 4.

Mr. Ross Hutchinson: That is right.

Mr. Tonkin: That is what we are doing.

Mr. HAWKE: That is what we are doing, as I understand it; and until notice of motion No. 4 has been considered, no Order of the Day and no notice of motion prior to it can receive the attention of the House. I do not know whether the Government wants to adjourn now until next Tuesday in order that it can consider the situation into which it is trying to force the House in this matter. I am here to co-operate with the Government to the fullest possible extent; and I thought that a few moments ago we had reached the millenium of co-operation when the Premier agreed with my move to have this matter brought on now for discussion.

However, as soon as we get into that situation—one to which the House unanimously agreed less than half an hour ago—the Premier starts jumping up and down; and when he is satisfied that everything is in order so far as my action is concerned, the Attorney-General seeks to come to his aid.

Mr. Ross Hutchinson: To give the House an opportunity to deal with this notice of motion No. 4—is that the situation?

Mr. J. Hegney: Hasn't the Leader of the Opposition given notice of it on the notice paper?

Mr. HAWKE: It is to be moved, just the same as a Minister, when he is introducing a second reading of a Bill, explains it; and then, when he has finished his speech, or just as he is finishing his speech, he moves that the Bill be now read a second time.

Debate Resumed

Mr. HAWKE: As I was saying, the assets which are referred to in this motion—this notice of motion No. 4 on today's notice paper—had very small beginnings some 50 years ago. Since then they have been developed very substantially by all types of Governments—Labor Governments and non-Labor Governments. As members know, the McLarty-Watts Government a few years ago expended £900,000 of loan moneys in establishing a new State-owned brickworks near Armadale; and when the present Government came into office it set to work with the idea of trying to sell these State-owned assets to private people. The Government finally signed an agreement with what is known as the Hawker Siddeley Group.

Point of Order

Mr. WATTS: On a point of order, Mr. Speaker, I submit there is still no question before the House. As I understand the position—and I am not frequently seeking to be too pernickety—there is no question before the House, because there is no utterance by the Leader of the Opposition that he is moving the motion that stands in his name.

Mr. Hawke: I have said several times that I intend to move it.

Mr. WATTS: But the Leader of the Opposition has not moved it; he has expressed the intention of doing so at some future time. I submit that either it must be moved now, so that the Leader of the Opposition can speak to it; or, alternatively, I am entitled under Standing Orders, as one member of the House, to object. In either case, I submit, Sir, that the motion must be moved and be put as a question before the House.

Speaker's Ruling

The SPEAKER (Mr. Hearman): I am prepared to rule that the Leader of the Opposition is in order inasmuch as he has already indicated that he intends to move the motion; and I assume that the motion he intends to move is the one which the House has given him permission to move, and which is notice of motion No. 4 on today's notice paper. Standing Order No. 117 permits that in the first part, in that it says as follows:—

When no Question is before the House, no Member shall be at liberty to speak, unless he states his intention to conclude by making a Motion; and if any Member objects, such intended Motion cannot be proceeded with, unless handed to the Speaker and the Question being first put.

With reference to the second portion of that Standing Order, the motion has already been handed to the Speaker inasmuch as it has appeared on the Notice Paper, and the House has given the Leader of the Opposition permission to debate this motion at this particular juncture. Furthermore, at page 386 of the 15th Edition of *May* appears the following:—

Moving of Motions

Proposal of Motions—When a Member is at liberty to make a motion, he may speak in its favour before he actually proposes it. But a speech is only allowed upon the understanding, first, that he speaks to the motion; and, secondly, that he concludes by proposing his motion formally. Even when notice of a motion is not required the motion should be placed, in print or writing, in the Speaker's hands; as, except in the event of any informality in the form of the motion, which may necessitate the Speaker's intervention, or may compel him to decline to put the question from the Chair, the Speaker proposes the question in the words of the mover.

I think it is quite clear that the Leader of Opposition is entitled to indicate, as he has already done, that he intends to move the motion standing in his name; and he formally moves it at the conclusion of his remarks.

Point of Order

Mr. WATTS: Mr. Speaker—

Mr. Hawke: May I continue, Mr. Speaker?

The SPEAKER (Mr. Hearman): The Deputy Premier may continue.

Mr. WATTS: Mr. Speaker, on a point of order, can I assume that you rule—

Mr. Tonkin: Aren't you satisfied with that?

Mr. WATTS: —that the motion is now before the House?

The SPEAKER (Mr. Hearman): Yes; it is before the House.

Mr. WATTS: Very well. Then I submit that the motion before the House is out of order.

Mr. Tonkin: I think you are a bit late. The House has already discussed the matter.

Mr. WATTS: It has agreed to give consideration to it, and part of the consideration is deciding whether it is in order or not.

Mr. Hawke: I haven't moved it yet. I might alter it.

Mr. W. Hegney: What is the number now?

Mr. WATTS: Standing Order No. 181, which reads—

No Question shall be proposed which is the same in substance as any Question which, during the same Session, has been resolved in the affirmative or negative.

Mr. Tonkin: We had this decided last session on the town planning Bill.

Mr. WATTS: The matter I am referring to was not decided last session but a fortnight ago.

Mr. Tonkin: We got a very good ruling on this one. We can dig it up.

Mr. WATTS: The matter was in precisely the same substance as the matter which is now in this motion; and we spent, as the Premier indicated, some four days in discussing it. We discussed the agreement by the addendum to the amendment to the Address-in-Reply, that addendum being moved by the member for Beeloo after the first amendment had been discussed for some time, and after the agreement between the Government and the company had been tabled. Therefore every aspect of this that could be discussed under this motion could have been and was discussed under the amendment and addendum to the amendment to the Address-in-Reply.

As has already been indicated, I submit to you, Mr. Speaker, that amendments to the Address-in-Reply are at all times liable to be regarded as motions of censure; and, in this case they certainly were, as can be seen from the observations of the Leader of the Opposition. Therefore those

amendments were on all-fours with the motion before the House. The result of allowing this matter to be discussed would be not only that we should be dealing with something that was the same in substance as some other matter during the same session, but also that we would be bound to have repetition, which is not desirable under the Standing Orders, if allowed at all. Obviously this question must be the same in substance because only the same arguments can be adduced in support of it; and that is evident from the opening remarks the Leader of the Opposition has already made.

Mr. Tonkin: That did not seem to matter when you argued the point last session on the town planning Bill.

Mr. WATTS: I do not think I argued much about that. I submit, therefore, Mr. Speaker, that the motion is out of order.

Speaker's Ruling

The SPEAKER (Mr. Hearman): The Deputy Premier has asked me to rule as to whether the motion set out in notice of motion No. 4 on the notice paper is in order, or not, under Standing Order No. 181, and my ruling is that it is out of order.

Dissent from Speaker's Ruling

Mr. HAWKE: Mr. Speaker, neither the Attorney-General nor yourself has quoted to us what Parliament is supposed to have dealt with previously. The Attorney-General, in general terms, has said that a subject something like this was dealt with previously. You, presumably without checking or comparing this motion with what might have been considered and decided by the House previously, have ruled the motion out of order. I submit that neither the Attorney-General nor you—nor any other member of the House—can safely rule this motion out of order unless there is a very careful comparison of the terms of this motion with the terms of any amendment or addendum to the Address-in-Reply, which amendment or addendum was dealt with earlier this session by Parliament. There is in this motion which you have ruled out of order some completely new material.

The SPEAKER (Mr. Hearman): Is the Leader of the Opposition moving to disagree with my ruling?

Mr. HAWKE: Yes, Mr. Speaker. I move—

That the House dissent from the Speaker's ruling.

I do this because, as I said, there is in this motion at least some substantially new matter. There is, for instance, in the motion a very important point as to the Government misleading the House and the public regarding the sale price; and the equally important question of the

Government refusing to make vitally important information available to Parliament relating to the sale of the State Building Supplies and the railway mill at Banksiadale. Obviously the failure or the refusal of the Government to make this information available to Parliament was not covered by any amendment or addendum to the Address-in-Reply, and the misleading information given to the House and the public, as far as I can remember—I could be wrong on that—was not covered by the addendum to the amendment or the amendment itself to the Address-in-Reply, in connection with the sale of these assets.

Obviously this motion had to have some introduction in its earlier part otherwise it would be impossible to relate clearly in the motion the two later important sections of it. I could not possibly move a motion to censure the Government in connection with any action it might have taken, even this week, as regards the State Building Supplies, unless I referred in the early part of the motion to the sale by the Government to a wealthy private company, or to a private company, of the State-owned assets; because to leave that fact out of a motion of this kind would make the motion largely unintelligible. So I suggest to you, Sir, for your consideration, that a motion of this kind must have an identifying preamble to link it with the foundation upon which the other action have been built.

So I argue that the motion is very much in order even though earlier this session there might have been similar wording used, to some extent, in amendment or addendums to the Address-in-Reply motion. This afternoon, the Premier mentioned that I said that those amendment or addendums were no-confidence motions but if the Premier casts his mind back far enough, he will recall that he claimed they were not no-confidence motions.

Mr. Brand: It does not make any difference; it is what you think it is.

Mr. HAWKE: I think we could argue that point for a long time without convincing anybody one way or another with regard to the present thinking. However this motion is a straight-out censure motion which aims at censuring the Government not on one point—not on the sale by the Government of the State Building Supplies. That is only referred to in the initial part of the motion, and it is necessary as a basis upon which to build the two other points which I think are most important in the wording of the motion, and certainly of great importance in the approach by the Opposition to this matter.

