

fails to submit to the Minister a panel of names for the appointment of a member in accordance with subsection (2) of this section within thirty days after the receipt by it of a written request from the Minister so to do, the Minister may nominate for appointment as member of the Board, in place of that body's default, a person willing to act as member.

Mr RUSHTON: I move—

That the amendment made by the Council be agreed to.

The purpose of the amendment is to cover the situation should the Local Government Association not submit a panel of names to the Minister. In these circumstances the Minister himself will have the opportunity to nominate someone from the Local Government Association. The amendment is quite clear and I ask the Committee to support it.

Mr TAYLOR: We have no objection to the amendment. Members will recall the debate which took place between the Minister and myself when this matter was brought before the Committee and I suggested the Minister might be wise to allow the selection of a member from local government to be his own prerogative. The Minister insisted on retaining the provision which was in the Bill—that the Local Government Association should nominate three people.

The House of Review—inverted commas and capital letters all the way—has seen fit after a lengthy debate to go roughly half way. It has made an amendment against which I would have fought; it is not one thing or the other. The amendment suggests that after a certain period the Minister can appoint anyone he wants to if the Local Government Association does not submit a panel of three names.

Mr Rushton: The appointment would still be from the association.

Mr TAYLOR: Agreed. However, I cannot for the life of me see why the Local Government Association should not nominate a panel within a period of 30 days. Such an omission would have to be an accident and I doubt whether that will ever occur. If such a situation should occur the position will revert to that which I proposed and the Minister will have the right to choose someone from local government.

I say the amendment is not as good as the provision in the original Bill, and certainly not as good as the amendment which we put forward. It is a combination of the two and does not satisfy either. However, it is not important and I will not persevere with any objection.

Mr RUSHTON: The position is not quite as the honourable member stated. I accept his support and point out that the amendment, which exists in other similar legislation, is purely to provide a protection against an abnormal situation. The original objective will be retained and a person involved in local government will serve on the Town Planning Board and will make known to the other members of the board the local government point of view.

Question put and passed; the Council's amendment agreed to.

Report

Resolution reported, the report adopted, and a message accordingly returned to the Council.

ADJOURNMENT OF THE HOUSE: SPECIAL

MR McPHARLIN (Mt. Marshall—Deputy Premier) [5.35 p.m.]: I move—

That the House at its rising adjourn until 4.30 p.m. on Tuesday, the 1st October.

Question put and passed.

House adjourned at 5.36 p.m.

Legislative Council

Tuesday, the 1st October, 1974

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

BILLS (11): ASSENT

Messages from the Lieutenant-Governor and Administrator received and read notifying assent to the following Bills—

1. Plant Diseases Act Amendment Bill.
2. Weights and Measures Act Amendment Bill.
3. Hire Purchase Act Amendment Bill.
4. Wheat Marketing Act Amendment and Continuance Bill.
5. Official Prosecutions (Defendants' Costs) Act Amendment Bill.
6. Traffic Act Amendment Bill.
7. Stamp Act Amendment Bill.
8. Constitutional Convention Bill.
9. War Service Land Settlement Scheme Act Amendment Bill.
10. Metropolitan Region Town Planning Scheme Act Amendment Bill.
11. Daylight Saving Bill.

QUESTIONS (4): ON NOTICE

1.

SCHOOLS

Vandalism

The Hon. G. E. MASTERS, to the Minister for Education:

- (1) In view of the considerable amount of vandalism that occurs in primary schools, particularly after school hours and during school holidays, has the Education Department considered any new steps to combat this problem by—
 - (a) requesting extra police patrols;
 - (b) floodlighting school premises in severely affected areas so that vandals may be more easily detected; and
 - (c) any other means?
- (2) What is the estimated cost resulting from vandalism in primary schools—
 - (a) in the metropolitan area; and
 - (b) in country areas?

The Hon. G. C. MacKINNON replied:

- (1) (a) to (c) The whole question of schools' security is currently being examined by an Inter-Departmental Committee, with a view to reducing breaking and entering, vandalism and associated problems.
- (2) (a) and (b) Costs associated with repairing damage in primary schools from vandalism are not separately recorded and, therefore, the information is not available.

2.

DAYLIGHT SAVING

Referendum

The Hon. T. KNIGHT, to the Minister for Justice:

Has the Government decided on a date for the holding of the referendum which will be necessary after the completion of the trial period of Daylight Saving in March, 1975?

The Hon. G. C. MacKinnon for the Hon. N. McNEILL replied:
No.

3.

AUSTRALIAN CURRENCY

Foreign Exchange Rates

The Hon. D. J. WORDSWORTH, to the Minister for Justice:

- (1) What is the current exchange rate between the Australian dollar and the following countries' currencies—
 - (a) Great Britain;
 - (b) India;

(c) Pakistan;

(d) Uruguay; and

(e) Holland?

- (2) What exchange rate are credit card agencies such as "American Express" using with the above countries?
- (3) What exchange rates is Qantas using for its credit card holders, or immigrants who are allowed to pay in Australian currency?
- (4) What regulations govern such exchange rates?

The Hon. G. C. MacKinnon for the Hon. N. McNEILL replied:

- (1) On 30th September the trading bank selling rates of the Australian dollar for normal business transactions in the currencies nominated were:—
 - (a) .5598 United Kingdom pounds
 - (b) 10.461 Indian rupees
 - (c) 12.650 Pakistani rupees
 - (d) 1694 Uruguay pesos
 - (e) 3.524 Netherlands florins.
- (2) and (3) Not known.
- (4) The Banking Foreign Exchange Regulations made under the Banking Act 1959-1967.

4. STATE HOUSING COMMISSION

Purchases of Houses

The Hon. CLIVE GRIFFITHS, to the Minister for Health:

Further to the reply to my question 14 on the 19th September, 1974, concerning State Housing Commission house purchases, would the Minister provide details as to the total number of houses purchased, and the addresses of such houses?

The Hon. N. E. BAXTER replied:

Up to the 10th September, 1974, 87 houses have been purchased and I seek leave to table the information requested.

The paper was tabled (see paper No. 227).

BILLS (2): THIRD READING

1. Explosives and Dangerous Goods Act Amendment Bill.
 2. Nickel Refinery (Western Mining Corporation Limited) Agreement Act Amendment Bill.
- Bills read a third time, on motions by the Hon. G. C. MacKinnon (Minister for Education), and passed.

SALE OF LAND ACT AMENDMENT BILL

Second Reading

Debate resumed from the 17th September.

THE HON. N. McNEILL (Lower West—Minister for Justice) [4.45 p.m.]: In the second reading stage of the Bill a number of points were made by members, and I think I ought to comment on them. Before doing so, I would like to acknowledge the support which members of the Opposition have given to the Bill; as well as the support given by Mr Wordsworth and Mr Medcalf.

The comments which were made by Mr Dellar and Mr Wordsworth are noted; and I do no more than thank them for their support of the measure. Apart from expressing his support, Mr Medcalf raised the question as to whether the legislation was tight enough, and would be adequate to cover up loopholes. In particular he referred to opportunities which can be made available to purchase offers of options. He felt that probably these were not covered by the Bill as printed.

An examination has been made of these particular provisions in the measure, and in general terms it is felt that the loopholes which might be thought to exist are, in fact, covered; but that perhaps they are not covered in the particular way that might be necessary, bearing in mind the expressions used by Mr Medcalf that unscrupulous persons will take every opportunity, while accepting the legislation, to look for opportunities to circumvent its provisions. In those circumstances I recognise there might well be a need to spell out the provisions a little more clearly.

One of the purposes of this amending Bill is to try to close the loopholes which might be available to such persons when they advertise the sale of undivided shares. These also include offers of purchase, or, as the honourable member indicated, the inverted transactions whereby people may be invited to make offers. That being the case, and recognising the points raised by Mr Medcalf, I am prepared to consider amendments which will make the provisions a little more definite and so bring about better coverage.

It has not been possible for me to have these amendments circulated to members, or placed on today's notice paper. I merely want to convey to the House that I am prepared to give consideration to them. I shall be putting the amendments on the notice paper so that members will have an opportunity to examine them. It is not my intention to proceed with the Committee stage of the Bill today; I take this course of action in order to give members an opportunity to acquaint themselves thoroughly with the amendments. I hope this is acceptable to members.

Question put and passed.

Bill read a second time.

MONEY LENDERS ACT AMENDMENT BILL

Second Reading

THE HON. N. McNEILL (Lower West—Minister for Justice) [4.50 p.m.]: I move—

That the Bill be now read a second time.

The Money Lenders Act is regulatory in nature and is designed to protect borrowers from harsh and unconscionable terms of lending. The Act was originally enacted in 1912 and has been amended on a number of occasions since that date.

The Act requires all persons who are engaged in the business of lending money to register annually as money lenders. It also requires persons who are not engaged in the business of lending money, but who lend money at a rate of interest in excess of 12½ per cent per annum, to effect registration. In addition, it prohibits any money lender from advancing funds at a rate of interest in excess of 15 per cent per annum.

There are a number of persons who are specifically exempted from the need to comply with the provisions of the Act, and these are listed in section 3. Another section of the Act, numbered 20A, makes it an offence for any person to offer to borrow money at a rate of interest in excess of 12½ per cent per annum.

The remaining sections of the Act deal with definitions, the duties of money lenders, registration procedures, penalties, the rights of borrowers, and the like.

I mentioned earlier that the law relating to money lenders was originally enacted in 1912 and has been amended on a number of occasions since but, apart from varying the interest rate limits and introducing some other restrictive provisions, it is substantially in the same form as when it was originally enacted.

Commercial practices have changed considerably since 1912 and quite clearly the Act requires a complete review to bring it into line with modern commercial and financial operations to provide the protection which it was originally designed to give. It is the Government's intention to make such a review with the object of bringing forward a Bill more suited to modern conditions.

However, a review of this kind requires considerable research by legal officers and will take some considerable time to complete. Nevertheless, as I have said, the Government intends to undertake such a review.

In the meantime, following the unprecedented increases in interest rates, it is necessary to take urgent action to overcome difficulties which the present Act is causing, and for this reason this small measure has been placed before members.

Representations have been received from many quarters requesting a revision of the existing rates of interest now stipulated in the legislation.

In brief, the provisions causing most of the current difficulties are those which impose a maximum limit of 15 per cent per annum—the requirements to register if a person lends money in excess of 12½ per cent per annum—and the restriction on offering to borrow at a rate of interest in excess of 12½ per cent per annum.

Currently, in a number of situations persons are either contravening the Act or seeking exemption where appropriate. Others are finding it necessary to register, or are abandoning transactions or, most importantly, are carrying them out in other States where the maximum limits and conditions have been amended in line with the current interest rate situation.

When the interest rates which are currently prescribed in the Money Lenders Act were inserted by amendments in 1941, the long-term bond rate was 3½ per cent per annum, bank overdraft rates were 5½ per cent per annum, and general financial organisations lent at approximately 12 per cent per annum. Today the corresponding rates are 9½ per cent, 11½ per cent, and an average rate of 19 per cent.

An examination of the rates imposed in similar legislation elsewhere in Australia reveals that in New South Wales, Queensland, South Australia, and the Australian Capital Territory, there is no restriction on the maximum rate which may be charged on funds advanced by money lenders.

In Victoria a maximum rate of 48 per cent is prescribed; and in Tasmania the maximum rate is 20 per cent per annum. In these other States there is no provision similar to that of our section 20A which makes it an offence to offer to borrow money at more than 12½ per cent per annum.

In current circumstances this makes it impossible for a person to offer to borrow money at more than 12½ per cent per annum without breaking the law and risking the application of a monetary penalty.

The major problems which have arisen in recent times, as a result of the increase in the level of interest rates, have been the requirement to register as a money lender each year by all sorts of persons, and the fact that our upper rate is causing moneys raised in this State to be lent in the Eastern States, thus making it difficult for persons in Western Australia to obtain funds for commercial and private activities. This diversion of funds is particularly affecting the real estate and commercial market.

The restriction on offering to borrow at more than 12½ per cent has also meant that investable funds are, of course, finding their way into the Eastern States to the disadvantage of Western Australia.

Confidential information has been sought and obtained which discloses that money is being raised in this State but, as a result of the current restrictions in the Money Lenders Act, is being invested in the Eastern States. It would also be equally acceptable to say that investors in this State are apparently investing in the Eastern States simply because of the advertising restrictions which currently exist in our Act.

