

excellent courses are available for supervisors, and these are of no value to the workers. Many management courses are available for industrial officers, but nothing is available for the workers.

Mr Grayden: You are not aware of what is being done.

Mr SKIDMORE: Mr Speaker, how much time have I left?

The SPEAKER: You have another four minutes.

Mr SKIDMORE: Thank you, Sir. I would like to deal with some of the questions which came to my mind during the speech made by the member for Maylands when introducing this motion. He said that the Liberal Government does not have a good record of approving the appointment of Select Committees, and that he had mentioned this matter before when he moved for the appointment of another Select Committee. The Minister for Labour and Industry then made the following statement—

There has to be some reason for the appointment of a Select Committee.

I do not disagree with that statement; I think it is logical and reasonable. The member for Maylands then said—

I agree. If Western Australia has a record of some 30 000 industrial accidents each year, resulting in some 30 to 40 workers killed, that is a good enough reason.

Mr Grayden: The figure was reduced from 40 to 28 a year.

Mr SKIDMORE: I am coming to that; the Minister should not rush his hurdles. During the speech of the member for Maylands the Minister again interjected and said—

Not if the number of workers killed is reduced from 40 to 28, and continues to decrease. Is that not some indication that something in this direction is being done?

I have asked the Minister some questions in this House apropos of the analyses of statistics available for the purpose of ascertaining how and where injuries are sustained and whether hands, eyes, feet, legs, bodies, or deaths are involved. I have not been able to secure an answer to that question for the very good reason that the statistics for 1972-73 have not been published; the records supplied to the statistician and the department are incomplete owing to the fact that one of the major insurance companies required under the Workers' Compensation Act to submit a return has failed to do so because of computerisation of its records.

So we have a situation in which the figures for 1972-73 are not available to us; and I understand—and I received

my information as late as 1½ hours ago—the 1973-74 statistics from the same department are not yet available. So a statement that the number of fatalities will be reduced from 40 to 28 or 25 is purely an assumption.

Mr Grayden: In the last instance the figure was reduced from 40 to 28.

Mr Taylor: This year's figures are not yet published and last year's figures are not available, so how can you say that?

Mr SKIDMORE: I would like to read out the following figures which reveal the number of fatal accidents which have occurred in industry—

1967-68	....	....	....	....	18
1968-69	....	....	....	....	28
1969-70	....	....	....	....	36
1970-71	....	....	....	....	40
1971-72	....	....	....	....	28

That is the table used by the Minister to prove that fatalities have decreased. He has no knowledge of the present situation. Therefore, in fairness to the workers, surely it is not unreasonable that we should appoint a Select Committee to investigate the question of industrial safety.

I close on this note: In the year 1971-72, according to the State Government Statistician the total work force of Western Australia lost 99 900 working days in industrial disputes, involving a loss of wages amounting to an estimated \$1.72 million. Compared with this in the same period, industrial accidents were responsible for a total of 374 860 days lost with the cost of claims amounting to a staggering \$5.72 million which, put in the simplest terms, means that \$4 million more was involved in accident claims as against wages lost as a result of strikes.

I say no more than that the question of the productivity of this State and its ability to survive in the present economic climate surely warrants an investigation of the matter of industrial safety.

Debate adjourned, on motion by Mr Hartrey.

*House adjourned at 6.07 p.m.*

## Legislative Council

Thursday, the 10th October, 1974

The PRESIDENT (the Hon. A. F. Griffith) took the Chair at 2.30 p.m., and read prayers.

### PAPERS

#### Tabling

THE HON. N. E. BAXTER (Central—Minister for Health) [2.31 p.m.]: I have for tabling the report of the Public Health Department's Technical Subcommittee on

Community Waste in the Perth Metropolitan Region, and the report of Maunsell and Partners on Refuse Disposal in the Perth Metropolitan Area prepared for the Metropolitan Region Planning Authority, which were tabled in the Legislative Assembly on the 18th September in response to a parliamentary question asked by Mr Taylor.

There is no statutory requirement to table these reports, and because there is not now a spare copy of the MRPA report I am obliged to table it for seven days only.

*The papers were tabled (see paper No. 256).*

## QUESTIONS (6): ON NOTICE

### 1. SCHOOLS AND HIGH SCHOOLS

#### *Buildings: Commonwealth Finance*

The Hon. R. F. CLAUGHTON, to the Minister for Education:

With reference to the announcement by the Minister in *The West Australian* on the 7th October, 1974, relating to the letting of contracts to the value of \$11.42 million for school buildings, how much of this amount was derived from Commonwealth sources?

The Hon. G. C. MacKINNON replied:  
\$3 697 980.

### 2. FISHERIES

#### *New Patrol Boat*

The Hon. S. J. DELLAR, to the Minister for Education:

(1) Have funds been provided in the Estimates for the current financial year for the construction of a new patrol boat for the Fisheries and Fauna Department?

(2) If so—

(a) what funds have been allocated;

(b) when is it expected that—

(i) construction will be commenced; and

(ii) the boat will be completed ready for commissioning?

The Hon. G. C. MacKINNON replied:

(1) Yes, for a replacement patrol vessel for the Bunbury to Jurien Bay area approved in 1973.

(2) (a) \$83 000.

(b) (i) Construction commenced May, 1974.

(ii) November, 1974.

3.

## HEALTH

### *Pediculosis: Treatment*

The Hon. R. H. C. STUBBS, to the Minister for Community Welfare:

Further to my question of the 2nd October 1974, regarding Pediculosis Capitis—

(a) is it a fact that a Health Surveyor could be sued for assault for treating an infected individual without the parent or guardian or the person giving authority;

(b) if there is no immediate assistance from the Community Welfare Officers or the Public Health Department, particularly in an isolated area, who could give him the necessary authority to treat children—

(i) at school;

(ii) at their home; or

(iii) in an Aboriginal environment?

The Hon. N. E. BAXTER replied:

(a) Yes.

(b) (i) to (iii) The parent or guardian of the child concerned.

### 4. FUEL, ENERGY AND POWER RESOURCES LEGISLATION

#### *Emergencies: Law Enforcement*

The Hon. S. J. DELLAR for the Hon. GRACE VAUGHAN, to the Minister for Health:

Can the Minister confirm that the Police Union of Western Australia has gained an undertaking from the Minister for Police that, should the Fuel, Energy and Power Resources Act be amended by the Bill at present before the House, police officers will not be required to carry out duties other than those of law enforcement during an emergency; i.e., that they will not be expected to act as substitute labour as outlined in Clause 10 of the Bill?

The Hon. G. C. MacKINNON for the Hon. N. E. BAXTER replied:

No discussions have taken place between the Minister and the Police Union on this matter.

### 5. HER MAJESTY'S THEATRE

#### *Government Acquisition*

The Hon. R. F. CLAUGHTON, to the Minister for Cultural Affairs:

(1) Would the Minister advise whether the Government has made a decision to purchase Her Majesty's Theatre?

- (2) If the Government has decided not to purchase the theatre, will it give consideration to leasing it as an interim measure to ensure a venue for local performing arts companies?

The Hon. G. C. MacKINNON replied:

- (1) The future of Her Majesty's Theatre is currently the subject of study because of the Government's policy statement on the matter, as follows—

We will investigate the acquisition of a city property such as Her Majesty's Theatre, for use (in a suitably re-conditioned form) by Ballet, Opera, Gilbert and Sullivan, theatrical and cultural organisations.

Present indications are that the cost of achieving the result aimed at would be prohibitive, so far as Her Majesty's Theatre is concerned, but no final decision has been made.

- (2) The possibility of leasing the theatre is also under consideration by the Government as part of the overall proposition.

## 6. TEACHERS' COLLEGES

### *Living-away-from-home Allowances*

The Hon. R. F. CLAUGHTON, to the Minister for Education:

Further to my question concerning living-away-from-home allowances on the 28th August, 1974, would the Minister advise what decision, if any, has been made?

The Hon. G. C. MacKINNON replied:  
No decision has yet been made.

## SALE OF LAND ACT AMENDMENT BILL

### *Third Reading*

Bill read a third time, on motion by the Hon. G. C. MacKinnon (Minister for Education), and transmitted to the Assembly.

## FUEL, ENERGY AND POWER RESOURCES ACT AMENDMENT BILL

### *Third Reading*

THE HON. G. C. MacKINNON (South-West—Minister for Education) [2.36 p.m.]: I move—

That the Bill be now read a third time.

THE HON. R. THOMPSON (South Metropolitan—Leader of the Opposition) [2.37 p.m.]: Mr President, I think it will be recalled that when I was speaking to the second reading of this Bill I said I considered it was probably the worst piece

of legislation Western Australia had ever witnessed. I went on to say we were sadly disappointed with the lack of information and explanation from the Minister and the Government to the people of Western Australia as to the meaning of the contents of the Bill.

That has been well and truly demonstrated, of course, by the number of professional people, those representing civil liberties, rank-and-file unionists, and, most importantly, citizens of Western Australia who have expressed alarm at the introduction of the legislation. We have repeatedly asked that it be looked at. On two or three occasions I made an appeal that it be referred to an outside legal authority—the Law Society—in order that the Bill might be redrafted in a form which would be satisfactory to all people.

We in the Labor Party have never asserted that there should be no emergency provisions relating to fuel and energy. However, it has been apparent from the commencement of this debate that the Bill would be bulldozed through Parliament without due consideration being given to all the clauses. We do not have to refer to what happened in another place. That is common knowledge to every citizen of Western Australia.

When the Bill was introduced into this House I think the speakers for the Opposition did a marvellous job in view of the lack of information from the Minister and the Government. I compliment those speakers on the manner in which they researched and analysed the Bill, put forward their case, and questioned the contents of the legislation in an endeavour to extract information painfully, over many long hours, which would have been unnecessary had the Bill been explained in the true sense of the word.

It was never explained. During the Committee stage the Minister said it is not usual to explain the contents of Bills in second reading introductory speeches. I have introduced quite a few Bills in this Chamber and I have explained them clause by clause during my introductory speeches. The Opposition at that time, even though information was supplied by Ministers to the best of their ability, pressed for further information; and on no occasion did the Ministers concerned not go away and come back with the information.

In this morning's issue of *The West Australian*—and I have not quoted from newspapers during the few hours I have spoken on this Bill—we find the statement that last week the Premier (Sir Charles Court) promised the President of the ACTU (Mr R. J. Hawke), that legal opinion would be obtained from outside the Government. The report states that outside Parliament yesterday the Premier said that senior counsel from outside the Crown Law Department had completed their review of

the Bill. The Premier went on to say that the review had confirmed the Government's interpretation of the Bill's provisions.

I sincerely trust that when the Minister replies to the debate he will read out the considered opinion of those senior counsel, and divulge the names of those who prepared it; because it is the right of every citizen and every member of Parliament to know that. We have not criticised anybody's opinion; even when Mr Medcalf gave us his opinion we accepted it as such. Professor Harding has given an opinion, and so has the Law Society as have various other lawyers. Of course, the Government has not accepted any opinion other than that of Mr Medcalf. I think members of this Chamber would agree that in view of the time we have spent debating this legislation it is now imperative that the Government should inform Parliament of what is contained in the opinion of the counsel to whom I have referred.

I think we have a right to be informed of the opinion because it was commissioned and paid for by the Government.

I wish to make only one other quotation which, I think, adequately sums up the meaning of this Bill. It appeared in *The Australian* of the 4th October. I do not think any member would say that newspaper is parochial. Indeed, I do not think anyone would say that the Press of Western Australia has not reported truly and faithfully what has occurred in respect of this Bill.

The Hon. G. C. MacKinnon: May I remind you that I said the other day the Press had done that.

The Hon. R. THOMPSON: The Minister mounted an attack against the Press, although I do not know why. I did not want to be drawn into any debate on the Minister's comments, and I did not allude to them. I wish the Minister had not interjected and made me say that, because I did not want to be drawn into any comment upon his remarks. I feel members of the Press in Western Australia have reported the debates faithfully. They have been placed in the same position in which members of this Chamber find themselves inasmuch as they have not been able to obtain any answers. I think they went out of their way in an attempt to obtain opinions from professional people in order to inform the public. The article in *The Australian*—

The PRESIDENT: Does the article deal with the debate in this Chamber?

The Hon. R. THOMPSON: It is an editorial, and the heading is "WA's big stick in the cupboard".

The PRESIDENT: If it deals with the debate in this Chamber the honourable member may not quote it.

The Hon. R. THOMPSON: I do not think it deals with the debate in the Chamber; however, Sir, if you tell me to stop quoting it I will do so. It is as follows—

For legislation designed to ease the effects of strikes, the West Australian emergency fuel supplies bill is off to a bad start. Protests against its contents virtually stopped the State on Tuesday, and the possibility of national industrial action has been raised.

The trade union movement is strongly opposed to the bill, which contains extremely wide and unchallengeable powers. The legislation can override other laws, court judgments, contracts and industrial awards and has been described by the President of the ACTU, Mr Hawke, as fascist and repressive. Even allowing for rhetorical exaggeration, there are many disturbing sections of the proposed laws.

And the trade unions are not the only people who are concerned at the extent and almost dictatorial nature of the powers conferred by the bill. The Anglican Archbishop of Perth, the Law Society of WA and the State's Automobile Chamber of Commerce have all expressed doubts, and it may be general-widespread uneasiness that has caused Sir Charles Court's Government to back down a little and say that although the legislation will be passed by Parliament, it need not be enacted or proclaimed.