You might think, Mr. Speaker, that although the third section of the motion is in order, and possibly or probably the second section is in order, the first section of it is not in order because wording of

a somewhat similar nature to that contained in the first section was used to frame the amendment or addendum to the Address-in-Reply moved in the earlier part of the session.

I submit to you, Sir, that it is not reasonable to rule out the whole motion because the initial section of it—which is something in the nature of a preamble—is, to your mind, a repetition of what appeared in an amendment or an addendum to the Address-in-Reply moved earlier in the session. There is no doubt whatever that the third section of the motion and, I think, the second section, are completely in order; and, therefore, the whole of the motion should not be ruled out of order, if, indeed, any part of it should be; and I am of the opinion that no part of it should be ruled out of order, because it is all part of a complete motion.

If we are going to take the stand that nothing which is something similar to that which has been decided on earlier in the session can be introduced into this Parliament in the same session, I can foresee points of order being raised every day of each week in this session, because we know that here, from time to time, a particular Act of Parliament is amended not once in a session, but sometimes twice and sometimes three times; and, clearly, some of the wording in the second amending Bill is often similar to the wording in the first amending Bill, and so on. Therefore, it appears to me that you, Mr. Speaker, have to take notice of the whole of the wording of the motion and not only the first few words of it.

The Government might feel that by having this motion ruled out of order, the issue becomes sort of dead and buried; but, of course, that is not the position at all. The Premier, when he was talking on the previous motion, said that Parliament had spent a great deal of time discussing and debating the issue of the sale of the State Building Supplies and that enough time had been spent on it. That, naturally, would be the Government's point of view. It would not want any further debate on it under any motion or under any amendment; but the issue is of such transcending importance to those on this side of the House and to members of the general public that it is a subject which will be debated frequently, and as frequently as possible, during the remainder of this session.

So I ask you, Mr. Speaker, to give further consideration to the points I have raised, especially in relation to those which are referred to in this motion and which were not previously contained in any amendment or addendum decided by the House earlier in the session; and should you not see your way clear to change your ruling, I would be reluctantly compelled to ask the House to disagree with your ruling in the matter and agree to the motion I have moved.

Mr. W. HEGNEY: I support the Leader of the Opposition in his motion to disagree with your ruling, Mr. Speaker, although I think every member of this Chamber hesitates to be at variance with you on your rulings. After all is said and done, the Speaker in every Australian and British Parliament has a historic background; and it is only in necessitous circumstances that any member—no matter whether he is a member of the Government or the Opposition—would move to disagree with the Speaker's ruling.

I have just had a look at the amendment to the Address-in-Reply which was moved earlier in the session, and the main portion of that amendment is—

Finally, we strongly condemn the action of the Government in selling State Building Supplies . . . at bargain prices . . . to an enormously wealthy private company.

Let us have a close look now at the proposed motion of the Leader of the Opposition. If you have followed the wording of the motion closely, Mr. Speaker, you will have noticed that there is a major and vital difference between this motion and the one moved as an amendment to the Address-in-Reply. In fact, so much so, that Standing Order No. 181 would not apply, because they are not substantially the same. The motion moved by the Leader of the Opposition is as follows:—

That the Government, because of its action in disposing of valuable State-owned assets at bargain prices to an enormously wealthy private company, in misleading the House and the public as to the sale price, and in refusing to make vitally important information available to Parliament relating to the sale of those assets, no longer possesses the confidence of the House.

I submit that if a comparison were made between the amendment to the Address-in-Reply which was moved earlier in the session, and the motion which is now proposed by the Leader of the Opposition, it would be readily agreed that there is a substantial difference; and the relevant Standing Order provides that no question shall be proposed which is the same in substance as any question which, during the same session, has been resolved in the affirmative or the negative. There is a vital difference. The Leader of the Opposition is condemning the Government for misleading the House and the public as to the sale price, and for refusing to make vitally important information available to Parliament relating to the sale of those assets.

That does not appear in the amendment to the Address-in-Reply; and with all due respect to you, Sir, I suggest you may have overlooked the fact that although the preamble—to use the Leader of the Opposition's expression—of both passages

is the same, the Leader of the Opposition's motion is very different from that which has already been dealt with by the House.

I think I am safe in saying that in 1959—I think it was two sessions ago—the Minister for Police, acting on behalf of the Minister for Town Planning, introduced a town-planning Bill in which there was provision for members of Parliament to be appointed to certain committees or boards which were to be established under the Act.

I have not had a look at the reports, and I am therefore speaking from memory, but I think I am correct in saying that I took the point that the provision which dealt with members of Parliament accepting office under that particular clause amounted to a member of Parliament accepting an office of profit under the Crown and, therefore, the Bill was out of order for lack of a constitutional majority.

As I say, I took that point; and I think that you, Sir, ruled it was in order. At the same time it was ruled out of order in another place. Another Bill eventually came back to this House. I am not sure whether there were two or three Bills, but I do know that the Minister for Town Planning—and, indeed the entire Cabinet—bungled the whole affair. But I would invite you, Sir, to compare the original Bill which first came here with the second and third Bills. You will then see that about 90 per cent. of the clauses were exactly the same—not merely substantially the same. The substance of the two Bills was exactly the same.

I took the point that the Bill was out of order and had already been dealt with; and you, Sir, ruled that the Bill was rightly before the House. I suggest that those Bills, which were introduced here, were more substantially the same than are the two motions in question—that is, the motion moved by the Leader of the Opposition today, and the amendment to the Address-in-Reply. I would invite you, Mr. Speaker, to check those debates and your ruling; and also the nature and substance of the Bills.

The Deputy Leader of the Opposition interjected that the ruling was given in regard to town planning, and that you had recourse to this Standing Order, but did not apply it; and I submit for your consideration that the position is in all respects the same, and the Leader of the Opposition should have been allowed to proceed.

What happened this afternoon? The Leader of the Opposition moved a motion, which was carried, and which had the effect of postponing certain orders of the day. The obvious intention of the Leader of the Opposition was to proceed with his motion which is on the notice paper. It

would have been far more decent had the Premier objected and refused to allow the Leader of the Opposition to proceed.

Mr. Brand: Why?

Mr. W. HEGNEY: Because it seemed that the Government was going to take all possible advantage to mislead the Leader of the Opposition into believing he would be given an opportunity to explain his motion, and subsequently to move it.

Mr. Brand: Nothing of the sort.

Mr. W. HEGNEY: You, Mr. Speaker, ruled as to the matter being properly before the House. The Leader of the Opposition indicated he intended to move the motion; and you, Sir, ruled that it was in order. The Attorney-General then took the point that Standing Order 181 should apply. Before I sit down, and with all due respect, I would say that you have not had an opportunity, Sir, to compare closely the amendment to the Address-in-Reply with the verbiage used in the motion moved by the Leader of the Opposition.

Mr. Court: It has been on the notice paper for days.

Mr. W. HEGNEY: The Minister will have an opportunity to express his views, and to quote from Sir Erskine May or from anybody else.

The SPEAKER (Mr. Hearman): Order! Before leaving the Chair until 4 o'clock, I would point out to the member for Mt. Hawthorn that the occasion to which he referred—namely, the second time the town-planning Bill came to this house—I ruled it out of order on the ground that it was substantially the same question.

Sitting suspended from 3.46 to 4.7 p.m.

Mr. W. HEGNEY: Prior to the suspension you, Mr. Speaker, indicated that you had ruled the second Bill out of order; that measure was known as the Town Planning and Development Act Amendment Bill. I was glad of your reminder, because I said I was speaking from memory. I have checked the position since the suspension and I find there were three Bills introduced in that session.

The first Bill was rejected in the Legislative Council for a certain reason. The second Bill was introduced in substantially the same form, with the exception that the reference to members of Parliament was deleted. You ruled this second Bill out of order. The Minister for Police used as an argument the fact that the Legislative Council had not advised the Assembly that the Bill had been rejected; but there was no obligation on the Legislative Council to notify the Assembly what happened to Bills.

The third Bill which was introduced had a different title; and I have refreshed my memory by consulting *Hansard*. Each of the first and the second Bills was known

as the Town Planning and Development Act Amendment Bill, but the third one introduced was entitled the Metropolitan Region Town Planning Scheme Bill; but a rose by any other name smells as sweet. The fact that the name was changed did not alter the subject matter.

Now I come to the subject matter. I have not had the opportunity at this juncture to compare the contents of the Bills. Suffice to say that I did on other occasions. I am prepared to say now that the three Bills were substantially the same in character, although the name might have been altered in one instance. In one schedule of the Metropolitan Region Town Planning Scheme Bill, two names were dropped from the schedule of local authorities. That did not substantially alter the purport of the Bill. The object was the same; and the subject matter was practically the same on all major points.

I am not going to read the remarks I made on those occasions; but you, Mr. Speaker, said in your ruling on the third occasion that there had been a different approach and there were certain other differences. That is what I had in mind when I moved to dissent from your ruling. There may have been a different approach, and the name of the Bill had been changed; but I suggested the subject matter was the same. You said there had been a different approach and certain alterations had been made.

Before I resume my seat I would say that in the comparison between the amendment to the Address-in-Reply and the motion moved by the Leader of the Opposition, there is a major difference—a difference which is of greater extent in my mind than that which obtained in the third Bill introduced in 1959. It must be borne in mind that this is a censure motion—a motion of no confidence, which has been on the notice paper for a period.

