

The Pharmaceutical Council itself suggested this definition and I believe it gives a very fair indication of what is a pharmacy.

The Hon. R. F. CLAUGHTON: The Minister assumes that both parties are reasonable; but let us assume both are unreasonable. What procedure would follow the point of disagreement?

The Hon. N. E. BAXTER: If both parties were unreasonable it would be the subject of appeal to the Minister. If the Pharmaceutical Council did not accept the evidence of invoices, or if a chemist refused to produce the invoices, the matter could go to the Minister. As I say, the Minister would accept any evidence which indicated the goods had been sold before the 1st July. The legislation caters for a situation where both parties are unreasonable.

The Hon. R. F. CLAUGHTON: The point is that a pharmacist may refuse to produce the documents. He knows that he sold the goods before the 1st July and sees no need to produce invoices to support his claim. What would happen in that situation?

The Hon. N. E. BAXTER: If a pharmacist is not prepared to supply invoices to support his contention that he is permitted to sell certain goods, the Pharmaceutical Council may take action against him. If he is the sort of person who is so ridiculously unreasonable as not to produce documentary evidence to support his claim, he deserves all he gets.

Clause put and passed.

Clauses 24 to 27 put and passed.

Title put and passed.

### Report

Bill reported, without amendment, and the report adopted.

### BILLS (5): RECEIPT AND FIRST READING

#### 1. Motor Vehicle Dealers Act Amendment Bill.

Bill received from the Assembly; and, on motion by the Hon. N. E. Baxter (Minister for Health), read a first time.

#### 2. Beef Industry Committee Act Amendment Bill (No. 2).

#### 3. Main Roads Act Amendment Bill.

Bills received from the Assembly; and, on motions by the Hon. N. McNeill (Minister for Justice), read a first time.

#### 4. Road Traffic Act Amendment Bill.

Bill received from the Assembly; and, on motion by the Hon. N. E. Baxter (Minister for Health), read a first time.

#### 5. Local Government Act Amendment Bill (No. 3).

Bill received from the Assembly; and, on motion by the Hon. N. McNeill (Minister for Justice), read a first time.

House adjourned at 5.49 p.m.

## Legislative Assembly

Thursday, the 16th October, 1975

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

### SENATE

*Blocking of Supply, and Issue of Election Writ: Urgency Motion*

THE SPEAKER (Mr Hutchinson): I have received a letter from the Leader of the Opposition regarding the need, as he sees it, to move an urgency motion. I propose to read his letter to the House. It is as follows—

Standing Order 48 makes provision for the moving of a motion for adjournment to debate a matter of urgency and Standing Order 49 requires that a Member wishing to move such a motion shall first submit to the Speaker a written statement of the subject proposed to be discussed.

Accordingly I hereby acquaint you of my wish to move an adjournment motion for the purpose of discussing, (1) the action of the Opposition Members in the Senate which is directed at blocking supply and the resultant crisis which will be created and which will cause serious disruption in the community and (2) the obligation on the Western Australian Government to issue a writ for a half Senate Election if and when called upon to do so.

I advise that I have agreed to the request of the Leader of the Opposition, subject to the arrangement that the maximum number of speakers from each side will be three and that, under the Standing Orders, the length of each speech will be 20 minutes; and provided that, as is traditional practice, the motion will be formally withdrawn.

Are there seven members who support the motion?

Seven members having risen in their places.

MR J. T. TONKIN (Melville—Leader of the Opposition) [2.20 p.m.]: I move—

That the House do now adjourn.

My purpose in moving the motion is to enable me to discuss the matters referred to in my letter to you, Mr Speaker, which

have already been made known to the House.

All members are familiar with the fact that the Federal Opposition, after a good deal of manoeuvring, finally decided it would withhold supply from the Australian Government with a view to forcing an immediate election. This tactic is not new and we would have had experience of it in this State had the Opposition members in the Legislative Council gone along with the desire of the present Premier, who was then the Leader of the Opposition, to withhold supply from my Government. The occasion was a Supply Bill which was introduced by us in August, 1973, and Sir Charles Court then moved to amend the Bill by inserting the following words—

after the Government has given the necessary undertakings to the satisfaction of the Parliament to ensure that a State General Election will be held on or before October 6, 1973.

The situation then was the same as the situation which exists now. The Liberals cannot wait for the ordinary time to elapse before an election is held.

The Constitution generally sets down the term of a Government, and it is done deliberately. Ideas have been expressed over the years that three years is not long enough and the period should be extended to four years or even five years, as it is in Great Britain.

However, the term has remained at three years because it is considered in Australia that if it were a longer period, a Government could refrain from going before the people for judgment for too long. But it was never contemplated that a Government should be forced to return to the people within a few months of its taking office. Of course, it suits the Liberal Party and the Country Party to use the upper House, because more often than not they are in complete control of that House. For example, in Western Australia the conservative parties have always been in control of the upper House. So what a one-sided proposition it is—when it suits the Liberal Party to use its majority in the upper House, it can refuse supply and force an election before the proper time.

Mr Nanovich: What would you do if you had the majority?

Mr J. T. TONKIN: The honourable member is asking me to speculate.

Mr Nanovich: You would not know.

Several members interjected.

The SPEAKER: Order!

Mr J. T. TONKIN: I am dealing only with facts. Government members may not like the facts, but they are going to hear them. I will show members how differently the Labor Party operates when compared with the Liberal Party.

Mr Thompson: We are just amateurs compared with you.

Mr Taylor: Real professionals!

Several members interjected.

The SPEAKER: Order!

Mr J. T. TONKIN: A vacancy was pending in the Senate when we were in Government. Senator Frowse was ill and was contemplating resigning. The Leader of the Country Party rang me to ask what my Government would do if the House were not in session, and whether we would be prepared to appoint a nominee of the Country Party. I told him without the slightest hesitation that we would do this.

Mr Taylor: And that is the answer to the member for Darling Range.

Mr J. T. TONKIN: I gave that reply without the slightest hesitation, and subsequently the Leader of the Country Party thanked me for the attitude I was prepared to adopt in connection with the vacancy. But how different it is when the decision must be made by the Liberal Party or the Country Party. What happened in connection with the vacancy in New South Wales which should have been filled in precisely the same way? Senator Buntton was appointed, and he was not a representative of the party that had held the seat previously. He was selected because he suited the Government of New South Wales. Then when another vacancy occurred in the Senate, the Queensland Government—a Country Party Government and one which we might have expected to have returned the favour for what I was prepared to do—took the opportunity to put Senator Field into the Senate to fill the vacancy. That is the difference between the way we operate and the way the Liberal and Country Parties operate.

Several members interjected.

Mr J. T. TONKIN: Had those vacancies been filled properly, the situation with which the Australian nation is now confronted would not have arisen—it would have been prevented. Obviously this was a well laid plan and the conventions do not matter. The idea of the conservative parties is to gain the best political advantage from any circumstances wherever possible.

There is not a newspaper throughout the length and breadth of Australia which has not referred to the present situation as one of crisis. I very much doubt whether many people have given consideration to the possibilities which can flow from the action which has been taken.

There was an instance in Victoria back in 1877-78 when the Berry Government was in power. This was a conservative Government, but supposed to be radical. Because of the actions taken by the Berry Government, the upper House refused supply. The Berry Government decided to sweat it out until somebody came to his senses. What happened? Large and small

businesses went bankrupt, people who could not get the money they were owed for their wages had to borrow from usurers and a chaotic situation developed.

Mr Nanovich: They are going that way now.

Mr J. T. TONKIN: That situation could develop as a result of the action that has been taken now.

Mr Clarko: Only if the Government does not resign.

Mr J. T. TONKIN: But that will not worry the Liberal Party or the Country Party members, because they have their eyes on one thing only; that is, to get into office by hook or by crook.

Mr Clarko: Labor wants to avoid an election.

Mr A. R. Tonkin: You hold a State election!

Sir Charles Court: That would be the shot—there would be a new member for Morley.

Several members interjected.

Mr J. T. TONKIN: When Sir Charles Court considered taking the same action against my Government, most of the speech he delivered to this Chamber was in criticism of the Australian Government. He was using as an argument for forcing my Government to the people ahead of time the fact that the Australian Government—which happened to be of the same political colour as our Government—was doing things which he did not like. He was using that criticism to justify his proposed action to withhold supply and to force the then State Government to an election irrespective of the cost involved to the public or the dislocation which might subsequently result. That does not matter, but history shows these parties will resort to any possible method to obtain office, irrespective of the chaos which might ultimately follow.

Another aspect of this matter is that it is a constitutional requirement that a half-Senate election be held before the 30th June, next year.

Mr A. R. Tonkin: That does not mean anything to them.

Mr J. T. TONKIN: So there is an obligation on the Government to make the necessary preparations to see that this election is held. Any State Government which believes it can refuse to issue a writ will find itself in serious trouble. I am telling the Premier now that this State will issue a writ despite the fact that a call has gone out to the non-Labor States not to do so.

Mr A. R. Tonkin: To subvert the Constitution.

Mr J. T. TONKIN: I will make the same comments I made in connection with the Medibank scheme: the Premier of this State said that dollars and cents could be transcended by principle, and there was no

way in which the Government would change its mind over Medibank.

I told the Premier from my place in this House that this government would join Medibank, and what did he do? The Premier hung about until he had created a disadvantaged position for Western Australia, which cost us \$2 million, and then fell over himself trying to get into Medibank by the commencement date.

Mr Clarko: Then the Federal Government should be \$2 million better off.

Mr J. T. TONKIN: I make a similar statement in connection with this matter. I am telling the Premier that his Government will issue a writ for a half-Senate election.

Mr Clarko: Labor will lose that, too.

Mr J. T. TONKIN: I will now tell members why I make such a categorical statement. As it is a constitutional requirement to issue the writs, and the law provides for it, any State Government which refuses to obey the law immediately puts the Sovereign in breach of her coronation oath, because at the coronation the Sovereign undertakes to uphold the laws of the realm, and she must see that her various Governments carry out the laws.

The classic case in connection with this matter occurred in New South Wales, when the late Jack Lang was Premier. He came out and said that the needs of the people of New South Wales were greater than those of the bond holders in Britain, and New South Wales would default. The Commonwealth Government was not prepared to allow New South Wales to default so it issued an Ordinance requiring that the State civil servants should take the money which was being paid in and make it available to the Commonwealth so that the bond holders could be paid.

The Premier, Jack Lang, issued an instruction that the Commonwealth's Ordinance was not to be obeyed. The Governor then wrote to the Premier and said that his action in failing to carry out the law put the Sovereign in breach of his coronation oath and, as the Sovereign's representative he—the Governor of New South Wales—could not allow such a situation to continue.

The Governor gave the Premier 24 hours in which to obey the law and when he did not, the Governor dismissed him. That is the situation in which the Governor of a State or the Governor-General will be placed in connection with this matter. No amount of argument can avoid the responsibility—if and when a call goes out for a writ to be issued—of the Government to issue that writ. It will be issued all right, Mr Speaker, so why fool about with it?

If a writ for a half-Senate election is issued the situation which has developed but which never should have developed in regard to the senators from New South Wales and Queensland will be remedied.

Mr O'Neil: It may be remedied.

Mr J. T. TONKIN: The people will have the opportunity to elect senators on the basis of proportional representation, which could result in the Australian Government obtaining the necessary majority to pass the Supply Bill. The Government is entitled to take that course of action.

If the Opposition withholds supply in the meantime, and causes a lot of people to suffer, it will be on the heads of the Liberal and Country Party members. They will be the ones to be blamed; they will be the responsible ones. Fortunately, the pensioners will not suffer to the fullest extent.

Mr Clarko: If they suffer at all it will be because of the Labor Government.

Mr J. T. TONKIN: Age and invalid pensioners will continue to receive their pensions.

Mr Clarko: Labor is beaten but will not lie down.

Mr B. T. Burke: You bullfrog!

Mr Clarko: They will be lucky to get 35 per cent of the vote.

Mr J. T. TONKIN: However, although the age pensioners, the widowed pensioners and the service pensioners will continue to receive their money, they will not receive the increment to which they are entitled. So, the responsibility for withholding those increments, which the Australian Government desires to give the pensioners will rest squarely on the shoulders of Liberal and Country Party members.

The SPEAKER: The honourable member has four minutes remaining.

Mr J. T. TONKIN: Thank you, Mr Speaker. Let us have a look at the fairness of this.

Mr A. R. Tonkin: They would not understand the word.

Mr Grewar: It does not matter about the country or the people!

Mr J. T. TONKIN: Let us examine the fairness and the conventions. Surely if Parliament and a democratic country are to be run on proper lines, we must have regard for the conventions. Do we consider what is fair, proper and reasonable or do we sweep those conventions aside—

Mr Laurance: Along with the Federal Ministers.

Mr J. T. TONKIN: —because it is politically inexpedient for us to take any notice of those conventions?

Mr Clarko: It is inexpedient for the Federal Government to go before the people.

Mr J. T. TONKIN: Any political party which expects to operate on the basis of sweeping aside the conventions when it suits it is heading for trouble. But there is more to this matter than changing the Government—

Mr Clarko: That will surely happen.

Mr McIver: Do not be too sure!

Mr J. T. TONKIN: —a lot more. It is as sure as night follows day that a dangerous state of turbulence will be created.

Mr Clarko: Only by your supporters.

Mr Bryce: You will live to regret the day you supported this.

Mr J. T. TONKIN: It is impossible for anybody—however clairvoyant he may be—to claim to be able to see that far into the future to calculate accurately the harm which will follow such a move.

Mr Clarko: You will prophesy it and then go out and organise it.

Mr J. T. TONKIN: I am not a soothsayer, and I am not prepared to prophesy anything. However, I am entitled to deal with the facts as I see them and make a balanced judgment on them.

I have had a long experience with the Western Australian people—probably longer than any other member in this House—and my experience has been that deep down, they are fair-minded. They do not like any shilly-shallying; they like fair and honest dealings. It could be that there will be such a revulsion of feeling—

Mr Clarko: But highly unlikely.

Mr J. T. TONKIN: —against members of the Liberal and Country Parties at throwing this nation into a state of turbulence that the result of an election will be quite different from that anticipated by members of those parties.

Mr Grewar: I will give you 10 to one on that.

Mr McIver: I will take it.

Mr J. T. TONKIN: I take this opportunity to say with all the feeling at my command that I have nothing but utter disgust at the way members opposite and their colleagues will throw aside the conventions for political expediency.

MR O'NEIL (East Melbourne—Minister for Works) [2.39 p.m.]: It is quite evident from what the Leader of the Opposition has said in respect of the effect blocking supply will have on pensioners that he had an opportunity this morning to listen for some time to the broadcast of debate in the Federal House. I also had that opportunity; I listened to the broadcast of the House of Representatives debate from the commencement of proceedings until about half way through the Treasurer's speech.

Mr Bryce: What was happening with the Public Works Department in the meantime?

Mr O'NEIL: In case the honourable member does not know, the House of Representatives met at 8.00 a.m. local time.

Mr Bryce: I do know, because I was listening.

Mr O'NEIL: The first thing that happened was that a question without notice was directed across the Chamber to the

Prime Minister. He answered that question and, apparently while still on his feet—I could not see him—moved that all other questions be placed on notice. I can assure members that there was quite an uproar in the House of Representatives because traditionally at least 45 minutes is allowed for questions without notice in the House of Representatives.

Mr Bertram: We do not get answers, let alone put questions on notice.

Mr O'NEIL: The Prime Minister then took the opportunity which is apparently available to him under the Standing Orders of the Commonwealth Parliament to move a censure motion against the tactics of the Federal Opposition, and more particularly against the Leader of the Federal Opposition (Mr Fraser). Of course, Mr Fraser responded and did the proper thing by moving to delete all words after the word "that" with a view to inserting other words and turning the motion upon the Prime Minister.

I did not hear the rest of the debate over the air, but numbers count and one can imagine what would be the fate of the amendment and the motion.

The Leader of the Opposition in this State appears to be in possession of information that is certainly not available to this Government; that is, the Opposition has decided to block supply. He also appears to be in possession of evidence that this Government has been requested to issue writs for a Senate election.