While the Court Government may see this as a concession, keeping such a controversial and questionable piece of legislation in cold storage will not help in the least. The practical result is that the Government will have a big stick in a cupboard, which it can threaten to use against unruly unions as a means of blackmail. Nor does putting the matter into this legislative limbo do anything to answer the very serious questions about the necessity for, and the form of, the actual bill.

As yet, Sir Charles has produced no evidence of the need for such legislation. There is no fuel emergency in the State, and in the numerous petrol strikes which Western Australia has suffered in the past (along with the rest of Australia), the State was able to cope without such powers. The Government's claim that every State in Australia except South Australia and Western Australia has emergency legislation is quite irrelevant, especially when the point can be made that even without emergency legislation the South Australian Government was able to control fuel supplies during the national fuel strikes last year.

I do not think, under any circumstances, we could say that *The Australian* is a parochial newspaper. I do not think it jumps on the bandwagon for the sake

of its political friends. I believe it reports rather truthfully and I believe its editorial on this occasion is a good summary and lines up with the criticism of the Bill which members on this side of the House have made during the course of the debates.

The PRESIDENT: Whether the reading of that newspaper article contravenes Standing Order 81 is open to question. However, since the Leader of the Opposition has read it I prefer to leave it at that.

The Hon. R. THOMPSON: I do not think it did.

The PRESIDENT: At least it is open to question.

The Hon. R. THOMPSON: The article is a summary of events and of the many and varied aspects we are discussing. In all probability, on reflection, there are only two or three words that may be open to question.

The PRESIDENT: I think the word "debate" is not limited to words of the debate; it means the conduct of the debate.

The Hon. R. THOMPSON: I do not want to enter into any controversy over the reading of the article, because I gave an undertaking before I commenced to read it.

We now have a few more Government members present in the Chamber and for their benefit I would point out that last evening I said the voting on this Bill was Government-regimented. I qualified that earlier by saying the application of the gag on the debate on clause 4 of the Bill was proof that the voting was regimented, because after clause 4 had been dealt with I, together with other members on this side of the House, could not help but notice that every time debate commenced on a clause members on the Government side of the Chamber would get up and walk out and then, when the bells rang for a division, they walked back into the Chamber. This went on until I was sick and tired of seeing this procession of members walking in and out.

This proves the point that the voting on the various clauses of the Bill was regimented, because Government members were not present in the Chamber to hear the debate that was taking place on each clause. This is a sad reflection on the procedure that is followed in this House, especially when we are dealing with a piece of legislation that could be serious for Western Australia—

The Hon. R. J. L. Williams: Not at all; we just could not bear to listen to tedious repetition.

The Hon. R. THOMPSON: —if put into operation. How members can honestly and truthfully register a vote on any question

before the Chair unless they have been directed to vote in a certain way, I do not know. They could not possibly be mind readers, because we consistently asked for explanations of the various clauses in the Bill and it is apparent that irrespective of the points we raised Government members intended to vote blindly for every clause in the Bill.

This is the reason that we reached the point in the discussion on the Bill where, after Opposition members had been denied their rights as a result of the application of the gag on clause 4, we found it impossible to challenge any clause after clause 13 or anything contained in the Bill. The reason for my saying that is, after we reached clause 14, the remainder of the clauses were, in fact, only machinery clauses, because they were all governed by the emergency regulations and declarations contained in clause 4.

So it can be seen that our hands were tied, although in his reply to the points raised during the second reading debate, the Minister told the Chamber that it was considered this was really a Bill to be considered in Committee. Despite this, we found that the Bill was dealt with very fully on behalf of the Government, not by the Minister, but by Mr Medcalf, when he commented on the report on the Bill made by the Law Society. The Hon. I. G. Medcalf made that speech during the second reading debate, despite the fact that the Minister had stated it was a Bill to be dealt with in the Committee stage. However, when we entered the Committee stage of the Bill, although we debated clause 4 for—

The Hon. W. R. Withers: Seven hours.

The Hon. R. THOMPSON: —some time, we still did not obtain all the answers we desired, nor were we able to debate fully all the proposed new sections which contain many controversial, and what could be deemed contradictory, words which are in conflict with clause 4.

So I consider that this has been a very sad occasion in the Legislative Council of Western Australia where we saw, firstly,—

The Hon. V. J. Ferry: If you cannot make a point in seven hours, you will never make it.

The Hon. R. THOMPSON: —the gag being applied on clause 4 by the brutal majority we hear about. This was clearly exemplified again last night, because the brutal majority did not remain in the Chamber to listen to the debate, but walked out like so many sheep following a leader.

#### *Points of Order*

The Hon. C. R. ABBEY: On a point of order, Mr President, may I request that the Leader of the Opposition to withdraw that remark? With other Government

members I was present in the Chamber listening to the debate on every clause, except when I had to leave the Chamber on rare occasions. I therefore ask the Leader of the Opposition to withdraw the remark he has made.

The PRESIDENT: Mr Abbey has asked the Leader of the Opposition to withdraw the remark he has made.

The Hon. R. THOMPSON: In respect of Mr Abbey and some other members of the Chamber, I withdraw the remark. However, I wish to say—

The Hon. N. E. BAXTER: On a point of order, Mr President, it is the usual custom that an honourable member should not qualify any withdrawal of a remark he has made.

The PRESIDENT: The Leader of the Opposition has been asked to withdraw the remark without qualification.

The Hon. R. THOMPSON: I will withdraw the remark, but I continue to say that some members of the Chamber—

The PRESIDENT: Order! The Leader of the Opposition has been asked to withdraw the remark and he must do so without any qualification.

The Hon. R. THOMPSON: Very well, Mr President, I have done so.

#### *Debate Resumed*

The Hon. R. THOMPSON: The questions that we would like answered on various clauses in the Bill still remain unanswered. I hope that, after reading the opinions obtained by the Government from senior counsel we will eventually get some clarification of what is meant by the content of clause 4 and all the subsequent clauses that tie in with it.

I commenced my speech today by saying that this is the worst piece of legislation I have ever seen enacted in this State. Reference has been made to an Act of Parliament which was introduced and then repealed long before I became a member of Parliament. I am not acquainted with the contents of that Statute as I have not had time to read it.

Be that as it may. If, however, that was bad legislation I can see no reason that we should compound the fact and bring in legislation which can only be described as worse: legislation which could be repressive; which could reflect on every citizen in Western Australia; and which could cost the people dearly, even though they might act innocently; and as a result of something they did in ignorance while a state of emergency existed could be taken before the court. If it is necessary for the public of Western Australia to go through this type of inquisition, I think we will be fast heading towards a dictatorship.

Every law should clearly say what it means, and every person who is able to read and write should clearly understand it.

I oppose the third reading of the Bill.

THE HON. D. W. COOLEY (North-East Metropolitan) [3.02 p.m.]: I understand, with my limited knowledge of parliamentary procedure, that the third reading of this Bill will give us an opportunity to recapitulate some of the events and happenings which occurred during the progress of this measure through Parliament.

In a measure as important as this—and which the Government is about to have passed—I think we should seriously consider the events that have taken place and recall some of the statements and speeches that have been made in this House in respect of the legislation.

One thing must, however, be certainly accepted by all of us who have been involved in this exercise on this occasion—and it must surely also be accepted by Government members opposite—that the opposition which has been waged against this Bill far outweighs any justification that has been produced for the measure.

We do not want again to go through all that has taken place, but with my limited facilities for obtaining information on certain matters without secretarial assistance—which is not provided in this place—although this assistance is possibly available to the members of the Government they have been unable to present very much at all in their support for the measure.

In my hand I have a file which I might add is not comprehensive by any stretch of the imagination. In that file there are many thousands of protests in respect of this legislation; there are letters, newspaper articles, and opinions from eminent authorities and individuals which all add up to very strong opposition to the Bill.

The PRESIDENT: I must remind the honourable member that speeches to the third reading of the Bill must be restricted to the contents of the Bill.

The Hon. D. W. COOLEY: I will accept your guidance in respect of this, Sir, though perhaps I may wander off the track occasionally.

The PRESIDENT: This is not so much a question of accepting my guidance but of parliamentary procedure which is laid down.

The Hon. D. W. COOLEY: That is completely true and I will do as you wish in respect of this matter; as I am bound to do.

If what I was about to do is not permissible, may I refer, in the course of my recapitulation, to the events that have taken place in respect of the passing of

this legislation through the Chamber? Incidentally it has been passed through this House without amendment, despite the fact that there has been such great opposition to its passing; despite the fact that there have been so many opinions both legal and otherwise presented while the House has been discussing the measure; and despite the fact that the Government has not seen fit to include one amendment in connection with the Bill we have before us.

It is perhaps to the credit of the Government members in another place that they did see some merit in respect of the proposals that were submitted to them in relation to amendments. There can only be one conclusion drawn; that in considering legislation which comes before us there is grave doubt as to whether this Chamber constitutes a House of Review.

The PRESIDENT: The honourable member must not reflect on the Chamber.

The Hon. D. W. COOLEY: I did not think I was reflecting on the Chamber, at least no more than did the Chairman of Committees, quite correctly, in this respect. I am not reflecting on the Chamber but upon the actions of members in this Chamber in abrogating their undertaking—

The PRESIDENT: I commend to the honourable member that he study the Standing Orders which will show him he is not permitted to reflect either on the Chamber or on members of this Chamber. If he sticks to the contents of the Bill he will not go far wrong and will run no risk.

The Hon. D. W. COOLEY: I appreciate that the Minister who introduced the Bill has been under a great deal of pressure and that he has almost carried the load himself in regard to the many aspects of opposition to the Bill that have been presented to him from this side of the House; but nothing that has been done or said or any explanation that has been given in connection with the measure before us has convinced us that the Bill is worth while.

The Hon. G. C. MacKinnon: I had excellent support from my comrades.

The Hon. D. W. COOLEY: That may be so as the Minister sees it, but I do not share his view, not by any stretch of the imagination. While he has been under extreme pressure he has not in any way convinced the members of the Opposition, or clarified the doubts they had about the contents of the Bill.

The Hon. G. C. MacKinnon: I convinced my own members and that is important.

The Hon. D. W. COOLEY: The Minister has not done this either in his second reading speech or in the explanation he has given during the Committee stage. He spent 85 per cent of the time during his second reading speech—if one analyses it,

and I have done this; though I do not read through the speeches of all members—in criticising Bob Hawke, Jim Coleman, and Don Cooley for their part in this matter and also the Opposition for the part it played during the debate. The Minister spent 10 per cent of his second reading speech in trying to justify his own situation in respect of the measure and 5 per cent of his time was taken in explaining the contents of the Bill.

The Minister criticised me for my speech, because he felt I had not, as the lead speaker, analysed the provisions in the Bill. I submit that possibly because of my lack of experience I was at fault in this regard, but I do feel the Minister had a greater responsibility than I have in respect of the presentation of the Bill before us. While the Minister has made great play of the importance of this Bill, he has been rather contradictory because when I was with him while being interviewed on a television programme, together with the Minister in another place—who originally introduced the legislation—they both said in unison that the Bill was not of great importance at all.

When he introduced the Bill in this Chamber, the Minister said that it was of great importance but, of course, he spent only 11 minutes in presenting it to us. The Minister claimed that the Bill was supported by other members in this House but I dispute that statement. I think the contribution made by other members from the Government side demonstrated their complete ignorance of the dangers inherent in the Bill.

I do not intend to criticise Mr Gayfer because he is not present at the moment, and a number of other members on the Government side who spoke to the Bill, unfortunately, are also not present today. However, Mr Gayfer referred to the 1963 legislation which amended the Industrial Arbitration Act, and such references demonstrate the complete lack of knowledge and complete misunderstanding on the part of members opposite regarding the opposition of a vast number of people in our community.

The 1963 legislation could not be compared in any respect with the bill now before us. The 1963 legislation did not bring forward the public outcry which has resulted from this measure. There is no analogy at all between the two measures. The Bill to amend the Industrial Arbitration Act changed the system of arbitration and, of course, we did not like it. When people do not like something they have a right to voice their opposition and to protest, as they did in 1963; but this Bill is a completely different kettle of fish.

Members opposite do not seem to understand that this measure can affect our democratic system and the civil liberties of the people in our community. Unfortunately, I believe some members opposite do

understand the position but they are bound by a party decision and they have to follow the party line with respect to this question. That can be quite in order and I am one who believes that the party line should be followed. However, I do not think they should be hypocritical.

I am glad that Mr Clive Griffiths is now present because he is one who always claims that the members of his party have a free vote. I admit if I were in his position and if my views differed from party policy I would not say so.

The Hon. Clive Griffiths: I never said we did not support the party policy; I said we always had a free vote.

The Hon. D. W. COOLEY: I dispute that statement in respect of this legislation.

The Hon. Clive Griffiths: The member opposite would not know.

The Hon. D. W. COOLEY: We will get back to the 1963 amendment to the Industrial Arbitration Act.

The PRESIDENT: For a moment I thought the honourable member was going to say he would get back to the Bill!

The Hon. Clive Griffiths: He does not know what it is all about.

The Hon. D. W. COOLEY: In speaking to the 1963 legislation we are not getting back to the Bill, but it seems to me that the protests made regarding that legislation are borne out today in respect of their correctness.

We have senior Ministers in this place justifying the present legislation in the light of legislation introduced by the Commonwealth Government in 1949, when we had just emerged from the greatest crisis this nation has ever faced. Our shores had almost been invaded by a foreign power. The nation was recovering from the effects of war, and the Government found it necessary to introduce measures to correct an emergency situation. Of course, the situation was different in 1949 and it was necessary for the legislation to have certain provisions included at that time which could be interpreted as being harsh and oppressive. However, that is no justification for similar provisions to be introduced in 1974.