That is the business of the Government; but it seems to me that the attitude adopted this afternoon by the Premier and the Attorney-General is tantamount to trying to prevent the public from learning the facts in regard to the subject matter of the motion. I support the Leader of the Opposition.

Mr. TONKIN: If the position which has now arisen is not corrected, then we will be in the situation that there is very little difference between a democracy and a dictatorship, inasmuch as force and power will prevail against reason and logic. I predicted in 1959 that such a situation as this would arise. I took the point at the time that the ruling which you, Sir, were then giving was not one which I regarded as being in accordance with Standing Orders. I said it was setting a precedent for the future and that I was as sure as I stood there that it would not be long before it arose—and here it is.

Your ruling today is in direct opposition to that which you gave on the previous occasion, referred to by the member for Mt. Hawthorn. So we get a situation—if it is allowed to remain—where the Speaker's ruling cannot be followed with any degree of reliability at all; where one day it will be in one direction and another day the direct opposite. Coming back to this, that fear and force prevail over reason and logic—and that is what I am told takes place in a dictatorship—the very bulwark of democracy is that reason and logic will prevail against power and force; and that one plays the game according to the rules.

What is the good of having rules if a coach-and-four is going to be driven through them? I submit to you, Sir, that there is a greater variance between this motion and the motion which was an addendum to the Address-in-Reply, because there is a great difference in substance. And there is a far greater difference than could be found between the two Bills which were before this House and which you allowed to proceed as a result of your decision. Your decision on that occasion was as follows, and I am quoting from page 2547 of *Hansard* 1959:—

In other words, what I am asked to do is to confirm whether the proposition contained in the Bill introduced by the Minister for Transport last evening is the same in substance as the one previously introduced by him, and which I ruled out of order on the 29th September.

Admittedly the Bill now before us deals with the same general subject;—

and I interpolate here: That being so, the discussion on that Bill would be substantially the same as the discussion on the previous Bill—one of the points which the Attorney-General took with regard to this motion. You went on to say—

—but I think the approach is different—

So you were not so much concerned about the substance matter of that Bill as the approach. Can you, Mr. Speaker, or anybody else tell me that the approach with regard to this motion is not different from the approach in regard to the motion for the adoption of the Address-in-Reply to His Excellency? There is no similarity at all! You, Mr. Speaker, went on—

—in that the proposal for the appointment of the proposed authority and the method of constitution are different. That means it is a different proposition. Furthermore, there is a time limit in the Bill before us and that limitation was not included in the Bill introduced previously. That makes it substantially different. For that reason I rule that the Bill is in order.

To that, I had this to say—and I think it covers the present situation admirably—and I quote from page 2549 of *Hansard* 1959—

I regret exceedingly that your ruling has to be opposed in connection with this matter because I think it is desirable that this Bill should be passed this session, although not precisely in its present form but with some amendments. Our conduct in this matter should not be determined by our desires. After all, when rules are laid down, they are laid down for a special purpose, not so that, when it suits someone, a coach-and-four can be driven through them, because the practice in Parliament is to rely on precedent; and if the House upholds your ruling in connection with this matter, then on some future occasion when it may not be desirable or expedient to pass a certain measure, an attempt will be made to do so by relying on the ruling which you give on this occasion. Therefore, we have to keep in mind that in making a decision on your ruling in this matter, we are determining a course of action which will be binding upon proceedings in this House on future occasions.

It is perfectly clear that there was only one course open to the Government to extricate itself from the mess it got itself into, and that was to call another session of Parliament. I know, from statements which were made, that consideration was given to the desirability of that course; but the Government declined to follow it, hoping that it could effect its purpose irregularly in this way. In other words, it hopes to stretch the Standing Orders to permit it to do something that it has no right to do.

The Standing Orders are provided for the protection of the rights of members and determining the procedure in Parliament. They are not there to be twisted this way and that way to suit some particular occasion. The criterion in this matter is whether this Bill is or is not the same in substance. If it is the same in substance, it is out of order; if it is not the same in substance, it is in order.

If a Bill is introduced into Parliament and, after its introduction, it is desired to make substantial amendments to it to effect a considerable change in the legislation, the Standing Orders will not permit it to be done, and so the Bill has to be withdrawn and reintroduced in order to effect that purpose. Substantial changes have not been made with regard to this Bill. Some minor alterations have been made, and that is all. A few details have been changed, and an alteration made here and an alteration made there; but with respect to

the main purpose, minor alterations only have been made. As there are therefore not considerable changes, the Bill remains the same in substance, and that is what the Standing Orders provide.

The Standing Orders have been drawn up for the purpose of preventing the line of action which the Government proposes to take. Otherwise it would be a simple matter for the Government, or any member, to reintroduce a Bill containing a few minor amendments a week following its defeat, and have another shot. If that failed, he could introduce it a third time, again with minor alterations, and have still another shot. He could do this hoping that finally he would be able to have his Bill passed. He would be wasting the time of Parliament in doing so, and the Standing Orders are provided for the very purpose of preventing that line of action.

I think that there is a responsibility upon the Attorney-General in this matter to state his opinion and to deal with the point raised from the legal sense and not with the desire of having this Bill passed or the desire to have the Government effect a certain purpose. This has to be determined from the point of view of the law, not as to its desirability or its expediency to the Government.

It is just too bad that the Government has found itself in this mess. If it had listened to the Opposition, it would not have been in a mess. But it cannot stretch Standing Orders to extricate itself. If it does, the Standing Orders become a farce and might as well be jettisoned and completely scrapped. They are provided to prevent a certain course of action being taken and when they forbid a course of action that action should not be taken. . . . I submit with respect, Mr. Speaker, that there was nothing in your point that the Bill to which the member for Mt. Hawthorn referred was not carried in the affirmative or negative. It is axiomatic that things which are equal to the same thing are equal to one another. The Bill which you ruled out of order was ruled out of order because it was the same in substance as a previous Bill ruled out of order in another place but passed in this House by a simple majority.

Therefore, we come back to the question: Is this Bill the same in substance as the other Bill, or is it not? I could get a satisfactory answer to that question in the first form in a secondary school. It is only adopting a subterfuge to say that it is not the same. It is for precisely the same purpose as was the other Bill, a purpose which I would like to see put

into operation because I think it is necessary. However, that does not mean that I must twist the Standing Orders to permit the Bill to be introduced.

I will not read the rest because that portion is the most relevant to the point I am now taking.

We can obtain the best guide, I think, as to whether the Bill differed in substance, from what the Minister in charge of the Bill said about it; and I quote from page 2546. He was asked the question—

What is the difference between this Bill and the other one?

And the Minister replied as follows:—

I will explain in a moment. As I think members are aware, the Legislative Council decided that the Bill as presented to it was unconstitutional, and was not prepared to consider it. Members will recall that there was some discussion on this point in this Chamber and you, Sir, ruled that the Bill did not require an absolute majority in order to comply with the Constitution. The Legislative Council decided otherwise. Irrespective of our opinions on the necessity or otherwise of a constitutional majority, the fact remains that we are obliged to accept the ruling of the Legislative Council, and the only way to resolve the matter is to reintroduce the Bill in this Chamber—

Reintroduce the Bill—practically the same Bill!—

—in an amended form.

Now these are the significant words—

I hope it will not be necessary to go through the Bill in the same detail that we did when it was previously before this House.

"When it was previously before this House." If that does not indicate that it was substantially the same in substance, I do not know what does! The Minister is saying that it is not necessary to go through this new Bill in detail because it was discussed before. It—the Bill—was discussed before in this House.

The SPEAKER (Mr. Hearman): What was the name of that Bill?

Mr. TONKIN: That Bill was the Metropolitan Region Town Planning Scheme Bill. To continue my quotation from page 2546—

If members will accept the measure with the few amendments that it contains—namely, the deletion of certain portions, and the alteration of one or two other words—the Bill can be given a reasonably speedy passage. I have no doubt it will then be acceptable to the Legislative Council in its present form without a constitutional majority of the House being necessary to pass it.

Now, Mr. Speaker, it should be obvious to you that there was a greater similarity between that Bill and the one you ruled out of order than there is between the motion that was before the Chair today and the addendum to the motion for the adoption of the Address-in-Reply, which was moved some days ago; but you, Sir, have ruled the present motion out of order because it is substantially the same in substance as the previous one. However, you ruled that the town-planning Bill was in order because it had a different approach.

If the Standing Orders are to be stretched to suit the occasion and the desire of the Government, we might as well tear them up, because no reasonable person would be able to interpret them properly.

I interjected earlier that the Deputy Premier had said differently on a previous occasion. I was wrong. Thinking back over it, I realise that what impressed me was that the only member of the Government who interposed in that debate was the Minister in charge of the Bill. I might be wrong; but I assume that the reason the Attorney-General did not interpose—and he usually does in these arguments—was because he would not commit himself on something he knew was wrong.

Mr. Watts: I do not think you have much justification for that statement.

Mr. TONKIN: Perhaps the Deputy Premier will suggest why he did not have anything to say.

Mr. Watts: Because the Minister was doing excellently by himself.

Mr. TONKIN: I am not aware that the Minister has done excellently with anything except his refusal to answer questions because the policy of the T.A.B. does not allow it.

Mr. Watts: That is where we can agree to differ.

Mr. TONKIN: He does that remarkably well, I agree. It could not be done better by a block of wood. I submit, Mr. Speaker, that Government expediency should not be the paramount issue in this question. Your own prestige, the prestige of the Chair, the impartiality of the Chair, should be the guiding factors; and I repeat that unless we are to be reduced to the same state as a dictatorship, where power and authority decide the questions at issue, and not logic and reason, you must reverse your decision; because this decision—I say that with all respect—laughs at the other one which you gave.