For these reasons the Bill now before members contains provisions to remove the specified rates of interest of 12½ per cent and 15 per cent and replace them with provisions which will allow appropriate rates of interest to be prescribed by regulation. This procedure will permit the prescription of interest rates which reflect the ruling market rates but, at the same time, permit Parliament to place limits on the maximum interest rate chargeable.

It is the Government's intention, subject to approval by Parliament of the regulation, initially to prescribe a maximum rate of interest of 20 per cent so that this State will not be placed at a disadvantage when compared with the other States of Australia.

The Bill also contains a provision to repeal section 20A and so remove the restriction on advertising to borrow at rates of interest in excess of 12½ per cent.

As I stated earlier, it is the Government's intention to completely review this legislation and place the results of that review before Parliament in the form of a Bill. This review will enable such matters as the registration procedures, exemptions, and protection for borrowers to be thoroughly examined and brought into line with current needs.

Therefore, the measure now before members is really an interim step to allow the difficulties which have arisen, as a result of the substantial increase in interest rates, to be overcome pending the introduction of the Bill containing the results of the detailed review.

I commend the measure to members.

Debate adjourned, on motion by the Hon. R. F. Cloughton.

TOWN PLANNING AND DEVELOPMENT ACT AMENDMENT BILL

Assembly's Message

Message from the Assembly received and read notifying that it had agreed to the amendment made by the Council.

FUEL, ENERGY AND POWER RESOURCES ACT AMENDMENT BILL

Second Reading

Debate resumed from the 19th September.

THE HON. D. W. COOLEY (North-East Metropolitan) [4.57 p.m.]: The Labor Party opposes all aspects of this Bill in its present form. We oppose it on the ground that the legislation, as presented to the House, is not necessary at this point of time; we oppose it on the grounds that the second reading speech in this Chamber, and the second reading speech in another place—and statements made by certain Ministers in the other place—are a shameful subterfuge to cover a malicious attack on the trade union movement; we oppose it because we believe it is suspect in respect of the provisions of International Labour Organisation Conventions; we oppose it because in its present form it is undemocratic in its nature; and we oppose it because if it does become law it will be a bad law and very difficult to enforce.

As is the case with all bad laws, it will be resisted not only by the trade union movement but by all those people who believe in the rights of individuals and the civil liberties of people in democratic countries.

When the Bill was presented to this House on the last day of sitting, and while the Minister for Education was delivering his second reading speech, there were some 8 000 people outside the doors of this Parliament.

The Hon. A. A. Lewis: On that basis there must have been 300 000 people at the football match on Saturday.

The Hon. D. W. COOLEY: I am a great believer in law and order and the consensus of opinion of those who were responsible for good order during the demonstration outside this House—that is, the Police Department—was that the Trades and Labor Council deserves commendation for the very fine attitude it adopted on that day. The people in question estimated the attendance figure at considerably higher than 8 000.

The Hon. D. K. Dans: Others said there were between 13 000 and 14 000.

The Hon. D. W. COOLEY: The Inspector of Police who was in charge estimated there were between 12 000 and 14 000 people. The point I am making is that when all these people were outside the doors of this Parliament, the Bill was being presented to the Legislative Council. I had the responsibility to speak to another measure on that day and to my mind it was not of the same importance as this present measure.

I came here fresh from speaking to a gathering of 8 000-odd people. I do not know whether the quality of my voice had deteriorated through addressing that gathering, or whether I suffered from not having a loud enough voice. The Minister for Education rebuked me in his usual rough and impolite way; he asked me to speak a little more loudly.

The Hon. G. C. MacKinnon: I thought I was the soul of politeness.

The Hon. D. W. COOLEY: And I thought the Minister was too, until I came to this Chamber. It may well have been that the Minister's hearing is a little defective, but I will give him the benefit of the doubt and say that my voice was at fault.

I hope the Ministers in this Chamber are in good hearing tonight, because I want the Government to get my message. I have a message for the Ministers and for the Government, and I will give it loudly and clearly. My message is this: if the provisions of the Bill presently before the House do become law and are put into effect and are used against the trade union movement or the civil liberties of the people of this State in the manner we think they could be used, this Government will be declaring industrial war on the trade union movement.

The Hon. R. Thompson: It has already done that.

The Hon. D. W. COOLEY: The Government will find itself engaged in a conflict, the like of which it has never seen before. If the Government thinks today's events were serious and something out of the ordinary, it must realise that if the provisions of this legislation are put into effect, the conflict which will result will be the most intensive we have ever seen in this State, or, indeed, in this nation.

The Hon. A. A. Lewis: That sounds like a threat to me.

The Hon. D. W. COOLEY: Government members are always talking about threats.

The Hon. I. G. Pratt: I thought that was Mr Cowles' specialty.

The Hon. D. K. Dans: Use the Bill—I challenge you.

The Hon. G. E. Masters: Get it through first.

The Hon. S. J. Dellar: I think you have a rough chance of getting it through.

The PRESIDENT: Order!

The Hon. D. W. COOLEY: Interjections of the type made by members opposite are stupid because members concerned are not aware completely of what has transpired, or what will transpire if this measure becomes law.

Very strenuous and sincere endeavours have been made by the trade union movement to get the Government to introduce legislation which would be acceptable to everyone. Even as late as today the President of the Australian Council of Trade Unions implored the Premier of Western Australia, the Minister who introduced this Bill in another place—the Minister for Fuel and Energy—the Minister for Labour and Industry, and as a last resort tonight we ask the three Ministers

in this House, to give consideration to deferring the Bill in order that sensible discussions may take place on this issue. Now members opposite talk about threats being made. They are inviting threats and they are inviting industrial unrest if they go ahead with this Bill in its present form. I appeal to this House, and if members like, I will beg them, to use it as a House of Review. Government members have often boasted that it is a House of Review. I ask members to have a good look at this Bill and its implications and the likely result of its becoming law in Western Australia.

Government members know that public opinion is against the Bill; they know that the weight of legal opinion is against it; they know that academics are against it; and they know that churchmen and people from all walks of life have indicated their opposition to the measure.

The Hon. D. J. Wordsworth: Some of the people in those categories.

The Hon. D. W. COOLEY: There is an overwhelming consensus of opinion against the Bill. This is a democratic country, and I think a House such as this, which has always boasted of its democratic nature, despite the fact that some members are not elected democratically—

The Hon. A. A. Lewis: Just because you cannot get the numbers.

The Hon. D. W. COOLEY: The Liberal and Country Parties have controlled this place for 84 continuous years.

The Hon. V. J. Ferry: Weren't you elected democratically?

The Hon. D. W. COOLEY: I was elected democratically by a bigger majority than any other member of this House, with the exception of my respected leader.

The Hon. H. W. Gayfer: That is not so; I was opposed!

The PRESIDENT: Order!

The Hon. D. W. COOLEY: Members opposite are hiding their heads in the sand like ostriches when they say that public opinion is not against the provisions of this Bill.

The Hon. N. E. Baxter: And neither it is—some public opinion may be but not all of it; not the majority.

The Hon. S. J. Dellar: You must be blind.

The Hon. R. Thompson: Bring out your five letters in support of the legislation.

The PRESIDENT: Order! I would like to hear the Hon. D. W. Cooley at this time. Will you please continue.

The Hon. D. W. COOLEY: Thank you, Mr President. Today we were given an indication of how the trade unionists of this State feel about the introduction of this Bill. I use the term "trade unionists"

but I think many people who are not trade unionists attended the rally at the Supreme Court Gardens. I do not know whether any members in this Chamber are experts at estimating numbers, but I estimated that 8 000 people were outside these doors at the last demonstration, and I estimate that there were 15 000 people here today.

The Hon. D. J. Wordsworth: What happened to the other 85 000 who were on strike?

The Hon. D. K. Dans: They couldn't get transport!

The Hon. R. Thompson: They are not as lucky as farmers—they do not all have vehicles.

The Hon. D. W. COOLEY: It seems poetic justice that our lights should fail at this time. Somebody who is controlling the light situation today is imposing darkness upon us.

The Hon. V. J. Ferry: It is not democratic.

The Hon. N. E. Baxter: We had our share of it—you are getting yours.

The Hon. D. W. COOLEY: People other than trade unionists were present at the gathering today. This was evidenced by the deputation that met the three Ministers of this House after the resolution was passed. Mr Hawke, Mr Coleman (the Secretary of the Trades and Labor Council) and a legal man whose name I cannot recall—

The Hon. N. McNeill: Mr John Henshaw.

The Hon. D. W. COOLEY: —Mr John Henshaw, and a churchman, Mr Keith Wilson, made up this delegation. So this was not a trade union delegation; it was a delegation made up from people who were assembled at the Supreme Court Gardens for the purpose of expressing their opposition to this Bill and their condemnation of it.

I would like to read to the House the resolution which was passed at the meeting because it indicates the very serious nature of the legislation. I hope it will impress upon members that this House must be used as a House of Review. Members should look at this legislation to see whether it can be altered in a way which would make it acceptable to all people in our community. The resolution reads as follows—

We the People representing the broadest spectrum of social, community and political views condemn the proposed legislation as a dangerous attack upon the Trade Union movement and the civil liberties and democratic rights of all West Australian citizens.

We demand that the Government test its leader's assertion that it has the peoples support for the Bill by submitting the measure to a referendum. If the Government can take a vote on an issue such as day-light-saving then there can be no justification for refusing to test public opinion on the issue as vital as this.

If the Government is genuine in its desire to deal with any emergency which may arise we are ready to assist in any way possible to avoid hardship being inflicted upon our people.

And "our people" refers to those people who will suffer the consequences of industrial action. To continue—

We resolve to take this resolution to Parliament House immediately and instruct representative of the principal organisations present to convey it to Government Leaders in the Legislative Council.

And this has been done. It concludes—

If the Government presses on with the Legislation bitter future conflict is inevitable, and we pledge to direct all our efforts to a massive campaign of civil disobedience if the Bill becomes law and is used against any citizen or organisation.

That is the resolution.

The Hon. T. Knight: How many housewives and mothers were at the gathering?

The Hon. D. W. COOLEY: I did not count the housewives and mothers.

The Hon. G. C. MacKinnon: Would you repeat the last part of the resolution?

The Hon. D. W. COOLEY: Yes, I will be pleased to do that. It says—

If the Government presses on with the Legislation bitter future conflict is inevitable, and we pledge to direct all our efforts to a massive campaign of civil disobedience if the Bill becomes law and is used against any citizen or organisation.

The Hon. G. C. MacKinnon: Those two things have to apply—it has to become law and it has to be used against a specific group in the community?

The Hon. D. W. COOLEY: That is right.

The Hon. W. R. Withers: Even if they break the law?

The Hon. D. W. COOLEY: Democracy has progressed by the breaking of bad laws. If bad laws were not broken, we would not be sitting in this Chamber today—

The Hon. D. J. Wordsworth: In the dark!

The Hon. S. J. Dellar: You are always in the dark.

The Hon. D. W. COOLEY: If people in the past had accepted all the bad laws, particularly in places such as England, we

would still be in the dark ages. The legislation before us today is similar to legislation in the dark ages and in the more recent "dark days" of 1933 when fascists such as Hitler and Mussolini were on the loose. This type of legislation smashed the trade union movement in Germany.

The Hon. H. W. Gayfer: Why then did Don May introduce this legislation in Cabinet?

The Hon. G. C. MacKinnon: Opposition members have not read the Bill.

The Hon. D. K. Dans: I have heard them on the television.

The Hon. G. C. MacKinnon: Could I go back to the statement Mr Cooley made about what will happen if the Bill is passed and action is taken? Would his threat still apply if action were taken against black marketeers?

The Hon. D. W. COOLEY: If action is taken against our civil liberties—

The Hon. G. C. MacKinnon: Will you answer my question?

The Hon. D. W. COOLEY: I am not here to answer questions.

The Hon. D. K. Dans: You will get a lesson in English from Mr Pratt. If you read the whole Bill—

The PRESIDENT: The honourable member is aware of the fact that interjections are disorderly and that he should ignore them anyway.

The Hon. D. W. COOLEY: Yes, Sir. The atmosphere in which the Bill has been presented to this House is not a good atmosphere. As I said in my speech to the Address-in-Reply, members sitting in this place smugly think that people who take action as these people have done today, and who surrender a day's pay for a cause derive pleasure from it.