With respect to Mr Ferry's speech, I do not think anything can be said about it other than it was an exercise in McCarthyism. It seems that the terrible people in the trade union movement and the terrible people who protested outside Parliament House were being led around by Communists.

The Hon. V. J. Ferry: Whether or not those people were terrible, the member was quite happy to be associated with them.

The Hon. D. W. COOLEY: I do not think Mr Ferry knows the people with whom I associate, at all. I do not know whether

to praise or criticise Mr Medcalf's speech. To say the least, I think he was being very loyal under most difficult circumstances because most of his colleagues, in the legal field, did not share his view. Perhaps I should have complimented Mr Clive Griffiths for amusing the House, in his usual manner, at such an early hour in the morning. That is about all one could say about his speech because, like the rest of his colleagues, he had very little knowledge of the implications of the Bill and the far-reaching effects it will have if it is implemented.

I do not want to speak at length, but I will make a few summaries. My opposition to the measure now before us is well known. The Minister accused me of making the same speech 12 times and I would not want to be accused of making the same speech for the 13th time. I believe we all appreciate that the application of the provisions of this legislation will cause conflict, not only amongst people in our own State, but amongst people from other parts of this nation. I have previously said there will be a conflict with the trade union movement and conflict within the community if this legislation is forced onto the people. They will accept the challenge because there are still people who believe in preserving the democratic process of our society.

In conclusion, I express my pity for the younger members in this Chamber who have sat silently through the debate. I touched on this point last night so perhaps I am repeating myself to some extent. However, at some time in their future lives—if this Bill is put into effect—the younger members in the Chamber will have to render an account of their actions for allowing this Bill to go through and become law without offering any opposition or without attempting to amend it.

I also feel pity for the Country Party members who have been led along by the nose by their Liberal counterparts.

The Hon. T. O. Perry: That is completely false.

The Hon. D. W. COOLEY: I do not intend to refer to newspaper reports and television interviews, but certain people who were interviewed seemed to confirm that all was not well in the Country Party with respect to its support for this Bill.

The PRESIDENT: Will the honourable member please remember the Bill?

The Hon. D. J. Wordsworth: The Opposition accused us of not amending the Bill. Why did the Opposition not move amendments if it disagreed with some of the clauses?

The Hon. S. J. Dellar: How many would have got through?



The Hon. D. W. COOLEY: We made our position clear with respect to the Bill. After new section 41 was passed there was nothing we could possibly do to improve the Bill.

The Hon. V. J. Ferry: The Opposition had plenty of time!

The Hon. D. W. COOLEY: Some members opposite believe that because they have the majority in this place they are right under all circumstances. But we know, and they know, that majority decisions are not always right. Majority decisions are a democratic process, but many times in modern history the minority has been right, and sometimes this minority is made up of members of the Australian Labor Party.

The Hon. A. A. Lewis: I could not agree more; I thought I was right all last year.

The Hon. D. W. COOLEY: We like to hear from Mr Lewis sometimes. He makes a lot of noise but does not say very much.

The Hon. A. A. Lewis: That makes two of us in this Chamber.

The Hon. D. W. COOLEY: I would like to get on with my speech if Government members will stop interjecting. I think the Minister who presented the Bill here was speaking off the cuff when he expressed the hope that the Bill would never be proclaimed. The Leader of the Opposition asked of him, "Will the Bill be proclaimed?" and the Minister replied, "Hopefully never." I believe his answer had a double meaning: He hoped it would never be necessary to proclaim the Bill in an emergency situation, and he hoped that it would never be put into effect because of the consequences that may flow from it.

None of us wants to see an emergency develop, and we join with the Minister in that hope. In regard to his second hope, the Minister has knowledge of the attitude to this Bill of the trade union movement and a large number of other people in the community. He knows that many people would resist the application of the provisions of the Bill very strongly if they were ever put into effect.

The Hon. G. C. MacKinnon: Your first statement is right; your second statement is wrong.

The Hon. D. W. COOLEY: Even at this late stage I hope we can defer the third reading of the Bill. However, I fear this is a vain hope, but if we are successful in preventing it from becoming law we will be doing a good service for our community.

**THE HON. I. G. MEDCALF** (Metropolitan) [3.23 p.m.]: I am one of those who believe that the Government of the day should have emergency powers. I understand it has been said that most members of the Opposition also subscribe to this principle, but I have not noticed any real

indication of this in the actual views held by Opposition members. I believe they subscribe to this principle only nominally in some cases, and when it comes to a question of legislating for an emergency they cavil at the terms that have to be used, and they cavil at the situation that will have to be faced. In other words, they shy at the prospect of having to enforce legislation to deal with a genuine emergency. I do not believe that is the belief of true Labor leaders. I think they are just as keen as are their counterparts in the Government to enforce the laws of the land in an emergency, and to see that one particular section does not hold the community to ransom. It seems to me that it would be a curious turn of the wheel if the first Government to enforce this emergency legislation happens to be a Labor Government. It is not impossible that this could happen, because we live in times of emergency.

The Hon. R. Thompson: I can assure you that the first thing we would do on becoming the Government would be to attempt to amend this repressive legislation.

The Hon. I. G. MEDCALF: If the Leader of the Opposition were consistent, he would seek to repeal the entire Bill because he voted against every clause.

The Hon. V. J. Ferry: He did not like anything about it.

The Hon. R. Thompson: We cannot accept it in the form it is in.

The Hon. I. G. MEDCALF: The Leader of the Opposition would seek to repeal every clause because he voted against everything.

The Hon. R. Thompson: That is right.

The Hon. I. G. MEDCALF: That is not amending the Bill; that is repealing it. I believe the Leader of the Opposition is saying that if he were in Government he would repeal the Bill. The strange thing is that he believes the Government of the day should have emergency legislation. It would not be proper for a Labor Government, if it does come to power, to repeal this Bill. I do not believe that would be proper and I would oppose personally its repeal in toto.

The Hon. R. Thompson: We would not want to repeal the original Act. I said we would amend the Act.

The Hon. I. G. MEDCALF: The Leader of the Opposition is saying that he would repeal the emergency provisions of the Bill.

The Hon. R. Thompson: That is right.

The Hon. Clive Griffiths: All the clauses they voted against.

The Hon. I. G. MEDCALF: I believe that we should have emergency provisions in the Bill and it does not make me any less

democratic for saying that. In fact, I believe I would be less of a democrat if I said we should not have emergency provisions for the simple reason that democracy is a fragile flower that has to be protected with laws.

The Hon. V. J. Ferry: Hear, hear!

The Hon. I. G. MEDCALF: We cannot protect a democracy by putting our heads in the sand and taking the view that we do not need any law to deal with emergency situations. We must have a law to deal with emergencies. It so happens that this State has not had this legislation, but it is high time we did because we live in times when our fuel and energy resources are likely to be in short supply because of actions taken by certain groups.

#### *Point of Order*

The Hon. D. W. COOLEY: I would like to rise, albeit reluctantly, on a point of order, because the honourable member is not representing the correct position. At no stage of the second reading or Committee debate did the Opposition say that it did not want emergency legislation. We said that such legislation is necessary and it should be introduced, but in a form that would ensure the co-operation and goodwill of all the people. To say we do not believe in emergency legislation is misrepresenting the statements made from this side of the House.

The Hon. Clive Griffiths: What about indicating your point of order?

The PRESIDENT: I do not think there is a point of order. The Hon. Mr Medcalf is addressing himself to the third reading of the Bill. If there is anything particularly in the remarks he made to which an honourable member objects, it is competent for that honourable member to ask for the withdrawal of those remarks. The Hon. Mr Medcalf.

#### *Debate Resumed*

The Hon. I. G. MEDCALF: I believe democracy must be protected by emergency laws and regulations, particularly at the present time. We are living in troubled times, and anyone who believes we are not living in troubled times is not looking at the facts of life as they are today. For that reason I believe we must have emergency legislation and that whatever the colour of the Government, be it Labor or Liberal, emergency laws will be necessary. For that reason I support the Bill.

I admit that the Bill introduced in the Legislative Assembly needed amendment. When I use the word "admit", I really mean that I agree the original Bill needed amendment. I do not have to admit anything as I am not the author of the Bill.

I quite clearly stated I believed it was proper that the Law Society and others, whoever they might be, should make com-

ments on the Bill. Those comments have been valuable. Chiefly as a result of those comments, a considerable number of amendments were passed in the Legislative Assembly. Some of these amendments were major ones. One amendment was the result of perhaps the most important suggestion put forward by the Law Society. The Bill now provides that Parliament should ratify the legislation. It is now included in the measure before us that Parliament must be called together to ratify the legislation within 30 days, or otherwise it will be revoked. I notice that the Labor Party voted against this clause also, which somewhat surprised me. I would have thought this was one clause with which Opposition members may have agreed because this is the proposed section which puts the final judgment on an emergency right back fairly and squarely in the hands of Parliament.

It is Parliament—both Houses of Parliament—which must agree that there is an emergency. They must agree with the Executive and the Governor. If both Houses do not agree to ratify the emergency, it ceases to exist and the declaration of emergency which the Governor has made is automatically revoked. That was the major safeguard the Law Society wanted in this legislation. The society made it quite clear—I will not quote it again, because I am sure no honourable member would dispute this—that this was its principal suggestion; and that suggestion was adopted by the Government and is now in the legislation.

By putting this recommendation in the the legislation, it puts rather a different complexion on the suggestion that emergencies will be declared by a Minister or by somebody who is not subject to Parliament. The emergency must be accepted and ratified by Parliament.

Clause 4 caused a lot of concern to members. I can well understand their concern, because I have been just as concerned about clause 4 as members opposite. I examined clause 4 carefully because of the expressions of concern that have been made. Personally, I am quite satisfied that clause 4 will not permit either this part of this Act or the regulations to change the Constitution or the Electoral Act. In my opinion—this is quite clear from the words of this new section, and I have no doubt in saying this—the words simply mean that where this part of this Act differs from some other Act or rule, law or regulation, this part of this Act prevails because there is an emergency. That to me is the justification for it.

I do not believe it can change the Constitution because the Constitution can be changed only by an absolute majority of members of Parliament and, in fact, that has not happened and will not happen in the passing of this Bill. The Constitution

and the Electoral Act cannot be changed by this legislation for a number of other reasons, and for those reasons, I do not share the grave disquiet expressed about this clause.

It has been suggested that this new section will override the common law. We cannot amend the common law without specifically giving an indication that the common law is going to be varied. Judges and courts take a very jealous view of attempts to cut down principles of law and if we do not include specific words, they will not accept that as a valid amendment of the common law.

I do not go along with the argument put forward by Mr Cloughton, who seemed to be quite convinced that this Bill is not open to challenge. In my view, clearly, it is open to challenge because it says that the powers and authorities cannot be exercised by the Minister unless an emergency has been declared. That means that we must have two elements before authority can be exercised; we must have an emergency and the emergency must be declared. If we say in an Act, "Unless there is an emergency", those words mean what they say and someone must be able to justify that an emergency exists.

I stand by what I have said previously that it is open to any person who has a sufficient interest in the matter to apply to a court for an order to have an emergency declared no emergency, to put it in a simple form. It would be necessary, once evidence is tendered by whoever claims that an emergency does not exist—obviously, if a person makes an allegation, he must try to justify it—for the Minister to justify that there is an emergency. I do not believe there is any limitation on the number of times people can apply, provided of course that the facts are different on each occasion. A person could not apply one day and then again apply the next day, using the same facts as the basis for his application. However, a person may apply to have an emergency declared no emergency if he supports his application with facts relating to a particular situation which we are not at present, perhaps, able to visualise. The situation may not occur until, perhaps, the Australian Labor Party is in Government.

I believe the legislation is open to challenge in the court as to the legality of a declaration of emergency; I do not have any doubt about that. However, I admit that this is my opinion. Mr Cooley and other members opposite have expressed their opinions. That is my view, but I am not expressing it merely because I am a member on the Government side. I assure you, Mr President, and any other honourable member who may think I am just going along with this that this is not the case. I would not be saying these things if I did not believe them.

Of course, I may be wrong, but that is my view and I stand by it. I say quite honestly that it is my view and I am not putting it forward merely because it happens to be the view of somebody else.

The question of anticipatory acts has been raised. This relates to the retrospective provisions of one section. I believe this part of the Bill is also quite clear. It is not possible to perform acts or do things under emergency regulations unless the emergency has been declared, because the clause preceding the one we were just talking about, clause 8, clearly says that the powers and authorities cannot be exercised unless there is an emergency, which has been declared. So, if the Governor did not declare that an emergency existed, the Minister could not perform acts under those powers and authorities.

It seems to me to be quite a simple proposition that although we can do things in advance of the regulations, we cannot do things in advance of the declaration of emergency. As I said last night, if there is an emergency, which has been declared, are we all going to stand around and wait for the *Government Gazette* to be printed before we do anything? That would be absurd, and no-one in his right mind would suggest such a thing. That in fact is all this section provides for, and that is the extent of the anticipatory acts; in my view, at any rate, it will apply only back to the date of the declaration of emergency.