There is a greater dissimilarity between this motion and the one previously moved on this question than there was between the two Bills to which I have referred; and if any member opposite has a different opinion, I invite him to point out in what way there was not a greater dissimilarity

between the motion on the notice paper today and the previous motion than was the case between the two Bills referred to.

We are all familiar with those two Bills. We know what was their intent and object; and I say, Mr. Speaker, that the intent and object of both Bills was precisely the same. But you ruled that it was not the same in substance, even though the Minister had said, "There is no need to talk about this second Bill because I have said it all on the first Bill."

One of the points raised by the Attorney-General today is that the discussion substantially followed along the same lines as those of the discussion already heard. Apparently that was not a sound argument on the former occasion, but it is today. And so we are to swing around all over the place with our Standing Orders. And I say that if that is to be the case, we might as well tear them up.

I have always endeavoured to play the game according to the rules. I do not care what game it is—whether it be cricket, or football, or politics—I endeavour to play it according to the rules; and I have challenged members opposite on a number of occasions to say when I have ever, during the period I have spent in this House, given an assurance which I did not keep; or whether I have deliberately lied to members in connection with any matter I have dealt with.

I believe that when rules are laid down, even though one disagrees with them, one should obey them and not twist them to suit one's purpose. If one does not do that, then one places oneself in the same category as the dictators of various countries of the world who give no heed to argument or logic, but follow a course of action determined by the fact that they have the power and force to carry it through.

Apparently that is to be the procedure under this Government. Never mind about the Standing Orders! Do what you want to do, irrespective; and expect your members to follow you to enable you to do it! Well, there is always a day of reckoning; and this situation only makes the Standing Orders a farce and the occupant of the Chair look ridiculous.

We have got to have some uniformity in decisions because the precedents established are there for the guidance of those who follow; and, surely to goodness, if we have any claim whatever to being democratic people, we should play the game according to the rules—not ignore the rules and make decisions which suit us at the time!

I hope—not in the interests of individuals or the Opposition, whoever it might suit for the time being; but in the interests of truth, and logic, and reason, and democracy—that the proper decision will be given on this question consistent with the

attitude that you have seen fit to adopt. I support the motion to disagree with your ruling, Sir.

Mr. GRAHAM: Never have I known a Speaker to be so wrong as you are today, Sir, in the ruling you have given.

Mr. Bovell: Ha, ha, ha!

Mr. GRAHAM: The bovine member for Vasse says, "Ha, ha!"

Mr. Bovell: Yes, yes! Ha, ha, ha! If ever there was a Gilbertian character, it is you.

Mr. GRAHAM: If the member for Vasse, who happens to be a Minister of the Crown, is able to read, he will find that the motion proposed to be moved by the Leader of the Opposition makes no mention whatsoever about the State Building Supplies. It is pure assumption on the part of the Government—

Mr. Bovell: We have listened for four and a half days to your blah.

Mr. GRAHAM: —and on your part, Sir, that it was the intention to confine this resolution to the Government's disposal of the State Building Supplies and railway mill.

Mr. Watts: Read the first few paragraphs of the Leader of the Opposition's speech this afternoon, and you will see that he referred to State Building Supplies; and I waited for him to do it.

Mr. GRAHAM: Which is quite proper.

Mr. Watts: That is what he meant this motion to be about.

Mr. GRAHAM: Until the Leader of the Opposition had completed his remarks nobody would know, other than himself—and certainly nobody on the Government side of the House—what subjects he intended to embrace.

Mr. Watts: Seeing that the Government sold nothing else, it is ridiculous to suggest that it could be anything else.

Mr. GRAHAM: There could be a case made out with regard to State hotels. There is, perhaps, a case which could be made out with regard to the sale price of land.

Mr. Roberts: Who are the enormously wealthy private individuals connected with the sale of State hotels?

Mr. GRAHAM: It would be for the Leader of the Opposition to develop his case. But before the Leader of the Opposition has committed a breach of procedure, he has apparently been tried and judged guilty. The fact of the situation is that whatever the Leader of the Opposition says, it is his business until he is called to order by the Speaker. But the position is, of course, that the resolution he was seeking to move makes no reference whatsoever to the State Building Supplies.

Speakers who addressed themselves to the resolution, including the Leader of the Opposition, no doubt would refer to the State Building Supplies; and as the amendment to the Address-in-Reply made specific reference to the State Building Supplies and the railway mill, there was a factor which could be disputed. But in this case it would be permissible for me, if we were debating the resolution, to instance a whole series of events which may be factual, or which may be something concocted in my imagination.

But I would be entitled, if I felt so disposed, to criticise the Government, and to censure the Government on a hundred and one different matters, provided they pertained to the Government's disposing of State assets to certain concerns; and I could make a speech for the full time allowed me, with an extension of time if that were granted, without making any reference whatsoever to the State Building Supplies and the railway mill.

Mr. Bovell: You can talk on a subject for ever and ever.

Mr. GRAHAM: It would be impossible—and you would not be able, Sir, with any authority—to check me in the course of my remarks; and therefore, if it is possible for a member to address himself relevantly to the motion—about which we are having disputation at the present moment—without mentioning the State Building Supplies, how can it be contended that this is substantially the same as a resolution or, rather, as amendments previously debated which dealt specifically with the State Building Supplies and the railway mill, and nothing else?

Therefore, with all due respect, Mr. Speaker, I say that you have erred by assuming; and you probably based your judgment to some extent on the remarks of the Leader of the Opposition. If his remarks were out of order, then surely it was your duty to call him to order; but the motion itself does not conflict with the propositions that were debated earlier.

Mr. Watts: Then all you have to do is to move a motion in a deceitful form in order to get around the Standing Orders.

Mr. GRAHAM: If the Attorney-General cares to play with words that is his business.

Mr. Watts: It is not playing with words. It is part of the logic that you have just been speaking about.

Mr. GRAHAM: I am sorry, but I cannot even engage with the Attorney-General on that point, because I do not think that what he is suggesting is in any respect valid. But I say it could be the case—and undoubtedly would be—that speakers would make reference, and more than just a mere reference, to the disposal of the

State Building Supplies and the railway mill at Banksiadale; but the motion would allow a whole host of other things to be debated as well, even perhaps as we have heard rumours—a proposal, or negotiations which have been made for the disposal of Chamberlain Industries. A debate at this stage might be helpful in getting the Government to face up to the situation.

Mr. Watts: So you are prepared to move motions of no confidence on purely guesswork expectations?

Mr. GRAHAM: We have had experience of the fact that it is not of much use making a noise after the event. If we can awaken the public conscience in regard to what the Government is doing, it might have second thoughts before it continues along the erratic and irresponsible course that it has chosen. Here let me interpolate that the Government can expect something with regard to another most questionable set of circumstances: I am referring now to tenders for sleepers for the W.A.G.R. But more of that on another day.

If one compares the amendments to the Address-in-Reply, which were moved during that debate, with the motion which the Leader of the Opposition now seeks to move, we arrive at certain conclusions. First of all the purpose of the amendment, and the addendum to the amendment to the Address-in-Reply was to have an inquiry—

Mr. J. Hegney: A Royal Commission.

Mr. GRAHAM:—a searching investigation—into the disposal of a public asset; and this motion asks the House to agree that the Government is deserving of a vote of no confidence for the action it has taken, and for creating false impressions and refusing to make available to Parliament and the public important papers in connection with the transaction; and even refusing to supply information which is sought by the asking of valid questions. These questions have been asked by members of Parliament whose public duty and interest it is to see that all of the facts in connection with that terrible transaction are publicly known. This Government apparently believes itself to be some sort of secret society.

The SPEAKER (Mr. Hearman): Order; The honourable member has to relate his remarks to the motion to disagree with my ruling.

Mr. Nimmo: Hear, hear!

Mr. GRAHAM: I am doing precisely that. I am averring that the motion proposed to be moved by the Leader of the Opposition is seeking to pass a vote of no confidence in the Government for certain reasons which are set out; whereas the

motions we discussed earlier sought an inquiry into the action of the Government, and all the circumstances surrounding it. So, Mr. Speaker, if either of the two amendments to the Address-in-Reply had been passed, the upshot would have been the appointment of a Royal Commission; but if this resolution is passed, no doubt the upshot will be the resignation of the Government.

Mr. Moir: They would not resign.

Mr. GRAHAM: They are designed for two totally different purposes. I have already established—I trust to your satisfaction, Mr. Speaker—that you should have some second thoughts on the matter; and that, whatever might be said in debate on the motion which the Leader of the Opposition seeks to move, there is no reference to the State Building Supplies or the railway mill in that motion. Therefore, it is drawing the long bow to suggest that they are substantially the same.

It would be true to say, and nobody would deny it, that some of the matters discussed on the amendments to the Address-in-Reply would be ventilated in discussing this matter; but I suppose one could imagine a Bill, shall we say, for the registration of public accountants, and another Bill for the registration of barristers and solicitors. They are two entirely separate matters; but, because of certain principles, many of the clauses in the two Bills would be identical, and the points of view of members, for or against, would be identical when the debate was held in respect of one; and later in respect of the other. They would be substantially the same, but at the same time there would be essential differences; and that is precisely the case here.