I know that events are taking place very quickly on the Federal scene and the Federal Parliament, but neither of those steps has been taken. So, the Leader of the Opposition must be in possession of more information than is available to this Government.

The Leader of the Opposition also made reference to the fact that in Australia it is accepted that the life of a Parliament ought to be three years, and not four or five years. No doubt, he is well aware that the life of the Government in the Tasmanian Parliament is five years; so, the term of three years is not generally accepted in Australia.

Mr Jamieson: Only this time, but it will be four years the next time.

Mr O'NEIL: It will be four years then. So, that further counters the statement made by the Leader of the Opposition that a term of three years has been regarded as the proper time. However, these are only side issues.

The Leader of the Opposition also mentioned what had happened in the Parliaments in other States in appointing replacements of senators. Of course, he did not mention the circumstances which might require the replacement of a senator. I could refer to the elevation of Senator Gair to be Australian Ambassador to

Eire, and the elevation of Senator Murphy to the High Court.

Mr Jamieson: Gair was never replaced. What are you talking about?

Mr O'NEIL: Let us concentrate on Senator Murphy.

Several members interjected.

The SPEAKER: Order! There are too many interjections.

Mr O'NEIL: The Leader of the Opposition went on to talk about conventions. Conventions are behaviours and practices which have developed over a long period of time. One can talk about parliamentary conventions in a country like Britain, because Britain does not have a written Constitution. However, we in Australia do have a written Constitution, and therefore convention is written into the law if that is possible; certainly there are provisions in our law which cater for all these circumstances.

To give one example of the misunderstanding of the Leader of the Opposition, he said words to the effect that if a request is made to the Governor of Western Australia to issue a writ, it must be issued. That is not so. I know that you, Mr Speaker, will permit me a short period of time to refer to some parts of the Constitution of the Commonwealth.

Mr A. R. Tonkin: It has never been refused in the past 75 years.

Mr O'NEIL: A request may not have been made, and maybe there have not been circumstances which required such a request to be made. The Leader of the Opposition said there was an obligation on the State of Western Australia to issue a writ for a half-Senate election.

I said as a preamble that in Britain there is no written Constitution, but Australia has one. This is what the Constitution of the Commonwealth says, and this can be found in the *Year Book of Australia*—

The qualification of electors of senators shall be in each State that which is prescribed by this Constitution, or by the Parliament, as the qualification for electors of members of the House of Representatives; but in the choosing of senators each elector shall vote only once.

That is the preliminary.

Mr Barnett: It does not say anything about putting cheese-eating rodents into Parliament!

Mr O'NEIL: If the honourable member has read the Constitution of the Commonwealth he will know that it does not say anything about that. We happen not to be talking about the filling of casual Senate vacancies, but about the provisions of the Constitution of the Commonwealth

relative to a State issuing writs for half-Senate elections in that State. Paragraph 12 of that Constitution states—

The Governor of any State may cause writs to be issued for elections of senators for the State.

It will be noted that that paragraph states the Governor of any State "may" cause writs to be issued.

Mr J. T. Tonkin: Just look at the Interpretation Act.

Mr O'NEIL: I am looking at the Constitution. The next part will probably clarify what I have said, and what "may" means in this context.

Mr J. T. Tonkin: What is more, you know it well.

Mr O'NEIL: The next part of paragraph 12 of the Constitution states—

In case of the dissolution of the Senate the writs shall be issued within ten days from the proclamation of such dissolution.

It is quite clear that this single paragraph contains two provisions—one in respect of ordinary half-Senate elections, and one in respect of the obligation upon the State to issue a writ following a double dissolution.

Mr J. T. Tonkin: Are you saying seriously that if a half-Senate election is called at any time before the 30th June next, any State Government may refuse to allow the election to take place in that State?

Mr O'NEIL: I believe it can, but I would not like to hazard a guess what would happen if that is so. It is my understanding that once no election is held, there is no provision in the Constitution to hold an election to fill those vacancies. The Constitution of the Commonwealth further provides—

The Parliament of a State may make laws for determining the times and places of elections of senators for the State.

Firstly, there is no constitutional requirement in the law for a State to issue a writ for a Senate election; secondly, if a State determines that writs shall be issued then that State may determine the date upon which the election is held. We are now presupposing another assumption of the Leader of the Opposition that the State has been requested to issue such writs.

Mr J. T. Tonkin: I did not say that at all. I said "if and when".

Mr O'NEIL: That is supposititious. The motion which we were told would be moved in this Parliament and which we have taken down is not quite the same as that moved by the Leader of the Opposition. The term of the motion is to discuss the action of the Senate to block supply, whereas I understand the Leader of the Opposition had referred to the action of the Senate which is directed at

blocking supply. So, there is a slight difference.

Once again, communications being as rapid as they are, I should not have any excuse for not knowing the exact term of the motion. However, it is my understanding that to date the only Bill which relates to the Budget and which has, in fact, received deferment is that related to a vote for defence. There is opportunity to move the second reading of the Bill after the Federal Government has indicated the date of an election. This is the normal sort of procedural motion.

Mr A. R. Tonkin: It is not a normal procedural motion.

Mr O'NEIL: That has been done more than once.

Mr A. R. Tonkin: How many times in the Australian Senate?

Mr O'NEIL: Perhaps the honourable member will get up and tell us, if he is one of the three members of the Opposition who will be permitted to speak in this debate.

There is again the usual action of scare-mongering afoot, and the same occurred when a similar situation existed in this State. The same sort of statements were made that nobody would be paid, and pensioners would not receive their increments. The Leader of the Opposition made the point that pensions are paid more or less automatically and there is no statutory requirement. Statutory authority is required only in respect of adjustment of pensions.

I wonder whether any member of this House has read a Supply Bill. This is the piece of paper which provides to the Government of the day with the money to carry out the services of the State. I wonder whether any member has read it intently to see what it contains.

A Supply Bill contains a provision for a certain sum of money to be voted to the Government and for temporary advances to the Treasurer, in order to make good the services for the year just past. So, it anticipates that a Government could spend greater than the amount of funds voted to it.

Provision is made for that situation. Usually the second clause makes provision for that likely situation during the current financial year. I think in most Parliaments now it is traditional for a Supply Bill to be introduced, then the Budget discussion takes place, or a second Supply Bill is introduced. It simply makes provision for the services of the State.

It has been said that if an Opposition blocks supply nobody will be paid, things will become chaotic, and all sorts of situations will occur. Clause 3 of the Supply Bill for 1975 reads—

3. The said sums shall be available to satisfy the warrants under the hand of the Governor, under the provisions of the law now in force in respect of any Services . . .

Mr Bertram: Is that the Australian Act or the State Act?

Mr O'NEIL: This is our own Act, and I would presume that the other Acts would be the same.

Mr A. R. Tonkin: That is a big presumption.

Mr O'NEIL: A Supply Bill is a Supply Bill whether it is introduced in this State or any other State.

Mr Bertram: Except that Mr Hayden does not agree with your theories.

Mr O'NEIL: I have not stated my theories yet. Money is made available to satisfy the warrants under the hand of the Governor. Any member who has been in government knows it is a fact that between a Supply Bill and either the Budget or another Supply Bill it is likely that the Government goes beyond its approved spending. It is able to do that by what are, in essence, IOUs from the Governor under his powers, and the Supply Bill which follows rectifies the payments of warrants under the hand of the Governor. So, it is possible for a Government to continue without supply. Perhaps Mr Whitlam should not be told that, but it is possible and certainly does occur.

There will always be a House on the hill; there will always be a Parliament, and there will always be the power in the hands of the Government to ratify and pay out warrants issued under the hand of the Governor during that interim period to which I have referred. So, all the scare tactics about nobody getting any money and nobody being paid is simply political humbug.

Mr A. R. Tonkin: You wait and see.

Mr O'NEIL: The member opposite is presuming, and probably hoping.

Mr Davies: That is the saddest remark you have made.

Mr O'NEIL: The saddest! What about the member who said, "You wait and see"? He is assuming all these events will happen.

The Leader of the Opposition knows that if a half-Senate election is held in Australia, all the States, the Australian Capital Territory and the Northern Territory would be included. He knows that two senators would be elected by the Australian Capital Territory and two by the Northern Territory, and stated that the situation which has come about as a result of the behaviour of the Governments of Queensland and New South Wales will be rectified. He should have said "may be rectified".

Mr J. T. Tonkin: No, "will be". They will get two senators at least in those territories.

Mr O'NEIL: That is another complete assumption by the Leader of the Opposition.

Mr J. T. Tonkin: You would not like to bet on it, would you?

Mr O'NEIL: I noticed in a recent newspaper article that the political pundits—not me—said that if a half-Senate election were held the Labor Party would lose one senator in W.A.—Senator Ruth Coleman—because she happened to be No. 3 on the ticket. In all probability the fifth Senate position would be filled by the Country Party.

The SPEAKER: The Minister has five minutes.

Mr O'NEIL: That newspaper comment was a supposition, too. The Leader of the Opposition went on to say that as a result of a half-Senate election throughout Australia the situation would be rectified.

Mr J. T. Tonkin: That is only reasonable judgment.

Mr Jamieson: The senators for the territories will be elected, and not selected.

Mr O'NEIL: As I understood the Leader of the Opposition, the only situation he wants rectified is to see that the Labor Party gets control of the Senate.

Mr J. T. Tonkin: I was referring to Senators Bunton and Field and the fact that two elected representatives would take their place.

Mr O'NEIL: The Leader of the Opposition is saying that this will happen?

Mr J. T. Tonkin: Yes.

Mr O'NEIL: It is most probable, but there is no guarantee in politics at all.

Mr J. T. Tonkin: There is not. Of course there is no guarantee that you will live long enough to finish your speech—although I hope you do.

Mr O'NEIL: That is true, and I have only three minutes left in which to finish my speech.

A lot of pious humbug is being talked about political parties in this exercise—and that is about all it is. I want to refer members to what I believe ought to be compulsory reading. The No. 5 Chifley Memorial Lecture was presented by Mr Whitlam in 1957. First, let me advise members of the title; it was "The Constitution versus Labor". That is the title given to the speech.

Mr Davies: Good heavens!

Mr O'NEIL: During the speech Mr Whitlam explained how a Labor Government in Canberra would get around the Constitution. He laid down precisely what he believed should be the action of the Labor members of Parliament in the States; that is, "to bring about their own dissolution."

Mr Bertram: Within the law.

Mr O'NEIL: In 1957 Mr Whitlam made a statement which I think is appalling. He said in as many words—

It would be interesting to contemplate how far we would have gone if Dr Evatt had remained in the High Court of Australia.

The reference to "we" is to a Labor Government. That statement by Mr Whitlam is most significant when one has regard for a person who has quite recently been elevated to the High Court—ex Senator Murphy.

Mr Jamieson: What are you worrying about?

Mr O'NEIL: Here we have the Opposition, with a lot of pious political humbug, talking about convention, and talking about the rules of the game when in fact their own leader—the man in Canberra who has brought this nation to its knees—has said, in the extract I have quoted, precisely where he is going, and well it should be remembered.

It was the Federal Leader of the Opposition who was able to point out that on two occasions Mr Whitlam, as Leader of the Opposition and wearing different clothes, had said quite clearly that the Senate should reject a Supply Bill and thus bring down the Government. He made that statement twice, as Leader of the Opposition. However, he is now critical of the present Leader of the Opposition for doing precisely the same thing which Mr Whitlam accepts as normal.

MR BRYCE (Ascot) [2.58 p.m.]: I rise to express my disgust at the actions of the Opposition parties in Canberra, and also the disgust that any other decent member should feel as a result of the decision made by the Australian Senate. At the outset, I would like to debunk the statement of the Deputy Premier when he suggested that the Senate has not blocked the Budget.

Appropriation Bill No. 1 has already been adjourned with the qualification that its passing is subject to an election, and the second Appropriation Bill is before the Senate at this very moment. In addition headlines appeared in our own papers yesterday stating that Mr Fraser had announced to the nation that the Liberal majority in the Senate would block the Supply Bill. There is nothing unqualified about that statement; the Senate is definite that it will block supply.

In rising to support the motion moved by the Leader of the Opposition I express our complete disgust with the Senate and warn members about the forebodings for the future when such actions are contemplated and then implemented. As far as we are concerned this type of action constitutes a pack rape of democracy. The responsibility for this action will rest firmly on the shoulders of 30 Liberal members in the Senate. The action of those 30 Liberal members can best be described as a political "gang-bang" in their lust for

power. That is all it is in reality—a political "gang-bang" in a grab for power.

They have been encouraged by right-wing extreme elements in society to satisfy their lust by attempting to destroy the fabric of Government in this country, and I regret that in this Chamber we have to sit opposite a Premier who, to his eternal shame, has to shoulder the responsibility of being one of the influential members of the Liberal Party in this State who have encouraged and publicly advocated the rape of the democratic system in this way.

The Premier may well be gone from the political scene, and this life indeed, before the real consequences of what he has encouraged members of his political party to do are appreciated in the long term. Conservatives throughout history have done this type of thing and have not taken time out to take real stock of the long-term consequences.

So the nation has been thrown into a grave constitutional crisis. It is an act of political thuggery and gangsterism. The gang comprises 30 Senators, and they have thrown this nation into turmoil which is unprecedented and the consequences of which none of us really knows.

Mr Thompson: This crisis has been thrust on us by the actions of the present Federal Government.

Mr BRYCE: The political turmoil has been thrust upon us by 30 Senators—

A member: Thirty-six faceless men.

Mr BRYCE: —and they are acting on instructions from people outside the political arena. On those instructions they have made the decision to throw this country into political turmoil.

Mr Mensaros: It was the opinions of the people you pretend to represent which did that.

Mr BRYCE: It is a degree of political obscenity which is unknown in Australian politics. There is no coincidence or accident about this particular crisis which confronts us at the present time because the Leader of the Senate (Senator Withers) revealed just prior to the dissolution of both Houses of the national Parliament in 1974 that within four months of the change of national Government after December, 1972, the Liberals in the national Parliament were setting themselves about the task of bringing the process of government to a grinding halt through deliberate obstructionism and frustration. He made that statement at the time of the double dissolution in 1974.

We saw a change of Government in December, 1972, and this process of destruction and obstructionism was continual and perpetual. We know a long list of Bills mounted up in the Senate which provided the grounds for a double dissolution. So they could not wait more than 16 months in the first instance, just as in



sheer impatience the Premier opposite could not wait 16 months after he had been thrown out of office as a result of the decision of the people. He could not wait 16 months. There was a downturn in the economic climate of this State, and he was the man responsible for advocating that the Legislative Council take the unprecedented step of blocking supply to the Tonkin Government.

I think we should appreciate exactly what are the consequences of the irresponsibility of extremists like our Premier, Bjelke-Petersen, and Fraser to the fragile fabric of democratic government.

I have just been passed a note which will put the Minister for Works right back into his little box. The note says that the second Appropriation Bill has just been rejected by the Senate. Now let the Government speakers on the opposite side of the Chamber stand up and say that the argument which was put to this House by the Leader of the Opposition was purely supposititious and that he was looking into a crystal ball.

Mr O'Neil: Was it rejected or deferred?

Mr BRYCE: I do not intend to play with words. I was making the point—

Mr Rushton: Be accurate.

Mr BRYCE: I do not want to go off on that absurd tangent. The Minister for Local Government knows very well it amounts to rejection of the Budget. Every single political pundit in the country knows it, and the Minister can sit there in unending shame that he has associated himself with it and that his leader has publicly encouraged it.

The ultimate consequence of adopting this particular gutter standard is that we will finish up having our fragile democracy governed by the Gallup polls. The day that the destiny of this country is from beginning to end governed by what Gallup polls say we will indeed be in a very, very sorry state.

Mr Watt: Who is "we"?

Mr BRYCE: The entire nation. Let me remind the honourable member that as far as the future is concerned the day will surely come when his party is back in office nationally and does not control the Senate; and there is a high probability of it.