This further principle should be made transparently clear because a principle applying to all legislation, not only to this Bill, is that no regulation can be made under an Act unless it is within the terms of that Act. A Government cannot provide in a regulation something which goes beyond the powers given under an Act. If an Act provides certain things, the regulations must keep within those provisions. This is not to suggest that we can do anything under those regulations; we can do under the regulations only what the Act will allow us to do; that is, to provide for emergencies occasioned by a failure of fuel, power, or energy resources. To say that a Government can do almost anything under the regulations is a complete and absolute overstatement of the position and, in fact, is incorrect.

I admit quite readily that there are many occasions when regulations exceed the powers of an Act; however, that is illegal and those regulations are invalid and would be so held in a court, quite apart from the fact that they should be disallowed by Parliament. For the sake of argument, let us assume that they are not disallowed by Parliament and that Parliament does not look at them for some reason or another, perhaps because one could not get the numbers in the House to reject them. If the regulations have exceeded the powers of the Act, they are *ultra vires* the

Act and any responsible court—and I believe we have responsible courts—would disallow them.

The final point I make is that the courts do not fear the Legislature. The courts are independent of the Legislature and this is one of the reasons why frequently—I think this point was adverted to in a slightly different context by Mr Claughton—Legislatures cannot discuss contentious matters which are proceeding in the courts. In such cases Parliament, through its members, who are after all mainly political, although they are not all political, may exercise influence on the courts. The courts must be completely independent of Parliament and, in fact, this is the case. We all know they are independent, in this country at any rate.

That is an excellent safeguard and it is one which we should cherish. If the Bill contained any suggestion that we might do something to destroy the power of the courts that would be a different matter; but there is no such provision. We are not in any way cutting down the powers of the courts.

Finally, I want to say that a number of misconceptions have arisen over the whole Bill, including the alleged power of civil conscription. That is just not in the Bill. I cannot for the life of me find any reference in it to civil conscription. Engaging people with or without reward is not a form of civil conscription. I cannot believe that there is any attempt under the provisions of the Bill to bring about civil conscription.

That is only one of the many misconceptions which have been aired publicly not only by speakers, but in advertisements in the Press inserted by various interested groups. It is a great shame and a great pity that the opposite views have not received more publicity in rebutting these misconceptions.

I admit the Bill might not have been drawn up perfectly in respect of some of its details; but I should point out we all have different ways of doing things. By and large safeguards are provided under the Bill. For that reason I believe it should be passed.

**THE HON. S. J. DELLAR** (Lower North) [3.41 p.m.]: I rise to oppose the third reading. As I expressed earlier in the debate, at no stage did I say there was not a need for emergency legislation to be enacted; but I definitely did not say such emergency legislation should be introduced in the form in which the Bill has been presented to this House. My leader has pointed out that not one member of the Opposition has expressed the view that there should not be emergency legislation. We have all expressed agreement to such legislation, but we are opposed to the manner in which the Bill has been presented, and to the many and varied parts with which we disagree.

As I have explained previously, many parts of the Bill are undesirable in view of the manner in which the provisions have been drawn up, and particularly in view of the explanations that have been given to us in an attempt to clarify the provisions. It is obvious from the Government's attitude, both here and in another place, that it is not prepared to defer this legislation. I have no doubt the Bill will pass the third reading stage in this House. I am sure the Government is adamant on getting what it wants.

Earlier in the debate Mr Medcalf mentioned that amendments had been made to the Bill, and by interjection Mr Wordsworth agreed. I agree that amendments have been made. The comments made by Mr Wordsworth were along the lines that the Opposition had the opportunity to introduce amendments to the Bill, if we did not like the provisions. Let me remind him that the only amendments made to the legislation were the amendments introduced in another place by the Government. Not one of the amendments introduced by the Opposition was given the opportunity to be heard. That is the reason the amendments which have been made to the Bill are those which the Government itself saw fit to introduce, as a result of the mounting opposition to the measure expressed both inside and outside of this Parliament.

There has been a lengthy debate on the Bill. Even at this late stage there are many aspects of it with which we are not satisfied. That is the reason we intend to oppose the third reading. I say this, despite the Minister's attempt to supply the information which we requested. In some cases he went to great lengths in attempting to explain a point of view. Unfortunately in many instances he did not satisfy me nor members of the Opposition, with the exception of one explanation he gave last evening. He explained a clause which I had already indicated that I fully understood.

It is interesting to note the number of Government members who have assisted the Minister in the course of this debate. The Minister has said that he received remarkable assistance from them; but I say he has not. In many respects the debate has been one-sided, with the Opposition naturally putting up most of the arguments. With the exception of the very few contributions by Government members, the Minister has been left to his own devices in attempting to explain the Bill to us, and to satisfy the queries raised.

**The Hon. D. J. Wordsworth:** That is the duty of the Minister.

**The Hon. S. J. DELLAR:** I believe it is also the duty of every elected member of Parliament to express his view, particularly on a piece of legislation of this nature.

*Sitting suspended from 3.45 to 4.04 p.m.*

The Hon. S. J. DELLAR: Prior to the afternoon tea suspension I was expressing my opposition to the third reading of the Bill and I said that the debate had been a rather one-sided affair. As Opposition members we have expressed our opinion against the Bill; and I understand that by interjection Mr Wordsworth indicated this was our job as members of Parliament. I could not agree with him more. That is what we are here for—to review and study legislation to see whether, in the best interests of the public, we should oppose or accept it.

I say again that the debate has been one sided. If members of the Government are so adamant in their support of the legislation, more of them should have participated in the debate and said so. In fact it was their duty to have said so, but very few have done this. I ask the other members of the Government who have not spoken—in fact I challenge them—to state unequivocally, during the third reading debate, that they support every provision in the Bill.

The Hon. G. C. MacKinnon: As Minister in charge of the Bill I would prefer that they did not.

The Hon. S. J. DELLAR: I query the reason because as members of Parliament they have a duty to say whether they accept or reject legislation. This Bill is most important and has many far-reaching implications. For many years this Parliament will have to stand by what it does now and if in future the legislation is used, misused, or abused, the responsibility will be on the shoulders of those members who allowed the legislation to be passed.

The debate has been a farce, not because of the time the Opposition has taken to discuss this very important Bill but, as I have said before, because of the lack of support expressed for the measure by members of the Government. No-one can say he has not had plenty of time in which to do so. Under our democratic process members have had an opportunity during the second reading debate and during the discussion on each clause of the Bill. I suppose, if we look at the results of the divisions taken during Committee, they have done this.

The Hon. G. C. MacKinnon: That is right; they have.

The Hon. S. J. DELLAR: Those on this side of the House have expressed their opposition to the measure and they will continue to do so as will many people outside this Chamber. However, the Government members still remain remarkably silent. The Minister has just said that he would prefer that they did not say anything. If that is what he has directed them to do, that is all right; but the debate on a measure of such importance with its implications and unexplained

provisions concerning what could or may happen in the future deserves a far greater contribution by Government members.

It is obvious that the Government is rather anxious to get the legislation passed and perhaps that is one reason Government members did not take any time to discuss it.

The Hon. R. Thompson: They did not know what to discuss.

The Hon. S. J. DELLAR: That may be another reason. Perhaps Government members did not know what was in the Bill. If they do know what is in the Bill and do not agree with it, they have definitely not said so. Certainly not many members have risen to their feet to say that they agree with it.

If this Bill passes—and I have no doubt it will—it will be a very sad day for Western Australia and for democracy as we know it. If the powers given to a Government in the Bill are ever used in the manner we fear they will be used, the situation will be grim indeed. After all, we must not forget that a lot depends on the state of mind of the person interpreting the provisions.

We believe that there are too many provisions which are not spelt out properly and the explanations given have done very little to satisfy me and my colleagues that the Bill is a good one and should be passed. I therefore most vigorously oppose the third reading.

**THE HON. R. F. CLAUGHTON** (North Metropolitan) [4.10 p.m.]: First of all I would refer to a remark made by the Leader of the Opposition with reference to a report the Government requested from counsel on this legislation. The Leader of the Opposition asked the Minister to have the report read to members so that they would be fully aware of another legal interpretation of the provisions in the Bill. In no way has the Minister indicated that he would agree to the proposal. However, I hope that he will note again the request made by Mr Thompson and will take the opportunity to adjourn the debate—if he does not have the report with him—so that he might obtain it and inform members of its contents.

As we all know, this has been a long debate, but it was warranted because of the importance of the measure. Those on this side of the House would not have fulfilled their proper function in this Parliament if they had not taken time out to ensure that all aspects were adequately considered.

It was not until the Committee stage had progressed for some time that the attitude of the Government became quite transparent; that it would not consider

any amendments at all. It was then that the futility of a continued detailed examination of the clauses was revealed.

It could be that we have set some sort of record in the length of this debate, but contributions to the debate have been few as far as Government members are concerned. As I previously indicated the Minister made some lengthy contributions in Committee even if he did not spend the time on his introductory speech; and Mr Medcalf spoke from 5.00 p.m. to 8.45 p.m.

Two main points have been involved—the first being the effect of the legislation on civil liberties; and I do not believe the Government has proved that the concern expressed is not warranted. The other aspect is that it is claimed the legislation is designed as a weapon with which to attack the unions. Here again, I do not believe the Government has demonstrated that the legislation has not been designed with that consideration in view. Many remarks have been made confirming the suspicion in the minds of union members. No matter what the Government says now, I am afraid that suspicion will not be allayed.

During my second reading speech I was twice charged with indulging in tedious repetition. This was reported in the Press so I am obliged to say something about it. If that charge is repeated I may be forced into undertaking a full examination of my second reading speech in order to demonstrate that the charge was unjustified. I do not want to do that. I simply point out that the honourable member who made the last challenge to my speech and also asked for a paper to be tabled had listened with such attention that he was not correctly able to relate the contents of that paper.

There has also been a great deal of confusion concerning the interpretation of this proposed legislation, and the clarification of the confusion has not been assisted by many statements which have emanated from the Government and members of the Government parties. Yesterday, during the Committee stage, I quoted a series of comments which had been made and which demonstrated that there was obviously confusion about the main purpose of the legislation. I do not propose to repeat the comments.

Mr Ferry, in his speech, gave two different interpretations of the main purpose of the legislation. If this confusion exists in the minds of Government members, we cannot very well complain if there is confusion amongst members of the general public about what the legislation means. During the second reading debate and the Committee stage very little was done by the Government to clear up that confusion. On the proclamation of the legislation alone, we had conflicting remarks by Mr MacKinnon and the Premier

on one day, and again on the following day when Mr MacKinnon said in this House there would be no delay and the legislation would be proclaimed almost immediately, and the Premier said, as reported in *The West Australian* of the 4th October—

Once the Bill has been approved by Parliament Cabinet will decide as a matter of course when it is to be proclaimed.

I draw the attention of members to those matters simply to illustrate the degree of confusion which has been spread by remarks emanating from Government sources.

In today's issue of *The West Australian* the Premier is reported to have attended a meeting at the Churchlands Teachers' College at which he said—

The fuel legislation had been the subject of lies, misrepresentations and distortions.

I believe most of that emanated from the Government itself, not from the people who have sought to have the subject matter of the Bill understood. There have been no deliberate distortions by members of my party. I would say no deliberate distortions or lies were contained in the submission of the Law Society or in the remarks of various academics. On the contrary, there is evidence to support a claim that the lies, distortions, and misrepresentations emanated from the Government and its supporters.

When speaking during the third reading debate, Mr Medcalf made a judicious selection of the facts to support his opinions, as any legal person would do in order to support the decision he had arrived at. Despite all he said—and I cannot help but agree with some of it—there remains a great area of doubt about the effect of this legislation in practice. No matter what is claimed to the contrary, it is true that the provisions in respect of regulations made in conjunction with the declaration of the state of emergency will prevail over all other Acts, laws, etc., as stated in the Bill. There is no question about that. When we were seeking clarification during the Committee stage in order to resolve some of the confusion, the Minister agreed with me—and this point, at least, was made quite clear—that the legislation means what it says.

The next step was an argument about how far the regulations might extend. During the Committee stage we examined proposed new section 43 with all its imprecise terms—"where the Governor is satisfied", the reference to all kinds of natural disasters and other events, "affecting or likely to affect", "a substantial proportion", and "is or may be deprived of essential services". All those expressions are extremely imprecise and there is a wide

variety of situations in which they may affect the provision, supply, and distribution of fuel, energy, and power.

Therefore, proceeding from those two points—the fact that the provisions of the legislation will prevail over all other Acts, awards, judgments, etc., and the wide scope in which a state of emergency can be declared—there is more than sufficient ground for the criticism that has been levelled at the legislation.

I make an exception at this point. Even though clause 6 refers to the other matters—disruption of shipping services and other transport, natural disasters, and other events—emergency situations could well arise in which the supply, provision, and distribution of fuel are not seriously affected, and in such a situation as that the legislation can be seen to be ineffective. Therefore, if we are designing legislation to cover all emergency situations, this Bill is certainly not appropriate.

We have a Bill which is ostensibly confined to fuel, power, and energy but the provisions give it an extremely wide application; and we have the fact that an emergency situation could well arise in which the legislation might be quite useless. So what benefits do we gain by continuing to accept this particular piece of legislation?

When we were discussing other events which might not come within the scope of the Bill, I made a note of a military or paramilitary coup such as has taken place in many other countries in the world. In view of today's society and some of the events that have occurred in Australia, such a suggestion is perhaps not so far-fetched as one would think.

Some provisions in the Bill are unlimited in time, and Mr Medcalf went to some pains to explain the relationship of clauses 8 and 9. If we accept the argument he put forward, it is true that reasonable people would assume no regulations would be made until or unless a state of emergency were declared. But to say that does not mean that is the way the provisions would necessarily be interpreted.