The Hon. G. E. Masters: Reluctantly, most of them.

The Hon. D. W. COOLEY: They were not reluctant today.

The Hon. G. E. Masters: Of course they were.

The Hon. D. W. COOLEY: They were 100 per cent behind us.

The Hon. G. E. Masters: Not from the phone calls I received.

The Hon. W. R. Withers: The TLC did not give them the right Bill to study—explain that.

The Hon. D. W. COOLEY: These are the lies which have been spread around the Chamber since the introduction of this Bill to cover up the pernicious clauses in it. Government members have engaged in character assassination and in lies.

Point of Order

The Hon. R. H. C. STUBBS: On a point of order, Mr President, because of the rude interjections by Government

members I cannot hear what the honourable member is saying. I hope, Sir, that you will control members opposite so that I may hear the speech.

The PRESIDENT: I have already said that interjections are disorderly, but I think it must be admitted that the Hon. D. W. Cooley is playing his small part by encouraging these interjections. If the honourable member will address himself to the Bill he will encourage fewer interjections.

Debate Resumed

The Hon. D. W. COOLEY: I do not mind the interjections, but in some circumstances I feel they are not altogether proper, particularly when such interjections tend to propagate lies.

Let us get to the provisions of the Bill and ask ourselves why this type of legislation is necessary. When I ask this question I am not in any way suggesting that we on this side of the House are opposed to emergency legislation. Our contention is that of course there should be emergency legislation when shortages are brought about, and when people suffer some discomfort because of a particular shortage. But some consideration should be given to the position.

For instance I feel there should be some control when there is a shortage of petrol; we cannot have people enjoying trips to the hills in their motorcars, or using their boats on the river while essential industries are crying out for essential fuel. We firmly believe there should be emergency legislation, but we do not believe it is necessary to have legislation such as that before us now.

In my mind, and in the unanimous opinion of the unions, the legislation is designed as an attack on the trade union movement. There is no question about this, and it is this about which the people are protesting. What I have said has been confirmed by the statements made by some of the Ministers when the Bill underwent such controversial debate in another place.

Let us consider the situation and see why the legislation must be rushed through; let us see why the Government of the day cannot pause for a moment and have regard for the proposals that have been put forward by some of the sections of the community—and I refer particularly to the Law Society and the Trades and Labor Council.

Why is there this indecent haste to push the legislation through the Chamber? Why cannot we defer it and have a moratorium to ascertain the wishes of the people?

The Hon. N. McNeill: What indecent haste has there been?

The Hon. D. W. COOLEY: As I see the position the indecent haste was very apparent when a guillotine motion was moved and the Bill was rushed through the Legislative Assembly.

The Hon. N. McNeill: After 26 hours.

The Hon. D. W. COOLEY: I do not know whether the Minister would call that indecent haste, but from my knowledge of parliamentary procedure such a step is seldom taken.

The Hon. N. McNeill: I suggest you look at the position in the Federal sphere and see what the Government there is doing.

The Hon. D. W. COOLEY: I am now discussing the legislation before us and the effect it is likely to have on the people of this State. Where are the shortages about which members opposite talk?

The Hon. G. E. Masters: There were some shortages in August.

The Hon. D. W. COOLEY: I admit there were, and I am glad the honourable member has raised that point, because I had intended to bring it up myself. The shortages in August to which the honourable member refers were brought about as a result of a strike which took place in the transport industry. I would remind the honourable member, however, that the strike took place as a consequence of a decision which was taken in another State; a decision which gave to some truck drivers an increase of \$25.40 a week in their rate of pay. When the matter was placed before an arbitration judge who had no experience of the industry at all an amount of \$16.40 was awarded to the people concerned.

Accordingly we had a situation where one section of the industry was receiving an increase of \$25.40 while another was being offered \$16.40; and the transport drivers went on strike. What happened as a consequence of that action and subsequently when the matter went to appeal? The transport union and everybody covered by the award in question were eventually given the \$25.40 increase.

The Hon. N. McNeill: Which they would have got anyway; so the strike was not necessary.

The Hon. D. W. COOLEY: Who were the guilty people? It was those who withheld the increase of \$25.40 to the workers, and members opposite are talking about shortages occurring! This was not the fault of the workers; it was the fault of the people who employed them. I do not suggest for one moment that the workers are always right but at the same time I would point out that they are not always wrong. In many instances such workers are provoked into taking strike action.

The Hon. G. C. MacKinnon: Tell us how much better was Mr Chifley's legislation in 1942, than the Bill that is now before the House.

The Hon. R. Thompson: You are now talking about what happened in war time, and you will start another war—a civil war—if you persist with this measure.

The Hon. D. W. COOLEY: If the honourable member's Government can find some justification in Mr Chifley's legislation for the introduction of the legislation before us then I would say that the legislation introduced by Mr Chifley was bad law; just as the Bill before us is bad law.

The Hon. G. C. MacKinnon: I was on television with you and I did admit that.

The Hon. W. R. Withers: You did ask where the shortages were. You would not want us to go through the debate that took place in the Assembly.

The Hon. D. W. COOLEY: The legislation is being introduced because the question of shortages was raised by the Government and because of the strike and industrial action that was justified. That is why the legislation is being introduced; to restrict the right of the workers to strike.

The Hon. G. E. Masters: What about the fuel depot proprietors?

The Hon. D. W. COOLEY: I will not go into that aspect. The simple fact is that the guilty people in that dispute are those who employed the workers.

The Hon. N. McNeill: Did that give them the power to override the decision of the court?

The Hon. D. W. COOLEY: No. I did not suggest that. A rise of \$25.40 was granted them by Mayne Nickless Ltd. and after the union concerned appealed to the arbitrator the increase of \$25.40 was granted to all of them.

The Hon. R. Thompson: And they had to strike to get it.

The Hon. D. W. COOLEY: That is why there was a shortage. As I have already tried to explain, authorities throughout the world support the worker's right to strike and withdraw his labour if he feels he is not getting a fair deal. With such legislation before us it would seem we are living in the dark ages, particularly when the law suggests the unions will be breaking the law if they go on strike. Some of these laws have never been enforced, just as this legislation will never be enforced if the Government seeks to come up against the people who are prepared to resist it.

The Hon. W. R. Withers: We hope it will never be enforced.

The Hon. D. W. COOLEY: So do I. In such circumstances the Government should not introduce legislation of this type.

The Hon. R. Thompson: You are going to pass it and use it as a threat over every citizen's head.

The Hon. N. McNeill: Rubbish! It will be your people who will be appealing for these powers if an emergency arises.

The Hon. R. Thompson: You would not know what is in the Bill.

(Laughter and applause from the gallery).

The PRESIDENT: At this point in time I feel I should say that it is my duty to maintain order in the Chamber. The members of the House will maintain order according to the Standing Orders of the House; and while members of the public are entitled to enter the gallery and listen to the proceedings I hope they will do so in complete silence.

The Hon. D. W. COOLEY: Where are the shortages about which members opposite have spoken? It seems to me there is ample fuel in the country at the moment. Almost daily on television and over the radio—and in the Press—we are told about, and we see, Esso Petroleum in combination with BHP drilling for oil in Bass Strait.

The Hon. A. A. Lewis: It's on again!

The Hon. D. W. COOLEY: We are told through the media that these two great companies are producing 80 per cent of the country's oil requirements.

The Hon. R. Thompson: It is 76.8 per cent.

The Hon. N. McNeill: I thought it was 78.6 per cent.

The Hon. D. W. COOLEY: So where are the shortages in connection with petrol supplies? We concede there is likely to be some shortage in respect of crude oil, but the Arab embargo has been lifted. In any case the Arab embargo did not affect Western Australia or Australia as a whole.

The Hon. N. McNeill: The Navy and the Air Force could not take part in their exercises.

The Hon. D. W. COOLEY: I do not think there has ever been a situation where this has applied, though I might have missed it.

The Hon. N. McNeill: I think you must have done so.

The Hon. D. W. COOLEY: But I do know the Air Force people were tearing around in Mirages at 1 000 miles an hour during the weekends, so there cannot be any real shortage.

The Hon. D. J. Wordsworth: What about the shortage in the north-west?

The Hon. D. W. COOLEY: Fuel and energy is used to produce electricity and there is certainly no shortage of electricity supply. I visited the coalfields at Collie and I have seen miles of country which is undeveloped and which is rich in coal deposits and I have not known of any instance where there has been a shortage of coal.

The Hon. R. Thompson: We lost one days' production in 14 years.

The Hon. D. W. COOLEY: I am glad Mr Thompson raised that aspect, because I was about to do so myself. Does Mr Masters feel it is necessary to have some control over such a situation, because the boys in Collie are not behaving themselves?

The Hon. N. McNeill: What did the South Australian Labor Government do?

The Hon. D. K. Dans: It put the Bill at the bottom of the notice paper.

The Hon. Clive Griffiths: Whatever possessed Mr May to have the legislation drawn up in the first place?

The Hon. D. W. COOLEY: That is a lie.

The Hon. Clive Griffiths: It is not a lie.

The Hon. D. W. COOLEY: It is a lie and I will refute it. It is certainly a lie to say the Labor Party intended to introduce the legislation.

The Hon. G. C. MacKinnon: We did not say the Labor Party intended to introduce it; we said the Labor Cabinet did.

The Hon. D. W. COOLEY: The Labor Cabinet is not the Labor Party.

The Hon. I. G. Pratt: The trade unions did not give them permission.

The Hon. D. W. COOLEY: I would prefer to leave this aspect to Mr Thompson to discuss, because he was a member of the previous Labor Cabinet. As I have indicated, members of the Labor Cabinet would not have held such a position were they not honourable men. The 12 members of the Tonkin Cabinet have assured me that this was not the situation at all. I cannot believe that a person like Mr Tonkin would approve a measure such as this.

The Hon. W. R. Withers: Why did he sign it?

The Hon. G. C. MacKinnon: There is his signature on the file.

The Hon. D. W. COOLEY: Mr Tonkin said he would rather see the last breath go out of his body before he approved such legislation.

The Hon. G. C. MacKinnon: There it is—"Cabinet approves draft Bill, J. T.; Premier, 10-1-1974".

The Hon. D. W. COOLEY: Where are the shortages? Must we have such legislation because the Collie miners intend to go on strike, particularly when we have an indication that in the past 14 years there has been only one day lost in that industry? That is an excellent record, in anybody's book. The State Electricity Commission is supplying us with power and it is spreading this power through the entire south-west of the State. Is there any shortage in this respect? Of course there is not. So why is it necessary to have this legislation on the Statute book?

The Hon. W. R. Withers: We are not talking about current shortages but about shortages which could occur in the future, and which could have a deleterious effect on the State's industries.

The Hon. G. C. MacKinnon: I hope you will tell us what is going to be included in the regulations.

The Hon. D. W. COOLEY: I hope members opposite will have more courage than did their backbench counterparts in another place.

The Hon. G. C. MacKinnon: You should not reflect on another place.

The Hon. D. W. COOLEY: Not one of the backbenchers in another place had the courage to stand up and support the Bill. Accordingly I will be interested to see just how many of the Government supporters in this House will get to their feet in support of the measure before us—though perhaps it is possible that those who see a Communist lurking behind every door may get up and do so.

The Hon. G. C. MacKinnon: You have only got to go round the corner to see that.

The Hon. D. W. COOLEY: That is another lie. I suppose there were 14 000 Communists protesting in the Supreme Court gardens this afternoon!

The Hon. G. C. MacKinnon: I saw a few signs there.

The Hon. D. K. Dans: There were some very good ones, too. There was one person with a black hand on a pole. It said more than all the signs.

The Hon. D. W. COOLEY: It was indicated today that Mr Marks had put up for re-election this week for the position he now holds in the Amalgamated Metal Workers' Union. That union has 15 000 members, and Mr Marks was re-elected unopposed. Are all those 15 000 members of that union communists?

The PRESIDENT: I hope the honourable member will be able to connect these remarks to the Bill before the House.

The Hon. D. W. COOLEY: I think I can.

The PRESIDENT: I hope you will try.

The Hon. D. W. COOLEY: The purpose of the Bill is to crack down on the trade union movement because members opposite believe that the trade union movement is run by communists.

The PRESIDENT: I cannot see how Mr Marks' re-election has anything to do with the Bill.