If we assume that from here on it is legitimate and acceptable for hostile majorities in the Senate to use their numbers when the Gallup polls tell them it is politically judicious to go to the people and force the Government out, there is a diabolical consequence, and that is gutless government; because we will never have a Government in a popular, representative lower House which will make the courageous decisions which are necessary from time to time to administer economic medicine of the type which we know is distasteful but is sometimes very necessary

and sometimes causes short-term unpopularity. What Government of Liberal or Labor complexion in the future—given that this becomes the acceptable standard—will ever have the courage to take action of the type which may be necessary? It will be Government by Gallup poll, dictated by the lust for power of a hostile majority in the upper House.

We saw what kind of a President President Johnson was. He governed that great country upon the basis of what the Gallup polls said and how his mail was running; not in terms of what the country necessarily needed but in terms of what the Gallup polls said.

Mr Rushton: Our country needs a change of Government, that is for sure.

Mr BRYCE: If the Minister upholds that view, he should do the decent thing and work his little heart out at the time of the next proper election to achieve a change of Government instead of associating himself with political thuggery to bring about an election at a time when it is simply not necessary or justified.

Conservatives have proven in the past, and are proving now, that there is no limit to the ends to which they will go to break convention and the Constitution when it suits them. The essence of this whole problem lies in the fact that they could never swallow, recognise, or accept that they were thrown out of office in December, 1972, by the decision of the people.

The blue-bloods like Fraser and all his other elitist friends believe quite sincerely in their own hearts that they were born to rule; and I might add that is the mentality that has created the current crisis, because that is the thinking behind the instability which has been forced upon the national Government since December, 1972. The same kind of elitist approach prevailed when the Premier was forced onto the Opposition benches in 1971. There was the same sense of impatience, and when that impatience reaches a point where it is almost intolerable the conservatives are prepared to wipe aside all the conventions and a large chunk of the Constitution and say, "Whatever means we use, the perks of office mean more to us than the needs of the people and the future of this country."

Mr Watt: Let him who is without sin cast the first stone.

Mr BRYCE: The question that faces our entire nation and this State of ours is this: We face the same chaos and the same turmoil and threat to our democratic system of government simply because with a knife in the back a Mr Fraser replaced a Mr Snedden on the national scene; and our friend Fraser is a madman who is obsessed with the idea that he is entitled to achieve power at any cost.

One of the most hilarious things about this is that he desires the power to govern

the people that he despises—the ordinary people of this country. He has illustrated in speeches made in the national Parliament and in releases to the media that he does have a "sense of despise" for the ordinary people throughout Australia. I believe there is ample evidence to justify what I have said, and if time permits during the debate on the Estimates I will enumerate at some length the evidence that shows that Fraser has contempt for the ordinary people.

He is an elitist, and he has decided with his 30 cronies in the Senate that he will deprive the ordinary working men and women of this country of the Government they elected. This is his intention; it is what he would like to do.

Several members interjected.

Mr BRYCE: Why does not the State Government give the people of this State an opportunity right now to pass judgment?

Mr Thompson: We have not been up to this kind of nonsense.

Mr BRYCE: The incompetence, the deliberate misleading, and the false promises that have not been kept by this Government justify in exactly the same manner the argument the members opposite put forward. Of course, we know there is no justification whatsoever for a Federal election.

Mr Thompson: How many Ministers have had to be removed from this Government?

Mr Jamieson: There are a couple here.

The SPEAKER: Order! The member has five minutes.

Mr BRYCE: It is not unusual for us to hear members opposite shrink from the truth, and particularly the member for Darling Range.

Mr Thompson: He is not here.

Mr BRYCE: The thing that most concerns members on this side of the House is the future consequences of this action.

Mr Coyne: I'll bet it does.

Mr BRYCE: The Premier knows, as does every other member on that side, that he has not one iota of moral right to expect the people of Western Australia to regard his Government as a legitimate Government if he rejects the proposition that he should do the right, decent, and moral thing and call for writs to be issued at the appropriate time; and he will have the opportunity to go to the hustings and publicly denounce the national Government and call for its expulsion from office when the writs are issued.

The Premier has not one iota of justification for going to the trade unions, industry, student groups, or any other part of the community and expecting them to abide by the laws his Government passes in this place, because in his extremism he

is encouraging political anarchy. When he publicly supports and encourages the likes of Fraser to take the action he has taken, the Premier has to be prepared to accept the anarchy that may well follow. One cannot be certain, because nobody knows exactly what will happen and nobody can necessarily guarantee that the forces which will be unleashed in this sort of situation can be kept under control.

Mr Rushton: The Whitlam Government has been trying to break the Constitution for three years.

Mr Davies: More rubbish!

Mr BRYCE: The point on which I conclude is this: The Labor Party was elected to national Government in May, 1974, for a term of three years. If the Liberals in the Senate decide in an immoral way to engage in this type of thuggery and gangsterism, the consequences will rest on the head of each and every member of the Liberal Party in the Senate, and on the head of each and every member of the Liberal Party in this Chamber who has publicly or privately supported that decision.

It is an anti-Australian decision, and it will in the future be seen to be a totally un-Australian thing to do. Let us hope the consequences are not as foreboding as many people say they will be. I support the motion moved by the Leader of the Opposition and commend it to members of the House.

MR GRAYDEN (South Perth—Minister for Labour and Industry) [3.16 p.m.]: If I were to describe the speech of the member who has just resumed his seat as being emotional and hysterical in the extreme, and even hilarious, it would without doubt be the understatement of the year.

Mr Clarke: Of the century.

Mr GRAYDEN: During the course of his speech the member for Ascot spoke in most derogatory terms of those who would move to bring about a Commonwealth election. He spoke in terms of these people being the extreme right wing element in Australia. I would suggest that from the statements the member made today, and the words he used—political thuggery, gangsterism, madmen, the type of thing one sees in the *Communist Tribune*, and, of course, these words are recorded in *Hansard*—

Mr Bryce: That went out with Menzies.

Mr GRAYDEN: —It will be abundantly clear to everyone in this House and to all members of the public should the Press decide to give the publicity it deserves to his speech, that the member belongs to the extreme left-wing element in this State. There is no doubt of that.

Sir Charles Court: And he is proud of it.

Mr GRAYDEN: The language used by the member for Ascot—which, as I said,

is recorded in *Hansard*—is the type of language one finds only in the communist journals in this and other countries.

Mr Bryce: The Minister is sick—sick indeed.

Mr GRAYDEN: I can understand why the member for Ascot is so emotional and hysterical in respect of this issue.

I would also say that the Leader of the Opposition, when he spoke, was emotional in the extreme. He normally makes speeches in this Chamber in a calm and collected manner.

Mr Bryce: Just like you do.

Mr GRAYDEN: But today we saw him at his emotional worst. He was emotional for one very good reason; that is, he thinks if an election is forced upon the Commonwealth the record of that Government is such that there will be a landslide against it and it will be removed from office.

He also knows that once the Commonwealth Government is removed from office in all probability it will remain out of office for another 23 years, because it will take 23 years for the Australian people to get over the mistakes and blunders and the maladministration that have occurred since the present Federal Government was elected to office. In fact, I doubt whether the people will get over it in 23 years. If ever there were justification for defeating a Government by any constitutional means, there surely is at the moment. That is precisely the action intended to be taken by the Opposition in the Federal Parliament.

When the Leader of the Opposition spoke he made dire predictions about what would happen to the incomes of pensioners and civil servants; he referred to the effect this decision could have on the economy, etc., etc. Of course, I would agree with everything he said; but what he omitted to say is that the present Federal Government can spare Australia this traumatic experience simply by going to the people—

Mr A. R. Tonkin: Why don't you go to the people?

Mr GRAYDEN: —and putting its record on the line.

A member: What about Khemlani?

Mr Thompson: We have not been talking about Khemlani.

The SPEAKER: Order!

Mr GRAYDEN: Let us have a look at the record of the Commonwealth Government to see if there is any justification for what is contemplated in the Senate. Before doing so, may I say that the record of that Government is a black one. If an election is forced upon the Government of Australia shortly and people are given the opportunity to vote in the Federal sphere, I hope the advertisements

which are published in the Press by the Opposition will be surrounded by a black border to emphasise the black record of this Commonwealth Government.

Yesterday in this House we were talking in terms of what has happened to rural industries. We can see what has happened on all sides. We can see what has happened in respect of beef, mutton, dried fruits, and grain marketing. We have seen the Commonwealth Government savagely slashing every concession that had been granted to those engaged in rural industries. It has not abolished all concessions, but simply reduced taxation deductions and concessions, in some cases by 100 per cent and in others from 100 per cent down to 10 and 4½ per cent. However, any concession that was granted to a primary producer in the past in respect of the provision of water supplies, internal fencing, and super subsidies has been abolished or savagely slashed by the Commonwealth Government. That is what the present Commonwealth Government has done to the farmers of Australia.

Let us look at what has happened in regard to mining. We have only to look around Western Australia to realise that mining has virtually come to a standstill in this State. Certainly it is continuing in regard to the iron ore deposits and our coal deposits. These are huge undertakings in the mining sphere, but mining generally, as a result of the policies followed by the Commonwealth Government, has come to a halt and any reputable or self-respecting person interested in mining no longer bothers to look at the mining share prices listed in *The West Australian*. Individuals in this State, with few exceptions, have given mining away completely, and they will continue to do so until there is a change of Government in the Federal sphere.

Let us look at what has happened in respect of oil exploration, notwithstanding Australia's dependence on petroleum products, and notwithstanding the way the price of oil, together with its various by-products, has soared. As a result of the policies followed by the present Commonwealth Government, oil scarcity, as I have said, has virtually come to a halt. We have all witnessed that great oil rig lying idle in Cockburn Sound—the *Ocean Endeavour*. It has been lying there idle for months. It was not allowed to be sent overseas, and it has not been possible to use it for oil exploration in Australia. That is the present situation in respect of oil search throughout Australia.

We only have to look at what has happened in respect of tariffs under this Commonwealth Government. Immediately it came into office tariffs were slashed to honour a promise given to a member at the last Federal election and, as a result, the textile industries in particular have practically gone into liquidation.

We now have unemployment running at a record level, much of it brought about by the policies of the Commonwealth Government in respect of tariffs. We can also see what the Commonwealth Government has done with Aborigines in Western Australia. That Government squandered vast sums of money. It did not spend the money sensibly in an endeavour to do something for Aborigines; it simply squandered the money for political reasons.

Not long ago I had the experience of visiting Ayers Rock in Central Australia, the Warburton Mission, and other Aboriginal missions *en route*. Across the South Australian border I was astonished to find 1 300 Aborigines sitting under trees all playing cards.

Mr Davies: Good heavens!

Mr GRAYDEN: All those Aborigines were being supported by training allowances paid by the Commonwealth Government, but there was no training of any kind. So the 1 300 Aborigines continued to sit under trees playing cards and two-up, squandering the money that has been raised from the taxpayers. At the Warburton Mission there is the largest two-up ring in Australia. At one time \$6 000 has been found to be in the ring. These are Aborigines living on social service without any real attempt on the part of the Commonwealth Government to improve their lot.

That is the record of the Commonwealth Government in respect of Aborigines. We can also see what that Government has done in regard to the armed services. It has even abolished the school cadets, because it does not want to see Australia defended. The Commonwealth Government would like to see Australia left defenceless, because this would suit the sort of people with whom members of the Commonwealth Government fraternise in Russia and, of course, in China.

We all know what the policy of the Commonwealth Government is in respect of centralism and State Parliaments. That Government wants to abolish State Parliaments. These are all issues that indicate its black and sorry record to which I have already referred.

The Commonwealth Government seeks to replace the private enterprise system we have in Australia; a system for which every true Australian has tremendous respect. Its policy, which has been expounded by Commonwealth Ministers and others on numerous occasions recently, is to replace the private enterprise system with the brand of socialism we find in some European and South American countries.

Mr Jamieson: South American countries?

Mr GRAYDEN: We also know the record of the Commonwealth Government in respect of inflation. Present-day forecasts

are that inflation in certain sectors—housing, for instance—will possibly reach 30 per cent by March next. This is the sort of situation with which we are confronted in Australia. Those people who have saved diligently throughout their lifetime in order to provide for their retirement are now finding that their savings are being eroded because of inflation brought about by maladministration, largely on the part of the Commonwealth Government.

We know what the situation is in respect of unemployment. At present almost 250 000 people are unemployed in Australia, and shortly it is anticipated that the unemployment figure will rise to 400 000. In yesterday morning's newspaper there was an article on unemployment, but what it failed to mention was that, notwithstanding the high rate of unemployment in Australia, Western Australia at the present time has the lowest rate of unemployment of all the States of the Commonwealth. That is a point that should be mentioned.

The SPEAKER: The Minister has five minutes.

Mr J. T. Tonkin: What is that fiction you just mentioned?

Mr Young: That for three months in a row Western Australia has had the lowest unemployment rate in Australia.

Mr J. T. Tonkin: And in another three months you will have the highest.

Mr GRAYDEN: In Western Australia we have 3.37 per cent of the work force unemployed and that is the smallest proportion of the work force unemployed in any State of Australia. That will not give the Leader of the Opposition much solace.

If it were not for the policies of the Commonwealth Government we would not have this high level of unemployment. In every sphere into which the Commonwealth has intruded—and there are few into which it has not—we have had this sort of result. It is the result of the extraordinary maladministration by that Government.

Recently the Australian people have been confronted with the loans scandal in the Federal sphere. Individuals have been attempting to borrow several thousand million dollars by all the back-door, surreptitious methods imaginable. This is the record of the Commonwealth Government. In sphere after sphere it has wrecked the economy of Australia. It has virtually brushed aside all conventions and things felt to be of consequence to Australians.

In these circumstances it is small wonder that the Commonwealth Opposition is seeking to force this infamous Government to the electors of this country. Consequently I find it absolute nonsense for the Leader of the Opposition to write a letter to you, Mr Speaker, seeking permission for this

urgency debate. He said that he wants to discuss—

- (1) the action of the Opposition Members in the Senate which is directed at blocking supply and the resultant crisis which will be created and which will cause serious disruption in the community.

I repeat that if the Commonwealth Government genuinely wants to avoid this all it has to do is to agree to the election.

Mr Bryce: Who is the Government of this country?

Mr GRAYDEN: The Leader of the Opposition said he also wishes to discuss—

- (2) the obligation on the Western Australian Government to issue a writ for a half Senate Election if and when called upon to do so.

Not that the State Government has considered this matter, but in the light of the black record to which I have just referred, I would feel that if the State Government was called upon to issue a writ it, too, would have an obligation if it was legally possible to do something about it, and agree not to issue a writ.

Mr J. T. Tonkin: You will issue it all right.

Mr GRAYDEN: If it is legally possible not to do it and thereby force the Commonwealth to an election, I hope the State Government will take that action.

I believe that we in Western Australia, and the Australian people generally, have occasion to be grateful to the Commonwealth Opposition for contemplating the action suggested.

**MR A. R. TONKIN (Morley)** [3.33 p.m.]: We support the motion of the Leader of the Opposition because we believe that the country is facing a very great emergency, and it is not a question of which party would win an election at this time. If we are to have a situation where we have an election every time an Opposition thinks it would win one, the situation would be chaotic. After all, Oppositions have nothing to lose. At the worst they could lose the election and therefore remain in Opposition so an Opposition would always want an election because it could not be in a worse position but could be in a better one. If every time an Opposition wanted an election, one was held, good orderly government on which we in Australia have prided ourselves and for which we are the envy of the world would go out the window.

This is the basis of the Liberal Party's divine-right-to-rule syndrome. It is not prepared to accept the people's decision. It pretends to be a democratic party, but when the people do the "wrong" thing and choose a Labor Government the Liberal Party will overturn every convention and take actions never before seriously contemplated.

Senator Withers, the Leader of the Liberal Party in the Senate, admitted last year when supply was blocked in April that the Liberal Party had set out to subvert the Constitution to take to the Senate the right to reject a money Bill, something accepted as being beyond the scope of an upper House. He said that the party had been working at this for 12 months. He probably did not mean exactly 12 months to the day, so we could say that almost as soon as the Labor Government was elected in December, 1972, the Liberals said, "We are not going to accept the people's decision. We will not wait to have an election in 1975."