There is no time limit to clause 9 and it is possible to validate at a later date actions which were taken before a state of emergency was declared; but again we must remember that to be validated and unchallengeable they must be related to the emergency referred to in the order.

We would accept the degree of truth in the interpretation given by Mr Medcalf and by the Minister who has supported him. However, an area of doubt exists which is sufficient to cause reasonable people to say, "We can see the point you are making and we believe there is some substance in it; we will study it carefully to see if we can find a way to ensure the situation you are talking about will not

occur." However, we have seen the attitude of the Government in respect of suggestions offered by us or by anyone else.

In the Committee debates I made reference to the way in which the decision of Parliament could be rendered ineffective. We could be considering an order made in respect of an emergency which it is thought is likely to occur but which has not in fact occurred at the time Parliament is called together. What will the supporters of the Government do then? Will they say, "We are sorry; we think you are wrong, and we will not pass it until the emergency actually occurs"? The response of Government members to the debate at this time when no emergency exists indicates the way they would be likely to react.

The emergency could end the day after Parliament sits, and yet the orders would remain effective until the end of the six-month period. Probably the original order would be made collectively by the members of Cabinet, but a renewal could be made by the Minister who is in charge of the legislation at the time. So although we admit the provision to call Parliament together is an improvement on the original provision, it is not by any stretch of the imagination the magnificent safeguard some people would represent it to be. There is a large area of doubt and a wide field in which things could go wrong.

I made reference to the fact—and it is not unimaginable—that an emotional situation could prevail at the time a state of emergency is sought to be ratified. Unions could be provoked through no fault of their own, and a high level of emotional response could be generated in the community, leading to these provisions being invoked in order to deal with the situation. That would not be good for the State. That is most likely to happen in a situation which could not really be termed an emergency.

The claim has been made that the measure overrides civil liberties. Mr Medcalf challenged that claim; and I suppose we should take notice of his remarks because he is a legal man of wide experience, which I certainly am not. I have not his knowledge of the processes of law, but I am aware that his view is not uniformly supported.

The Hon. T. O. Perry: It is fairly generally supported, though.

The Hon. R. F. CLAUGHTON: I suppose that would depend on whether one reads only the opinions of those whom one thinks would support one's point of view, or whether one reads all available opinions.

I think even if we accept Mr Medcalf's opinion, a reasonable amount of doubt still exists because the provisions of clause 4 override all judgments and decisions of a court in respect of an application for an injunction. It is not denied that everyone

has a right under the Bill to go to the court. However, it is a very dubious right unless reasonable people have some guarantee of satisfaction. I think a doubt exists in respect of proposed new section 41, and also in respect of proposed new section 62, which deals with the evidence the court may accept.

Proposed new section 45, which I argued at some length with the Minister, states that the powers and authorities conferred by the legislation shall not be exercisable except in respect of an emergency in relation to which a state of emergency has been declared.

The evidence which would be produced to the court to indicate that a state of emergency has been declared would be a declaration signed by the Governor to the effect that he believes an emergency exists or is likely to exist and that the dispute before the court is related to that emergency. I am not putting that forward as a legal opinion because I am not a lawyer; I merely raise the point because I think sufficient doubt exists with regard to the evidence the court may accept; and doubt also exists in relation to the overriding effect of proposed new section 41.

I know it has been claimed by Government members—I have heard them say it publicly—that if a person applies to the court for a writ all Government action in respect of the matter must cease. That is a demonstrable lie, and my view on this has been supported by the Minister himself. So those people who claim that the lies and misrepresentations have come from the critics of the Bill are well wide of the mark.

A great deal of comment has been made about the safeguards in the Bill. No-one on this side has denied that it does include safeguards; but they are specific safeguards which do not cover all things. One covers personal injury, and another covers compensation, but they are limited. With regard to compensation, the provision refers to a person who, as the result of compliance with any emergency regulation or while complying with or being engaged in the carrying into effect of any such regulation, suffers loss, damage, or injury. So it can be seen that a limitation exists.

In the case of a real emergency in which widespread damage or loss is likely to be incurred, naturally the Government could not afford to compensate all losses which might be sustained by the public. In reasonable legislation such a provision would not be objected to, and nor would the provision in respect of personal injuries be objected to in itself. If we take the safeguards in isolation then, of course, they are perfectly all right. We find them so often in other Acts. However, we cannot afford to take them in isolation. The Minister who introduced the legislation in

another place exhorted us to consider the Bill in its totality and in the light of the situations which could arise. So the safeguards are limited in themselves, and whether or not some of them actually exist is highly dubious.

I received a copy of a letter written by the Premier. It was written to thank Mr Bernard Wright, who is connected with the Stock Exchange, for offering his support to the Premier. In his reply the Premier stated—

I also thank you for your offer of support of our Government with any future legislation—

I think it is important that all members note the words that follow—

—that may be found necessary to cover a continuing enforcement of law and order in this State.

Those words echo the presidential campaign conducted by the lamented Richard Nixon. We have seen where that gentleman, with his penchant for law and order, ended up.

I could continue to cover other aspects of the debate, but I will not do so. The case we have presented is that no emergency exists at the moment. We have seen that the South Australian legislation, which in some respects is similar to this Bill but is not as all-embracing, has been withdrawn by the Premier of that State because he considers it to be too dangerous; and he has said he will not introduce similar legislation again.

We have attempted to show the possible threat to our civil liberties inherent in the measure. We have indicated the elements which cause the union movement in particular to feel the Bill is designed to get at the movement, and to get at one union in particular. We know of the efforts of the union movement to persuade the Government to change its mind, even to the extent of offering to discuss the matter with the Premier. That offer was refused. The Premier has not met with the Trades and Labor Council at all, although he did meet Mr Hawke when he was here. Our cause for alarm has been reinforced by the events which have occurred.

I believe it has been shown an area of doubt exists. The Bill contains obvious errors which the Government has not properly examined. As Mr Dellar pointed out, after an order has been made, if the regulations are not prepared in time for presentation to Parliament they may still apply for a period of six months. During that time actions may be taken and then validated subsequently by regulations.

It is not a happy situation. The Bill does not appear to be well-drafted legislation. It has many faults and I hope the Government will show some reason and withdraw



the Bill or, alternatively, make some attempt to recommit it at this stage and amend it to show that it is not bloody-minded and obstinately pigheaded and does not wish to follow a collision course with the public of Western Australian. I strongly oppose the third reading of the Bill.

**THE HON. Lyla ELLIOTT** (North-East Metropolitan) [4.46 p.m.]: There is not much left to say on the Bill. Members on this side of the Chamber have dealt comprehensively with what we believe to be the evils of the legislation. Despite the efforts of Mr Medcalf to show the Bill is more acceptable now than it was when originally introduced in another place, on examination we find that this is not so. Of the 18 objections raised against the Bill by the Law Society, only three were acknowledged and attended to by the Government.

At no time has any member on this side of the House questioned the need for a Government to have emergency powers legislation on the Statute book. What we have questioned throughout the entire debate on this Bill, as have most people who have expressed public opinion on it, are the terms in which it is drawn. We have endeavoured to convey to the Government the widespread opposition to the Bill from all sections of the community, but it does not seem to be interested.

Only yesterday I received in my letter-box a letter signed by 28 staff members of the John Forrest Senior High School. This letter was sent to the editor of *The West Australian* on the 17th September, but was returned to them with a little note saying—

The editor thanks you for your letter but regrets that he is unable to use it.

I wonder how many other letters have been forwarded to the Press, as this one was, which have not been used.

The Hon. W. R. Withers: I have had a few returned to me.

The Hon. Lyla ELLIOTT: I would like to read the contents of this letter to the House. It reads as follows—

The Editor,  
The West Australian,  
Newspaper House,  
Perth.

Dear Sir,

While acknowledging the need for the Government to have powers to deal with emergency situations, we wish to express our dismay at the authoritarianism contained in the Fuel and Energy Emergency Powers Bill now before State Parliament.

We call upon the Government to alter the legislation so as to protect the well established rights and freedoms of the citizens of Western Aus-

tralia in accordance with the United Nations Declaration of Human Rights and with the criticisms voiced by the Law Society.

The Government can produce very few statements in support of its case. The only ones I could find in the Press were those expressed by the Employers Federation and the Perth Chamber of Commerce.

The Hon. G. C. MacKinnon: Yes, we have had a bad run.

The Hon. Lyla ELLIOTT: I do not know why the Government is so stubborn on this Bill when it is aware that the majority of the people in the community appear to be strongly opposed to it. We have opposed all the clauses in the measure, because even though some of them might be acceptable we believe it is impossible to amend the whole Bill; we consider it should be withdrawn and redrafted.

#### *Amendment to Motion*

Surely it is the legitimate role of an Opposition that, if it considers a Bill to be bad legislation, it should oppose that legislation with all its might on behalf of the people of this State. There is no doubt that this Bill is bad legislation. Therefore I move an amendment—

That the word "now" be deleted and the words "this day six months" be added after the word "time".

**THE HON. G. C. MacKINNON** (South-West—Minister for Education) [4.51 p.m.]: Obviously, I oppose the amendment. This Bill has been the subject of an extremely long debate. Indeed it is evident from the third reading speeches that we have heard every argument. Every point raised has been answered, except one or two new matters and points of criticism and, of course, I oppose the amendment.

**THE HON. R. THOMPSON** (South Metropolitan—Leader of the Opposition) [4.52 p.m.]: Naturally, I support the amendment. It is something we have been trying to achieve throughout the entire debate on the Bill. If the Government had shown some reasonableness towards the arguments advanced by Opposition members, possibly it would not have been necessary for Miss Lyla Elliott to have moved the amendment.

The amendment should be carried so that the Bill can be re-examined and a new Bill introduced to the Parliament which will enable all sections of the community to become acquainted with its contents prior to its passing and at least have sufficient safeguards in the redrafted legislation to enable us and the citizens of Western Australia to realise that we have something acceptable on the Statute book which will protect our rights in regard to fuel and power.

**THE HON. R. F. CLAUGHTON** (North Metropolitan) [4.53 p.m.]: Mr President, could I ask for the amendment to be read to the House, please?

The **PRESIDENT**: Order! The honourable member should remain on his feet if he wishes to address himself to the Chair.

#### *Point of Order*

The Hon. G. C. MacKINNON: On a point of order, the honourable member did not rise to a point of order, but rose to his feet, addressed himself to the question before the Chair and then sat down. He has therefore made his speech.

The **PRESIDENT**: It is my opinion that the event which occurred often happens in this Chamber; that is, an honourable member rises to his feet but does not, in fact, address himself to the Chair. Mr Claughton was anxious to obtain a copy of the amendment moved by Miss Lyla Elliott and at that point he sat down, having addressed himself to his colleague, the Hon. S. J. Dellar.

In the circumstances I am prepared to allow the honourable member to continue his remarks, but I think it is much easier for the Chair if a member, upon rising to his feet, will observe the Standing Orders and address himself to the Chair.

#### *Debate (on amendment to motion) Resumed*

The Hon. R. F. CLAUGHTON: I thank you for your comment, Mr President. I did not think it was necessary for me to say I was rising on a point of order to ask the question that I posed. It is only when a member rises and asks for the question before the Chair to be read—

The **PRESIDENT**: Is the honourable member raising a point of order now, or is he speaking to the amendment moved by Miss Elliott?

The Hon. R. F. CLAUGHTON: I do not wish to make an issue of this. You, Mr President, have explained what happened. I was making a personal explanation in the content of my speech on this amendment, and the reason that I said—

#### *Point of Order*

The Hon. G. C. MacKINNON: On a point of order again, Mr President, could I have clarified whether the honourable member wishes to make a personal explanation? The Standing Orders are quite clear on this. If he wishes to make a personal explanation he must ask leave to do so.

The **PRESIDENT**: It was for this reason I asked Mr Claughton to make it clear whether he was rising on a point of order or rising to address himself to the amendment before the Chair.

#### *Debate (on amendment to motion) Resumed*

The Hon. R. F. CLAUGHTON: Thank you, Mr President. I was addressing myself to the amendment before the Chair, but not wanting to delay the debate unnecessarily by continuing to ask for the contents of the amendment to be read to the House, I was about to proceed with my speech on the amendment. Having obtained a copy of the amendment, it is not necessary for me to raise a point of order in the way that you, Sir, have explained it should be done in order to learn the full content of the amendment.

The amendment is: that the word "now" be deleted and the words "this day six months" be added after the word "time". The purpose of the amendment is, of course, to defer the legislation sufficiently long enough for the Government to do what we have been asking it to do, in support of which I believe we have put forward a sufficiently strong case expressing doubt and concern over the Bill for the Government to follow this course.

The amendment would allow the Government comfortably to take time off and not feel that it is not proceeding on the course it said it would take. If we were in a Japanese society we could say that this amendment would save the Government loss of face, but that does not apply in this country. The amendment, if agreed to, would create a situation where the Government could reasonably take a step backwards to examine more carefully the opinions and the criticisms that have been levelled against the legislation and to call for further comments from a wider section of the people so that it could then decide just how much of the criticism is justified and effectively answer the comments that have been shown to be unjustified; and, where the criticism is shown to be justified, introduce amendments to the Bill or, alternatively, introduce a new measure altogether that would cover the whole range of emergency situations and not just that applying to the supply and distribution of fuel, energy, and power.

In this way the Government would remove the very deep concern in the minds of all union members who consider the legislation is nothing more than a big stick with which they can be attacked and that it will override other legislation which would place the Government in a position where it would be above the law and be able to avoid well-established legal processes.