I have said on other occasions, Mr. Speaker, that when a ruling is given from the Chair it not only affects the issue, the subject of dispute at that moment, but also lays down a policy or a precedent for which some regard must be had in the future; and if your interpretation is as narrow as the impression you have left with me, then, on a similar technicality, it would be possible for a strait-laced Speaker to rule out many resolutions, motions, and Bills, as they are introduced into Parliament.

It is not my intention to weary the House by traversing the ground already covered by other speakers from this side, because they were able to quote and prove that Bills which were identical in intent, identical in many clauses, and certainly akin to one another in respect of other clauses where the same thing was being sought to be achieved merely by turning sentences and phrases another way around, were introduced in the same session. Nobody would be prepared to interject against me in respect of that.

But there is no attempt to do that sort of thing with the motion on the notice paper. As I have already stated, the primary purpose of the earlier amendments, when we debated the disposal of the State Building Supplies, was to have a Royal Commission appointed; and the purpose of this motion is to pass a vote of no confidence in the Government, which, in my opinion, it richly deserves.

So, Mr. Speaker, they cannot be held to be substantially the same; and it appeals me to think that members of this House—whether they be private members who sit behind the Government or you yourself, Mr. Speaker—should place such a narrow interpretation upon the Standing Orders for the convenient purpose of preventing the Opposition from testing the will of this House in the matter of whether the Government retains the confidence of the House because of certain actions.

I hope and trust that you will reflect on the decision you have given, Mr. Speaker, and will again read the amendments moved to the Address-in-Reply, and the motion which the Leader of the Opposition now seeks to move to see whether there is any similarity between them, and whether they are similar in substance. I say, Mr. Speaker, that you cannot do so; and I challenge you or anybody else to find the State Building Supplies or the Hawker Siddeley Group or the railway mill appearing in the motion.

Mr. Court: But your leader has said that he referred to the State Building Supplies and the Banksiadale mill.

Mr. GRAHAM: That is so. If Mr. Speaker feels that there is some tedious repetition or something of that nature being introduced he calls to order the Leader of the Opposition in the same way as he would other speakers. However, we are not now dealing with the question of whether the speaker is in order in regard to the subject matter of his speech. What we are analysing at present is whether this motion in any way conflicts with the Standing Orders in so far as it relates to previous amendments moved to the Address-in-Reply, which I have already mentioned on a number of occasions. You, Mr. Speaker, cannot possibly relate them.

If I were speaking on the motion proposed to be moved I might go to excesses in dealing with something that has already been dealt with in a previous motion; but you cannot assume that, Mr. Speaker. I might discuss matters which are entirely different. So I submit that you, Sir, have made a grave mistake on this occasion. In fact, I must confess that until I analysed closely the wording of the two motions I was of the opinion—and I am quite sure that you were, too, Mr. Speaker—that the wording "State Building Supplies" appeared in the motion the Leader

of the Opposition wishes to move. I feel sure that the Attorney-General was of that opinion, too.

Mr. Watts: No he wasn't!

Mr. GRAHAM: Therefore, the whole basis of this ruling was on the assumption that the proposed motion is directly associated with a previous matter that has been resolved; but it is not. It has already been indicated that any member of this House would be as free as the sea to refer to a hundred and one different matters that are related to the State Building Supplies. If you, Sir, feel that there should not be any more debate upon it, except on the Estimates, etc., then every time a member of the Opposition happened to mention the State Building Supplies you could call him to order and ask him to resume his seat, if you felt that was justified. In other words, if such action were taken it would be because of what a member had said in that fashion; but we have not reached that stage.

What we are discussing is whether the motion by the Leader of the Opposition can be put before the House. In my opinion it can and it should be. You have erred gravely in giving the ruling that you have, Mr. Speaker, and I must support the motion to dissent from your ruling.

Mr. BRAND: Without being as vocal as some of our friends on the other side, it seems to me, Mr. Speaker, that the decision you gave today was very much in order; and, dealing with the question raised by the member for East Perth—

Mr. Graham: For your convenience.

Mr. BRAND: Yes; but the only thing that is not convenient is something which does not favour the member for East Perth. The situation is quite clear to every member in this House: that the motion which was in fact moved by the Leader of the Opposition was in reference to the sale of the State Building Supplies—

Mr. Graham: Among other things.

Mr. BRAND: —and there was no doubt in anybody's mind about that. The reference to a big company and the other wording was so familiar. It has been said in this House for days and days on what were censure motions, and what the Leader of the Opposition laid down as being censure motions, because that was the ground upon which the Opposition refused to grant the Government pairs; namely, that no pairs would be granted on censure motions.

Therefore, you, Sir, are in order in deciding that this motion should be ruled out of order. The Deputy Leader of the Opposition went to great lengths in reading extracts from *Hansard* and quoting another instance when you made a certain decision. It seems to me, however, that in this instance you have had time to consider this motion because it has been on

the notice paper for quite some time; and in view of the fact that you have considered this matter from the point of view of tireless repetition, and of having heard the Opposition saying that it would raise this matter repeatedly throughout the session, as a responsible Speaker surely you would take whatever opportunity you had to study and consider the various points of order that might arise from time to time.

This decision is your own; and in spite of any other opinion which might have been given on other measures, it seems to me to be completely in order.

Mr. W. Hegney: But a Speaker's ruling should be consistent, because it is taken as a precedent.

Mr. BRAND: The Speaker must have considered it to be consistent before making the decision.

Mr. Tonkin: What do you think? Do you think it is consistent?

Mr. BRAND: I think the Speaker is quite correct in ruling this motion out of order in accordance with Standing Order No. 181, which provides that any motion which is substantially the same in substance as any question which during the same session has been resolved in the affirmative or the negative is out of order; and so it is. There is no question of whether you were right or wrong in the past, Mr. Speaker; you are right on this occasion.

Mr. Tonkin: That is lovely!

Mr. BRAND: The ruling is quite in order.

Mr. Tonkin: It is in order for this Government all right!

Mr. BRAND: The Deputy Leader of the Opposition was quite satisfied with your previous decision, Mr. Speaker.

Mr. Tonkin: No; he was not satisfied. I moved to disagree with the Speaker's ruling.

Mr. BRAND: Therefore, I consider that the question which is now before us has been resolved correctly by yourself, Mr. Speaker, and I support your ruling.

Mr. J. HEGNEY: I propose to support the motion by the Leader of the Opposition and therefore must also agree with this motion to dissent from your ruling, Mr. Speaker. However, I regret the position in which you have been placed, because this motion which was put before the Assembly was a direct censure motion on the Government, and I suggest that a motion of no confidence is a substantive direct motion.

When the Address-in-Reply was under consideration, discussion ensued in respect of the State Building Supplies, and an addendum was moved which contained wording requesting that a Royal Commission should be appointed for the purpose

of investigating matters associated with the State Building Supplies. In fact, two addendums were moved to the Address-in-Reply, but they were not substantive motions. They were amendments to the Address-in-Reply.

Mr. Brand: They were considered by those on your side to be censure motions.

Mr. J. HEGNEY: It would be ridiculous to accept the statement made by the Premier that this Assembly should not go on listening to a discussion on this subject throughout the session, because, according to the Premier, if among a hundred and one things the subject was raised during the Address-in-Reply, members would not be entitled to discuss it later in the session during any other debate. In substance, that is what the Premier has said.

As I have already said, there were two addendums moved to the Address-in-Reply, but they were not substantive motions. They were only amendments to the original motion; and discussion ensued on the principal amendment, which sought the appointment of a Royal Commission to investigate the sale of the State Building Supplies.

However, the motion moved by the Leader of the Opposition was for the purpose of censuring the Government—a straight-out censure motion. Therefore, I suggest that the Government has shifted its responsibility on to your shoulders, Mr. Speaker. It has thrown the decision back into your lap for you to make a ruling under this Standing Order. Your ruling, in general terms, would be correct; that is, that no question previously resolved in the affirmative or negative earlier in the session can again be proposed during the same session. That is quite right. This question, however, is a straight-out censure motion against the Government; and surely the Government should have stood up to it instead of shifting the responsibility upon you, Sir. You have been placed in a regrettable position instead of the Government facing up to its responsibilities, because there is no doubt that this is a direct motion of censure on the Government.

I suggest the Government should have stood up to this, and accepted its responsibility, rather than pass the buck to the Speaker. We know that the Speaker is expected to interpret Standing Orders fairly and squarely; and we know that to the best of his ability he endeavours to do so. I do know that for my own part, when I was Speaker, I endeavoured to interpret Standing Orders fairly and squarely, irrespective of whether or not my decision favoured the party to which I belonged.

But I suggest, Mr. Speaker, that you were placed in the position of having to make a quick decision, without knowing all the implications of the proposition. So I do

feel the Government deserves censure for running away from this problem and for endeavouring to throw the responsibility on to your shoulders.

Mr. BRADY: I too, must reluctantly disagree with your ruling, Mr. Speaker. I must say that I do not blame the Government for trying to derive an advantage from your ruling, because it obviously suits the Government to do so. If I were in the Government's place, I daresay I would do the same thing.

But I do feel, Sir, that you, as Speaker, are expected to give an impartial ruling on the Standing Orders as you see them. What surprised me this evening was the speed with which you gave your ruling. It appeared to me that you gave it rather quickly and without having due regard for all the circumstances of the case.

You will recollect, Mr. Speaker, that when this House first met there was quite a lot of concern about a rumour that the State Building Supplies had been sold. The Opposition, in its wisdom—through the Deputy Leader of the Opposition—decided to move an amendment to the Address-in-Reply. It did so with one hand tied behind its back, because at that time there was no confirmation in the House by way of an agreement, for members to see.