If the Liberal Party had allowed the Government to run its proper course we would be due for an election now, anyway. This is the year we would have had an election, and the Liberal Party would have had an opportunity to go to the people probably in November or December. This would have been the position if the Liberal Party had accepted the people's decision and respected the Constitution instead of being so lustful for power and so unprincipled as to try to grab power by any means available.

We would have been facing an election soon and the people would have had a choice after the Whitlam Government had had three years in which to prove its worth. The people could have rejected it in the proper way. However, because of the Liberal Party's refusal to accept the Constitution and to accept democracy it has in actual fact forced certain actions so that another election is not due now until 1977.

This divine-right-to-rule idea of patri-cians like Malcolm Fraser goes back a long way into history. It will be remembered that the English cut off the head of a king who believed in his divine right to rule, and since then no king of England has claimed this right.

However, we have the situation in the latter part of the twentieth century where a party has said, "Yes, we will have an election, but if you dare to reject us, we will see that the Government will not be allowed to govern. We will not accept your decision and we will subvert the Constitution and force an election upon the people."

The Premier has openly pressed for this subversion of the Constitution and for an election, and I lay the blame directly at his feet because he is an intelligent man. He is well aware of what this can do to a democratic country like Australia. He is also aware of what extremism this will encourage on the part of those always lurking in the wings on the extreme left and on the extreme right. I do not blame some of the back-benchers making inane interjections and asking who we think would win. They just do not understand that that is not the point at all.

The point is that we have a Constitution which should be respected. We have a system under which I thought at least the Australian people were given the chance to choose a Government, and the Premier knows far better than some of the backbenchers who insist upon drawing across the trail those red herrings, that once a party starts to tear up conventions it is inviting its opponents to do the same thing. This is a very dangerous course upon which the Liberal Party has embarked.

I would refer to the 1860s in Victoria when the McCulloch Government and in the 1870s when the Graham Berry Government each was faced with the same situation because a conservative upper House rejected money Bills passed by a progressive—but not a Labor—party which dominated the lower House. It took Victoria many years to overcome that but the scars still remain.

I remember as a young student we studied these episodes as part of a black past and the consequences of those decisions flowed on for decade after decade and even 100 years later students of the Constitution are still concerned at the kind of legacy this action can bring.

In the 1960s in this State the Brand Government had to be taken to the Supreme Court to force it to obey the law in respect of the Electoral Districts Act. When I have stood in this place, as I have done on several occasions, and shown the connection between right-wing conservative parties and financial interests, the Press, and fascists in countries like Spain, France, Germany and Italy, people have said that I am drawing a long bow. I hoped I was, but we have seen here a situation where the Liberal Party—the right-wing party to which we do not deny the right to exist and appeal to the people—resorting to extreme right-wing tactics. It is suggested that there will be a stoppage of supply which, until last year, had never happened in the history of the Australian Parliament.

Never before has an Australian Government been refused supply until last year; and we are faced with this spectacle again. Do not members opposite think that we find their Governments just as abhorrent as they find ours? Do not they think that we object to their legislation just as much as they object to ours?

Mr Coyne: No.

Mr Bryce: What egotism!

Mr A. R. TONKIN: We have never used our majority in the Senate; not on one occasion. For a Liberal-dominated Senate to refuse supply which has been passed in the lower House is truly unprincipled.

Members opposite speak of the popular will of the people, yet they are prepared to use the Senate for this purpose even though in the last Senate election the

Australian Labor Party received over 200 000 more votes than all the other parties combined.

That is what the Australian people thought of us at the last double dissolution of Parliament. Yet we find now that the Senate is to be used to block supply—and the Liberal Party talks about the popular will. The only reason they accept the popular will is that the recent Gallup poll shows they are ahead. But let the people have the opposite view, and put the Australian Labor Party in front as they did in 1972 and 1974, and as they did in this House in 1971, and then we will see whether the Liberals will accept the popular will. They are interested in overthrowing the Constitution, in stopping supply, and in breaking down the Government by any means possible as long as they think they can win.

On 24 different occasions the State Governors have been invited to issue writs for half-Senate elections and on no occasion has this been ignored. Yet here we have a suggestion that this will be done now, because the call has gone out from the Liberal Party machine—not from its members but from the machine—advising non-Labor State Governments to ignore the requests for the issuing of writs.

We have built up over 75 years in this country since federation, gradually over a period of time, what the member for Ascot has referred to as a fragile framework which could be easily ruptured and destroyed; and here we have talk of that which bodes ill for the future.

We are used to this kind of spectacle. We saw this happen in 1930 when the Scullin Government was in office. At that time we had the same sort of situation and that Government had the conservative Press, the financial institutions, and the Senate against it.

We see again a situation where the conservative forces are not prepared to allow the people to choose a Government and to allow that Government to run its three-year course. There is a convention in our Constitution that the people's House should be paramount in a financial sense.

Mr Clarko: No.

Mr A. R. TONKIN: This convention is being flouted. It is a convention that has been accepted throughout the world. Every constitutional lawyer will tell us this is so.

We have a situation where the Australian people were never given the opportunity to elect or reject certain people as senators; people like Bunton and Field. These people—and those elected on what is an undemocratic basis, to the extent that certain States have more representation than their population would indicate they should receive—are being used in the Senate to stop supply.

We have the Liberal Party dancing on dead men's graves. We saw a situation when in your Chair, Mr Speaker, in 1971, the late Merv Toms died. That was not a political act; that was not a question of the people being opposed to the Tonkin Government; but nevertheless the Liberals at that time were not interested in saying, "The people of Ascot chose a Labor man; perhaps we should allow them to choose again". The Liberals did not want that. They wanted a general election; they were prepared to take advantage of a position in which a man had died and could no longer rise in his place and vote as he had done as a member of this House.

*Sitting suspended from 3.45 to 4.03 p.m.*

Mr A. R. TONKIN: Before the afternoon tea suspension I was commenting on the fact that apolitical events such as the death of members of Parliament have been seized upon and used to appoint people not of the same political persuasion to the seat of the dead member. In the case of the late Senator Milliner, once again we had an exhibition of this contempt for the people. The electors had chosen this man, but the Premier of Queensland said, "I do not care whether 100 000 or 200 000 people chose a Labor man. On this occasion we will ignore the wishes of those people who have been disenfranchised by death and we will choose someone in his place who is not of his political persuasion." Compare that with the reply of our Leader of the Opposition as Premier to Mr Doug Anthony when Senator Prowse was in ill-health. That is the difference between a person who is prepared to uphold the Constitution and the conventions even though it is not to his political advantage, and a group of people who are prepared to take any step at all, and who belong to a political party which is prepared to flout the conventions.

The Liberal Party is really inviting violence. It is saying to the extremists in the community, "We have decided to become extreme, to ignore convention, so you can do your worst. If you like, you can resort to violence." This is an invitation to violence; an invitation to ignore the conventions, and to disobey the law.

The SPEAKER: The honourable member has five minutes.

Mr A. R. TONKIN: If we have an illegitimate Government come to power by this improper use of the Senate, who is to say that the people themselves will not say, "Why should we pay our taxes to you? Why should we take any notice of the laws passed by this Government which has come about in an improper way? Why should we take any notice of a Government which has been elected on gerrymandered boundaries?"

So if a party does decide to ignore convention, does decide it will grab power at any price, it must expect its opponents

to be prepared to go to any lengths also. This is the unfortunate consequence that faces Australia, irrespective of whether a Liberal Government or a Labor Government is returned as a result of the next election, whenever it may be held. The Liberal Party will not be the winner of such an election, and nor will the Labor Party. There will only be losers. There is no winner in a modern war, there are only losers. In this case the losers will be democracy and the Australian people.

I appeal, and the Opposition appeals, to members of the Government who are moderates, men of principle, who do respect our democratic Constitution, to raise their voices in protest against the extreme right-wingers in their party who are prepared to stoop to anything to gain power. There are moderates in the Liberal Party just as there are moderates in the Labor Party. We hope their voices will be heard, and that they will restore the Liberal Party and the Country Party to a level of sanity. It will take courage to raise their voices at a time like this when people are hotly crying for the blood of the Labor Party. It will take courage to stand up in a Liberal Party room or a Country Party room to say, "Just a minute; naturally we want power, but there must be some level beyond which we will not go." I appeal to these moderates because I know they exist. I hope that wise counsel will prevail so that Australia is not embarked upon a course leading to the breakdown of government. It has been shown that whoever sows the wind reaps the whirlwind. We just cannot say what will happen as a result of these actions.

There have been many revolutionaries in the world; extremists who were prepared to subvert the Constitution. They thought they were in control and that they knew where they were going, but a revolution has a dynamic of its own. No man and no movement controls a revolution. Revolutions have a dynamic and a will of their own and people who thought they would get where they wanted to go by taking extreme measures have been destroyed by the very revolutionary forces which they unleashed.

It is not a question of who will win an election, or of the Labor Party versus the Liberal Party. It is a question of a Constitution, of democracy, and of the people, against men of expediency who are prepared to grab power at any price. If there were ever a move in the Australian Labor Party—and there never has been to my knowledge, nor within my experience in the councils to which I belong—to take action of this type, to go beyond the Constitution in this way, to act in an unscrupulous and unprincipled manner, I would speak out about it. I believe the majority of people in the Australian Labor Party would speak out about it, and that is why I do not believe we would ever see this happen.

Mr Bryce: Hear, hear!

Mr A. R. TONKIN: I believe and hope that people of moderation in the Liberal Party, people of principle in the Liberal Party and the Country Party, will speak up at this time. It is easy to speak up in periods of quiet, but it is at a time of crisis such as this, when the voices and votes of men of principle are needed.

People have come to me to express their concern about the Electoral Districts Act Amendment Bill and about the stoppage of supply. Some of these people are Liberal Party voters, but they have come to me to express their concern. I know there are people of goodwill, of decency, and of principle in the Liberal Party and the Country Party, and I hope wise counsel will prevail. There will be no winner in the war of attrition upon which we seem to be embarking. There will only be losers, and the losers will be the Constitution, democracy, and the people.

SIR CHARLES COURT (Nedlands—Premier) [4.10 p.m.]: We have heard a series of speeches from members who claimed to be talking in a highly moralistic tone. On this side, listening to them, we wonder whether we should burst into a verse of "God Save the Queen", "Oh God our help in ages past", "Land of Hope and Glory", or croon the latest Whitlam theme, "Nobody Knows What Troubles I've Got". We have heard about crises—

Mr Davies: A weak start—try again.

Sir CHARLES COURT: Of course there is a crisis, but who made the crisis?

Mr B. T. Burke: Fraser.

Sir CHARLES COURT: The very man who is now pretending to the people that he wants to act within the Constitution. Here we have a Prime Minister who is the last man standing—the last man to get the sack. It is about time he got the sack. Look at what has happened in the Federal Parliament and Government. Look at the fall of people like Crean, Cameron, Cairns, Cass, and now Connor. One wonders whether, if one's name begins with a "C", one ought to change it by deed poll. There are others who have been victimised at the hands of this man who has no regard for convention, no regard for the parliamentary institution, and which he would destroy tomorrow if it suited his convenience.

Mr Bryce: So would you.

Sir CHARLES COURT: So we now have to look at the total picture today and ask ourselves who brought on this crisis in Australia. Whether it is an economic crisis or a constitutional crisis, the present fact is that ever since the present Prime Minister and his Government took office—and I attach most of the blame to the Prime Minister—there has been a trend towards the destruction of all we knew in Australia, all we want for Australia, and all we believed in.

Mr Davies: You can't understand change.

Sir CHARLES COURT: When this man became Prime Minister he declared very forcibly his idea of what Australia would look like. So is it any wonder that there is apprehension in Australia that this man, by some card trick, could finish up with control of the Senate? Even if he had control just for a week, what would he do to this country? There would never be another free election in the life of Australia until something happened to change the whole system completely.

Mr Jamieson: There will never be another you!

Sir CHARLES COURT: We have heard the outburst from one of the revolutionaries of the left. If I wished to refer to him in a more kindly way, I would refer to the larrikinism that has taken over in the Australian Labor Party. These people want to create—

Several members interjected.

The SPEAKER: Order!

Mr A. R. Tonkin: To whom are you referring as a larrikin?

Sir CHARLES COURT: I referred to a revolutionary of the left.

Mr A. R. Tonkin: Who is it?

Sir CHARLES COURT: If the member for Ascot disowns that title, I would like to hear him because I think he is rather proud of it.

#### *Point of Order*

Mr BRYCE: I would like the Premier to withdraw any reference he made to the fact that I am a revolutionary of the left. I abhor revolution and I insist that he withdraws it.

The SPEAKER: I ask the Premier to withdraw the reference.

Sir CHARLES COURT: Mr Speaker, if it is your wish, I will withdraw the remark.

#### *Debate Resumed*

Sir CHARLES COURT: We have heard one of these people speak here today. I was telephoned about a Press statement he made to a daily newspaper today, and I believe he wants to create chaos in our community. These people want to create disaffection, discord, uncertainty, and lack of confidence. Then they turn around and try to blame someone else for doing it.

Mr Bryce: Why don't you explain the question you were asked by the Press reporter?

Sir CHARLES COURT: I was read a statement that I had to answer. I have answered it, and the honourable member can have a copy. If he likes, I will table it during question time. I will be only too pleased to do that if he so desires.



Mr Bryce: Doing the decent thing for a change.

Sir CHARLES COURT: This action has been referred to as stopping, blocking, or rejecting supply. Various terms have been used today. However, the Opposition in Federal Parliament has done what it is constitutionally entitled to do.

Mr B. T. Burke: And what no other Opposition has ever done.

Sir CHARLES COURT: I want to ask Opposition members why they want the Senate to be a mere rubber stamp. Why do they want to throw out the Constitution and say to members of the Senate, "We will pay you but you are not going to vote in any other way but the way in which we tell you to vote"?

Mr A. R. Tonkin: What about the Council?

The SPEAKER: Order!

Sir CHARLES COURT: This is very clearly spelt out in the Constitution of this country. We have a written Constitution, but all of a sudden we have a Prime Minister who wants to forget about it; he wants to throw out the conventions and, not satisfied with that, he wants to break the greatest and most sacred convention of the British parliamentary system that if a Government is denied supply, it goes to the people.

The Prime Minister has publicly declared he has no intention of going to the people if supply is denied. Regardless of which side of politics one has been on, and regardless of what Government has been in power, that has been the most sacred convention of the British Parliament over the years. It has been accepted without question in places which have similar Parliaments that if a Government is defeated on supply, it goes to the people.

Mr Davies: Name the precedent.

Sir CHARLES COURT: The Senate does not make the Government; the Liberal-Country Parties do not make the Government; the public decides what party shall form the Government, and that is what we are arguing; namely, that the electors of this country should be given a chance to decide.

Reference has been made to the Senate casual vacancies. My position has been quite clear on this point.

Mr Davies: Why don't you ask Bjelke-Petersen how to play the game?

Sir CHARLES COURT: The practice was started by one McLarty, who very easily could have taken advantage of a situation which occurred at the time. However, I have made my position clear: If a vacancy arises as a result of a death or a retirement because of genuine illness—

Mr Jamieson: How can you certify that?

Sir CHARLES COURT: —I would follow the practice laid down by McLarty.

Mr A. R. Tonkin: Milliner died; is that not enough for you?

Sir CHARLES COURT: However, any Government has the right to examine such a situation as the Murphy situation, where the Prime Minister, in the middle of a session and in the middle of the life of a Parliament, deliberately decided to stack the High Court with one of his Ministers.

Mr Jamieson: That is a laugh! You have been stacking the High Court since time immemorial.

The SPEAKER: Order!

Sir CHARLES COURT: I have expressed myself before on the matter of High Court judges; I believe that no Minister or ex-Minister of a Government should be appointed to the High Court within seven years of his being a Minister. The Murphy case was a diabolical example of stacking the High Court. If ever there was a case where a Prime Minister deliberately flew in the face of convention and what is decent in the Parliament, it was the Murphy case because the Prime Minister deliberately stacked the High Court. We have seen the result of that stacking in recent times.

Mr B. T. Burke: Tell us about Milliner.

The SPEAKER: Order!