The **PRESIDENT**: Order! I must remind the honourable member that the motion I have before the Chair is that the word "now" be deleted, and that the words "this day six months" be added after the word "time". The honourable member must address himself to that motion and not, once again, to the contents of the Bill. The honourable member must address himself to the amendment.

The Hon. R. F. CLAUGHTON: You are perfectly right, Mr President.

The PRESIDENT: Will you kindly do that?

The Hon. R. F. CLAUGHTON: I was doing so, Mr President.

The PRESIDENT: Order! In my opinion the honourable member was not addressing himself to the amendment before the Chair and I request that he do so. In contradicting me on that point, in my opinion he is casting a reflection on the Chair.

The Hon. J. Heitman: Hear, hear!

The Hon. R. F. CLAUGHTON: Mr President, I was about to relate the remarks I was making to the amendment, and it is not my intention to infringe Standing Orders. I have said before, if not in this Chamber, to you privately, that I deeply respect the Standing Orders of this House. They have been established over an extremely long period and are designed to allow full and adequate debate on matters that come before the House. We have seen repeated attempts to abuse Standing Orders—

The PRESIDENT: Order! Will the honourable member kindly resume his seat. I am unaware of the implication behind the remarks made by the honourable member about attempts to infringe the Standing Orders of this Chamber. If that is what the honourable member implied he would come close to reflecting on the Chair. I endeavour to interpret the Standing Orders of this Chamber as I read and see them, offering favour to none no matter what his politics might be. I regard that as my duty, and remarks of this nature which are continued by any member are without doubt a reflection on the Chair. I ask Mr Claughton to desist from this line which he seems to want to follow.

The Hon. R. F. CLAUGHTON: I regret that you have seen in this a reflection by me on your decisions, Mr President, but criticising members of the Government for what they have done is not a reflection on you.

I was saying there are very strong reasons that we should support the amendment before the Chair. It is a motion for deferment, and I was illustrating to the Government members some reasons for their adopting this course of action. Without covering the ground I was about to I would not be able to make this point, which is the whole point of the amendment.

However I have very nearly reached the end of my remarks, so I will very briefly remind the Government members of the concern that has been expressed by the union movement, and also by many other sections of the community, of the manner

in which the provisions in this Bill impinge on the civil liberties of the individual.

The Government members have a chance at this moment to take within their grasp the opportunity to have the Bill deferred with a view to having a more extensive research made of its provisions and its implications.

**THE HON. GRACE VAUGHAN** (South-East Metropolitan) [5.04 p.m.]: Despite some of the happenings in this House in the last few days I still believe it is a House of Review. I still believe that members will address themselves to Bills in an objective manner, giving them full consideration. Accordingly I support the amendment, because I believe the difference between the word "now" and the phrase "in six months" will mean there will be a period during which the Government can again look at the rather sloppy and vague Bill we have before us and, without having to retreat from what appears to be a fairly stubborn position, be able to get feedback from the community—which is already coming in in large doses—and during the next six months the Government could well absorb such feedback and redraft the Bill in a form that would be acceptable to the many people who are concerned that in its present form, the Bill will constitute a threat to our democratic process.

Amendment put and a division taken with the following result—

#### Ayes—8

Hon. D. K. Dans	Hon. R. H. C. Stubbs
Hon. S. J. Dellar	Hon. R. Thompson
Hon. Lyla Elliott	Hon. Grace Vaughan
Hon. R. T. Leeson	Hon. D. W. Cooley

(Teller)

#### Noes—17

Hon. C. P. Abbey	Hon. M. McAleer
Hon. N. E. Baxter	Hon. I. G. Medcalf
Hon. G. W. Berry	Hon. I. G. Pratt
Hon. Clive Griffiths	Hon. J. C. Tozer
Hon. J. Heitman	Hon. R. J. L. Williams
Hon. T. Knight	Hon. W. R. Withers
Hon. A. A. Lewis	Hon. D. J. Wordsworth
Hon. G. C. MacKinnon	Hon. V. J. Ferry
Hon. G. E. Masters	

(Teller)

#### Pair

Aye	No
Hon. R. F. Claughton	Hon. N. McNeill

Amendment thus negatived.

#### Debate (on Third Reading) Resumed

**THE HON. GRACE VAUGHAN** (South-East Metropolitan) [5.08 p.m.]: The Bill before us is far too vague for this House to allow it to pass. I believe that if the measure is finally passed it will be done in either a foolish or knavish way. I say this with some consideration, because I believe it is only someone who is not thinking clearly and fully about the wording of the Bill, and the harm it is likely to do to our present democratic system, who will allow such a sloppy and vague Bill to pass.

I know we have heard many excuses by the Minister about the fact that we cannot legislate precisely for all these things or include provisions to cover all eventualities.

I am aware that in the written word phrases are interpreted according to the manner in which the people concerned view them. Nevertheless the legislation should endeavour to cover all eventualities, and allow for a minimum of difference in the extent to which such provisions in the Bill or Act can be interpreted.

I was unable to speak to clause 4 of the Bill because of the gag having been applied. To my mind, and in the minds of most of the people in the State who are protesting about this legislation, it is this clause which has caused the greatest concern. It is the provisions contained in clause 4 which give the courts short shrift. It is this clause which, to my mind, lays open the way for a succeeding Government, or even this Government to abuse such provisions.

I do not say for a moment that the Government would abuse the provisions in question but the clause does lay it open for it to do so. To be so foolish as to conclude that our democratic system cannot be changed is to be irresponsible, because I have in my second reading speech pointed out the similarity between the wording in this Bill and article 48 of the Weimar Constitution, and also its similarity to the South African legislation—by which the political system there changed from a democratic one to one that was despotic and totalitarian.

I do not believe the members of this Government can see this aspect. If they pass this Bill in its present form they will lay themselves open to being considered by posterity as knaves; particularly when this Bill finally goes down in history, as I believe it will.

If, however, the measure is never proclaimed, or invoked, or used we could still be criticised for being foolish and careless enough to permit the Bill to rest on the Statute book like a time bomb—as I have said before—ready to be used by those who do not subscribe to our democratic process, which the present Government should be upholding and ensuring it is passed on unimpaired to the next Government.

Clause 5 contains the provisions under which the Minister is able to delegate his powers and vest them in any person or body. This is a very important clause and its provisions are bad, even though there may be similar provisions in other Acts. If its provisions are considered in the context of the entire Bill we will find the powers are not designated and because all the duties are not circumscribed by words which cannot be misinterpreted the danger

lies not only in what those duties might be but to whom the responsible Minister is likely to delegate the power to carry out the Act in an emergency. The number of people who have these duties delegated to them could be numerous indeed. If every policeman in the State were given the authority to turn back motorists who, perhaps, were not conserving the supply of petrol then, of course, the policeman, having received the powers which are so vaguely determined in the Bill, would be acting on behalf of the Minister, and it would be the policeman's state of mind that would determine whether or not he was able to carry out the business of stopping motorists from continuing on their way.

The fact that the Governor has to be satisfied, under clause 6, is a provision which considerably worries many people who are concerned with the preservation of our democratic process.

To say the Governor must be satisfied is a very subjective and indeterminate type of situation in which to place him. He is the only one who can be not satisfied that a state of emergency exists, and he is the only one to say that he is satisfied that a state of emergency exists. It is all very well to say that anyone can go to the court, but the judge would have to give a decision on whether the Governor was, or was not, satisfied. As I said, only the Governor can say whether or not he is satisfied.

Furthermore, no-one has the right to tell the Queen's representative that he is one thing or the other. That cannot be done. A judge cannot tell the Governor that he is not satisfied. That is elementary wording. Even if we were to say that the Minister has to be reasonably satisfied—

The Hon. G. C. MacKinnon: Ministers do not make elementary mistakes.

The Hon. GRACE VAUGHAN: —that would be something the courts could argue about. The court could rule that it was satisfied a state of emergency did not exist. However, under the present wording of the Bill only the Governor himself can say whether or not he is satisfied.

Protestations from the Minister, and other people, are to the effect that we are responsible people, and that we will not do this or do that. However, any future Government will be able to interpret this particular provision in any way it desires. We have heard repeatedly that these powers are possible only in relation to fuel, energy, and power resources when those powers are necessary for their control. Concern has been expressed about black marketing, and all sorts of arguments have been brought up. Mr Dans mentioned the delivery of milk, and it is possible for us to move into all sorts of other areas when we talk about the basic fundamental commodities of fuel, energy or power.

If somebody decided that the Minister did not have the right to recommend to the Governor that he should be satisfied a state of emergency existed, the matter of the emergency would not be decided by a court. What would be decided by the court would be whether or not the Governor was satisfied, and that is not possible. It is all very well to say that new section 45 covers the situation, as was stated by Mr Medcalf. In respect of an emergency in relation to which a state of emergency has been declared, and where the Governor has said he is satisfied that a state of emergency exists, the court would have to prove that the Governor was not satisfied. That is not possible, and that is what legal people, other than Mr Medcalf, have been protesting about. They say that the word "satisfied" is subjective, and will refer to what the Governor expresses about a situation when he declares a state of emergency.

Another new section which is causing concern deals with proceedings to be taken summarily in a Court of Petty Sessions. A person who is convicted as a result of an offence is liable to a long term of imprisonment. For instance, although the maximum period of imprisonment is six months, if a person continues to commit the offence over a period of 28 days he could be imprisoned for 14 years. Yet, a person who steals a bottle of milk can elect to be tried by judge and jury. However, in this situation where a person will appear before a magistrate he could be gaol for 14 years, or a corporation will be liable to a fine of \$5 million. That is not right. Certainly, the original Bill was amended by the Government in another place and now there is provision for the right of appeal from the Court of Petty Sessions.

It has been acknowledged there could be an absence of justice because a person who steals a bottle of milk can elect to be tried by judge and jury whereas a person convicted of an offence under the provisions of this Bill and liable to imprisonment for 14 years cannot. One person will be able to make that decision.

With due respect to Mr Medcalf, the magistrate concerned could have been held up at the airport because of an emergency situation, and he would be inclined to make his determination in the light of his own personal feelings. It is foolish to claim that people are not affected in this way. We have to acknowledge that our judges make pronouncements according to the law, and also according to their own socialisation, background, and the environment built up during their lifetime.

So, it is foolish to say that a magistrate sitting in a court would not be influenced by circumstances when deciding the punishment to be meted out to an offender. Certainly, there is the right of appeal where only one person decides whether or

not someone is to be convicted. That is a frightening situation: a person is likely to be quite severely punished without having the right to elect to be tried by judge and jury.

Another clause raises some doubt concerning the wisdom of the phraseology and the wording used in the Bill. I refer to clause 17 which states—

54. Subject to section 55, no action shall lie, and no proceedings of any kind shall be instituted or heard in any court in respect of any act or decision of the Minister or any person or body authorized by him in the exercise or purported exercise of his powers under this Part of this Act.

That is a very sloppily-worded part of the Bill. Again, in clause 19, we find the words "compliance" and "comply". I feel those words mean the same thing, but they can be interpreted in many ways. For instance—and I know this is a matter of semantics—in using the word "compliance" the people who are inflicting the regulations are included, as are the people on whom the regulations are being inflicted. The interpretation could be at variance. The clause states—

56. (1) A person who, as the result of compliance with any emergency regulation or while complying with or being engaged in the carrying into effect of any such regulation, suffers loss, damage or injury . . .

The clause does not set out whether the person who is subject to the regulations is the person referred to, or whether it is the people who are the activists and who are putting the regulations into effect. Again, that is a very sloppy piece of drafting, and it occurs all the way through the Bill. This poor use of the English language and these loosely and vaguely worded phrases appear throughout the Bill. As I said, I know this is a matter of semantics but I am sure that any member who cared to analyse the Bill would be able to find many faults which do not occur in other Acts.

It seems to me that the stubbornness of the Government will override the courts, and such a provision in a Bill denies people their civil liberties. Members in this Chamber represent the people of Western Australia, and they should be looking at legislation which has been carefully and thoughtfully worded. Because of the careless and sloppy drafting of this Bill our democratic process could be undermined.

The Minister said he could present a Bill which had been drafted only in a form to suit the political system under which we are now living. With respect to the Minister, I think that is a foolish statement. Of course, one has to recognise that the political system could change very rapidly as a result of the use of such

slipshod and explosive types of clauses. I admit that the wording could be unintentional.

The Hon. G. C. MacKinnon: I think the member should stop criticising the Parliamentary Counsel and the Parliamentary Draftsman. The whole of her speech has been in criticism of men who cannot answer for themselves and it is quite unfair.

The Hon. GRACE VAUGHAN: The Minister said we were living under a political system where we have responsible representatives.

The Hon. J. Heitman: It is a wonder the member did not try to amend the Bill while in Committee.

The Hon. G. C. MacKinnon: I am sure the Parliamentary Counsel would look forward to receiving help from the member opposite!

The Hon. D. K. Dans: They could be grateful for that help.

The Hon. GRACE VAUGHAN: I was referring to clause 4, but I am afraid I could not hear myself speaking.

The Hon. G. C. MacKinnon: We could.

The PRESIDENT: I will call order, to assist the honourable member.

The Hon. GRACE VAUGHAN: Thank you.

The PRESIDENT: Order!

The Hon. GRACE VAUGHAN: I did not like to do it myself, Mr President. It was not just Government members; it was some of our members also.

The Hon. G. C. MacKinnon: I suppose that proves that everyone is sick of it.