It was not till a week after the House sat that members were able to study the agreement dealing with the sale of the State Building Supplies. At that time the member for Beeloo moved an amendment to the amendment moved by the Deputy Leader of the Opposition as it related to this matter. I feel, even at this late stage, that if you had regard to the two propositions—that is, the amendment and the amendment on the amendment, which were lost in the debate—and then had a look at the motion proposed by the Leader of the Opposition, you must in all fairness to the House agree that your earlier decision, Sir, was wrong.

What was the position? We had the Deputy Leader of the Opposition moving the following amendment to the Address-in-Reply:—

Finally we strongly condemn the action of the Government in selling State Building Supplies and the railway mill at Banksiadale at bargain prices and on extremely generous time-payment conditions to an enormously wealthy private company, and consider a Royal Commission should be set up to thoroughly investigate the transaction.

The Deputy Leader of the Opposition, as will be seen, moved for the appointment of a Royal Commission to investigate the sale of the State Building Supplies. One week later, members of the Opposition had an opportunity to look at the agreement

which was laid on the Table of the House. We were at a great disadvantage, because we could not take the papers home to study them as they were laid on the Table of the House. We had to continue with our protests; and the member for Beeloo moved the following amendment to the amendment:—

especially the significance of the details of such transaction as revealed in the copies of the agreements laid before this House.

Right through the discussion there was a proposal dealing with the setting up of a Royal Commission; and only a Royal Commission. The amendment, and the amendment on the amendment were lost when a vote of the House was taken.

We now find the Leader of the Opposition coming here with an entirely different proposition, with a view to protecting the interests of the electors of Western Australia relative to the sale of these valuable assets. The motion he sought to move was as follows:—

That the Government, because of its action in disposing of valuable State-owned assets at bargain prices to an enormously wealthy private company, in misleading the House and the public as to the sale price, and in refusing to make vitally important information available to Parliament relating to the sale of those assets, no longer possesses the confidence of the House.

It will be seen that nothing contained in that motion was dealt with on either the amendment to the Address-in-Reply or the amendment on the amendment. There are only one or two words in the whole of that motion which have any reference to the amendment to the Address-in-Reply or to the amendment on the amendment; and I fail to see how you can give a ruling this evening, Sir, that the motion which was proposed by the Leader of the Opposition is substantially the same as the others.

One motion seeks to censure the Government, which means that if the Government loses the motion it loses the right to govern the State; while the other question deals with the appointment of a Royal Commission to investigate the sale of the State Building Supplies. Accordingly, I think you have too liberally interpreted Standing Order No. 181 in favour of the Government. This Standing Order reads—

No Question shall be proposed which is the same in substance.

By no stretch of the imagination can the motion proposed by the Leader of the Opposition—which is a censure motion—be said to be the same in substance as the amendments seeking the appointment of a Royal Commission.

So I reluctantly stand in my place, as member for Guildford-Midland, to speak against your ruling, Sir. I do so reluctantly, because I have a very high regard for the importance of the Speaker's position in this Parliament. He holds an office of a judge, as it were, with justice to be evenly balanced. But I feel that an injustice has been done to the Leader of the Opposition by the Speaker by his ruling that the motion proposed by the Leader of the Opposition is substantially the same as the amendments moved to the Address-in-Reply.

I very much regret having to protest against your ruling, Mr. Speaker; but I feel you have placed the Opposition at a great disadvantage in circumstances that should not prevail. I honestly feel that the motion should have been allowed, to enable the House to discuss the merits or demerits of the Government's action; because it could be—and I heartily believe it will be—that some members of the Government realise the seriousness of the position that has resulted in the State through the sale of these valuable assets. The State has virtually been set back into an era where the people were drawers of water and hewers of wood; a state in which we have been for about half a century.

The SPEAKER (Mr. Hearman): I do not think the honourable member can continue in that strain.

Mr. BRADY: You are quite right, Mr. Speaker. I know that I have been trying your generosity; and I hope the Opposition will be successful in its move that your ruling be disagreed with.

Mr. COURT: We have had a most extraordinary series of speeches this afternoon, not the least of which was by a former Speaker, in the person of the member for Middle Swan. He virtually admitted that what the Speaker had ruled was correct; but then he went on to say that the Government was hiding behind the Speaker.

Mr. W. Hegney: He did not say the Speaker was correct. He disagreed with his ruling. Do not put words into his mouth.

Mr. COURT: Read his speech. If the Government or the Opposition cannot appeal to the Speaker for a ruling on a matter such as this, or on any matter of this kind, what is the use of a Speaker? And what is the use of our Standing Orders about which the Deputy Leader of the Opposition has made so much fuss this afternoon?

Mr. Tonkin: No use at all, the way we are going on.

Mr. COURT: The member for Middle Swan, who is a Speaker of some experience, disputed the Government's right to seek a ruling. He implied that we were hiding behind the Speaker. What nonsense that is!

Mr. Jamieson: Are you not doing that?

Mr. COURT: Of course we are not! The Speaker was asked for a ruling and he has given it. The Deputy Leader of the Opposition went on this afternoon almost interminably talking about the need for rules—

Mr. Tonkin: About the need for consistency.

Mr. COURT: —and the need to abide by the Standing Orders. At the same time he should have some respect and some regard for the ruling of the Speaker in this case.

Mr. Tonkin: The Speaker has to deserve that.

Mr. COURT: It all boils down to this: If the ruling given by the Speaker suits the Deputy Leader of the Opposition it becomes a first-class ruling, in his view; but when the ruling disagrees in one degree whatsoever with the honourable member's point of view, it is a bad ruling; and he does not care what language he uses in expressing his views on the ruling.

Mr. Tonkin: Give us something in support of your statement.

Mr. COURT: This question has to be decided on our Standing Orders. If one reads the Standing Orders which were invoked, it becomes quite obvious that if these two motions are alike in substance, then the Speaker must have made a correct ruling.

Mr. Tonkin: Then he must have been wrong the last time. You cannot have it both ways.

Mr. COURT: It is no use splitting straws. Previously the Speaker was dealing with a Bill, but now he is dealing with a motion. Two different sets of circumstances are introduced.

Mr. Tonkin: Why did you think of calling a special session to get over the difficulty?

Mr. COURT: The Speaker has a duty to consider the circumstances in each case, just as a judge has to consider the circumstances of each case in a court of law.

Mr. Tonkin: The cases are parallel.

Mr. COURT: It is no good for the honourable member to say that the cases are parallel. The person who is judging the position has to decide that the cases are parallel.

Mr. Tonkin: What do you think?

Mr. COURT: I am convinced the Speaker has given the correct decision.

Mr. Tonkin: Was he correct before?

Mr. COURT: I am not concerned with that.

Mr. Tonkin: Run away from it, like you always do.

Mr. COURT: Words and words! If ever there was a babel, we have it on this occasion.

Mr. Graham: That is why you are called "Chattering Charlie."

Mr. COURT: By the hour, members opposite go on just babbling and babbling even to the point when their own members become utterly nauseated with the tedious repetition.

Mr. Tonkin: You face up to the situation.

Mr. COURT: The motion which the Leader of the Opposition considers to be in order, but which the Speaker considers to be out of order reads—

That the Government, because of its action in disposing of valuable State-owned assets at bargain prices—

He admitted he was referring to the State Building Supplies and the Banksiadale mill—

—to an enormously wealthy private company, in misleading the House and the public as to the sale price and in refusing to make vitally important information available to Parliament relating to the sale of those assets, no longer possesses the confidence of the House.

If we take that motion phrase by phrase and relate it to the amendments moved to the Address-in-Reply—which the Opposition claimed were intended to be votes of no-confidence in the Government—it will be very interesting. It is amazing how many of the actual words in this motion—it is not only a question of the substance being the same—are the same as the words which were used in the amendments to the Address-in-Reply. These were the words which were moved by the Deputy Leader of the Opposition—

Finally we strongly condemn the action of the Government in selling State Building Supplies and the railway mill at Banksiadale at bargain prices and on extremely generous time payment conditions to an enormously wealthy company, and consider a Royal Commission should be set up thoroughly to investigate the transaction.

Note how many of the words are exactly the same; not only the same in substance. Then the member for Beeloo sought to add the following words to the amendment—

especially the significance of the details of such transaction as revealed in the copies of the agreement laid before this House.

I have taken the trouble to separate all these phrases and compare the two motions one with the other. A fourth-standard child who had failed would say that in substance the two motions were the same that is, the amendment moved by the

Deputy Leader of the Opposition to the Address-in-Reply together with the addendum attempted to be included by the member for Beeloo, and the motion before us.

Mr. Graham: No wonder your fourth-standard child failed if that was the conclusion he came to.

Mr. COURT: I am in the fortunate position that my children did not fail in the fourth standard, if that is what the honourable member is implying.

Mr. Graham: That was not.

Mr. COURT: It is a wonder he is not implying that.

Mr. Bickerton: The amendment to the Address-in-Reply sought the appointment of a Royal Commission.

Mr. COURT: The various amendments to the Address-in-Reply were moved as motions of no-confidence in the Government; that was their intention. If we go beyond the actual wording of the motion and the debate that took place, the position is even more favourable to the decision given by the Speaker, because the whole gamut of this transaction of the sale of the State Building Supplies had been canvassed by the Opposition members. They implied all sorts of things dug out of their imagination, and they repeated bits of information dug up from all sorts of places. They said that the information they had been given was misleading, and that insufficient information had been given. They said the price was too low; and all sorts of things.