Sir CHARLES COURT: I repeat that I have made myself quite clear in regard to casual vacancies caused by death or serious illness. However, in a case like the Murphy case any Government is entitled to examine its past practice with a view to changing it.

Mr Davies: They are not!

Sir CHARLES COURT: I refer now to the question of the issue of the writs. Members opposite are talking as though I have received a request from the Prime Minister.

Mr J. T. Tonkin: No we are not.

Mr Jamieson: You have received a request from the Liberal Party.

Sir CHARLES COURT: When the Liberal Party Federal Council made its statement I responded in fairly strong terms to the effect that I would make up my own mind, and I would tell them of my decision.

Mr J. T. Tonkin: You have already made up your mind.

Sir CHARLES COURT: I know I have.

Mr J. T. Tonkin: Then what are you talking about? You have made up your mind already.

Sir CHARLES COURT: With the several alternatives available, it is my duty to make up my mind. However, the Government has not made up its mind.

Mr Jamieson: That is a mere formality.

Mr Bryce: Are you suggesting you are not the Government?

Sir CHARLES COURT: I want to make the point very forcibly that the founding fathers who drew up our Constitution were wiser men than members opposite give them credit for being. When they drew up these provisions some States had some very well-founded fears in respect of Federation and it was only because of the Senate that certain States went into the Federal system. If the Senate had not been provided for under the Constitution at least four States would not have entered Federation.

I remind the Leader of the Opposition, who is always playing with words and talking about "may" and "shall", that when the people drew up the Constitution they provided that "the Parliament of a State may make laws for determining the times and places of elections of senators for the State".

Mr Jamieson: Do not read only that section of paragraph 9.

Sir CHARLES COURT: Members opposite are not going to take up my time. Paragraph 12 states—

The Governor of any State may cause writs to be issued for elections of senators for the State. In case of the Senate the writs shall be issued within ten days from the proclamation of such dissolution.

Mr J. T. Tonkin: Now read the overriding Commonwealth provision.

Sir CHARLES COURT: Let the Leader of the Opposition tell me which part he wants me to read; he can have the book.

Mr Jamieson: Read the early part of paragraph 9.

Mr J. T. Tonkin: You are coming at the old dodge—the half truths.

Sir CHARLES COURT: I am telling members opposite what is in the Constitution. The Leader of the Opposition knows that this question of the responsibilities of the States relating to Senate elections—

Mr J. T. Tonkin: You are deliberately misleading the House in connection with this matter, and you know it.

#### *Withdrawal of Remark*

Sir CHARLES COURT: Mr Speaker, I take exception to the comment that I am misleading the House; I am reading from the Constitution.

The SPEAKER: Does the Premier seek a withdrawal?

Sir CHARLES COURT: Yes, Mr Speaker.

The SPEAKER: Order! Will the Leader of the Opposition please withdraw the offending remarks.

Mr J. T. TONKIN: Mr Speaker, I repeat the remark and I withdraw both of them. The Premier knows he is misleading the House.

The SPEAKER: Order! I cannot allow this occasion to pass without saying something from the Chair in regard to what the Leader of the Opposition has just said. He repeated the offending statement and then said he would withdraw both. This is not a thing I have known the Leader of the Opposition do before, and I would not like it to become a practice in this House.

There are very many difficulties relating to the withdrawal of offending remarks; it is not easy to deliberate on them and adjudge from the Chair whether a remark is offensive. I believe it only compounds the problem to act in the manner the Leader of the Opposition has just acted and I trust that his example will not be followed in the future.

#### *Debate Resumed*

Sir CHARLES COURT: I move now to another matter.

Mr J. T. Tonkin: Of course you do! Why not read the other paragraph?

Sir CHARLES COURT: If the Leader of the Opposition does not use up too much of my time, I intend to leave myself enough time to read the entire paragraph.

I should like to refer to the attempt being made by the Prime Minister to offend and denigrate the Senate and all senators; he keeps referring to the House of Representatives as "the democratically elected place—the people's place". For goodness sake, what is the Senate?

Mr Bertram: The States' House.

Sir CHARLES COURT: The Senate is elected by the same electors who are eligible to vote for the House of Representatives. The Senate was put there for a purpose—for the very purpose of checking a Prime Minister like we have at present.

Mr Bertram: That is nonsense; the Senate is a State House, designed to protect the interests of the States.

Sir CHARLES COURT: Had it not been for this provision in the Constitution, goodness knows the mess we would be in today. In many respects, the Senate is more of a people's House than the House of Representatives.

I refer now to the question of supply. The Prime Minister is trying to broadcast throughout the community an impression that public servants will not be paid, that the States will not be paid, etc. There is only one person who can be blamed if this occurs.

Mr Bryce: Malcolm Fraser!

Sir CHARLES COURT: I refer to the Prime Minister himself, because the Prime Minister knows there has been an established practice—

Mr Bryce: Where is the precedent?

Sir CHARLES COURT: —almost since the beginning of the parliamentary system,

that when a Government is about to be defeated on a Bill such as supply, it is given a chance to be sensible and responsible—

Mr Bryce: Where is the precedent?

Sir CHARLES COURT: —and fix a date on which an election is to be held; once that date has been fixed, the Bill is allowed to pass.

Mr Bryce: Where are the precedents for that statement? You find them!

The SPEAKER: Order! That is the third time the member for Ascot has made that interjection. I will not tolerate it again.

Sir CHARLES COURT: Any criticism of the Opposition is completely unfair and untrue; any blame rests right on the head of the Prime Minister himself.

Mr J. T. Tonkin: You ought to talk about being fair!

Sir CHARLES COURT: The Prime Minister knows what he did the last time there was a double dissolution; supply was never refused; he said so publicly. However, he still called for a double dissolution because he knew it was inevitable. But the Prime Minister himself in 1970 made it clear that he believed the Senate had the right to reject a money Bill and in that event a Government must go to the country.

This Prime Minister who is always talking about convention is throwing convention out of the window. He is just playing with it at present, despite his self-professed love for everything that is British—the British Parliament, free elections, and so on. He is the man who put Senator Murphy into the High Court purely for his own political purposes.

I remind members opposite that this question of convention is all nonsense, because we are ruled by a written Constitution. Look at the sad record of the Federal Government's term of office. Australia was a great country which had everything going for it. It did not have to get caught up in the whirlpool of world events; it could have avoided them to a substantial degree.

Mr Jamieson: Oh, do not be stupid!

The SPEAKER: Order!

Sir CHARLES COURT: But under this Federal Labor Government, if a country overseas gets the measles we get a double dose; if another country gets pneumonia, we are at death's door. This is the result of the deliberate policies pursued by the Prime Minister.

It is rather ironical that the last Minister to be sacked was the man who did most to bring about the stagnation we have at present. Look at the loans scan-

dal! Members opposite cannot ignore these things. A country like Australia could get money from the top drawer of the financial world; we do not have to deal in back alleys with these shady dealers. But what do we find? We find a Minister authorised by the Federal Government to go into the back alleys to raise this money.

Mr Davies: Not one penny did they raise.

Sir CHARLES COURT: It will take years to overcome the loss of confidence caused by these actions. The member for Victoria Park has been a Minister, and would know how the Loan Council works. He would know that the story of what has happened to Australia's reputation has been circulating the financial world; he knows how difficult it is to lasso these stories and try to identify them.

Mr Davies: That is humbug!

Sir CHARLES COURT: Whether one talks to farmers, fishermen, workmen, miners—

Mr May: We talked to the miners yesterday.

Sir CHARLES COURT: We talk to more miners than members opposite. Whether we talk to workmen, housewives or school leavers, the story is the same. One has only to go into places normally friendly to the Opposition and one hears the same response. One has only to seek out the people who normally would be distributing how-to-vote cards on behalf of the Labor Party to hear the same question, "When are you going to get rid of this mob in Canberra?"

Several members interjected.

The SPEAKER: Order! I ask members to restrain themselves.

Sir CHARLES COURT: So that I do not disappoint the Leader of the Opposition, I intend to read the entire paragraph 9. It states—

The Parliament of the Commonwealth may make laws prescribing the method of choosing senators, but so that the method shall be uniform for all the States. Subject to any such law, the Parliament of each State may make laws prescribing the method of choosing the senators for that State.

Mr J. T. Tonkin: It says that the Commonwealth law is paramount.

Sir CHARLES COURT: This is the part which the Leader of the Opposition conveniently ignores—

The Parliament of a State may make laws for determining the times and places of elections of senators for the State.

Mr Jamieson: That is all subject to paragraph 9.

The SPEAKER: The Premier has three minutes remaining.

Sir CHARLES COURT: Paragraph 12 states—

The Governor of any State may cause writs to be issued for elections of senators for the State. In case of the dissolution of the Senate the writs shall be issued within ten days from the proclamation of such dissolution.

There is a very good reason for that because if the second condition were not mandatory we could have a country without a Senate. It has been made mandatory to defeat the purposes a Commonwealth Government like the one we have at present, which might want to have a double dissolution and at the same time avoid a Senate election if it had sympathetic States.

Mr Davies: What do you mean by a double dissolution and avoid a Senate election?

Sir CHARLES COURT: If the honourable member reads the Constitution of the Commonwealth he will see that it is possible to have a double dissolution and still have no Senate election, if no State issues a writ. Under this Constitution it has been made mandatory, so as to avoid the situation, because if that were not in the Constitution—

Mr Jamleson: Will you issue a writ?

Sir CHARLES COURT: I will tell the lovely story of the issue of a writ at the right time. Only a double dissolution and a full-scale election will give Australia a chance of getting back on the right course.

MR J. T. TONKIN (Melville—Leader of the Opposition) [4.31 p.m.]: I ask permission of the House to withdraw the motion.

The SPEAKER: The Leader of the Opposition has asked for leave to withdraw the motion. Is there a dissentient voice?

There being no dissentient voice, leave is granted.

Motion, by leave, withdrawn.

#### QUESTIONS (10): ON NOTICE

1. *This question was postponed.*

#### 2. MOTOR VEHICLE LICENSE CONCESSIONS

##### *Truck Owners*

Mr COWAN, to the Minister for Traffic:

(1) What is the value of vehicle license concessions allowed to truck owners when licensing their trucks?

(2) Who is eligible for this concession?

(3) Is it proposed to make any changes to this policy in the future?

Mr O'Neil (for Mr O'CONNOR) replied:

(1) The following concessions are provided for in section 19 of the Road Traffic Act, 1974 and relate to vehicles used in the transport and/or farming industry.

Section 19 (6)—100% concession to a person ordinarily resident in the State for a vehicle used for the purposes of trade, commerce, or intercourse amongst the States and for no other purpose.

Section 19 (8)—a 50% concession for a vehicle for the use of which throughout the period for which the licence is issued, a charge is payable under the Road Maintenance (Contribution) Act, 1965.

Section 19 (12)—a 50% concession on a vehicle owned by a *bona fide* prospector, sandalwood puller, kangaroo hunter or bee keeper providing the vehicle is used solely or mainly in connection with those occupations.

Section 19 (13)—a 50% concession on one vehicle other than a motor car or tractor owned by a person carrying on the business of farming or grazing on any farm or land where the vehicle is used solely or mainly for the carriage of the products of, or requisites for, that business, providing the vehicle has a tare exceeding 1 523 kg.

(2) Answered by (1).

(3) No changes are at present contemplated.

#### 3. COUNTRY HIGH SCHOOL HOSTEL

##### *Merredin*

Mr COWAN, to the Minister representing the Minister for Education:

Can the Minister give specific details on where the funds allocated in the estimates, to the Merredin hostel, will be spent?

Mr GRAYDEN replied:

Alteration to kitchen and laundry and completion of stage 2.

#### 4. GREENOUGH BY-ELECTION

##### *Premier's Comments on Government Expenditure*

Mr BATEMAN, to the Premier:

(1) Is it correct that during his campaign for the Greenough by-election over the last weekend at Northampton he stated he would spend \$37 million on health, water, sewerage and education in the next financial year?

## (2) If "Yes"—

- (a) in what areas is the money to be spent;
- (b) will this money be State or Commonwealth money?

Sir CHARLES COURT replied:

- (1) Yes. To be more specific, I stated that this was to be the amount spent in country areas this financial year—not next financial year.

Copy of the Press release is presented for permission to table.

- (2) (a) This information can be extracted by the Member, from the printed edition of the General Loan Fund Estimates (under the headings—

Country Areas and Town Water Supplies,  
Country Towns Sewerage,  
Irrigation and Drainage,  
Hospitals,  
Public Health Department,  
Schools),

from which I extracted my own figures.

- (b) As I pointed out in my speech when presenting the works programme, the proposed expenditure includes funds from all sources, such as State, Commonwealth, contributions by companies, etc.

*The Press report was tabled (see paper No. 479).*

5.

## HEALTH

*Byford Rehabilitation Centre*

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

- (1) What is the present status of the Byford rehabilitation centre?
- (2) Who controls it?
- (3) What is the staff cadre?
- (4) What positions, if any, are unfilled?
- (5) What additional staff, if any, is proposed in the foreseeable future?
- (6) What alterations or additions have been made to the buildings in the past 12 months?
- (7) What is the cost of any such work?
- (8) How many patients can be accommodated?
- (9) How many patients are currently accommodated?

Mr RIDGE replied:

- (1) Quo Vadis Hospital is a recognised hospital for benefits under the State/Commonwealth Hospital Agreement.

- (2) The Board of Management was appointed by the Governor in Executive Council under the provisions of the Hospitals Act.

- (3) 22 full time, 5 part time.

- (4) Nil.

- (5) Nil.

- (6) The Alcohol and Drug Authority assumed control from 1st June, 1975, since when no alterations or additions have been made.

- (7) Nil.

- (8) 26.

- (9) 20.

6.

## TRAFFIC

*Charges, and Drunken Driving Offences*

Mr BATEMAN, to the Minister for Traffic:

Further to my question 1 of 15th October, 1975 concerning traffic offenders apprehended and prosecuted by the Road Traffic Authority, will he further advise the amount of fines imposed in relation to answers (b) and (c)?

Mr O'Neil (for Mr O'CONNOR) replied:

The total amount of penalty paid in relation to answer (b) is \$1 302 724.

Included in this total is \$264 450 for court fines for drunken driving offences and \$692 763 for infringement notices.

The total includes amounts paid in respect of charges made prior to the period. Some charges have yet to be heard.

7.

## SHOPPING CENTRES

*Public Toilets*

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

Referring to question 25 of 6th May, 1975 regarding provision of public toilets in shopping centres, can the Minister now advise the present position please?

Mr RIDGE replied:

Recent legal advice received from the Crown Law Department now indicates that the existing provisions of the Health Act empower a local health authority to make a by-law to require the provision of toilet accommodation in shopping complexes, and methods of application are now being examined.

## 8. BIRDS

*Declaration as Vermin*

Mr BARNETT, to the Minister for Agriculture:

Further to regulations tabled on 14th October, 1975 relating to amendments to the Vermin (Declared Birds) Regulations will he please supply a list of those birds that are proposed to be on category 1, category 1A, category 2, category 3?

Mr OLD replied:

It is proposed, subject to declaration by the Agriculture Protection Board, that declared birds will be categorised in the following order—

Category 1: As in the list of category 1 birds published in the *Government Gazette* of 11th July, 1975.

Category 1A: All those birds included in category 2 of the list published in the *Government Gazette* of 11th July, 1975, with the exception of those listed in category 2 below.

Category 2: Java sparrow, Spice finch, Green finch, Green singing finch, Collared turtle dove, White winged widow bird, Black headed munia, Indian jungle fowl, Red legged partridge, Sand grouse, Mallard, Canada goose, English skylark—plus all other species listed in category 2 in the *Government Gazette* of 11th July, 1975, which were not in W.A. on 27th June, 1975.

Category 3: As in the list of category 3 birds published in the *Government Gazette* of 11th July, 1975—plus the Indian (or Ceylon) crow which was omitted in error, from the list published on 11th July, 1975.

## 9. FERTILISERS

*Phosphate Rock*

Mr GREWAR, to the Minister for Agriculture:

- (1) In view of the extreme urgency to provide a phosphate source at a level farmers can afford to use this season is he endeavouring to negotiate for supplies from Christmas Island to be available within the next six months?
- (2) If not, what is the earliest delivery time farmers can expect assuming successful negotiations are made on pricing, etc., with the suppliers?
- (3) Could he direct his department to publish the results of experiments conducted over the past 20 years utilising rock phosphate?