The Hon. D. W. COOLEY: I agree with the correction you have made, Mr President. I do not believe that the State Electricity Commission will suddenly collapse and that it should have these emergency powers foisted on it straightaway. I would

like to read a small extract from a newspaper article that was written by a very prominent writer in our community. Her name is Mrs Lesley Anderson. I think that she would probably have the respect of members on the opposite side of the House. Her article was headed—

What chaos, what emergency?

She goes on to say—

Where were the rioters... the lawless and disorderly who were wreaking their wicked will on the peaceful populace?

This is the sort of feeling that is engendered in the people at the present time. The people of Western Australia are not fearful of any shortages that might come about. If there are to be shortages and there is a need to control the situation, the trade union movement and other people in the community are prepared to co-operate with the Government. I will not read all of the article written by Mrs Lesley Anderson but in another part of her article she said—

Our leaders are reacting to a state of emergency which doesn't exist by trying to enact legislation which should not exist.

That is the view held by the people of this State who today are protesting in their many thousands against the introduction of this Bill. It would have done the heart of any member good had he stood at the top of St. George's Terrace and seen the people marching against what members on the other side of this Chamber wish to perpetrate on the people of Western Australia.

If there is such great concern about a fuel and energy shortage, why do we not have emergency legislation to provide for a shortage of food and other necessities? There is just as likely to be a shortage of food or a shortage of other commodities as a shortage of fuel and energy.

The Hon. G. C. MacKinnon: Why did your Cabinet get the Bill drafted?

The Hon. R. Thompson: I will explain all that to the Minister because I happened to be present at the Cabinet meeting. You will get the full answer to that. What I would like you to do is to organise a rally in support of the Bill to see what support you would get.

The PRESIDENT: What I would like the Leader of the Opposition to do is to make his own speech in due course.

The Hon. D. W. COOLEY: There were 8 000 people assembled outside this House and yet not one Government supporter had the moral courage to go out before them to justify the Bill. Instead they stood at the windows on the upper floors and looked out.

The Hon. R. Thompson: They were chanting for Charlie today.

The Hon. D. W. COOLEY: I will be fair and say that the Premier was absent on the afternoon of the previous demonstration because of other important duties, but where was the Deputy Premier and where were the other Government members? Why were they not in front of the people to justify the Bill? I suggest that they did not have the moral courage to do so.

The Hon. N. E. Baxter: You brought them up here to harangue; we did not.

The Hon. D. W. COOLEY: There is a distinct difference between members opposite and the people we represent. There was a time, several weeks ago, when 2 000 people marched on the Trades Hall in protest.

The Hon. N. McNeill: 3 000.

The Hon. D. W. COOLEY: Well, 3 000; we will give the Minister the benefit of the doubt. They demonstrated in protest over all the bad things the trade union movement is supposed to represent. However, on that day, I can say that every trade union secretary and official who was available stood outside the hall and addressed the people. Also, they invited their leaders into the Trades Hall. We walked among them and asked them what their problems were. We wanted them to come into the Trades Hall so that they could tell us their problems.

However, what happened when the 8 000 people demonstrated in front of this place? To have that many people demonstrating shows that there must be something wrong with the Bill. Further, those 8 000 people peacefully demonstrated against the Bill—much more peacefully than when the country people protested in Forrest Place. That was a most disgraceful sight. I have never seen such a situation with workers on strike; they have never behaved in that manner. Let members opposite look through the history of the trade union movement in Western Australia to see where there has been any violence in a strike situation.

The Hon. Clive Griffiths: We are not arguing with you on that. They were quite orderly on all those occasions. Nobody has said anything about what they have done. They behaved themselves, but they have been misinformed by people like you.

The Hon. D. K. Dans: You could have put things right by talking to them and you let the opportunity slip.

The Hon. Clive Griffiths: They did not ask me.

The Hon. S. J. Dellar: It was your big moment in life and you failed!

The Hon. D. W. COOLEY: The sensible and proper course to follow in this respect would be for the Government to consult with the people involved including the distributors of goods and those who render

the services for the delivery of fuel or any other commodity associated with the Bill. The Government should have consulted with the employers and the trade unions to ensure that, in an emergency, there would be co-operation from all concerned.

The Hon. W. R. Withers: This is what would happen.

The Hon. D. W. COOLEY: If there is an emergency after this Bill is passed; if there is a shortage of fuel and the Government applies the provisions of this measure, it will only worsen the situation.

The Hon. G. E. Masters: Why?

The Hon. D. W. COOLEY: Because the trade union movement throughout the length and breadth of the State will react against the Bill and we will find that this will create a situation that will make shortages 10 times worse.

The Hon. G. C. MacKinnon: Why?

The Hon. D. K. Dans: Are you going to have a state of emergency applied when you do not control the armed forces?

The Hon. G. C. MacKinnon: You want us to use the Chifley system.

The Hon. D. K. Dans: You do not have that power.

The Hon. D. W. COOLEY: I have here a report of the Council of the Law Society of Western Australia in which there is the following heading—

Commentary on a Bill for an Act, to be cited as the Fuel, Energy and Power Resources Act Amendment Act 1974.

The Hon. W. R. Withers: That is not applicable to the Bill in this House.

The Hon. D. W. COOLEY: This was written before amendments were made to the Bill. I will deal with the amendments later. This report has a very firm principle associated with it. I ask members to listen to it because we are supposed to obtain a balanced view of opinions expressed by those in another place to ensure that no measure will go through this House that will be harmful to the citizens of this State.

The Hon. D. J. Wordsworth: Do the comments you are about to quote concern the Bill before the House now?

The Hon. D. W. COOLEY: Yes, they are applicable to the Bill, and they read as follows—

A government may legislate to prevent harmful economic and social consequences flowing from a critical shortage of fuel, energy or power.

We concede that, as everybody else does. The report continues—

That must depend upon a political judgment. This Council hence makes no comment as to the general desirability of legislation such as that proposed. The question for present pur-

poses is not whether there should be such legislation, but rather the terms of it, and the safeguards which in the Council's view must be incorporated.

There is not one safeguard in this legislation in respect of the trade union situation. In fact, the Bill contains provisions which will override awards, agreements, industrial laws, and other things. So where are the safeguards? There is not one.

The Hon. W. R. Withers: Only as it applies to fuel, energy, and power.

The Hon. D. W. COOLEY: Only as it applies to fuel, energy, and power?

The Hon. N. McNeill: The Bill also reads, "emergency regulations shall be in aid of and not in derogation of any other powers . . .". Read your Bill!

The Hon. Clive Griffiths: Plus the fact that Parliament has to approve.

The Hon. D. W. COOLEY: I was on the point of saying that there should be co-operation between all parties connected with emergency legislation; that is before I was so rudely interrupted. Let me now read a letter which was sent to the Premier of Western Australia by the Secretary of the Trades and Labor Council at the direction of the executive committee. That letter was dated the 10th September, 1974, and I would ask members to note the date. The letter is headed—

Fuel, Energy and Power Resources Act Amendment Bill.

It reads as follows—

The Executive Committee of the Trades and Labor Council of Western Australia consider that the measures contained in the Amending Bill before the Parliament have inflamed and divided influential and representative sections of the community, and in our view do not assist the community as a whole to judge and cater for what may be considered genuine civil emergencies.

Members opposite may laugh, but a demonstration was given today indicating how the community can be inflamed. The second paragraph of this letter reads—

In the interests of ensuring that there is adequate regulation and control to cater for civil emergencies in the community the Trades and Labor Council is prepared and willing to join in conference with the Government and other parties along the guidelines as provided for in the existing legislation, for the purpose of developing procedures to provide for civil emergency situations.

We therefore repeat the request we made to the Minister for Fuel and Energy to defer the Bill until such time as such a conference has been

held and the criteria to cater for emergency situations have been fully explored.

Where could members get more co-operation than that? The letter is from an organisation which represents one-tenth of the population of this State. It is prepared to hold out its hand and say, "If you want emergency legislation we are prepared to co-operate." However, we have been faced with complete refusal in respect of this.

On the same day as that letter was written we had a reply from the Premier and that letter was tabled in this House. The Premier's reply is in the following terms—

Your 10th September letter was received late yesterday afternoon.

That letter was addressed to Mr Coleman, and a copy was sent to Mr Mensaros, the Minister for Fuel and Energy. The letter continues—

The proposal you have been asked to convey by the Executive Committee of the Council, and set out in your letter, has been studied, and I have the following comments to make.

I can only accept the comments in the first paragraph of your quoted proposal as being the views of your Executive Committee, and not the views of the public at large.

I think an alteration has been made to the situation since the 10th September by the massive public demonstration that has taken place. I continue to quote—

It is to be appreciated by your Trades and Labor Council that the legislation currently before the State Parliament is intended to be legislation to deal with an emergency if, and when it arises, and most people with whom I have come in contact accept this basic fact.

He could not have been outside the walls of this building. Continuing—

Apparently, your organisation sees it differently and appears to be over-sensitive to certain provisions of the Bill.

I shall be only too pleased to meet representatives of the T.L.C. to hear your ideas as to what you consider to be adequate regulation and control to cater for civil emergencies in the community, and I shall arrange for my Secretary to get in touch with you to ascertain whom you nominate from the Trades and Labor Council to meet with me and some of my colleagues, and also to determine what time is mutually convenient.

This letter was sent on the 10th September, but no communication at all has been sent from the Premier's Department to the Trades and Labor Council. It was left to the TLC at this late stage to endeavour to arrange a meeting with the

Premier today. Despite the fact that the Premier gave assurances that he would meet and consult with the trade union movement for this purpose, he did not do so.

The Hon. R. Thompson: Did he tell members opposite that in the party room? He is saying constantly he is available all the time.

The Hon. D. W. COOLEY: The letter continues—

In the meantime, I can only repeat what I have told the Legislative Assembly following a question from the Member for Clontarf yesterday—which related to your 10th September letter—that the Government cannot see its way clear to defer the Bill any longer.

We have been very patient and have allowed a very large amount of time for the Bill in the Legislative Assembly thus far.

As you know, we have given notice of a guillotine motion but here again we have allowed a generous amount of time for final consideration of the measure in the Legislative Assembly—

I must digress to say that he could not resist the temptation to say what follows. Ever since this Government has been in office this has been the cry. Listen to this from the Premier of the State—

—especially when compared with the practices of the present Commonwealth Government in pushing through the Federal Parliament Bills of great importance and far reaching effect.

He could not resist the temptation to refer to the Federal Government to justify his actions in respect of his shameful exhibition in guillotining debate on the Bill.

The Hon. R. Thompson: He uses them when he wants to and when it suits him.

The Hon. D. W. COOLEY: The letter continues—

There are still, of course, the Legislative Council stages of the Bill to be dealt with, and I do not anticipate the Bill will be introduced in that Chamber until Wednesday or Thursday of next week.

In the meantime, there is plenty of opportunity for a discussion to take place between your representatives and myself and some of my colleagues, if that is your desire.

That was completely ignored by the Premier. It is a disgraceful situation when the trade union movement is completely ignored after it goes out of its way to offer co-operation in respect of the legislation.

The Hon. J. C. Tozer: Did not the Premier meet you and others this morning?

The Hon. D. W. COOLEY: Yes, after we had made the approaches to get him to meet us.

The Hon. J. C. Tozer: Did you not say that you had not met him?

The Hon. D. W. COOLEY: I said that the letter indicated that his secretary would get in touch with us for the purpose of arranging a meeting with my colleagues and others associated with the legislation, but that was not done.

The Hon. W. R. Withers: But you have had a meeting?

The Hon. D. W. COOLEY: Yes, at our request.

The Hon. R. Thompson: At a further request this morning.

The Hon. W. R. Withers: The important thing is that the meeting was held.

The Hon. R. Thompson: Twenty days after the request.

The Hon. G. C. MacKinnon: If you regarded it as so important, you should have tried harder.

An Opposition member: Should have sent a message stick.

The Hon. D. W. COOLEY: Even as late as this morning we were getting these bland assurances that this legislation was not an attack on the trade union movement.

The Hon. T. Knight: What was the last line of the letter?

The Hon. D. W. COOLEY: The last paragraph reads—

In the meantime, there is plenty of opportunity for a discussion to take place between your representatives and myself and some of my colleagues, if that is your desire.

We thought some goodwill would be associated with this matter and that he would contact us; but he did not do so.