Mr. W. Hegney: Words, words, words!

Mr. COURT: The honourable member need talk about words, words, words! He should look at the time-table of these amendments moved in the Address-in-Reply. The Deputy Leader of the Opposition is recorded in *Hansard* to have moved his amendment on the 9th August. It was debated during the whole sitting on Thursday the 10th, and again during the entire sitting on Tuesday the 15th, and part of Wednesday the 16th. There was no attempt by the Government to curtail or gag the debate. The Government allowed the Opposition to get their remarks off their chests, and to get what they had dug up from all sorts of places, including the gutter as well, out of their systems. On the 16th August, to change the atmosphere a little, the member for Beeloo moved an amendment to the amendment.

Mr. Graham: That was after we had seen the agreement for the first time.

Mr. COURT: On that day the amendment on the amendment ran to a close. Then on Thursday the 17th, the vote was taken on the amendment of the Deputy Leader of the Opposition. So it will be seen that the debate on the amendment, or on the amendment to the amendment,

ran on the 9th, the 10th, the 15th, the 16th, and the 17th August. If that was not a fair opportunity for the Opposition to get their views off their chests I do not know what is a fair opportunity. They covered the whole field of this transaction. They complained about all the matters referred to in the motion now before us.

Mr. Oldfield: Are you afraid the motion will be carried in this debate?

Mr. COURT: If a motion such as this is to come up time after time, the proceedings of Parliament will become a farce. If on this occasion the motion can be moved, it means that similar motions, with a slight twist, can be moved again and again in this session. That will make a farce of Government and of the Parliament of this State. I oppose the motion and support the ruling of the Speaker.

Mr. JAMIESON: We have heard some remarkable speeches on this ruling given by you, Mr. Speaker, not the least remarkable being the one just delivered by the Minister for Industrial Development.

Mr. Roberts: We will hear a more remarkable one from you.

Mr. JAMIESON: Mine will be more remarkable than the one which the member for Bunbury will make in this debate. I have entered into this debate to dissent from your ruling, Sir, although, as several members have stated, just about all that can be said has been said. Finally you, Mr. Speaker, should reconsider your decision, or the motion will have to be defeated.

I feel that your position is similar to the position of an umpire. In the case of an umpire a degree of consistency in rulings must be expected. If there had been a change of Speakers in this House since your ruling was made in the town-planning measure in 1959, there could have been much justification for the ruling made on the motion before us. Surely, with all due respect, the House is entitled to consistency in rulings from the Speaker. This was the point at issue when the Opposition challenged your ruling this afternoon.

I would say there has been a definite move on the part of the Government to endeavour to hide behind your ruling in order to get this particularly nasty motion off the notice paper.

Mr. Bovell: It has already been debated for four and a half days.

Mr. Oldfield: There are other aspects that have come in—

The SPEAKER (Mr. Hearman) Order!

Mr. Bovell: It is a pity the member for Mt. Lawley was not more consistent.

The SPEAKER: Order!

Mr. Tonkin: The Minister had better not forget that letter he said he never sent.

The SPEAKER: Order!

Mr. JAMIESON: Surely in a democracy and in a place such as this, the points associated with your ruling should be debated to try to reach a determination. We must remember that a Bill at the second reading stage is covered by the same Standing Orders as this motion, because a Bill at that stage is a substantive motion. The mover says, "I move that the Bill be read a second time." There is no difference at all in respect of the two actions.

Therefore, if you ruled in 1959 when on the second occasion the town-planning Bill was introduced that it was out of order, and you subsequently ruled that it was in order as its name had been changed, although it contained the same degree of substance, I would say that you must reconsider your decision and not allow the Government to shelter behind any ruling you make.

Seeing that the Premier entered into this debate, it is interesting to note that on the 16th November, 1960, when speaking on a point of order, he had this to say—

I am completely in your hands, Mr. Speaker. I do not understand these points of order, so I cannot argue about them; . . .

Today we see the Premier a full bottle on the subject of your ruling. He defended it and claimed that you had every right and justification for giving it. The Premier is a hypocrite because he did not follow what he said in 1960. If he is not a hypocrite, he should have sat down and said nothing at all.

Mr. Brand: That is all you can think of; you are so narrow-minded.

Mr. JAMIESON: The Premier should go back to selling apples.

Mr. Brand: And I am not ashamed of it.

The SPEAKER (Mr. Hearman): Order!

Mr. OLDFIELD: I find myself—

Mr. Brand: You can have it rough if you want to.

Mr. OLDFIELD: Is this my time or the Premier's?

The SPEAKER: The honourable member can leave that to me.

Mr. OLDFIELD: I find myself, Mr. Speaker, in the position where I must reluctantly disagree with your ruling. If your ruling is upheld by the House, it can lead us to the position whereby the Opposition could frustrate the proposed legislation of a Government. That Opposition need only take the legislation mentioned in His Excellency's Speech, discuss it, and add amendments to the motion dealing

with these various subjects, and the amendments will be either resolved in the negative or the affirmative. In that case, therefore, the Government of the day would not be able to proceed with its legislative programme.

Mr. Watts: If that happened, I think the Government of the day would hold a general election.

Mr. OLDFIELD: All the Opposition need do is move an amendment concerning the legislation contained in the Address-in-Reply and discuss it, and you, Mr. Speaker, would have to rule that that legislation should not be introduced when it was brought forward to the House. The Address-in-Reply is purely a motion thanking the Governor for the Address that he has been pleased to deliver to Parliament; and it has also been recognised from time immemorial as one of the motions upon which each and every member of the House has the right to discuss any and every subject which he so desires, specially those matters appertaining to his own electorate. He would not otherwise be able to speak of these matters until such time as the Budget was introduced.

The Address-in-Reply is one of the three occasions on which members—especially back-benchers—can let their heads go and have their say in regard to all sorts of matters. As I said previously, if your ruling is upheld, an Opposition in the future need only select certain items from the Governor's Speech, discuss them, move an amendment, have it resolved, and the Government's legislative programme would be absolutely stymied. It is not a bad thought for the future that some Opposition might have that power. But, as the Attorney-General interjected, if that happened, the Government of the day would hold a general election. After that the incoming Opposition could do the same thing; and we could go for a period of years without any legislative action being taken whatsoever, unless the House resolved to disagree with the Speaker's ruling to that extent.

Because of the ruling you have given today, Mr. Speaker, you could find that the Government's legislative programme could be stymied; and in order to put it into operation, the Government would have to move to disagree with your ruling! That is the stupid situation in which we could find ourselves—a situation that was never intended under Standing Orders. Therefore, I trust you will give further consideration to your ruling and allow the Leader of the Opposition to move his motion, and the debate to proceed.

Mr. MOIR: I join with other members in hoping, Mr. Speaker, you will give further consideration to your ruling. When I first found myself in an acting capacity in your Chair many years ago, it was cynically suggested to me that I did not

have to worry whether my rulings were right, so long as I had the numbers. Subsequent to that I found that that was not so, because I have seen previous Speakers give rulings against the Government of which they were a party member.

On this occasion I feel you gave a decision rather hurriedly, without giving full consideration to the various aspects of the question. I cannot see how the motion which was to be debated has any points in common with or is of the same substance as the addendum which was moved to the Address-in-Reply.

Indeed, this ruling is at complete variance with a ruling you gave when the point was taken as to the legality of the town-planning Bill which was before this House. As you know, a lot of conjecture had arisen in the case of that Bill and we knew the Government at that time was considering ending that session of Parliament and holding a special one to get around the difficulties in which it found itself under Standing Orders.

I would point out that the Standing Orders are the rules laid down for guidance as to the conduct of business in this House and for the guidance of members in this House. We know, even in regard to the rules of games we used to play in our youth, that different people place different interpretations on the rules. Indeed, here, various speakers have taken a slightly different attitude on certain Standing Orders.

One can understand that; but when it is a question of the same occupant of the Chair giving two completely different rulings under the one Standing Order, it is difficult to understand. We know that in football games, two umpires will give different interpretations of a certain rule; but the players and spectators would be quite justified in taking exception to the action of an umpire if he interpreted a certain rule in one way on one Saturday, and the next Saturday he interpreted the same rule in an entirely different way.

So it is here with members of Parliament; because, after all, we look to you, Mr. Speaker, for guidance. We look at the Standing Orders and endeavour to interpret them, but it is your duty to give rulings on them. That is a very responsible duty because you are not the Government Speaker, but the Speaker of this House of Parliament. You are the custodian of the members' rights and privileges; and the principal one of these rights and privileges which we have is the right to bring matters forward in this House in order that members might speak on them.

It is very reluctantly that I speak on this matter in this way; but I feel that I have to, because I consider it is so vitally important from a members' point of view. We know that the Government will seize on any opportunity to gain an advantage, but you have been placed in a rather false

position and have given your decision too hastily. You should give it further consideration.

Mr. GRAYDEN: Of course, I have to agree with your ruling, Mr. Speaker, but I do so most reluctantly. I wish I could have seen my way clear to disagree with it because I would have welcomed the opportunity to reply to some of the statements made by members of the Opposition. However, we must abide by the relevant Standing Order which reads as follows:—

No Question shall be proposed which is the same in substance as any Question which, during the same Session has been resolved in the affirmative or negative.

The motion of the Leader of the Opposition is as follows:—

That the Government, because of its action in disposing of valuable State-owned assets at bargain prices to an enormously wealthy private company, in misleading the House and the public as to the sale price, and in refusing to make vitally important information available to Parliament relating to the sale of those assets, no longer possesses the confidence of the House.