(4) Would W.A. fertiliser works be agreeable to handling and selling very finely ground rock phosphate?

(5) Would they be prepared to provide various mixtures of rock phosphate and superphosphate?

(6) Could very finely ground rock phosphate be granulated for easy distribution?

Mr OLD replied:

(1) to (6) In view of the interest in the possible usage of finely ground rock phosphate in Western Australia, I seek the agreement of the Member for Roe to reply to his six questions listed on Wednesday, 15th October, in a general way so that the place which rock phosphate may play in the farming industry of this State may be placed in perspective.

It has not been suggested that farmers would be able to replace superphosphate with rock phosphate in the coming season, nor has it been suggested that rock phosphate is a suitable substitute for superphosphate generally.

Its main use is likely to be as a maintenance dressing on land with a good superphosphate history, and as a slow release fertiliser for sandy surfaced soils in the higher rainfall areas.

The Department of Agriculture has over many years investigated plant responses to finely ground rock phosphate as used in the manufacture of superphosphate. Rock phosphate has been inferior to superphosphate in moderate to highly responsive situations but in view of the dramatic increases in the price of superphosphate, rock phosphate offers distinct advantages in situations where initial rapid availability is not required, provided its relative cheapness compared with superphosphate can be maintained.

Research has only recently commenced on the surface rock phosphate ores normally removed as overburden and which contain iron and aluminium in quantities which make them unsuitable for use in the manufacture of superphosphate. Although not yet proven, results, when used as finely ground rock phosphate, are expected to be essentially similar to those previously obtained with the manufacturing grade rock phosphate. This material is being provided by the British Phosphate Commission for experimental purposes only. The necessary treatment of the ore with respect to grinding and calcination and any subsequent commercial

exploitation will depend on the results of research which will need to continue for several years to determine accurate recommendations for farm use on rates, frequencies and methods of application in relation to soil type, previous fertiliser history and land use. Preliminary information should be available after the next growing season.

Unlike superphosphate, rock phosphate does not contain sulphur and the conditions under which additional sulphur may be required are also being investigated.

The outlook for the use of rock phosphate on Western Australian farms is encouraging and there are prospects for considerable savings in fertiliser costs particularly on old land which has received adequate superphosphate in the past. The research programme now in progress in conjunction with work already carried out should provide a sound basis for future recommendations on the use of the cheaper sources of phosphate.

#### 10. "C"-CLASS HOSPITALS *Acquisition*

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

- (1) Referring to question 49 regarding private nursing homes asked on Thursday, 9th October, can he quote an authority for the statement given in the answer to part (2) regarding "the Commonwealth Government's announced policy of putting private nursing homes and hospitals out of business"?
- (2) If so, would he give details?

Mr RIDGE replied:

- (1) and (2) Early in 1973 the then Minister for Social Security, through one of his officers, at a meeting of Federal and State officers convened by the Commonwealth, made it known that he sought State co-operation in closing private profit-making nursing homes.

In February, 1973, the National Standing Committee on Nursing Homes met the Minister for Social Security. He was asked directly did he intend to eliminate private enterprise from the hospital and nursing home industry. Mr Hayden replied "The Government will not do it but the people will".

Developments since that time, including the following, leave little

doubt that this policy is being pursued—

- (a) The Federal/State Co-ordinating Committee for Western Australia for approval of construction or extension of nursing homes, was formed.
- (b) The Commonwealth increased the capital subsidy payable to charitable and religious bodies to 80% of the capital cost of constructing nursing homes. No capital subsidy is available for nursing homes established for profit.
- (c) Nursing homes benefits have been frozen at the October, 1974 level which has had a disastrous effect on the economic health of the private sector as well as the patients.
- (d) A scheme of deficit financing has been introduced for the benefit of charitable and religious bodies which conduct nursing homes. This does not apply to other nursing homes.

#### QUESTIONS (6): WITHOUT NOTICE

##### 1. PREMIER *Overseas Visits*

Mr MAY, to the Premier:

In view of the fact that it is in excess of two months since the Premier indicated he would confer with the Leader of the Opposition regarding an appropriate time to inform Parliament concerning his overseas visits, will he advise—

- (a) whether he has conferred with the Leader of the Opposition;
- (b) if not, when is it his intention to report to the House on his overseas visits?

Sir CHARLES COURT replied:

- (a) and (b) I have not conferred with the Leader of the Opposition on this particular matter. I regret the oversight, but I shall do what the honourable member has requested next week and arrange a time which is mutually convenient.

##### 2. WATER SUPPLIES

###### *Retrenchment of Employees*

Mr BRYCE, to the Minister for Water Supplies:

Will the Minister assure the House that every effort is being made to transfer workers of the Metropolitan Water Board, who are facing retrenchment, to positions that become available in other Government departments?

Mr O'NEIL replied:

I did arrange for members of the Water Supply Union to have discussions with the Metropolitan Water Board. My colleague, the Minister for Labour and Industry, has made inquiries into available positions for any displaced employees, and the matter is being arranged between that board and the union.

As I understand the position, and I think this appeared in the newspapers recently, there were a number of suitable jobs available, but I also understand that because of the location of those positions some, if not all, of them were unacceptable.

### 3. WATER SUPPLIES

#### *Retrenchment of Employees*

Mr B. T. BURKE, to the Minister for Water Supplies:

If what the Minister has just said is correct, will he please explain to the House why the Main Roads Department is currently advertising for labourers?

Mr O'NEIL replied:

If the Main Roads Department is advertising for labourers, it may well be that the employees of the Metropolitan Water Board who will be receiving notices of retrenchment should apply for the jobs.

### 4. BIRDS

#### *Declaration as Vermin*

Mr BARNETT, to the Minister for Agriculture:

(1) Relative to the Vermin (Declared Birds). Regulations gazetted on the 27th June, 1975, how many licenses have been issued to date, and what is the number of birds of each species that have been registered?

(2) Due to the change in these regulations, caused by the tabling of amendments on the 14th October, 1975, will the Minister agree to a refund of the excess moneys already collected under the old regulations?

(3) Will the Minister provide a revised copy of the Department of Agriculture regulations relating to the aviary structures that are now required?

Mr OLD replied:

(1) Number of permits issued to the 16th October, 1975—

Category 1 180

Category 2 141

#### Category 1:

Alexandrine Parakeet	18
Brown Parrot	11
Crimson Rosella	354
Cutthroat Finch	190
Eastern Rosella	310
Hooded Siskin	26
King Parrot	227
Little Lorikeet	76
Moustached Parakeet	22
Musk Lorikeet	112
Namaqua Dove	26
Orange-Cheeked Waxbill	44
Rainbow Lorikeet	286
Ring-Necked Pheasant	222
Scaly Breasted Lorikeet	144
Siskin	14

#### Category 2:

African Lovebirds (Hybrids)	15
Black Headed Munia	206
Blossom Headed Parakeet	4
Bronze Mannikin	45
Chuckor Partridge	4
Collared Turtle Dove	58
Fischer's Lovebird	6
Green Finch	4
Java Sparrow	174
Madagascar Weaver	20
Magpie Mannikin	11
Masked Lovebird	607
Monk Parakeet	2
Nyassa Lovebird	153
Peach Faced Lovebird	925
Red Headed Finch	28
Red Fronted Parakeet	6
Rose Ringed Parakeet	153
Ruddy Ground Dove	26
Spice Finch	26
Strawberry Finch	12
Waxbill	63
Whitebacked Munia	163
White Headed Munia	63
White Throated Munia	20
Yellow Fronted Canary	2

(2) Yes.

(3) Yes, a copy is handed to the member for his information.

### 5. WATER SUPPLIES

#### *Retrenchment of Employees*

Mr B. T. BURKE, to the Premier:

In view of the answer of the Minister for Water Supplies, will the Premier please instruct some responsible Minister to make an effort to co-ordinate the placement of workers who are facing retrenchment, wherever it is possible to find them positions in Government departments or instrumentalities?

Sir CHARLES COURT replied:

Firstly, all the Ministers are responsible. Secondly, I have complete confidence in all of them. Thirdly, as has already been explained by the Minister for Water



Supplies, the Government departments and instrumentalities concerned are doing their best to do just what the honourable member has asked.

Mr B. T. Burke: Yet there is the advertisement for labourers.

Sir CHARLES COURT: The honourable member does not want to listen. I would remind him of the answer given by the Minister for Water Supplies that many jobs have been offered. In some cases they were not suitable, and in other cases they were declined because of the location. It could easily be that some of the jobs offered are the very ones referred to in the advertisement.

#### 6. JOHN FORREST HIGH SCHOOL

##### *Gymnasium: Collapse*

Sir CHARLES COURT (Premier):

Yesterday, the member for Morley asked a question relating to the collapse of the gymnasium at the John Forrest High School. I gave him a preliminary answer, and undertook to give him the rest of the answer today. I should, however, preface my replies to the specific questions with the comment that, contrary to the allegations, inferences, and innuendoes in the member's question, all who have been involved with the construction of the hall at John Forrest High School feel a deep sense of disappointment and concern and it is wrong of the member to imply otherwise.

Also, it is wrong of the member to try to cause unnecessary concern and apprehension on a widespread basis, because it is not a case of a misfortune in one building necessarily making other school halls suspect, or the rebuilt hall suspect.

Demolition of the John Forrest High School hall is to proceed under close supervision to ensure that adequate precautions are taken to protect all concerned. This precaution is naturally directed towards the safety of students, as well as others.

Specific answers to the member's questions are—

- (1) No.
- (2) The gymnasium, when completed, will be a sound structure and will not pose any threat to students.
- (3) and (4) The report by Dr Kavanagh may have to be used in legal proceedings. In such circumstances, it could be prejudicial to publicise the findings.

The legal liabilities are obscure at this stage, and the Public Works Department is in consultation with legal officers of the Crown Law Department.

- (5) There are no similar constructions under the control of the Education Department.
- (6) No.
- (7) It is yet to be determined whether work was substandard.
- (8) Disclosure of the cause of collapse at this stage could prejudice action to recover cost of reconstruction.
- (9) The Public Works Department advised the consultant architect to instruct the contractor by letter on the 9th October, 1975, to accept the lowest quotation for demolition to commence immediately.  
Demolition has been delayed to date to allow a full investigation by all parties to obtain the necessary evidence to establish the cause of failure in accordance with legal and insurance requirements.
- (10) to (12) Efforts are being made to complete the gymnasium as soon as practicable.
- (13) No.
- (14) No, for reasons stated.
- (15) Melville—\$209 908.  
Churchlands—\$355 750 (includes a library/resource centre).  
Kwinana—\$281 120.  
Scarborough—\$233 492.  
Kent Street—\$263 894.
- (16) \$242 800.
- (17) Details presented for tabling.
- (18) The original hall/gymnasium was proposed to be 28.8 metres by 18.6 metres, with a stage 18.6 metres by 7.9 metres.
- (19) and (20) I shall arrange for the Minister for Education to reply to the member on his return from an official visit to Pilbara today.
- (21) The Education Department is aware of the accommodation needs for 1976, and planning to meet those needs is currently being undertaken.
- (22) See answers to (10) to (12) above.

- (23) and (24) I have every confidence in the two Ministers and the departments directly concerned, and the question of a personal inspection at this stage does not arise.

*The document containing details was tabled (see paper No. 480).*

## **BILLS (2): INTRODUCTION AND FIRST READING**

1. Business Franchise (Tobacco) Bill.  
Bill introduced, on motion by Sir Charles Court (Treasurer), and read a first time.
2. Family Court Bill.  
Bill introduced, on motion by Mr O'Neil (Minister for Works), and read a first time.

## **BILLS (5): THIRD READING**

1. Motor Vehicle Dealers Act Amendment Bill.  
Bill read a third time, on motion by Mr Grayden (Minister for Labour and Industry), and transmitted to the Council.
2. Beef Industry Committee Act Amendment Bill (No. 2).  
Bill read a third time, on motion by Mr Old (Minister for Agriculture), and transmitted to the Council.
3. Main Roads Act Amendment Bill.
4. Road Traffic Act Amendment Bill.  
Bills read a third time, on motions by Mr O'Neil (Minister for Works), and transmitted to the Council.
5. Local Government Act Amendment Bill (No. 3).  
Bill read a third time, on motion by Mr Rushton (Minister for Local Government), and transmitted to the Council.

## **GRAIN MARKETING BILL**

### *Second Reading*

**MR. OLD** (Katanning—Minister for Agriculture) [4.51 p.m.]: I move—

That the Bill be now read a second time.

As members would be aware, the matter of amalgamating the present Barley Marketing Board, the Seeds Marketing Board, and the Grain Pool of WA under one producer-elected and producer-controlled marketing board, has been under discussion for about three years.

The Grain Pool of WA is a well-known and respected name in the world grain trade. Its standards are accepted internationally and, in my opinion, it would be a retrograde step in the marketing of our grains to change this well-known name now.

The new authority will, therefore, assume the title of the Grain Pool of WA.

For some time, it has been generally accepted by all the organisations vitally concerned in this matter that the merging of the present three authorities involved in the marketing of coarse grains and seeds in Western Australia, under one grower-controlled structure, was most desirable.

Although there has been general agreement on the basic principle of creating one authority to incorporate the existing powers, authorities and resources of the present Grain Pool, Barley Marketing Board, and Seeds Marketing Board, members would be aware that considerable difficulties have been experienced in formulating a method of doing so which was acceptable to all interested parties. I am pleased that general accord has now been achieved.

The Bill which members now have before them provides that the initial board shall comprise—

the present four trustees of the Grain Pool;

the present two grower-elected members of the Barley Marketing Board; the present two grower-elected members of the Seeds Marketing Board; and

two persons who have special expertise in finance, or marketing, or both, to be appointed by the Minister from a panel of names to be submitted to him by grower organisations.

That makes an initial board of 10 persons, to which will be added—as soon as election can be arranged—two further grower representatives, one each from the temporarily vacant zones, Nos. 1 and 5.

The appointment of the initial board and method of election in the various producer zones to establish the ultimate board of nine persons, comprising seven grower-elected directors, plus two directors with special expertise, are outlined in the fourth schedule.

The producer zones referred to are outlined in the second schedule, and are fixed for an initial period of five years, after which period of time zone boundaries may be altered by regulation, on the submission in writing to the Minister of a majority decision of the board, specifying such alterations.

There is provision in part V of the Bill for the Growers' Council, within the meaning of the Grain Pool Act, 1932, to continue in existence under the name of "Producers' Council of the Grain Pool of WA", in an advisory capacity only, for an initial period of five years, at which time the board—after consultation with the Producers' Council—shall report to the Minister on the advisability or otherwise of the Producers' Council continuing in existence beyond the five-year period. Rules for the

constitution of the Producers' Council are contained in the third schedule.

Provision is made in part III, for the Grain Pool to conduct statutory or voluntary pools in relation to any grain or seed which is the subject of an authority vested in them.

At the present time barley, rapeseed, and linseed are all delivered under the respective Acts as would be any prescribed grain—and seeds—in the Bill before the House. Oats at present delivered under voluntary pool arrangements could also be prescribed as a grain if it were considered desirable by producers.

Lupins, which are becoming an increasingly important crop to Western Australia, are the subject of a producers' referendum which will be conducted in October of this year, as a result of which a decision will be made in regard to that seed.

The first schedule to the Bill defines the various Acts which will be repealed as a result of the acceptance and proclamation of the Bill before the House.

Provision is also made for the Treasurer of the State to provide such guarantees for the repayment of any money borrowed by the Grain Pool, including interest thereon, on such terms and conditions as the Treasurer thinks fit.

The Auditor-General shall, at least annually, audit the accounts of the Grain Pool and the Treasurer of the State shall fix such reasonable sum as he decides for the audit.

The board is required to submit to the Minister, at least annually, a written report of the Grain Pool's activities, together with a copy of its accounts as last audited by the Auditor-General and his report on those accounts. The Minister is required to table such documents in both Houses of Parliament as soon as practicable after receiving them.