The Hon. S. J. Dellar: Too busy putting things right.

The Hon. G. C. MacKinnon: Perhaps he thought you would contact him.

The Hon. D. W. COOLEY: As late as this morning these conferences were held and the Secretary of the TLC and the President of the ACTU made a genuine submission on our behalf, but this was met with a stubborn refusal. The Premier said that the Bill would progress in this House. However, he did give us some glimmer of hope because he indicated that this was a reasonable Chamber. He said that all the arguments would be put forward, and that if substantial amendments were submitted and it could be proved that they were in the best interests of the State, as the members here were reasonable, they would accept them. I hope this is true.

The Hon. Clive Griffiths: Do you share that view?

The Hon. D. W. COOLEY: Do I share what view?

The Hon. Clive Griffiths: That we are reasonable people.

The Hon. D. W. COOLEY: Of course I do, until I know otherwise.

The Hon. Clive Griffiths: That is different from what you said earlier.

The Hon. R. Thompson: We will see whether you throw out a few clauses from the Bill, and then we will know whether you are reasonable.

The Hon. Clive Griffiths: In other words if we do what you want us to do we are reasonable. If we don't, we aren't.

The Hon. D. W. COOLEY: Mr Mensaros has said that this legislation is not an attack on the trade union movement. The Premier said the same thing this morning. He also said that the people who are saying that it is an attack on the trade union movement are telling lies. However, what is the truth in respect of this legislation? Who is telling the truth?

The Hon. W. R. Withers: Read the Bill and you will find out.

The Hon. D. W. COOLEY: I have read the Bill; and possibly I have read it and understood it better than has the honourable member.

The Hon. W. R. Withers: That is a matter of your opinion.

The Hon. D. W. COOLEY: What is the truth in respect of this Bill? The truth is that it is a direct attack on the trade union movement. There is no doubt about that.

The Hon. N. E. Baxter: Can you qualify that?

The Hon. D. W. COOLEY: I will; do not worry about that.

The Hon. N. E. Baxter: That is a completely bald statement.

The Hon. D. W. COOLEY: While proposed section 41 remains in this Bill it is an attack on the trade union movement.

The Hon. N. E. Baxter: In your opinion.

The Hon. D. W. COOLEY: I am expressing my opinion here. Am I not entitled to do so?

The Hon. N. E. Baxter: That is your opinion you are expressing.

The Hon. R. Thompson: I hope you will make a speech and express yours.

The Hon. N. E. Baxter: I will; don't worry.

The Hon. D. W. COOLEY: If this legislation is not an attack on the trade union movement, why is proposed new section 41 included? Members opposite say that this legislation is not an attack on the trade union movement. Perhaps they can tell me why this proposed section is necessary.

The Hon. N. E. Baxter: I said that that is your opinion.

The Hon. D. W. COOLEY: Proposed section 41 reads—

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

The words "this part" refer to part III which deals with the emergency provisions. Subsection (2) reads—

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

If that provision is not an attack on the trade union movement, why is it included? Why is clause 4 in the Bill if the legislation is designed to deal only with an emergency situation such as that which would prevail if the refinery at Kwinana were to explode? If Kwinana were found in flames tonight, why would it be necessary for award provisions to be cancelled or regulations to be made to override award provisions?

If an earthquake occurred at Collie why is it necessary to cancel the award of the Collie miners?

If that clause is not an attack on the trade union movement, what is? While it remains in the Bill, it represents anti-union legislation which was instigated by a Government which goes along with the views expressed a while ago in respect of the Transport Workers' Union. It was stated that shortages will occur because members of the Transport Workers' Union are going on strike and that we must have this legislation in order to smash the TWU. In the process of smashing the TWU every other union would also be smashed.

The Hon. G. E. Masters: In smashing them we protect the public.

The Hon. R. Thompson: Here is the reason!

The Hon. D. W. COOLEY: Now we have the reason. The truth will out, and this is the truth of the situation.

The Hon. W. R. Withers: That has been brought out before, and in an emergency that could happen.

The Hon. G. E. Masters: We will not be blackmailed.

The Hon. D. W. COOLEY: I have read the introductory second reading speeches delivered in another place and in this Chamber.

The Hon. G. C. MacKinnon: You are not the only one who can read, Mr Thompson. Mr Cooley can read, too.

The Hon. R. Thompson: I hope you learn to read.

The Hon. G. C. MacKinnon: That will make three of us.

The Hon. D. W. COOLEY: The Minister has corrected me on several occasions since I have been in Parliament and he has expressed doubt about my knowledge. Now he has expressed doubt about my ability to read.

The Hon. G. C. MacKinnon: I agreed you could read.

The Hon. D. W. COOLEY: The fact that he is a Minister, or that he may have found some favour with his benign leader, does not cut any ice with me. I am just as qualified to express my view as the Minister is to express his opinion.

The Hon. G. C. MacKinnon: You remind me of the days of the union meetings.

The Hon. D. W. COOLEY: The Minister reminds me of union meetings, too. The other day the Minister made a reference in respect of "dargs". I have studied several dictionaries to ascertain what it meant, but I have been unable to do so. It must have been a long time since the Minister was a union member.

The PRESIDENT: Order! I am waiting patiently for the honourable member to get back to the Bill.

The Hon. D. W. COOLEY: It is galling to hear members talk about union matters when they know nothing about them and then criticise me.

The PRESIDENT: That may be so, but the subject matter of the Bill is what I wish to hear about from the honourable member.

The Hon. D. W. COOLEY: I will abide by your ruling at all times, Mr President, although some people opposite will not.

The PRESIDENT: Yes they will. I assure the honourable member that members of the Chamber will abide by the Standing Orders no matter who those members might be.

The Hon. D. W. COOLEY: I hope they do. I give you my assurance that I will do so.

As I said, I have read the speeches made in another place. A conference was held with Mr Mensaros, the Minister for Fuel and Energy. We spoke to him about the Bill and he said that the trade union movement had nothing to worry about because nothing in the Bill could be described as an attack on the trade union movement. He has repeated this statement in other speeches which are recorded in *Hansard*. On one occasion Mr T. D. Evans said—

Is it the intention of the Government to oust the court in its attempt to pass a judgment?

Mr Mensaros replied—

Not at all . . .

The Hon. H. W. Gayfer: From what page are you quoting?

The Hon. D. W. COOLEY: From page 1306 which was recorded on the 10th September.

The Hon. H. W. Gayfer: It would not be a current *Hansard* would it?

The PRESIDENT: Order! Would the honourable member please look at Standing Order 83?

The Hon. R. Thompson: You can't quote it.

The Hon. D. W. COOLEY: In that case I will merely say that in our discussions with Mr Mensaros he indicated that this legislation was not an attack on the trade union movement and he confirmed this in subsequent statements in another place. In recent times, until he was flushed out on certain occasions, the Premier also carefully avoided any reference to attacks on unions.

One of the very few people on the Government side in another place who contributed to the debate could not find enough words to justify the Bill. This was Mr O'Neil, one of the senior Ministers of the Court Government who also indicated that the legislation was not intended to be an attack against the trade union movement, and he quoted all sorts of things regarding Collie and a situation where fuel could be short. He also referred to the possibility of a fire in a certain area and how legislation of this type would be necessary in such circumstances.

However, what I cannot understand—as I have indicated previously—is the necessity for this legislation in such circumstances. For instance, if a fire occurred at Kwinana, why would it be necessary to cancel all awards, Acts of Parliament, and regulations, when the Fire Brigades Act contains sufficient provisions to deal with the situation? If it were thought advisable to have Kwinana isolated, the Fire Brigades Act gives the fire brigades in this State sufficient power to blow up buildings, make fire breaks, and do all sorts of things necessary to control fires. Therefore why in the name of goodness must we have a clause to override provisions of other laws, awards, and agreements in such circumstances? This is beyond my understanding.

The Hon. W. R. Withers: Only if it is absolutely necessary. The point is that most union members are responsible and it would not be necessary.

The Hon. D. K. Dans: Who will decide when it is absolutely necessary?

The Hon. W. R. Withers: Read the legislation and you will find out.

The Hon. D. K. Dans: I have.

The Hon. G. C. MacKinnon: Let us accept that all of us have read the Bill.

The Hon. D. K. Dans: Some better than others.

The Hon. G. C. MacKinnon: But we have all read it.

The Hon. D. W. COOLEY: The truth will out.

The Hon. D. K. Dans: I agree.

The Hon. D. W. COOLEY: Under all circumstances truth will prevail and this is the truth of the situation: while we might say that Mr Mensaros was genuine in his statement that the legislation will not affect the trade union movement; while Mr O'Neil might have been genuine, and while perhaps even the Premier might have been—although I have some doubts about that—I cannot say the same about the Leader of the House who showed his hand in respect of this legislation when he was speaking to a reporter, because the *Daily News* reports him as follows—

The WA Minister for Justice, Mr McNeill, said today the State Government had an obligation to the public to put some controls on trade unions and other organisations that exercised power over the community.

"The Court Government was elected as an expression of the people's desire to see greater control," he said.

Mr McNeill said he believed the people wanted the Government to carry out its proper role of running the State.

"I believe the people want the Government to put controls on sectors that now exercise their power. I believe the Government was elected to govern," he said.

The Government had absolutely no power under existing legislation to cope with emergencies, like disruption of fuel supplies.

And petrol strikes—

The Hon. N. McNeill: I did not say that.

The Hon. D. W. COOLEY: No, he did not say that. The report continues—

He said he thought it necessary the powers like those proposed in the Bill be available.

Mr McNeill is a senior member of the Cabinet and he has indicated quite clearly in the Press statement that this is an attack on the trade union movement. Yet we go through the process of having conferences with the Premier, the Minister (Mr Mensaros), and others, while people are sitting here today and saying it is not an attack on the trade union movement. It has been said that lies are being told about this Bill. Other people are

telling lies about it, too, and when people say it is not an attack on the trade union movement they are telling lies; and I do not make any apology for saying that.

Let us have a look at the statement made in the other place in support of the Bill by the Deputy Premier of this State. It is a great pity we cannot read *Hansard* here.

The Hon. G. C. MacKinnon: I wish you would speak about the Bill.

The Hon. D. W. COOLEY: I am speaking about the Bill. When the Deputy Premier of this State was addressing himself to the Bill he said the Government was showing how this matter should be controlled, and if the strength were reduced the measure would be reduced to ineffective legislation. He said the trade union movement was run and controlled by communists and it was only the communists in this country who were stirring up the opposition to the Bill. It is a disgraceful situation and is not the truth of the matter.

Then the final reaffirmation that this is an attack on the trade union movement came from the dictator of the banana republic, Mr Bjelke-Petersen, a dictator in his own right who is governing his State by the will of 26 per cent of the people of Queensland. He joined in the comments in respect of the Bill and made statements such as, "I have great admiration for Sir Charles; we think much alike and work very closely in all areas. This is the reason I am glad to be here." He was glad to be here to see this type of legislation being passed through the legislative processes of Western Australia. He said—

Governments could not be blamed for seeking emergency powers to deal with industrial unrest, the Queensland Premier, Mr Bjelke-Petersen, said in Perth yesterday.

I cut out the photograph which accompanied the Press article. He is giving the salute of 1933 to which he is accustomed.

The Hon. R. J. L. Williams: That is not fair and you know it is not.

The Hon. D. W. COOLEY: A person like that, who would support legislation such as this, who has similar legislation in his own State, and who would act as he did in regard to the football team from South Africa—

The PRESIDENT: Order! I have been very tolerant but I cannot see that the remarks made by the honourable member have any connection whatsoever with this legislation. What happened in South Africa and what Mr Bjelke-Petersen said have nothing to do with this Bill.

The Hon. D. W. COOLEY: I only referred to his statements.

The Hon. G. C. MacKinnon: In a vicious, nasty, way.

The Hon. R. Thompson: They all read it and know it is the truth.

The Hon. G. C. MacKinnon: There is no truth about that.

The Hon. R. J. L. Williams: It is not true that he is giving the Nazi salute. That is what I object to.

The Hon. G. C. MacKinnon: Very vicious and nasty.

The Hon. D. W. COOLEY: The Minister has made nasty statements—

The Hon. G. C. MacKinnon: I did not attack Mr Bjelke-Petersen.

The PRESIDENT: I suggest the honourable member address the Chair and get on with his speech.