Like other members on this side of the House, I believe the motion is exactly the same in substance as the debates which have taken place previously during this session.

However, some of the Opposition members, in disagreeing with your ruling, have suggested that the Government is upholding your ruling because it has something to hide on this particular issue. That statement has been made several times today by Opposition members. For that reason I support your ruling with the greatest reluctance, because I would have welcomed the opportunity today to refute some of the statements made by members of the Labor Party.

Mr. Brady: You have the opportunity now.

Mr. GRAYDEN: Recently an election campaign was undertaken in Victoria Park.

The SPEAKER (Mr. Hearman): I hope the honourable member is going to relate his remarks to the motion.

Mr. GRAYDEN: Yes, Mr. Speaker. The Labor Party has said that we have something to hide. When I quote from the pamphlet I have here you will see, Mr. Speaker, that what I say is related to the motion.

Mr. Tonkin: I think that letter of the Premier's during the last election was justified.

Mr. GRAYDEN: This is one of the things we would have the opportunity of refuting if your ruling were disagreed to,

Mr. Speaker. The pamphlet I have here was issued by the Labor Party during the election campaign to which I have referred. It contains the signature of the Leader of the Opposition and refers to actions of this Government.

Mr. Hawke: What has that to do with the ruling?

Mr. Bickerton: You cannot get any votes now.

Mr. GRAYDEN: Referring to the Government, the pamphlet states—

It is happy when it is virtually giving away valuable public property like State Building Supplies to wealthy friends of cabinet Ministers.

That is the sort of statement which appeared in that pamphlet during the election campaign; and this was while the Premier was away in the Eastern States negotiating the rail standardisation agreement.

Mr. Hawke: What Standing Order does this come under?

Mr. GRAYDEN: The Minister for Industrial Development was with him; and the Leader of the Opposition chose this time to go around the country making statements like that which, of course, we could refute and would have the opportunity to do so if your ruling were disagreed with. I could go a lot further. There are eleven similar statements in this publication—eleven deliberate lies uttered by the Labor Party Leader.

The SPEAKER (Mr. Hearman): Order! I hope this is going to be related to the motion.

Mr. GRAYDEN: We could refute every one, and we would welcome the opportunity. That is why I am extremely disappointed in not having that opportunity, which I hope will arise later on. Eleven deliberate lies by the Labor Party leader! I believe what I am saying is related to the motion because the statement I have quoted refers to the State Building Supplies.

If we had the time to read those eleven Labor lies and analyse them, I do not think the Leader of the Opposition would be terribly happy with the outcome of his motion. I feel that some members on his side of the House may even have been tempted to move a censure motion in respect of the Leader of the Opposition. We could go further in respect of this.

The SPEAKER (Mr. Hearman): Order! The member for South Perth must come back to the motion.

Mr. GRAYDEN: I want to come back to the point where members on this side of the House have something to hide and therefore they do not want this debate this afternoon. We have wasted all the afternoon and yet we could have had a glorious opportunity of bringing forward new information in respect of the State

Building Supplies. We have talked about the State Building Supplies for days in this House, on the basis that it was sold too cheaply, notwithstanding that the Leader of the Opposition sold Moola Bulla.

Point of Order

Mr. J. HEGNEY: On a point of order, I submit, Mr. Speaker, that the remarks of the member for South Perth do not in any way relate to the motion before the Chair.

Mr. Bovell: No; they are touching you on the raw.

The SPEAKER (Mr. Hearman): If the member for South Perth cannot relate his remarks to the motion he will have to sit down.

Debate Resumed

Mr. GRAYDEN: I will relate my remarks in this respect, by indicating that we would have welcomed an opportunity of putting these things forward. I was going to say that a lot of new things have happened since this was debated. I would have welcomed the opportunity of bringing up the question of communism.

Several members interjected.

The SPEAKER: Order, order!

Mr. GRAYDEN: For your information, Mr. Speaker, may I say this: that since this debate took place we have found that the Labor Party line in respect to the State Building Supplies is exactly the same as the Communist line in respect to Hawker Siddeley throughout the world.

The SPEAKER: I will not speak to the honourable member again. He must relate his remarks to the motion.

Mr. Hawke: Chuck him out!

Mr. GRAYDEN: I apologise for taking the liberties that I have. I have done so in order to support your ruling, Sir. I have no alternative, because the motion moved by the Leader of the Opposition is the same in substance as the amendments which were moved during the Address-in-Reply.

Mr. MAY: I wish to express my thoughts as a result of this debate this afternoon. I do not propose to go over the ground already covered, either by this side of the House or the Government side of the House.

First of all, we got stuck with Standing Order No. 117; and from my recollection of what took place, Sir, you proposed to uphold that. I think you proposed to uphold it, if I remember rightly. You made some comment to that effect. But it seems to me that at that particular time members were not aware of the state of the House. Up jumped the Attorney-General, and he put a proposition forward under Standing Order No. 181. To my mind it was rather obvious why he did this; and it was a very good move on his part. You, Sir, had already decided—or you indicated to us; at any rate, to me—what

you intended in regard to this matter of Standing Order No. 117, but when the Attorney-General jumped up and started to argue under Standing Order No. 181, you indicated that you were prepared to uphold the argument under that Standing Order.

Where do we go from there? Does somebody else on the other side of the House jump up and say there is another Standing Order? Why does one Standing Order conflict with another Standing Order? That is what I cannot understand. You say, Sir, that you were right in the first place under Standing Order No. 117; and you now say you were right under Standing Order No. 181. Where do we go from there?

Mr. Bovell: Standing Order No. 117 was raised on a different point of order. There were two different points of order.

Mr. MAY: Who said that?

Mr. Bovell: I said that.

Mr. MAY: I did not intend to wake the honourable member up.

Mr. Bovell: Don't you worry about my being awake!

Mr. MAY: The first thing the honourable member says when he wakes up is that something is out of order.

Mr. Bovell: If you woke up, you would know there were two separate points of order.

Mr. MAY: I know there were two separate points of order. I told the House that before the honourable member woke up; but they relate to the same proposal before the House.

The SPEAKER (Mr. Hearman): There are two entirely different points of order.

Mr. MAY: There have to be now, to meet the situation. As a member of this Chamber, I cannot understand why you, Sir, should indicate to the House that the motion of the Leader of the Opposition can proceed under Standing Order No. 117; and then somebody on the Government side bobs up with Standing Order No. 181 and you agree with that. I have been trying to read through Standing Orders to see whether there was not another one that I could bring forward. I think it is useless going on like this. If a matter comes within Standing Order No. 117, we should agree to it.

The SPEAKER (Mr. Hearman): Order! The point is whether my ruling on No. 181 is disagreed with.

Mr. MAY: I am trying to point out the difference.

The SPEAKER (Mr. Hearman): There is no relation between the two.

Mr. MAY: Why did we discuss Standing Order No. 117—

Mr. Bovell: If you had been awake, you would have found out.

Mr. MAY: You indicated, Sir, that you were going to uphold Standing Order No. 117. You now say there is no relation between the two. Can you tell me whether Standing Order No. 191 or Standing Order No. 201 has any relation? We could go on like this forever. I want to be clear in my own mind in connection with it. If there is a Standing Order dealing with one particular subject, I think we should stick to it, and not jump from it because one member realises what will be the state of the House at the time Standing Order No. 117 is going to be agreed to; and then somebody else jumps up and moves another Standing Order—Standing Order No. 181—to save the situation.

The SPEAKER (Mr. Hearman): I think the member for Collie had better see me in my room, and I will explain the difference to him.

Mr. MAY: I would rather wait until Tuesday for that, if you do not mind, Sir. I wanted to make these comments, because I feel, as a member sitting here, that we are getting bewildered; we do not know where we are.

Mr. Hawke: The Speaker gets a bit that way himself.

Mr. MAY: I will refrain from commenting on that. I do not think that would be fair to you, Sir. I think you have to have your senses about you all the time. I am referring to certain members of this House who have not got the ability that you have, Sir, in connection with this matter. I propose to support the motion of the Leader of the Opposition to disagree with your ruling.

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

Ayes—20.

Mr. Bickerton	Mr. W. Hegney
Mr. Brady	Mr. Jamieson
Mr. Curran	Mr. Norton
Mr. Davies	Mr. Nuisen
Mr. Fletcher	Mr. Oldfield
Mr. Graham	Mr. Rhatigan
Mr. Hall	Mr. Sewell
Mr. Hawke	Mr. Toms
Mr. Heal	Mr. Tonkin
Mr. J. Hegney	Mr. May

(Teller.)

Noes—21.

Mr. Bovell	Mr. Nalder
Mr. Brand	Mr. Nimmo
Mr. Cornell	Mr. O'Connor
Mr. Court	Mr. O'Neill
Mr. Crommelin	Mr. Owen
Mr. Grayden	Mr. Perkins
Mr. Guthrie	Mr. Roberts
Dr. Henn	Mr. Watts
Mr. Hutchinson	Mr. Wild
Mr. W. A. Manning	Mr. I. W. Manning
Sir Ross McLarty	

(Teller.)

Pairs.

Ayes.	Noes.
Mr. Kelly	Mr. Craig
Mr. Evans	Mr. Burt
Mr. Rowberry	Mr. Mann
Mr. Molr	Mr. Lewis

Majority against—1.

Question thus negatived.

House adjourned at 5.52 p.m.