The Bill is designed to provide that a grower-elected and grower-controlled single grain marketing authority is established, to act on a co-operative and non-profit basis on behalf of grain and seed producers of Western Australia; its acceptance would ensure a very strong organisation available for this purpose.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Davies.

## **INDUSTRIAL ARBITRATION ACT AMENDMENT BILL**

### *Second Reading*

**MR GRAYDEN** (South Perth—Minister for Labour and Industry) [4.58 p.m.]: I move—

That the Bill be now read a second time.

This Bill arises out of a conference of State Premiers with the Prime Minister on

the 20th June, 1975, when it was agreed that the States would adhere to the principles laid down by the Commonwealth Conciliation and Arbitration Commission in respect of the implementation of wage indexation.

Some States have already moved in that direction and Western Australia will do likewise by amending the Industrial Arbitration Act to allow the Western Australian Industrial Commission to refuse to register industrial agreements which do not conform to the general principles of wage indexation. Uncontrolled wage movements in agreements could jeopardise the wage fixation principles.

The Western Australian Industrial Commission in its decision of the 1st July, 1975, tied its wage indexation in awards to the decisions and principles of the Commonwealth Conciliation and Arbitration Commission and reiterated the views "that some form of wage indexation would contribute to a more rational system of wage fixation, to more orderly, more equitable and less inflationary wage increases, and to better industrial relations thus aiding economic recovery".

Unions of workers and employers will still have the right to bargain to reach consent agreements but will have to do so within the guidelines which the arbitral authorities have set down to accompany wage indexation. This action may tend to apply restraints and stand as a barrier to complete freedom of negotiations between parties but should encourage each, by its own disciplines, to assist greatly in the salutary steps to be taken with an aim to achieve sanity and soundness in pursuing economic recovery in the community interest.

The action by law to impose restrictions and exclude specific matters from collective bargaining or making agreements is not contrary to the principles of international conventions which have been adopted. It has generally been accepted that emergency as well as temporary measures invoked by the authorities should be admitted which may place restraint on voluntary bargaining without impairing the guarantees of the conventions. The law of the land must be respected and indeed this amending law could well be the saviour of the right to bargain, for failure to abide by its principles could lead to a complete breakdown, both industrially and economically, with spiralling inflation.

The Bill will be given effect by clause 4 which adds a new section 71A to the Act. This will empower the Western Australian Industrial Commission to refuse to authorise the filing of an industrial agreement by the Industrial Registrar should any provision of it, if in force, be contrary to and inconsistent with a decision of the commission which is intended for general

application or for the public interest. This will apply to—

- (a) an agreement made between parties under section 37 of the Act to prevent a dispute or resolve an industrial matter;
- (b) an agreement made under section 65 before or after conciliation and where affected parties have been given the opportunity to be heard.

For like reason the commission will also be given the added power to refuse to make an award or order which departs from the principles but it will not derogate from any other provisions already in the Act where the commission is authorised to refuse to make an order or award.

The new section 71A may appear to be wide in its context, particularly subsections (1) (d) and (1) (e), but it has been necessary to draft it in this broad manner to be able to capture the principles referred to in the main decision of the Western Australian Industrial Commission of the 1st July, 1975, which is tied to the decision of the Commonwealth Conciliation and Arbitration Commission and any variations which may subsequently follow.

In respect of wage fixation principles, the Western Australian Industrial Commission, in common with the Commonwealth commission, has indexed wage rates in accordance with the weighted average movements in the consumer price index for the six capital cities. The other principles which support indexation are an annual productivity review where the relationship in the movement in an award which has a well-recognised nexus with an award of another industrial authority and the elimination of unfair discrepancies can be considered. Additionally, any wage increase sought will be tested against a change in the nature of the work, skill, or responsibility required or the conditions under which the work is performed.

A refusal to authorise registration of an agreement will be a decision of a commissioner against which, in accordance with section 108C, there is a right of appeal to the Commission in Court Session of not less than three commissioners sitting together.

Clause 3, which amends section 38, is consequential because if the amendment is not made there may be grounds to argue that section 38, not being directed at the Industrial Registrar, renders any agreement lodged for filing to be regarded as a filed agreement notwithstanding the new section 71A where the commission will have the power to refuse to authorise such filing.

The common approach by the States and this Government to alleviate the situation deserves the support of all, including the unions, in its objective. There

should be no excuses expounded of abdication of rights to free collective bargaining or of legislative inhibition with destructive or recriminatory strains. The intention of the exercise is clear because it is a move along a path to overcome problems which pose a great threat to our livelihood, whether we be employers, workers, or other members of the community. An improvement in the overall position by, say, the end of 1976 could well merit a review of the need for this type of amendment.

Other amendments to the Industrial Arbitration Act are contemplated before the parliamentary session concludes. These may have to be dealt with in separate Bills as at least two are consequential and dependent upon the presentation and acceptance by Parliament of other measures; for example, an industrial training Bill and an employment agents Bill. There is also a Bill to be presented shortly to cover some machinery and administrative amendments, these matters having already been examined by the Confederation of Western Australian Industry and the Western Australian Trades and Labor Council and having met with their concurrence.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Harman.

## SECURITIES INDUSTRY BILL

### *Second Reading*

Debate resumed from the 7th October.

**MR BERTRAM** (Mt. Hawthorn) [5.06 p.m.] : Mr Speaker, when we have a segment of business activity—in this case a significant and extraordinarily important segment of business activity, namely the stock exchange—and laws to do with dealing in shares and stocks through the stock exchange by many thousands of people, and when that legislation is almost universally accepted as being the type of legislation which should be dealt with by the Australian Parliament—the national Parliament—because of the national nature of the operations of a stock exchange, we in this Parliament, and particularly the Government, should be doing all in our power to see that Australian national legislation will eventuate.

I put it to the House that is not happening, and instead four Australian States—Queensland, New South Wales, Victoria, and Western Australia, known as the “participating” States—are doing all in their power and coalescing with an ineffective and inefficient Federal Opposition in the Australian Parliament to ensure the Australian Government’s legislation does not come to pass.

I remind the House that in or about 1969 a Select Committee of the Australian Parliament was set up for the purpose of examining stock exchanges, their mode of

operation, the licensing of stockbrokers, and so on—a very wide inquiry—and I believe the inquiry went on for four years, more or less. It became known as the Rae committee because Senator Rae, a Liberal member of the Senate, was the chairman of that committee. Following the delivery of the report by the Rae committee, the Australian Government introduced a couple of years ago a Bill seeking to give effect to the recommendations in that report. I believe that Bill was called the Corporations and Securities Industry Bill.

The Bill subsequently lapsed with the advent of the double dissolution, and I believe the same Bill, or a very similar one called the Corporations and Securities Industry Bill, 1975, was introduced into the Australian Parliament earlier this year. It was carried through the House of Representatives and dealt with in the Senate, and as may be expected it was siphoned off by the Senate into yet another committee. It has been with that committee for the last six or eight months, creating further delay. A large number of submissions have been sent to that committee. I suppose some of them are bona fide, but I imagine it is possible some of them were made to give the committee a long trip. In any event, the committee continues to sit and there is no suggestion that it will produce its report at an early date.

The Australian Government's legislation contains something like 284 clauses and eight schedules. Ordinarily, it would be reasonable to assume the committee would shortly bring out its recommendations and that the Bill would soon get through the Senate and become law. That would be a reasonable conclusion, but I suggest it may well be within the Government's knowledge that that reasonable expectation will not eventuate. And how the Government would revel in the thought that if there were another dissolution of the Australian Parliament this Bill would lapse for a second time!

While that Bill has been before the Australian Parliament literally for years—bogged down, blocked up, and siphoned off into a committee—we have had before this Parliament two Bills with the title Securities Industry Bill; and the Bill now before us is the second.

It is interesting to observe the difference between the passage of the two Bills in this House and the long trip the Federal Bill is having in the Australian Parliament. The Securities Industry Bill, 1970, of this Parliament contained something like 80 clauses. It was introduced and the Minister gave his second reading speech on the 19th November, 1970; the second reading debate was resumed on the 26th November, 1970—seven days later. It was novel and important legislation, and the Opposition was given something like seven days to do its work on the measure.

The Bill now before us was introduced about nine days ago. It is designed to repeal the 1970 Bill and enact completely new legislation. It contains 135 clauses and the Opposition has been given nine days to consider it. If we take out the weekend, that is seven days, and I suppose we could deduct from that the time members have to spend on committees and other important matters in their electorates to get an idea how much time the Opposition has had to consider this Bill. It may be thought to be completely extraordinary that a Bill should be delayed and dawdled through the Australian Parliament, taking month after month, while we have had two Bills before us which were given a total of 16 days in which to be read a second time and go through the Committee stage and away.

Mr Deputy Speaker, you might think the idea is to make sure that the Opposition in this place cannot really get stuck into the Bill and give it the close research it is entitled to be given. On the other hand, you may take the view that there is humbug abroad in the Australian Parliament and that the Senate is doing all in its power to delay the Australian Government legislation with the mental reservation that the participating States, with whom members of the Senate are in the closest concert, will pass their Bills. There may be other reasons which I will come to in a few moments.

However, it is strange that there should be this great race here. Evidently, apart from a few words we heard in the Minister's speech, no real attempt has been made to do that which is necessary in this case; that is, to ensure that whatever should be done to allow further debate on the Australian legislation on this question at an early time shall be done.

We have here a Government which is not performing well. It has for months now sought to place the blame for all its shortcomings, with but rare exceptions, upon the doorstep of other people; a technique as old as time and probably appropriate for conservatives. One does not have to be a lawyer for very long to realise that when people come to consult one it is always the other fellow who is wrong. The Government is playing that game.

Mr Nanovich: That may be said of the Opposition. You are always criticising us for doing something wrong.

Mr BERTRAM: The difficulty of the member for Toodyay and other members opposite is that they are doing things wrong, and frequently.

Mr Nanovich: Have a look at the Budget. There is plenty in there.

Mr BERTRAM: Yes, of course, the Budget is extremely disappointing for the member.

Mr Nanovich: It is a good Budget under the circumstances.

Mr BERTRAM: I have not yet heard the member for Toodyay complain—although I expect to shortly—about the content of socialism in the Budget. The Budget does not delete a single item of socialism. He should not be smiling at that.

Mr Nanovich: I should be smiling because it is an excellent Budget.

Mr BERTRAM: We have nonstop socialism coming from the Government; is the member for Toodyay satisfied with that? The State Government is short of money; the Prime Minister has urged it to chop out unnecessary spending and has given it the ideal answer, but still members opposite will not take the action. The Government has presented two Budgets now, and it has not reduced socialist spending by one cent.

The DEPUTY SPEAKER: May I suggest that the member address himself to the Bill and to the Chair?

Mr BERTRAM: I thought I was addressing myself to the Bill, Sir. I propose to point out to you, Sir, a classic case of centralism being practised. You will be able to allow it because it is perfectly simple, and I will explain it in simple terms.

Senator Rae and his committee spelt out in the clearest possible terms that the States, acting separately or in concert, were simply not in the position to legislate adequately in respect of securities. He said there would always be trouble. On this occasion we have four participating States only. Tasmania is not a participating State, nor is South Australia, which is the leading State parliamentary-wise in Australia. So a complete State participation has not been obtained. Not only has the Senate committee headed by Liberal Senator Rae said there must be national legislation, but as I have already said there is almost universal acceptance of that proposition coming from heads of stock exchanges and from people right across the wide spectrum of our community, generally.

It is worth while remembering that in 1934 or thereabouts following all sorts of tragedies which befell the people of the United States as a result of what occurred on the stock exchange and the flow-on of those events, a large inquiry was held in that country. The Securities Industries Commission was set up, and the United States has maintained that commission ever since. I think it is reasonable to say that commission has been improved since that time, because it has worked well.

Until we have Australian legislation in respect of securities we will be denied an Australian securities commission of the type operating in the United States.

I think it is worth while to draw precise attention to what the Minister said in his second reading speech, which can be found at page 3167 of *Hansard* of the 7th

October. He said the intention was to introduce this Bill, "on a completely uniform basis". He did not merely say the intention was to introduce it on a uniform basis within bounds; he said the intention was that it would be on a completely uniform basis. The four participating States have agreed to repeal any existing legislation they have and to introduce identical Bills in the spring sessions of their respective Parliaments. I do not quite know why the States had to agree to do this in the spring session. I should imagine one good reason would be that if it were done in the spring session the States would have their laws in operation before the Senate committee brings down its report in respect of the Australian Bill. Furthermore, it would be an effective window-dressing because it would appear to the public that the States are on the ball—when in fact they are not—and are doing all things within their power which they should do having regard to the disclosures of malpractice spelt out by the Rae Select Committee.

What I would like to know is how this Parliament or any other Parliament can operate in the manner in which it is supposed to operate and in which it was established to operate if before a Bill is even introduced into it an agreement is made in some other place that each of the four participating States will introduce uniform legislation with the intention of producing uniform law. What is the use of this Parliament going through all the rigmarole and all the parliamentary procedure when we have got absolutely no hope of in any way adding to, altering, or contradicting anything in this Bill?

We are not unfamiliar in this place with the situation in which the other House or this House acts as a rubber stamp in respect of legislation. The Premier earlier this afternoon abhorred this concept of rubber-stamping by the Senate. However, this is not a mere rubber-stamping by one or other of the Houses of the Parliament; it is a rubber-stamping by the whole Parliament of the State.

Government members place great emphasis upon the dignity of this Parliament, according to what they say. I should have thought that treating the Parliament in this manner—in a manner in which the Parliament does not operate at all—is, to say the least, completely undignified; and so far as I am concerned this matter is of far more importance than the apparent observance of certain other superficial routines which occur in a House of Parliament.

Following on from the Electoral Districts Act Amendment Bill, this type of conduct seems to me to be particularly consistent; because if the Bill must pass in the exact form in which it is introduced, it means the Opposition can do absolutely nothing about it. All I am seeking to do here is to recognise that fact and to preserve it on the record for posterity. We have absolutely no say at all and no vote of any

significance in respect of this measure. We are stripped of any authority. That is consistent with what occurred in respect of the Electoral Districts Act Amendment Bill, because in that case many people have been stripped of their voting power.

In this case, since the Opposition is completely stripped of any say in respect of this Bill, in effect the people whom we represent here—I do not know the precise figure, but I assume it is 300 000 or more—are being denied a say.

There is in existence, as members would be aware, a body known as the Corporate Affairs Commission. Western Australia traipsed along behind three other States in respect of that commission. We are one of the participating States. Nobody would be surprised to learn that we have followed behind Bjelke-Petersen of Queensland. Of course, that gives some people great pride, but it gives to others an attack of the jitters.

Above the Corporate Affairs Commission there is a ministerial council which, I think, is composed of the Attorneys-General or the Ministers for Justice of the four participating States. It is really they who approved and drafted this Bill after it was worked out for them by the commission and the officers.

We do not know who the commission and officers are. I certainly do not question their skill; they have done the job they were asked to do. However, they happen to be faceless men in parliamentary terms, just like the faceless men of the full Liberal Party council which met in the Eastern States on or about last Sunday. For some reason which I can only guess at their identity was not disclosed. In fact, rarely do the people in the head councils of the Liberal Party disclose their identity.

The four Ministers have met. One represents Western Australia and its people, and the other three Ministers all come from the centralised Eastern States: Queensland, with Mr Bjelke-Petersen, New South Wales, and Victoria.

So we have a Bill before the Parliament which was effectively drafted and prepared by the Eastern States: with three votes to one on the council. That is clearly centralism, and is clearly inconsistent with the Liberal Party platform.

To the extent that it is undue centralism it is a clear breach of the Liberal Party platform. So what we have foisted upon us here is legislation from the Eastern States. That is centralism in the raw; centralism gone bad; as the sort of centralism that is complained of—because the centralism complained about by this Government has always been in general terms—at least comes from the Australian Parliament and those members are elected and accountable to the people of each State, and the representatives from Western Australia are accountable to the people of Western Australia.