The Hon. GRACE VAUGHAN: Despite the levity, I must say, as I have said right throughout my remarks during this debate, I am deeply concerned about the repercussions of the Bill in the future. I feel it could undermine the very political system which the Minister hopes to conform with in preparing this Bill.

I have dealt with the major passages which I consider to be worded sloppily, and I am not blaming the Parliamentary Draftsman for this—

The Hon. G. C. MacKinnon: Yes you were; he is the man who does it.

The Hon. GRACE VAUGHAN: —because he prepares legislation under instruction.

The Hon. R. F. Cloughton: The Government has the responsibility.

The Hon. G. C. MacKinnon: Which we accept.

The Hon. GRACE VAUGHAN: The draftsman could not revise it to the extent he would like to.

The Hon. G. C. MacKinnon: You were not talking about the sense of the measure, but the verbiage.

The Hon. GRACE VAUGHAN: Before the disruption took place, I was saying the Minister has agreed he is the responsible Minister and I understand the sense in which he uses the word "responsible". Under our system of a representative Government, we are here not only as representatives of each of our electorates, but also to preserve the democratic processes for future Governments. It is this principle which members of this Chamber will have to think about much more carefully, and much less thoughtlessly. I am very much afraid that my ideals about this being a House of Review are not as well founded as I thought they were when I first entered it. It seems to me that the blinds have been drawn down, the ears have been closed, and the eyes are not seeing what is written here.

The PRESIDENT: I just draw your attention to the Bill.

The Hon. GRACE VAUGHAN: Yes, Mr President. Government members are not seeing the Bill. They think to themselves, "We are the nicest people; we would not do anything naughty like the other side has suggested. All this foolish interpretation of the Bill by other people is quite wrong. Such people do not know what they are talking about." Maybe we do not—

The Hon. G. C. MacKinnon: No "maybe" about it.

The Hon. GRACE VAUGHAN: —but the very fact that the Government has suggested it is a democratically elected Government, alleges it wants to carry on the democratic process, says it will not do anything to interfere with civil liberties, and that there has been so much protestation about the Bill, should make it look at the wording again and go through it carefully in the light of what has been said. It should raise the blinds for a while, and look at the Bill objectively—without any party orientation. The Government should not disregard criticism just because a critic has something to do with the Labor Party or he is an academic idiot. It saddens me to think that those in the Government benches in this place are being so cavalier in their attitude. Every objection raised by Opposition speakers has been laughed at. Assurances have been given, and I admire the Minister for his patience in dealing—

The Hon. A. A. Lewis: So do I.

The Hon. G. C. MacKinnon: I have been very impatient, let me assure you. I may look patient, but I am very impatient.

The Hon. GRACE VAUGHAN: —with this debate. He has been able to control himself and to answer queries without blowing his top, except once when someone hit him on the raw. That was when Mr Dans spoke, and the Minister came close to losing his cool.

The Hon. G. C. MacKinnon: I do not think Mr Dans would like to be reminded of that speech.

The PRESIDENT: A few minutes ago the honourable member asked me to maintain order so she could be heard. I think now with her remarks she is encouraging people to interject constantly.

The Hon. D. K. Dans: They do not need much encouragement.

The Hon. G. C. MacKinnon: On either side.

The Hon. GRACE VAUGHAN: I am sorry if I was inciting disorder; I certainly did not intend to. I was hoping to stimulate the Government into considering some of the things that have been said.

The Hon. R. F. Claughton: You are right—it would be very difficult to stimulate the Government.

The Hon. GRACE VAUGHAN: The Government should look again at the wording of the Bill. It should not disregard all the comments that emanate from these benches and from the organisations that have intimidated their concern about the Bill. We are still getting messages from many organisations, and Government members will be aware of this because I know they are receiving these letters also. Eminent people from respectable organisations and representatives of the media are expressing real concern that we are heading in a direction that will cause us to be known as the Parliament that allowed a real threat to be included in the Statute book.

**THE HON. I. G. PRATT** (Lower West) [5.37 p.m.]: I wish to support this Bill in its entirety, something that I have been challenged to do as a new member. Mr Cooley had quite a few challenges to make to the new members on the Government side, and I take him up on the challenge.

The Hon. R. Thompson: We were trying to get you to speak.

The Hon. I. G. PRATT: I am prepared to support the third reading of this Bill, and to support every clause in it, because it is a good piece of legislation.

The Hon. D. W. Cooley: Who told you that?

The Hon. I. G. PRATT: It is a good piece of legislation.

The Hon. D. W. Cooley: You are directed to say that.

The PRESIDENT: Order!

The Hon. I. G. PRATT: This legislation was introduced for the protection of the community. The new Government members were treated to somewhat of an insult to their intelligence from Mr Cooley when he used the tactic of supposedly attacking the Bill by feigning pity for the new members on this side. We recognise this as a rather usual sort of tactic em-

ployed at union meetings when one destroys someone's credibility by feigning pity for him.

The Hon. D. W. Cooley: We would not have you in a union.

The Hon. I. G. PRATT: For the honourable member's information, I was the foundation president of a union and I kept that position until I resigned to stand for Parliament.

The Hon. D. W. Cooley: You don't have to resign when you come to Parliament, do you?

The PRESIDENT: Order, please. Could we keep to the third reading of the Bill?

The Hon. I. G. PRATT: In supporting this Bill, I think—

The Hon. R. Thompson: Tell us something about the Bill, will you?

The Hon. I. G. PRATT: It is necessary to answer this type of comment because it is typical of the Opposition's attitude to the Bill. These tactics will not worry me because this is not a union meeting. It is the Legislative Council of Western Australia.

The Hon. D. K. Dans: It is supposed to be a House of Review.

The Hon. R. Thompson: Tell us about some of the clauses in the Bill.

The Hon. I. G. PRATT: The honourable member will have to learn it will not work. He had to be reminded by his leader that he was speaking here as a member of the Legislative Council and not as a member of his union.

The Hon. D. W. Cooley: When was that?

The Hon. I. G. PRATT: At one stage Mr Cooley said he was speaking as a union leader, and his leader leaned backwards and reminded him that he was not speaking as a member of the union.

#### *Point of Order*

The Hon. R. THOMPSON: I ask for those words to be withdrawn, because I never at any time asked Mr Cooley to refrain from speaking in a particular manner.

The PRESIDENT: Order, please!

The Hon. R. THOMPSON: I ask the honourable member to withdraw the words that I said Mr Cooley was not speaking here as a member of a union.

The Hon. D. K. Dans: I know who said it.

The Hon. R. THOMPSON: I ask for the words to be withdrawn.

The PRESIDENT: The Hon. I. G. Pratt has been asked to withdraw those words.

The Hon. I. G. PRATT: I will withdraw them, in deference to the House.

The Hon. R. Thompson: No, that is a qualification, Mr President.

The PRESIDENT: Order! The Hon. I. G. Pratt.

*Debate Resumed*

The Hon. I. G. PRATT: The Opposition attack on this measure has now formed into a picture. We must consider this when we think about the Bill. I believe that every right thinking Western Australian will support this measure. The pity can be kept for the gentleman's own organisation because if we look at this organisation politically and federally we see it is in chaos.

The PRESIDENT: Order! The Bill, if you do not mind.

The Hon. R. Thompson: Yes, we want to hear about the Bill.

The Hon. D. K. Dans: The third reading of the Bill.

The Hon. I. G. PRATT: I will endeavour to keep to the Bill. However, I have tried to keep well within the range of the other speakers. If I was not keeping to the Bill, I apologise.

The Hon. R. Thompson: You have not mentioned the Bill yet. Tell us something about what is in the Bill.

The Hon. R. F. Cloughton: You should have done your homework.

The Hon. G. C. MacKinnon: He has learnt from your speakers.

The PRESIDENT: Order! Will the Hon. I. G. Pratt resume his speech. I believe it would be without exaggeration to say that you are probably the sixth or seventh member today whom I have had occasion to ask to keep to the Bill.

The Hon. I. G. PRATT: I will keep to the Bill. As I said, it is a safeguard for the people of Western Australia. Over the last few days we have heard concern expressed that this Bill would not be passed and the safeguards would not be given to the people of Western Australia. Although this measure refers only to fuel and energy, it does embody a principle—the protection of the people of this State.

The Hon. R. Thompson: Where did the concern come from?

The Hon. I. G. PRATT: I inform the Leader of the Opposition that this concern was expressed by people whom I meet. These people drive trucks, work in shops, and carry out occupations of this type to earn their living.

I will not go into detail about the threats which were made early in the second reading debate by the honourable—

The Hon. G. C. MacKinnon: Members opposite.

The Hon. D. K. Dans: You have a good leader!

The Hon. I. G. PRATT: —members opposite. Last night we were told about what could happen in this State.

The Hon. D. K. Dans: That was in the Committee debate.

The Hon. I. G. PRATT: These threats took the matter far outside the realm of strikes. A report on the ABC this morning referred to fighting in the streets. I am not talking about strikes—I am talking about something which goes far further than strikes.

The Hon. D. K. Dans: Who said anything about fighting in the streets?

The Hon. R. F. Cloughton: Mr Ferry.

The Hon. I. G. PRATT: I will come very quickly to the point that made me stand up to speak to this Bill. As well as the threats which were made right throughout the debate, Mr Cloughton got to his feet and spoke about things that could cause an emergency.

The Hon. R. Thompson: Well, that is all right, that is in the context of the Bill.

The Hon. I. G. PRATT: Members will remember the speech made by Mr Dans last night, although he stopped on the word "*coup*".

The Hon. D. K. Dans: *Coup*? I corrected my *Hansard* speech today, and I did not see that word there.

The Hon. I. G. PRATT: This is not as far-fetched as one might expect. It is this type of thing that the people in my electorate have been worried about—just how far the members of the Opposition are prepared to take their opposition to the measure, when we have speeches like those made last night.

The Hon. R. F. Cloughton: This Bill would not deal with a *coup*.

The Hon. I. G. PRATT: The idea of a *coup* is not as far fetched as one might expect. It is a pity Mr Cloughton does not have the opportunity to get up to explain this—

The Hon. R. F. Cloughton: I did.

The Hon. I. G. PRATT: —because I would like to hear him explain his attitude to it.

THE HON. G. C. MacKINNON (South West—Minister for Education) [5.44 p.m.]: Following on from what—

The PRESIDENT: Order! I have not given the Minister the call.

The Hon. G. C. MacKINNON: I am sorry, Mr President.

The PRESIDENT: Order! I have not given the Minister the call. The question is that the Bill be now read a third time. The Minister for Education.

The Hon. G. C. MacKINNON: Thank you, Mr President.

The Hon. D. K. Dans: *Coup*!



The Hon. G. C. MacKINNON: Early in this debate, and right throughout the debate, we have heard about civil liberties and how this Bill could be regarded as blackmail—a big stick in the cupboard.

Yet I have just been reading an article which has to do with the Post Office; it makes quite strange reading in the light of a couple of television programmes I was on and in relation to many of the comments made about strikes. These people are being threatened because they do not go on strike but choose to exercise their free will. The threat is that a mail ban would be imposed. What makes peculiar reading in the light of all this talk about civil liberties is that union members can avoid this punitive action, this union imposed penalty, by paying blackmail. They can avoid this penalty, which has been imposed without trial and without the right of appeal by the simple expedient of paying a day's pay into a particular fund. That is the sort of thing we read in the newspapers. I have not quoted from newspapers very much during this debate, because I have not had much of a show. Yet members opposite have continually quoted newspapers, and yet on the front page of the *Daily News* was an article of this nature.

The Hon. R. Thompson: Would that not have been contained in the award handed down by the Conciliation and Arbitration Court?

The Hon. G. C. MacKINNON: No, not in this case.

The Hon. R. Thompson: Then they do not have to pay it.

The Hon. G. C. MacKINNON: They will pay it all right.

The Hon. D. K. Dans: What about their rules?

The Hon. G. C. MacKINNON: I do not want to start Mr Dans on this question. There is already an inquiry into the same sort of thing dealing with the shipping industry.

The Hon. D. K. Dans: This is the second one; we will win this one.

The Hon. G. C. MacKINNON: The honourable member may win it, but he does not deserve to win it. Let me deal with one or two questions which have been raised. Firstly, I assure Mr Thompson that this is not the worst Bill that has been presented to this House. Without the slightest shadow of doubt the unfair trading legislation was the worst. As it was presented to this House, we almost had the Star of David principle, whereby shopkeepers had to put notices in their shop windows—

The Hon. D. K. Dans: You are treading on very dangerous ground now; you will have the rabbis after you.

The Hon. G. C. MacKINNON: I am referring to the sort of thing the Germans used to do with the Jews, when they placed a Star of David on their tunics. Almost the same type of thing was imposed against the shopkeepers. You, Mr President, would remember this very well, because you were here. What a shocking Bill that was. It cannot be compared with this Bill because it did not protect anyone.

The Hon. Lyla Elliott: How could it pass this Chamber?

The Hon. G. C. MacKINNON: It did not.

The PRESIDENT: Order! I remember the Bill, and I remember that we are now discussing the Fuel, Energy and Power Resources Act Amendment Bill.

The Hon. G. C. MacKINNON: I am sorry, Mr President; I will try to behave. This is not the worst piece of legislation to come before this House.

The Hon. D. K. Dans: That is a matter of opinion.