The Hon. D. W. COOLEY: Yes, Mr President. The remarks in respect of the Bill are supported by some isolated individuals in employer organisations in this State. Let me quote Mr Finch, the President of the Perth Chamber of Commerce. The Press report of what he said reads—

Earlier yesterday the president of the Perth Chamber of Commerce, Mr R. L. Finch, said that attempts to curb union power would be approved by most people, even to the extent of curtailing some rights.

Think of that! He is a responsible person and a leader in industry. The report continues—

Mr Finch said that the public debate over the Bill's provisions was diverting attention from the circumstances which had led to its introduction.

The circumstances were the irresponsible way in which trade unions were pursuing wage increases and other improvements in working conditions with complete disregard for the effect of their actions on the community.

It seems to be getting through to leaders in industry that it is an attack on the trade union movement. He said further—

Unions had enough power to enforce almost any demand.

Because of this they were acting more frequently with complete disregard for the law.

What lies they are! Where can it be shown that the trade union movement at large has been acting with disregard for the law?

The Hon. N. McNeill: Unions have been striking, for one thing.

The Hon. D. W. COOLEY: I think this is the third stoppage by the Trades and Labor Council in 11 years. That is not showing disregard for the law. The report continues—

"They are showing signs of usurping the functions of a democratically

elected government," he said. "People are fearful of what this misuse of power will do to us all."

Mr Finch said that some of the Bill's provisions might be improved, but this should not be allowed to obscure its objectives and the chamber supported the efforts of the Premier.

Sitting suspended from 6.07 to 7.30 p.m.

The Hon. D. W. COOLEY: Prior to the tea suspension I was referring to the statements made by the President of the Perth Chamber of Commerce (Mr R. L. Finch), in which he clearly came out into the open in respect of his interpretation of this Bill and indicated to the public at large that he considered it to be an attack on the trade union movement. Of course, Mr President, this is an attitude which has been adopted by people of Mr Finch's ilk for a long period of time, and by those who for many years have been supported, maintained, and upheld by the conservative policies presented to Parliaments.

To find the consistency in the attitude of Mr Finch and of his conservative friends in regard to the trade union movement, we must look back into the history of Australia. We find that right throughout our history conservatives have tried to smash down the trade union movement; but it is only by the response of that movement to the bad laws introduced by Conservative Governments that it has been able to withstand the attacks made upon it. I might say that while the trade union movement has been standing against these attacks it has been a bulwark in the defence of democracy.

If we go back to the latter part of the last century I think we will find that the Labor movement was born as a consequence of this sort of attitude. We had incidents such as the Eureka Stockade, out of which came the sentiment of the nation which gave birth to the trade union movement. Of course, it was the united action of the trade union movement which provided the basis of the democratic system under which we live. I hope the movement will continue to resist legislation that is repressive to its members; because it comprises a very large section of the community, and when we see the trade union movement slipping we will see democracy slipping at the same time.

We come now to more recent times in our history—to 1938 and 1939—when we saw the infamous policies of the conservatives at that time, led by the now Sir Robert Menzies who attacked the trade union movement because certain sections of it refused to send pig iron to Japan. Those sections were branded as Communist and disruptionist; it was said the people in them were acting contrary to the best interests of Australia. What were they doing at that time? They were pro-

testing about an attempt to break down the defence of this country. History now reveals it was not long before the pig iron which was being sent to Japan was being despatched for the purpose of killing our boys in the islands and even bombing the towns of this country.

The Hon. N. McNeill: What has that to do with the Bill?

The Hon. D. W. COOLEY: It has a great deal to do with the repressive nature of the Bill and the actions taken by conservatives over a long period of time. If we now turn our attention to more modern times we find the gaoling of O'Shea in 1969, and the type of repressive legislation which caused that incident. We saw then a demonstration similar to that which occurred today; and since that time the legislation which sent O'Shea to gaol has not been implemented by Governments of this country.

The Hon. W. R. Withers: Why didn't you allow democratic principles to apply in the situation when the TLC did not send copies of this Bill to the union movement or the council of trade unions in the north?

The Hon. R. F. Claughton: Why didn't you?

The Hon. W. R. Withers: It was the TLC which set up the opposition.

The Hon. D. K. Dans: If they had the Bill 10 000 would not be on strike today; is that right?

The Hon. W. R. Withers: I think that would be right.

The Hon. D. K. Dans: I am glad you made that point.

The PRESIDENT: Order! I would remind members that the Hon. D. W. Cooley is addressing himself to the Bill. Would the honourable member proceed with his remarks, addressing himself to the Bill.

The Hon. D. W. COOLEY: Yes, Mr President.

I submit that all these attempts to suppress the trade union movement have failed miserably, and will continue to fail while we have a democratic society. Now we have before us another Bill which represents an attempt to attack the trade union movement; and it is nothing more nor less than a subterfuge in respect of the actions the Government intends to take. This has been highlighted by the attitude expressed by the Minister for Justice and by other people in prominent places who do not like to see the trade union movement in a favourable position.

I say again that the trade union movement of this State, along with the Labor Party, is prepared to support proper legislation which will give to this State Government the ability to control shortages of essential goods and services—whether it

be in respect of fuel, power, energy or anything else—but we will never support such legislation if proper safeguards are not included in it to protect the rights of trade unions. As I indicated earlier, until late this afternoon we were talking to Ministers in an endeavour to bring about a sensible situation. We find that as recently as last Saturday the Premier was talking about the spring offensive of the Communist Party; and he said that this opposition is a Communist plot and part of the spring offensive led by Jack Munday. I am prepared to say that if Jack Munday walked down Hay Street or St. George's Terrace, or if he walked into the portals of Trades Hall, eight out of nine people would not recognise him.

The Hon. G. E. Masters: He is a unionist, though, isn't he?

The Hon. D. W. COOLEY: Of course he is. People are entitled to be unionists in this democracy which members opposite seem to support so strongly. What is wrong with his being a trade unionist? Is it simply that his political philosophy is different from mine or the honourable member's? The members of his union have a perfect right to elect him as an office bearer of the union; and he was elected in accordance with the principles of democracy and the secret ballot you people are always talking about.

The Hon. W. R. Withers: You refer to "you people". I presume you mean the Liberal and Country Parties. You seem to think we are anti-unionist, which we are not.

The Hon. D. W. COOLEY: I wish members opposite would demonstrate that in some way. I wish Mr MacKinnon would say in this place what he said at a meeting at Balga the other night.

The Hon. G. C. MacKinnon: I was not at Balga.

The Hon. D. W. COOLEY: I beg the Minister's pardon; I was referring to Mr Withers.

The Hon. G. C. MacKinnon: Be more careful.

The Hon. D. W. COOLEY: I wish Mr Withers would repeat in this place what he said the other night at Balga.

The Hon. W. R. Withers: I will.

The Hon. D. W. COOLEY: He said then that he is not in favour of all parts of the Bill.

The Hon. W. R. Withers: I did not say that.

The Hon. D. W. COOLEY: I hope when we come to vote on the Bill he will display that attitude.

The Hon. W. R. Withers: I did not say that, and don't say that I did because that is a lie.

The PRESIDENT: Order! I suggest to Mr Withers that he will have an opportunity to address himself to the Bill during the second reading debate.

The Hon. D. W. COOLEY: The Minister for Education delivered a second reading speech when introducing the Bill into this Chamber, and during his speech he described the reaction to the Bill as emotional; and he referred to "ill-founded criticism". I think we should leave aside the Labor Party for a moment because we know its attitude to the Bill; and perhaps we should also leave aside the 100 000 trade unionists who are also opposed to the Bill. They are the 100 000 trade unionists whose unions are affiliated with the Trades and Labor Council. I might say here that on no other occasion has so much unity developed within the trade union movement over any issue as is the case over this; and when I say that 100 000 people are affiliated with the Trades and Labor Council, or those who speak for them are unanimous in their opposition to the Bill.

The Hon. G. C. MacKinnon: That is more like it.

The Hon. N. McNeill: How can you say that 100 000 people are opposed to it?

The Hon. D. W. COOLEY: Even the more moderate and right-wing elements of the movement are opposed to the Bill; and even the conservative friends of members opposite are opposed to it. Those who have done so much damage to Australia—members of the DLP—are opposed to the measure, and members opposite know this. The Minister spoke of emotionalism. It is no wonder people become emotional when so much criticism and feeling is expressed in respect of their reaction to the Bill.

I was saying that perhaps we should leave aside the Labor Party and the 100 000 trade unionists who are opposed to the Bill, and consider the comments of other sections of the community which have come out against it. We do not have to look very far to see that the principal concern of most people is the infamous proposed new section 41 which will take away their rights and privileges. Let us consider some of the comments which have been made. I think every member of this House has received a copy of a letter written by the Anglican Archbishop of Perth (the Rev. G. T. Sambell), in which he states—

Accepting unquestionably the need for an Emergency Bill and accepting that the Government has gone far in meeting the Law Society's recommendations in the revised Fuel and Energy Bill, I would urge that reconsideration is still necessary on contentious elements not so dealt with and in particular, Clause 4, Section 41.

Even at this late hour, vital amendments are necessary if Democracy is to be upheld in this State.

Is he also engaging in a spring offensive for Jack Munday when he makes statements such as that? Academics, teachers, and others have written a similar letter to members of this Chamber. At a rough count something like 21 lecturers, eight teachers, and three professors in our universities wrote the following letter—

We the undersigned urgently request that you reconsider the contentious elements of the Fuel and Energy Bill.

Although the need for an emergency Bill is generally acceptable, there are aspects of the Bill which can only be described as outside acceptable limits of democratic procedure.

The Hon. D. J. Wordsworth: What date was that?

The Hon. D. W. COOLEY: It is dated the 16th September, and the member has a copy of it.

The Hon. I. G. Pratt: How do you know?

The Hon. D. J. Wordsworth: That is right. It is before the amendment.

The Hon. D. W. COOLEY: The letter continues—

Your party has the numbers in both Houses to force this law, but we are concerned that if in some subsequent emergency the law was put into effect in its present form, the result could be total anarchy within this State.

This could lead quickly to a polarization of the population, violence and perhaps even the subsequent fall of the Government.

Your personal evaluation of these implications is vital in a situation where your party is able to force the issue. We believe that careful and responsible consideration of the Bill is demanded and further vital amendments are necessary if democracy is to be maintained in this State.

I think all members are aware of the type of people who signed that document. They are from the Murdoch University and other teaching institutions throughout the length and breadth of the metropolitan area.

The PRESIDENT: For the benefit of *Hansard*, would the honourable member identify the document from which he is quoting.

The Hon. D. W. COOLEY: It is a document dated the 16th September addressed, "Dear member of Parliament" and signed by a number of academics in different teaching institutions in our State. During the tea suspension a letter dated the 30th September was placed on my desk.

I am not sure whether other members have received a copy of the letter. It was written after the amendments were passed in the other place. The letter states—

We represent a wide cross-section of the community concerned about the implications of the Fuel, Energy and Power Resources Act Amendment Act 1974. Although we recognise the need for some Emergency Legislation, we object to the virtually unlimited powers that the Bill gives to any one minister of Parliament.

We demand the deletion of, or satisfactory amendment to Clauses 4, 13 and 19. The Bill condones the vesting of absolute power in the hands of these who could abuse it. To enforce this kind of legislation, it would be necessary to widen the powers of our present law enforcement bodies to beyond what is reasonable in any truly democratic State. We hold grave doubts as to the Bill's provision for protection of our civil liberties.

During the past week we have circulated a petition and gathered 1614 signatures. The original Signatures have been forwarded to Honourable Arthur Frederick Griffith the President of the Legislative Council.

I trust, Mr President, that you have received those signatures. The letter continues—

You must be aware of the inherent dangers this legislation contains. We ask you to seriously and urgently rethink this matter in the interests of protecting our Democratic Integrity.

The letter is signed by "concerned members of the public". No doubt Mr President can verify the signatures which were presented to him.

The Hon. N. E. Baxter: Who wrote it?

The Hon. D. W. COOLEY: Perhaps Mr President might indicate to the Minister the 1614 signatories to the letter.

The Hon. N. E. Baxter: You ought to know; you are quoting the letter.

The Hon. D. W. COOLEY: I know that Mr Baxter does not have much regard for petitions; he demonstrated this by the actions he took recently in respect of matters raised by Mr Dellar.

The Hon. N. E. Baxter: Define, "concerned members of the public". There is no such person. It is so much trash.