Of the four on this ministerial council of the corporate affairs structure only one is accountable to Western Australia. All this dilemma arises from a situation where the States are trying to legislate and perform a task which is beyond them, because this task is clearly one of a national character—even *The West Australian* shares that view—and can be achieved effectively and efficiently only by a national Parliament.

The Government parties, of course, are determined that they will completely frustrate, and possibly defeat, the carriage of that legislation through the Australian Parliament. I am relying on my memory, but I do not think, at the time, it was said that the corporate affairs legislation—which was an amendment to the Companies Act introduced earlier this year—was before the Parliament. At that time I do not think it was said the intention of that commission was to introduce legislation that was completely uniform. On looking at the recitals to the agreement contained in that Bill, the last portion of it reads that there shall be substantial uniformity in that law in the States and the territories of the Commonwealth of Australia. That is something different from "completely uniform". In any event, whilst this Parliament is going through the process dogmatically and determinedly and completely undemocratically to produce completely uniform legislation, I am far from convinced that the Parliaments in the other three participating States will conform so slavishly to the agreement.

I am a little inclined to think that those States will come back with Bills that are amended and Western Australia, once again, will be the only State that will miss out. Just as it is not possible for individuals to agree on matters of any size or dimension, so it is not possible for four Parliaments and seven Chambers to agree on a Bill such as this—one which, as I have said, contains 135 clauses. That is unarguable. If these Parliaments are to operate as Parliaments, they will amend this Bill. So the Western Australian Parliament introduces the Bill and passes it without amendment, unless a member in another place has the temerity to move an amendment to it, and I think that is extremely unlikely. The other Parliaments may not follow so slavishly, but in pursuing this single minded objective, the Government here has been prepared to go to great lengths to see it is not frustrated.

In a complex piece of legislation, such as this Bill is, it is perfectly normal for parties interested in it, and who wish to debate it responsibly to seek all the facts they possibly can. That is a usual and normal procedure. It is certainly not novel. We are told that this is the highest court in the land. If that is so, it should be prepared at least to make occasional attempts to behave in that way. If a person is to appear in court it is

desirable that he should know as much about the case as possible before the hearing starts and not after it has closed. That is what is happening in respect of this Bill, because on the 9th October—only a few days ago—I asked a number of questions with respect to it. Any person who is interested may find, if he looks at pages 3343 and 3344 of the current *Hansard*, that I asked 10 questions in order that I may obtain a proper basis on which to study the Bill.

The Minister's reply was as follows—

- (1) to (10) In view of the comprehensive material and detail required to answer these questions, it is not possible to provide the information immediately.

I would not argue about that. The reply continues—

While the questions are appropriate, it is felt they could be more adequately dealt with and advice given during debate on the Bill.

That is the Minister's opinion, but it is completely wrong, because he knew, and everybody else in this place knew, that once the debate had been resumed the material and information would not be of any use to us. The time to give us the information requested in those questions was prior to the resumption of the debate, but pursuant to this Government's intention to pass the Bill through this House as quickly as possible—as it did in 1970—and to give the Opposition only the slightest chance to consider the measure, debate it effectively, and to process it in a proper and responsible way through the Committee stages, the Government decided that it would withhold this information.

I have asked questions in respect of Bills on many occasions previously, and the answers have been given. It is true that some were given in a fashion, but in this instance there is a complete change of direction and you, Mr Deputy Speaker, ought to know that when there is a departure from ordinary routine and consistency that is the time to sit up and take notice and to ask why such action was taken. The purpose of the Government, as I have said, was to frustrate the Opposition and to leave it with as little room as possible to contribute in a meaningful way to this debate and preclude the members of the Opposition from poking holes in the Bill so that the intention of producing a completely uniform measure, together with the other participating States, would not be frustrated.

Let us examine some of these questions. The Minister referred to certain matters. Perhaps if I can obtain some comments from him it may help. The Minister said—

The passage of the Commonwealth Bill would have most serious consequences to the commercial and business community and the public generally.

Surely those words call for some explanation. What are these serious consequences to the commercial and business community, and the public generally? Surely this House is entitled to know that. The question I put to the Minister was—

- (2) Will he list each of the most serious consequences to—  
 (a) the commercial community;  
 (b) the business community; and  
 (c) the public generally,  
 which the Commonwealth Bill will have?

Thus far, those questions have not been answered and that, of course, places an unnecessary, improper, and unfair impediment on the Opposition. In that case it cannot function effectively, as an Opposition should be allowed to do.

It will be interesting to see whether the Minister, when he replies to the debate, does what he has foreshadowed; that is, to provide answers to these questions in the course of his reply. I am inclined to forecast that he will not. Another question I asked was—

- (3) Will he list each of the substantial areas in which the constitutional validity of the Commonwealth Bill is extremely doubtful?

Surely we are entitled to know that. We have not been given that information, either. That too is a secret. I also forecast that we will not be given that information, either. Part (4) of my question reads as follows—

- (4) Will he state the actual provisions of the Commonwealth Corporations and Securities Industry Bill which have been the subject of considerable valid criticism in many areas in each case naming the person, firm, body or corporation, making such criticism?

That is a perfectly proper question, but once again there was no answer on that score. Part (5) of my question was—

- (5) (a) Will he table a copy of the offer to co-operate with the Commonwealth on a joint basis;  
 (b) if "No", why?

Why could not that have been tabled? What is the reason for the great delay in regard to that? Let us assume that the office is a centralised office in Brisbane. Why could not that copy of the offer to co-operate with the Commonwealth be flown over here in 24 hours? The reason is that the Government had no intention of letting the people in this State know what the position is in respect of that particular matter, any more than it intended to allow the people of Western Australia to know the answers to the 10



questions I asked. The sixth part of my question is as follows—

- (6) What were the areas of the business and commercial community which supported the making of the offer referred to in (5) above?

There is no answer to that. Secrecy once again!

It has always been my experience that if a person has a sound case he does not try to suppress it or hide it, but if he is up to mischief and he does not have a good case he hides it away in secrecy. As I said before, secrecy is a badge and manifestation of fraud in certain cases and in all matters which are below par.

Question 7 was—

Why had the task of preparing new Securities Industry legislation been abandoned temporarily in 1973 and not resumed till 1975?

The Minister told us of these dates, but gave no reasons for the change of direction. I imagine there had been some discussion within the party and it has been watching with interest the Australian scene on this question. It is worth while saying what I think happens to be a fact; that is, that the Australian Government legislation is substantially based upon the United States Federal legislation which came into being in 1934 and has operated successfully ever since. It was introduced following the tragedies which occurred during the depression there.

Question 8 was—

Which of the provisions in the Bill before this Parliament—

- (a) were not originally agreed to by the four participating States unanimously and in each case what were the arguments and/or reasons for disagreement;

Is it suggested that the Bill came up to the ministerial council from the Corporate Affairs Commission and the four Ministers all agreed that every clause was right at the outset?

We have been denied the right to know what the arguments were for and against the various 135 clauses. Why should we be denied that information? What is the secret there? I think the secret, fundamentally, is that, as I have said, the Western Australian representatives have been outnumbered. As we would not get unanimity on every clause, sooner or later the hands must go up. They may not go up always, but we cannot go on with a question unresolved, and the three Eastern States have the numbers. Therefore Western Australia has been getting the back end of this deal.

Question 8 (b) reads—

Which of the provisions in the Bill before this Parliament—

- (b) were not originally agreed to by Western Australia and for what reasons?

That is following on the earlier question. We are denied that information also. If it was good enough for the Western Australian representative on that council and his advisers to argue against provisions in the Bill, it is quite likely we in the Opposition should be investigating those provisions also. That is another secret. We do not know what the grounds were for resisting certain provisions in the Bill—certainly the provisions of the Bill which were not originally agreed to by Western Australia.

Question 9 reads—

Why did each of the participating States agree to introduce legislation on a completely uniform basis and in the spring sessions of their respective Parliaments?

I have already pointed out the need for the timing. It is a show to indicate to the public that the States are doing something about it; at least they are having a go. However, as to the uniform basis, one does not mind uniformity. It is just that it is not really a possibility in a situation where Bills are going to several Parliaments; and I have already discussed that aspect of the argument.

Question 10 reads—

Except for legislation relating to agreements made between States and State instrumentalities and the Commonwealth—what other legislation exists which has been introduced into this Parliament at or about the same time as into other State Parliaments and on a completely uniform basis?

I can understand uniformity in State legislation where we are seeking to ratify agreements between the Commonwealth and several States. There may be other instances, but I would be most interested to hear what comparable legislation we have with this where the Australian Parliament is not a party to it at all and where, as I say, the States are just starting off completely from scratch and have agreed to act in this manner.

Since the Government has decided that this Bill will become law, since it will be uniform, since it will not assist reasonably to answer questions the Opposition has asked, and for a number of other reasons, the Opposition has not really been given a fair go at all to debate the Bill. It is barely in a position sensibly to advance any amendments because we know what the fate of the amendments will be. Knowing the fate, why humbug by putting amendments on the notice paper? No reasonable person would do that or expect us to do that; and we do not intend to do it.

We are not going to oppose the Bill because from the study we have given it we believe it is probably an improvement on the 1970 legislation and there is an attempt belatedly by this Bill, and another on the notice paper—namely, the one to amend the Companies Act to have similar legislation in each State—to achieve a degree of uniformity. Members will note that I am not talking about complete uniformity because if the Parliament of this State is to operate anything like it was contemplated and intended it should operate, complete uniformity is simply not on.

**MR O'NEIL** (East Melbourne—Minister for Works) [5.52 p.m.]: I do not know whether I can thank the honourable member for his comments on the legislation because he referred very little to the contents of the Bill. He was critical of the fact that there was an endeavour on the part of four States which formed the Corporate Affairs Commission to introduce uniform legislation. He talked about the precise uniform legislation whereas the preamble to the agreement to set up the commission indicated it was desirable to have substantially uniform legislation.

As a matter of fact I am a little doubtful as to whether the noun "uniform" ought to be qualified at all because it seems to me that if a number of matters are uniform, they are uniform, and that is that.

The honourable member talked of centralism and indicated the fact that four States got together and formed the Interstate Corporate Affairs Commission, and that the Ministers' counsel associated with those States were practising centralism. Yet, he seemed also to be making some request that we do not proceed and allow a Bill in relation to the securities industry, prepared by the Commonwealth Parliament, to become a law.

While the member opposite said that the various States could legislate differentially in respect of the same law and, therefore, the Parliaments of those States would act as individual Parliaments, he did not say, of course, that if there were a central Government which legislated without any differential consideration for the various States we would certainly have uniform laws. So, I am not sure whether one should talk about uniformity within the law, as agreed between the States, as distinct from uniformity within the law as imposed upon us by the Commonwealth Government.

The honourable member completely ignored telling the House that I mentioned it was the Commonwealth that withdrew from the working party of the Standing Committee of Attorneys-General which was giving consideration to this type of legislation. The Commonwealth withdrew. Since his name has been mentioned on another occasion this afternoon,

perhaps I should say the Attorney-General was none other than ex-Senator Murphy. So, the four States which decided to form the Interstate Corporate Affairs Commission were fed up with what was happening in the central arena of the Standing Committee of Attorneys-General.

It is true that the honourable member placed a series of questions on the notice paper. Not all of those questions related to the contents of the Bill; most of them related to the matters mentioned in the second reading speech. The member also agreed that some of the questions would probably require a fair deal of research in order to provide the information sought.

It was my view, and the view of my colleague, the Minister for Justice, that the matters would best be dealt with in respect of the debate which is now ensuing—not a debate on the Bill I must add, but a debate on the second reading speech. I must admit the information sought has been made available to me only today. Perhaps for the satisfaction of the member—if we can give him any satisfaction—I should refer to some of his questions. The member asked—

- (1) Relevant to the Securities Industry Bill, will he table the submissions made to the Senate Committee by the State Governments indicating in each case the date of the submission and any comments made by the said committee thereon?

I do not know whether it is possible for me, at this stage, to table a document. I do have with me a copy of the submission to which the member referred—and he may also have a copy himself—and it was submitted to the Senate Select Committee on behalf of the States which have now formed the Interstate Corporate Affairs Commission, and the matters related to it.

The particular Senate Select Committee met on Thursday, the 31st July, 1975, with Senator Georges in the chair. The members of the committee were Senators Drury, Durack, Greenwood, and Wright. I ask your permission, Mr Speaker, to table the particular document.

The **SPEAKER**: The Minister may table it if he so desires.

*The document was tabled (see paper No. 481).*

**Mr O'NEIL**: The honourable member asked a further question as follows—

- (2) Will he list each of the most serious consequences to—

- (a) the commercial community;
- (b) the business community; and
- (c) the public generally,

which the Commonwealth Bill will have?

I am sure that when the honourable member drafted the question he did it mischievously. How would it be possible to list specifically all the consequences which a Bill, which has not yet become law, will have?

Reference was made in the second reading speech to the fact that there is an opinion abroad that the Commonwealth Bill, when it was introduced, would have some adverse effects. I can do no better than refer the honourable member to articles which appeared in newspapers.

Mr Bertram: The Minister is contradicting what he said in the answer to the question.

Mr O'NEIL: The interjection from the honourable member is beyond me, as is quite a lot of what he says. Anyone who read the question would realise that it was not designed to elicit accurate information; it was purely there to be mischievous. I will go to part (10) of the question asked by the honourable member, which reads as follows—

- (10) Except for legislation relating to agreements made between States and State instrumentalities and the Commonwealth—what other legislation exists which has been introduced into this Parliament at or about the same time as into other State Parliaments and on a completely uniform basis?

You, Mr Speaker, have been in this Parliament for a long time, the same as have many other members. It is not in the least unusual for complementary uniform legislation to be brought into this Chamber and the Chambers of the other State Parliaments in consort with the Commonwealth. Not at all. I refer to metrication, uniform packaging, wheat marketing, and so on. There are plenty of examples.

Did the honourable member really believe it was the duty of an officer of the Crown Law Department to go through all the Statutes of Western Australia simply to provide information which is already known? So, there was no useful purpose in asking the question. As I said, it is not unusual for the States to introduce complementary legislation in a number of fields. The submerged lands legislation is another measure which comes to mind.

The question asked by the honourable member was not designed to seek information at all; clearly, it was designed to be mischievous.

Mr Bertram: It was done in consort with the Commonwealth? We think not.

Mr O'NEIL: That is right.

Mr Bertram: This one is not. I pointed that out.

Mr O'NEIL: In the question?

Mr Bertram: Yes.

Mr O'NEIL: Perhaps the honourable member is right. Perhaps he knew the answer to the question. Perhaps he knew

there was only one, and that this is it; in which case he should not have asked the question.

Mr Bertram: I was only doing what you told me to do.

Mr O'NEIL: There is ample evidence that there was concern about the whole of this matter. If the honourable member now deems it necessary, he can read the submissions made to the Senate Select Committee. Accompanying it are a considerable number of pieces of paper—Press releases, telexes between the Minister for Justice and the Federal Attorney-General offering co-operation, and all sorts of things. Everything that was said in the second reading speech is correct. The honourable member questions whether the Minister for Justice was telling this Chamber the truth. I can assure the honourable member he was.

I will provide the honourable member with all the information which has been supplied to me as late as about lunch time today in respect of the matters he has raised in the second reading debate and which were the subject of his question. In view of the hour, and since the honourable member made no reference to the contents of the Bill, I hope the House will accept the measure.

Question put and passed.

Bill read a second time.

#### *In Committee*

The Deputy Chairman of Committees (Mr Crane) in the Chair; Mr O'Neil (Minister for Works) in charge of the Bill.

Clause 1: Short title—

Mr BERTRAM: In the light of the fact that the Minister has now tabled certain papers in answer to some of the questions which were asked by me on the 9th October, he might now agree to give the Opposition an opportunity to study them, to work on the Bill, and to treat the Bill in Committee in the proper way. I therefore suggest that he report progress and ask leave to sit again.

Clause put and passed.

#### *Progress*

Progress reported and leave given to sit again, on motion by Mr O'Neil (Minister for Works).

*House adjourned at 6.06 p.m.*

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## Legislative Council

Tuesday, the 21st October, 1975

The PRESIDENT (the Hon. A. F. Griffith) took the Chair at 4.30 p.m., and read prayers.