The Hon. G. C. MacKINNON: No, it is a matter of fact. Of course, all the things we have heard during this third reading debate have been raised before and have been carefully answered by me and Mr Medcalf and commented upon by other members. I wish to express my appreciation for those who supported me, because they spoke when they felt a need, whether it was personal or part of their beliefs. Their attendance in the House has been exemplary and infinitely better than average. I suppose I really should start my remarks by saying, "Thank you for the interest you have taken in the Bill."

The Hon. D. K. Dans: That is everyone.

The Hon. G. C. MacKINNON: Yes.

The Hon. R. Thompson: I do not want to hurry you, but I am most anxious to hear this intelligent legal opinion.

The Hon. G. C. MacKINNON: We will get around to that.

The Hon. R. Thompson: As long as you do not forget it.

The Hon. G. C. MacKINNON: I will not forget it; we have all night.

Nobody can accept the argument that this Bill has been bulldozed through. There has been any amount of opportunity to discuss it, had the discussion been kept to the Bill. I cannot remember an occasion when you, Mr President, or any other person occupying the Chair, has had more difficulty in keeping people to the Bill. I even include myself in this, because I found that such was the misleading nature of the interjections from the Opposition that I was attracted to talking away from the Bill and, as you know, Mr President, I was called to order on this point.

We started this entire debate with an agreement that emergency legislation was necessary. I have not seen a great deal of emphasis placed on this.

The Hon. D. W. Cooley: Mr Medcalf did not say that this afternoon.

The Hon. G. C. MacKINNON: I do not know how the Opposition came to the conclusion that emergency legislation was necessary, but I know how the Government parties arrived at this conclusion. It was considered in the party room and as Mr Thompson, who has an excellent system of information, said, there was some disagreement about the original Bill. One would expect there to be disagreement and debate on such a Bill.

The Hon. R. Thompson: And about this Bill too.

The Hon. G. C. MacKINNON: I am not arguing with the Leader of the Opposition; I agree with him. Government supporters asked, "What does this section mean?" and it was explained to them and after explanation and considered discussion, all Government supporters agreed that the Bill, as it left the Legislative Assembly, was a satisfactory piece of legislation with which to protect the community in certain circumstances, and they voted accordingly.

How anybody, by the wildest stretch of imagination can imagine that we bulldozed people like Mr Clive Griffiths, Mr Williams, Mr Abbey, Mr Heitman, Mr Medcalf, or Mr Ferry is beyond me.

The Hon. D. K. Dans: You did not mention Mr Withers.

The Hon. G. C. MacKINNON: He has not been here long enough. I have mentioned only those who have been here a long time. I did not mention Mr Berry; he is another example. I mentioned those members who are known for their opinion and for the stand they adopt. Even members opposite could not bulldoze members of their party. I have said before that I will always be grateful for the Hon. R. H. C. Stubbs.

The Hon. R. H. C. Stubbs: He is a good old joker.

The Hon. G. C. MacKINNON: Even Mr Tonkin, the Leader of the Opposition in the other place, could not make Mr Stubbs vote for the fluoridation legislation. He crossed the floor and voted with me in an effort to override the Bill.

The Hon. R. H. C. Stubbs: I felt uncomfortable when I crossed the floor, though.

The Hon. D. K. Dans: All his teeth dropped out.

The Hon. G. C. MacKINNON: Of course, that sort of stuff is a lot of nonsense. It is interesting that we moved the motion "That the House do now divide" only once.

The Hon. Grace Vaughan: Once is too much.

The Hon. G. C. MacKINNON: The most thankful people in this House were the members of the Opposition.

The Hon. R. Thompson: When?

The Hon. S. J. Dellar: I was not.

The Hon. G. C. MacKINNON: Of course Mr Dellar was not! Let us face it; they were hoist with their own petard. They had agreed about the need for such legislation.

The Hon. R. Thompson: No, not for this sort of legislation but for emergency legislation.

The Hon. G. C. MacKINNON: That is what this legislation is. Members opposite agreed that emergency legislation was necessary but certain people with influence—I will not use the word "control"—in their party said, "You must oppose this Bill and you must really put on a show about it." Members opposite selected clause 4 on which to oppose the Bill and they proceeded to speak to it. They also did a bit of speaking during the second reading debate.

The Hon. R. Thompson: If you were going to oppose a Bill, would you not go to the operative clause of the Bill?

The Hon. G. C. MacKINNON: I would not have spoken to it for seven hours. I will tell members opposite how I would have behaved in a minute. They put on this show, but started to run out of steam. A person gets sick of his own voice after a while.

The Hon. R. Thompson: You should know.

The Hon. Clive Griffiths: Mr Claughton apparently did not get sick of the sound of his voice.

The Hon. G. C. MacKINNON: I know because the Opposition forced me to speak far too much on this measure during the seven-hour debate on clause 4. Members opposite went over and over the same ground and got past the stage of talking about the Bill and reached the point where they were talking emotional nonsense. I got a bit sick of it. Incidentally, this Bill has been debated now for 36 hours.

The Hon. D. K. Dans: That must be some kind of record for this House.

The Hon. G. C. MacKINNON: I think so.

The Hon. R. Thompson: I think that last year, the way you strung out the dairy legislation created a record.

The Hon. G. C. MacKINNON: Members opposite should not interject, because I have a lot to say before I reach the point of discussing legal opinion on this measure. When I instructed Mr Ferry to move that motion, nobody was more relieved than members opposite.

The Hon. S. J. Dellar: That is not true.

The Hon. G. C. MacKINNON: That was the only motion of that type moved in this House during the course of the Bill's passage. Ample discussion and time has been given to the Bill. Everyone was well aware that I was quite prepared to remain

in this House until 6.00 a.m. today to provide the opportunity for discussion; my colleagues were also prepared to remain here.

We started with the basic concept of agreement that emergency legislation was necessary; that seems to be quite a fair starting point. However, no opportunity was taken to move an amendment. We saw one amendment on the notice paper, which was promptly withdrawn.

The Hon. R. Thompson: Because—

The Hon. G. C. MacKINNON: Because nothing! The whole talk of agreement about the need for emergency legislation was nonsense. The Opposition knew that if it put forward emergency legislation it would suffer the same fate as the South Australian legislation and would be thrown out by the Trades and Labor Council and the unions and all those other people who make up the industrial wing of the Australian Labor Party. It is a matter of ideology.

As I said last night the whole attitude adopted to this debate, as expressed by Mr Dans, was that members opposite did not need any explanation on the Bill, but that the Government should just go ahead.

The Hon. D. K. Dans: At least you take my advice on some occasions.

The Hon. G. C. MacKINNON: We were told that no explanations would be listened to. No effort has been made to amend this Bill. Members opposite have talked about amending it and have asked the Government to withdraw and redraft the Bill.

The Hon. V. J. Perry: Was the Opposition amendment withdrawn because of regimentation?

The Hon. G. C. MacKINNON: Not one amendment was proposed. The Opposition has talked and talked about basic rights and civil liberties, yet the very thing its members talked about is displayed on the front page of today's issue of the *Daily News* in an article which is headed, "Post ban threat over strike".

The Hon. D. K. Dans: I had better read that article.

The Hon. G. C. MacKINNON: It is worth reading. Incidentally, Mr Medcalf touched on an interesting point earlier this afternoon.

The Hon. D. K. Dans: I thought he was interesting on more than one occasion.

The Hon. G. C. MacKINNON: I should like to be allowed to finish one sentence. He raised the point that the regulations could be *ultra vires* the Act. Next week, I hope to introduce a Bill dealing with just that matter. A Bill had been passed through this House which was incorrectly worded so that the regulations framed as a result of that Act were *ultra vires* the

Act. It was not pointed out by a court, but by the Crown Law Department, and we are going to amend the Act accordingly.

The Hon. R. F. Cloughton: Mistakes can be made.

The Hon. G. C. MacKINNON: Yes, and they are picked up and dealt with, which only adds to my argument that under this legislation not only do we have the protection of the courts, but also the protection of people who are watching the implementation of Acts. I refer to officers of the Crown Law Department and other interested organisations.

I was so incensed about one or two remarks that were made during the debate, that in my notes I used phraseology which is distinctly unparliamentary. I was told I was left on my own. What a lot of nonsense. I had support—I could feel it—from my colleagues and I knew they were with me.

The Hon. R. F. Cloughton: They were all behind you—outside the Chamber.

The Hon. G. C. MacKINNON: They were nothing of the sort.

The Hon. R. Thompson: They must have been indulging in mental telepathy.

The Hon. A. A. Lewis: That is a typical remark from the Leader of the Opposition.

The Hon. G. C. MacKINNON: I listened carefully to what Mr Cloughton had to say, but he did not raise any matter which required a reply from me. The same applies to the Hon. Lyla Elliott, because everything had been answered.

I am a little worried about the Hon. Grace Vaughan who has a phobia about the Weimar Republic. She has just about given us the history of it during the debate on this Bill, and we found it interesting. However, I do regret that she found occasion to criticise the draftsman in such stringent terms. May I assure her that her Government, during the previous three years, found him eminently satisfactory. Members of that Government will agree that he is an assiduous, hard working, and capable officer. He is, in short, a good draftsman.

Regarding the opinion secured by the Premier from Frank Downing, the Premier said in another place today that it is not customary to make public a brief, and in the light of certain action which has been threatened by Mr Hawke and the TLC in connection with the Bill, the Premier will not do so on this occasion. I have not seen it, but suffice to say that I am advised there is nothing in it which contradicts the information given by me during my handling of the Bill.

The Hon. R. Thompson: Is that not a rather sad admission when the Minister in charge of the Bill is not advised of a brief?

The Hon. G. C. MacKINNON: There is nothing sad about it. I have been over

the Bill. I have reams of information concerning it. Mr Dans said that the Opposition has four opinions—none of which he presented to the House—and that there are differences between them. I have my information and my brief and I have checked them thoroughly and found that what I have said is accurate—

The Hon. R. Thompson: We hope.

The Hon. G. C. MacKINNON: —and acceptable—

The Hon. D. K. Dans: To you.

The Hon. G. C. MacKINNON: —to me; that is right. That is as far as the matter goes.

I again thank members for the interest they have shown in this Bill. Considering the somewhat heated state the Chamber reached once or twice, and despite the difficulties occasioned you, Mr President, and the Chairman of Committees and his deputies, in general, reasonable decorum has prevailed and we have not reached the situation reached sometimes in debates in other Parliaments.

The Hon. D. K. Dans: We did not reach an emergency situation.

The Hon. G. C. MacKINNON: That is right. I congratulate you, Mr President, and the Chairman and his deputies.

The Hon. R. F. Claughton: I raised a question regarding the regulations made under the parent Act and the effect of the provisions in this Bill on those regulations. Were you able to ascertain any further information?

The Hon. G. C. MacKINNON: I distinctly remember the honourable member raising that point and I as distinctly remember answering it during the Committee stage. What I said then was correct. The regulations under the parent Act will stand unless there is a definite conflict and only then will they be set aside for the period of the emergency.

I commend the Bill to the House.

Question put and a division taken with the following result—

Ayes—17

Hon. C. R. Abbey	Hon. M. McAleer
Hon. N. E. Baxter	Hon. I. G. Medcalf
Hon. G. W. Berry	Hon. I. G. Pratt
Hon. Clive Griffiths	Hon. J. C. Tozer
Hon. J. Feitman	Hon. R. J. L. Williams
Hon. T. Knight	Hon. W. R. Withers
Hon. A. A. Lewis	Hon. D. J. Wordsworth
Hon. G. C. MacKinnon	Hon. V. J. Perry
Hon. G. E. Masters	

(Teller)

Noes—8

Hon. R. F. Claughton	Hon. R. H. C. Stubbs
Hon. D. W. Cooley	Hon. R. Thompson
Hon. S. J. Dellar	Hon. Grace Vaughan
Hon. Lyla Elliott	Hon. D. K. Dans

(Teller)

Pair

Aye

No

Hon. N. McNeill Hon. R. T. Leeson

Question thus passed.

Bill read a third time and passed.

House adjourned at 6.09 p.m.

# Legislative Assembly

Thursday, the 10th October, 1974

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

## INDUSTRIAL SAFETY AND HYGIENE

*Inquiry by Select Committee:  
Personal Explanation*

MR SKIDMORE (Swan) [2.17 p.m.]: I seek leave of the House to make a personal explanation.

The SPEAKER: I propose to ask the House whether it will grant permission for the member for Swan to make a personal explanation. However, I warn members that if there is any dissentient voice he will not be able to do so. Is there any dissentient voice? As there is not, leave is granted.

Mr SKIDMORE: When I read the transcript of the speech I made on the motion of the member for Maylands, I found I may have misled the House. I therefore wish to correct the statement so that the House will not be so misled, if it has been. I said—

The Trades and Labor Council appointed a board known as the Construction Safety Board.

Quite obviously the Minister for Labour and Industry believes—and perhaps rightly so—that I referred to papers issued by the Government-appointed Construction Safety Board, but this is not so. The Trades and Labor Council established a committee known as the Construction Safety Committee and that is the committee to which I should have referred. The papers I mentioned throughout my speech were those issued by that committee. I hope that this explanation will clarify any misunderstanding concerning what I should have said as distinct from what I said.

## QUESTIONS (29): ON NOTICE

### 1. PRE-PRIMARY SCHOOL CENTRES

*Establishment*

Mr BATEMAN, to the Premier:

As he has indicated in his Budget Speech for 1974-75 he intends to construct four pre-primary school centres for the purpose of admitting five year old children in the 1975 school year, will he advise—

- the areas these four pre-primary schools will be allocated;
- the total cost of the proposed pre-primary schools to be constructed?