The Hon. G. C. MacKinnon: Is it an anonymous letter?

The Hon. Lyla Elliott: Yes, an anonymous letter signed by 1614 people.

The Hon. D. W. COOLEY: If the Minister had been listening, he would know that the letter has 1614 signatories.

Another letter I received on this subject was written on behalf of the Australian Journalists' Association and signed by

Malcolm Hollingsworth, district secretary of the Western Australian district of the AJA. He is not engaging in any spring offensive with Jack Munday.

The Hon. N. McNeill: You are defending Jack Munday considerably more than Bob Hawke defended him on "Monday Conference" last night.

The Hon. D. W. COOLEY: I am not defending Jack Munday; do not let members opposite get that impression. I am referring to the slanderous statements of the Premier when he talked in an airy fairy sort of manner about Jack Munday starting a spring offensive.

The Hon. G. C. MacKinnon: The Premier of this State is a life member of two unions.

The Hon. D. K. Dans: He does not have voting rights.

The Hon. G. C. MacKinnon: He is still a life member of two unions; that is quite an honour.

The Hon. D. W. COOLEY: The letter from the AJA states—

The W.A. District Committee met yesterday and considered in full the Premier's reply to our letter of August 30th complaining that in some circumstances the Fuel, Energy and Power Resources Bill could affect personal freedoms and the Freedom of the Press in particular.

At the meeting a resolution was passed that a letter be written to the Premier again voicing our opposition to the Bill in its present form.

The first two paragraphs of the Resolution are enclosed for your information.

The resolution is—

1. That this district committee thank the Premier for replying to its protest against the Fuel, Energy and Power Resources Act Amendment Bill 1974, but finds his defence of it unconvincing and reiterates its implacable opposition to the Bill.
2. That the committee notes that the Premier and the Minister for Fuel and Energy have repeatedly described opponents of the Bill as politically motivated and as people with guilty consciences. It also notes that the Deputy Premier has described opposition as communist inspired. The A.J.A. points out:

(a) that it is a non-political organisation with no links with any political party.

(b) that its only aims are to protect and improve the welfare of its members and to fight for the maintenance and promotion of a free and vigorous press.

(c) that it has an unsurpassed record for industrial responsibility. Therefore the committee rejects the statements of the Premier, the Deputy Premier and the Minister as malicious falsehoods which do them no credit and which appear to be calculated to prevent the high level of public debate which ought to occur on such a far reaching measure.

That well expresses the attitude of thousands of people to this legislation—not people who have been sponsored by the Trades and Labor Council or anybody else, but people who have come out voluntarily to protest against the pernicious provisions of this Bill. They have taken it upon themselves to invoke some action to have the Bill defeated.

We do not have to look very much further to find evidence that other organisations and associations have come out against this legislation. The Teachers' Union has expressed its opposition. One of the rules of the Teachers' Union is that it will never affiliate with any political party or with the Trades and Labor Council. That body has found it necessary to protest against this Bill. People who have been following the progress of the Bill over the last few weeks would have seen the advertisements inserted in the Press by the Teachers' Union.

As late as yesterday, the Civil Service Association, which comprises something like 8 000 salaried officers in Government employment—that is not an exaggeration of figures—indicated its strong opposition to the Bill. These are all people and organisations which, traditionally, have been opposed to engaging in public debate in respect of political matters. They find the Bill is abhorrent and they are drawing the Government's attention to that fact.

The Hon. N. E. Baxter: Did the Civil Service Association have a meeting which arrived at that resolution?

The Hon. D. W. COOLEY: The Civil Service Association held a council meeting, in accordance with the provisions of its charter, and a majority decision was arrived at in respect of this matter. Members opposite did not have a meeting of the Liberal Party to obtain the approval of their members to introduce this rotten legislation into the Parliament of this State.

The Liberal Cabinet did not obtain a mandate from the members of the Liberal Party or the Country Party or from the people of the State to introduce legislation of this nature.

The Hon. G. C. MacKinnon: Oh yes we did.

The Hon. A. A. Lewis: On the 30th March.

The Hon. N. E. Baxter: The Tonkin Government had a majority of one and it claimed a mandate for everything.

The Hon. D. W. COOLEY: Let us come a little closer to home. Mr Tucker, president of the WA University Liberal Club said the Bill should contain safeguards to protect civil liberties. This is a statement by a person associated with members opposite; it was not from one of our people. He is not engaging in any spring offensive; I would not think he is communist-inspired. He is a member of the Liberal Party and he is suggesting that the Government should withdraw the Bill and have a look at it. The same suggestion was made by the Trades and Labor Council and many other people in the community.

Country Party members have come out in opposition to the Bill, but the heavies were brought in against those members over the weekend and they have had to shift their ground. However, they could not convince Mr Norman Lockyer, the Chairman of the Constitutional Committee of the Country Party, to shift his ground. On the programme, "State File" of Tuesday, the 10th September, when referring to the Bill, Mr Lockyer said—

... I am also opposed to the Bill because it is envisaged, it is antagonistic to sections of the community, it will invite retaliation and it will set a precedent of this sort of legislation which as under Section 73 of the Constitutional Act a State Government elected with a majority in both Houses of extreme views could use this as a stepping stone and a precedent to bring in almost any sort of laws limiting the freedom of the citizen, the rights of speech of the citizen, the goods of the citizens . . .

The Hon. N. E. Baxter: That sounds just like Norm.

The Hon. D. W. COOLEY: This is a member of the Country Party. It seems very odd to me that such people should come out with statements like that if there were any justification for this Bill.

The Hon. A. A. Lewis: Bob Hawke even came out against Mrs Whitlam.

The Hon. D. K. Dans: What has that got to do with it?

The Hon. D. W. COOLEY: I think the best thing to do is to ignore a comment such as that, because it has no meaning and no relevance to the matters under discussion.

The Hon. A. A. Lewis: It is the same sort of argument—pretty fallacious.

The Hon. R. F. Claughton: The interjection is typical of the honourable member.

The Hon. D. W. COOLEY: We know that Mr Mensaros was greatly embarrassed when the Bill was put to him and that he asked the Premier to withdraw it.

The Hon. N. McNeill: How do you know that?

The Hon. D. W. COOLEY: We do know that Mr Mensaros asked the Premier not to go ahead with the Bill.

The Hon. G. C. MacKinnon: Where did you drag that one from? You just made it up.

The Hon. D. W. COOLEY: Due to his loyalty, Mr Mensaros rallied around the Premier and is doing his best to make sure the Bill goes through. He of all people said the Bill is not designed to attack the trade union movement. This is not supported by the comments of Mr McNeill or Mr McPharlin, or of the other ultra-conservative people who are bitterly opposed to the trade union movement and who would really love to see removed the right of trade unionists to withdraw their labour in circumstances where they feel they are not getting a fair deal. That is the true situation relating to this Bill and that is why it has received so much support from people with a vested interest in the removal of the right of workers to strike.

The Hon. W. R. Withers: But responsible union members do not create an emergency.

The Hon. D. W. COOLEY: The member talks about responsible and irresponsible union members, but every union in this State has come out against this Bill.

The Hon. J. Heitman: You called them out.

The Hon. W. R. Withers: Some of the workers do not know what the Bill is about.

The Hon. D. W. COOLEY: That is always the cry of members opposite.

The Hon. W. R. Withers: It is not always our cry. I learned that it was true only last weekend.

The Hon. D. W. COOLEY: Members opposite always line up against the trade union movement.

The Hon. W. R. Withers: What rubbish! We are trying to support the trade union movement. It is you who is ignoring it.

The Hon. N. McNeill: Did your people give any direction about unionists taking part in the rally or the strike?

The Hon. D. W. COOLEY: To my knowledge, the Trades and Labor Council did not give any such direction. The union members have an obligation to their leadership and to the people who are controlling their affairs. Members opposite say, "Did you give your own Bill to the trade union movement to examine?" Every trade union saw the Bill.

The Hon. W. R. Withers: No, I said the combined union councils. Did you give it to them?

The Hon. D. W. COOLEY: What combined union councils is Mr Withers talking about? Name a few of them.

The Hon. W. R. Withers: For instance, the councils in the towns of Paraburdoo, Tom Price and other places.

The Hon. D. W. COOLEY: They seemed to be in support of opposition to the Bill.

The Hon. W. R. Withers: You did not even send them an up-to-date copy of the Bill. You sent them an old Bill. You did not even send them the correct Bill but just a lot of rubbish.

The PRESIDENT: Order!

The Hon. D. K. Dans: I cannot understand their going out on strike.

The Hon. W. R. Withers: Nor can they.

The Hon. G. C. MacKinnon: You know better than anyone else why they went out on strike, Mr Dans. You did not come down in the last shower.

The Hon. D. K. Dans: I am going to press a button next week, but it will not be for people to go out on strike.

The Hon. G. C. MacKinnon: And they will obey you, too.

The Hon. D. W. COOLEY: Nobody can deny that there is disunity in the Liberal Party over this question. It has boiled down to either the Bill, or their leader. I do not hear any interjections on that point.

The Hon. W. R. Withers: Who said that? This is all news to me.

The Hon. G. C. MacKinnon: You are making up stories as you go along.

The Hon. D. W. COOLEY: It is interesting to hear the Minister for Education say I am making up stories, but he is the one who is making up stories. In the Legislative Assembly, not one Liberal backbencher was willing to contribute to the debate in defence of this Bill.

The Hon. A. A. Lewis: If the arguments you are putting up against it were the same as those put forward in the other place, nobody would have had to stand and defend the Bill.

The Hon. D. W. COOLEY: That is a typical interjection from Mr Lewis.

The Hon. G. C. MacKinnon: Be patient; Mr Cooley will get on to the Bill in time.

The Hon. D. W. COOLEY: Even the best friends of members opposite have deserted them. *The West Australian*—a newspaper that since time immemorial has backed members opposite to the hilt and which has been responsible for half the votes received by members opposite during election—has disowned this Bill; it cannot find anything good in it.

The Hon. W. R. Withers: I liked the way *The West Australian* supported the two-airline policy. Was that pro-Liberal?

The Hon. D. W. COOLEY: On Tuesday, the 3rd September, 1974—

The Hon. J. C. Tozer: When was the Bill amended?

The Hon. D. W. COOLEY: Mr Tozer can tell me when it was amended.

The Hon. R. F. Cloughton: The Premier made an announcement on the 2nd September to the public, but not to the Parliament.

The Hon. R. Thompson: Not to the Minister for Justice?

The Hon. D. W. COOLEY: We have been asked by the Minister to interpret the Bill as a whole; so, let us do so, and look at a few of the clauses. Firstly I refer to clause 4 which contains proposed new section 41(1).

The Hon. Clive Griffiths: But you went through that before the tea suspension.

The Hon. D. W. COOLEY: Let us look at subsections (1), (2) and (3) of proposed section 41, compare them with proposed section 47(k), and see how much solace members can get out of that.

The Hon. W. R. Withers: Surely you are referring to proposed section 47(2)(k)?

The Hon. S. J. Dellar: He knows what he is talking about.

The Hon. D. W. COOLEY: I refer to proposed section 47(2)(k) which states—

(k) engaging persons, whether for reward or otherwise, to perform functions and to carry out acts in order to assist the maintaining, controlling and regulating of supplies and services; and

Under proposed new section 41, the Government is given the power to make regulations which will override all awards, Acts, and agreements that are associated with the industrial life of this State. Then we see the insertion of a provision that gives power to engage scab labour. I refer to the provision which enables persons to be engaged for reward or otherwise.

The Hon. G. E. Masters: In other words, if people want to volunteer they can perform the work.

The Hon. D. W. COOLEY: That is, if they want to act as scab labour.

The Hon. G. E. Masters: This would be a matter for a person's own decision.

The Hon. D. W. COOLEY: If the honourable member wants to offer his services as scab labour he can do so, but certain rules of ethics have to be observed.

The Hon. G. E. Masters: You mean dictatorship rules. You are the ones wearing the jackboot.

The PRESIDENT: There are certain rules in this Chamber which are not being observed. Will the honourable member please confine his remarks to the Bill?

The Hon. D. W. COOLEY: Let me draw attention to proposed section 49(3) (b), and consider it in conjunction with the Bill as a whole. This states—

- (b) in the case of a body corporate, a fine of such amount as the court thinks just having regard to all the circumstances and in particular any financial or other advantage which that body corporate gained or might have gained from the contravention or non-compliance.

I emphasise that the fine is to be such amount as the court thinks just. Is that not a disgraceful situation? In which other Act of Parliament does a similar provision appear? It looks as though the trade union movement will be involved in that provision, because with a few exceptions every trade union is a body corporate. So, if a trade union contravenes this legislation it is liable to be fined a considerable sum.

The Hon. G. C. MacKinnon: This would be aimed at a body corporate selling oil on the black market.

The Hon. D. W. COOLEY: Of course, a union will be heavily penalised.

The Hon. G. C. MacKinnon: It is a provision aimed at black marketing.

The Hon. D. W. COOLEY: I refer to the remarks made by Mr Masters before the tea suspension. He mentioned the Transport Workers' Union, and his leader referred to necessary powers to control the trade union movement. Similarly, the Deputy Premier (Mr McPharlin) spoke about such necessary power and the need to agree to proposed section 41.

The Hon. G. E. Masters: They are in the Bill to preserve law and order, and to protect the public. That is what they are there for.

The Hon. D. W. COOLEY: Let me draw attention to proposed section 56(1). This 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, other than—

- (a) personal injury; or
(b) any such loss, damage or injury resulting or arising from and by reason of any prohibition, limitation or restriction on the sale or supply of any goods or services.

If the power is given to employers to take away rights contained in industrial awards, then they would be able to employ scab

labour. Should a person employed in those circumstances be injured he would not, under paragraph (a), be compensated for personal injury. I agree that such a person should not be so compensated.

The Hon. N. McNeill: You know that is an absolute untruth. Anyone who reads the Bill will realise that what I am saying is correct.

The Hon. I. G. Pratt: That is printed in the Bill.

The Hon. D. K. Dans: I sent a copy of the Bill to New South Wales to be examined by the best constitutional lawyers in the country, but that is not their view.

The Hon. D. W. COOLEY: I have before me a Bill, similar to the one before us, which was introduced by the Labor Party in South Australia. It was designed to do not exactly as the Bill before us is designed to do; it was designed to be available for use in case of emergency. It is true that it is only a Bill; I do not think it has become an Act of Parliament. A suggestion has been made to the Government that it should follow the principle contained in the South Australian Bill.

The Hon. W. R. Withers: In the document I have before me it is stated that that is an Act.

The Hon. D. W. COOLEY: I did not print the document which the honourable member is holding up, and my name does not appear on it. What is wrong with putting a provision like the one in the South Australian Bill into the Bill that is before us? The provision is as follows—

Nothing in this section contained shall be held or construed as empowering the Governor to make regulations—

- (a) imposing any form of industrial conscription or prohibiting any person from undertaking any work whether that work is remunerated or not;

What is wrong with such a provision? Why should we have a provision as ambiguous as the one contained in proposed section 47 (2) (k), which can be interpreted by some as power to conscript people. Why should not the Government provide a safeguard to the trade union movement? I suggest it does not want to do so. It is prepared to go along with Mr Masters' theory of cracking down on the trade union movement, the Transport Workers' Union, the Coal Miners' Union, and the State Electricity Commission workers, when the Government is confronted with a state of emergency.

I suggest that the Minister and Mr Withers will find the Government will not be cracking down merely on those workers, but on a force greater than any single union. It will face the full force of the Australian Council of Trade Unions, and its ability to place embargoes and other restrictions on goods to and services in this

State. Irrespective of what appears in the Bill, the provisions do not apply beyond the border of Western Australia. Federal awards and laws will still have precedence over the Bill. If members opposite want to go along with the Hutt River Province, or with the Premier's contention that Western Australia should secede—I have heard utterances to this effect in the Chamber, as some members have advocated secession—they may do so.

The Hon. G. C. MacKinnon: That is another lie. The Premier has not advocated secession.

The Hon. D. W. COOLEY: I ask members opposite again: Why not include in the Bill a provision like the one that appeared in the South Australian Bill, as follows—

Nothing in this section contained shall be held or construed as empowering the Governor to make regulations—

- (a) imposing any form of industrial conscription or prohibiting any person from undertaking any work whether that work is remunerated or not;

or

- (b) making it an offence for any person to take part in a strike or peacefully to persuade any other person or persons to take part in a strike.

The Government is not prepared to do that, because it wants to take away from the workers the right to engage in strike action. As I indicated in my previous address in this House, there is a democratic principle that applies in all free countries of the world; I refer to the right of the worker to strike in respect of wages and conditions.

The Hon. W. R. Withers: This can only apply in an extreme emergency.

The Hon. D. W. COOLEY: The honourable member wants to rip away industrial awards in an extreme emergency.

The Hon. W. R. Withers: An emergency has to be ratified by this Parliament.

The Hon. D. W. COOLEY: I would like to refer to the aspect of ratification by Parliament. That is a big joke!

The Hon. A. A. Lewis: I suppose that the present setup is not too good for you, because you do not have the numbers.

The Hon. D. K. Dans: As Benjamin Disraeli said, "That was so long ago".

The Hon. D. W. COOLEY: I have before me a comparable piece of legislation which was enacted in Victoria. It would meet with my opposition if it were presented in this House, but my opposition would not be as strong as it is to the measure before us. No doubt, that piece of legislation was brought down by a Conservative Government. I refer to the Essential Services Act of Victoria.

The Hon. G. C. MacKinnon: What is the date of that?

The Hon. D. W. COOLEY: The 30th September, 1958. It talks about services as being transport, fuel, light, power, water, and sewerage. Bad as that Act is, it does include a provision to the effect that the Minister may employ at not less than the award rate, such persons in such numbers and upon such terms as are deemed to be necessary to carry into effect the powers referred to. Let us see what the Bill before us provides in this regard; under it, emergency regulations may be made to provide for engaging persons, whether for reward or otherwise.

The Hon. G. C. MacKinnon: You do not conscript when you engage people.

The Hon. D. W. COOLEY: What is wrong with such a safeguard? Has the Minister any objection to people being engaged at award rates?

The Hon. W. R. Withers: None at all.

The Hon. G. E. Masters: Why cannot people work if they want to without reward? The decision is up to them. This is a free country, is it not?

The Hon. D. W. COOLEY: The Victorian legislation imposes a limit on the fine that may be imposed. In the case of an officer or a trustee of a union the penalty is not to exceed \$1 000. If a person commits an offence under the provisions of the Bill before us the penalty is to be unlimited, and it can be imposed for a continuing offence. In addition to the unlimited penalty, a person can be fined \$500 or imprisoned for six months, or both. For every day that the offence continues the person concerned may be fined that amount and be sentenced to that term of imprisonment. In a strike situation, where people disobey the regulations they can be sent to gaol for, in the ultimate, the term of their natural life. That is to take it to the extreme.

The Hon. N. McNeill: Of course, you realise that the fine of \$500 or imprisonment for six months is the maximum penalty.

The Hon. D. W. COOLEY: Yes, but it may be imposed every day that the offence continues.

The Hon. N. McNeill: There is still a discretion given to the court in inflicting these penalties.

The Hon. G. C. MacKinnon: You give the impression that this is an unusual provision, and this is the only piece of legislation which contains it, but that is not so.

The Hon. D. K. Dans: How do you know?

The Hon. G. C. MacKinnon: I would not be expected to know, but I am sure Mr Dans would know!

The Hon. D. K. Dans: I have had Acts like this over me for 23 years.

The Hon. D. W. COOLEY: The Opposition has been making great play about the amendments that were forced upon it by the Law Society. It contends that it has become very democratic overnight because of the inclusion of certain amendments.

The Hon. G. C. MacKinnon: What great play are you talking about?

The Hon. D. W. COOLEY: The Minister says that the Bill has been amended substantially, and everything is in order.

The Hon. G. C. MacKinnon: You have confused me. You said the Opposition made great play.

The Hon. D. W. COOLEY: The Minister knows what I meant; I meant the Government was making great play. I should have said, "The members opposite made great play."

What we are being told now is that everything is all right. We are told that Parliament will be called together after a state of emergency has been declared, and we can assume that everything will be in order as far as civil rights, the trade union movement, and everybody else are concerned. I wonder whom the Government thinks it is fooling, particularly when we know it has a majority of 29 to 22 in the Assembly, and a majority of 21 to 9 in this House, a majority that is unlikely to be disturbed for a considerable time.

The Hon. A. A. Lewis: I am glad you admit that.

The Hon. D. W. COOLEY: When legislation of this type was introduced in Germany, Hitler had a Parliament and he referred the legislation to that Parliament.

The Hon. H. W. Gayfer: He was a socialist.

The Hon. D. W. COOLEY: He was not a socialist as we know the term. Surely the honourable member knows that the Australian Labor Party stands for democratic socialism, but Hitler did not believe in that form of socialism. Similarly some members on the Government side do not believe in democratic government and electioneering in the proper manner.

The Hon. W. R. Withers: Can you name any such member in this House?

The Hon. D. W. COOLEY: If Parliament were called together what is there to prevent the Government, under those circumstances, from reintroducing some of the provisions which have been taken out of the Bill? If a state of emergency arises, and Parliament is called together, regulations could be introduced as amendments to the Act. Proposed new section 41 states that awards and agreements will be overridden by the Act.

The Hon. W. R. Withers: Under what circumstances could that happen? Could the honourable member tell us of such a situation?

The Hon. D. W. COOLEY: I get suspicious about people.

The Hon. W. R. Withers: The member does not know of any such circumstances.

The PRESIDENT: Order! I would suggest to the Hon. W. R. Withers that he has made at least three second reading speeches in a sitting down position. If he desires to speak I suggest he does so at the appropriate time. Would the honourable member please desist from interjecting.

The Hon. D. W. COOLEY: Somebody asked me if anybody here did not believe in the democratic system of Government. I have a pretty long memory and I can remember the founder of the Liberal Party coming back from Germany and saying he could see some good things in Germany which could apply in Australia. That was in 1939. We recently had the Premier coming back from South Africa and making similar observations concerning conditions applying in that country.

The Hon. G. C. MacKinnon: I could name three senior Labor members who expressed similar thoughts to me.

The PRESIDENT: Order please. The Minister will keep order.

The Hon. G. C. MacKinnon: I am sorry, Sir.

The Hon. D. W. COOLEY: Also, the Deputy Premier in another place said that people were fools to vote for Labor after the Australian Labor Party won the last Federal election.

The PRESIDENT: Mr Cooley, I still cannot discover what your perambulations around the world have to do with the Bill. Will you get onto the subject matter of the Bill?

The Hon. D. W. COOLEY: Yes, Mr President, but I am being provoked into saying these things. My principal concern—and I do not wish to cast aspersions on people—and the principal concern of the legal profession, too, is what the provisions of this Bill will do, and the implications they can have. We will accept that the present Government has good intentions with regard to the measure, but once it becomes a law of the country, and it is on the Statute book, it will be administered by all sorts of people whether they are extreme right, extreme left, or the centre-of-the-road people. Those people will determine the interpretation of the Bill and will implement its provisions. The measure will be open to abuse and that is the concern expressed by the thousands of people who have demonstrated, and by the legal profession, in this country.

The main concern relates to the first provision contained in the Bill which refers to the ability of the Government to make regulations to override laws, Acts,

awards, agreements, and anything else associated with the industrial life of our country.

The Hon. N. McNeill: Does the member realise that every regulation can be challenged in the Supreme Court?

The Hon. D. W. COOLEY: We do realise that, but I remind the Minister that that provision was not in the original Bill. The Bill had to be amended to include the provision.

The Hon. W. R. Withers: According to a TLC paper which I have here, it is stated that the regulations cannot be challenged.

The Hon. S. J. Dellar: I am glad we were able to provide something for the member to read.

The Hon. R. Thompson: The provision allowing for a challenge in the Supreme Court was included as an amendment.

The Hon. D. W. COOLEY: I think the Minister said we have common grounds, on both sides of the House, in respect of the introduction of the legislation. I do not know how he came to that conclusion without hearing our argument. We do have common ground with regard to emergency legislation so long as it is reasonable and will provide safeguards for the workers of this country.

I have come to the conclusion that the only people who support this Bill are those in the doubtful majority on the Government side of the House. We know there is a division in the Liberal Party, particularly in regard to the application of this Bill and some of the provisions it contains. We know the Country Party has doubts, and what almost happened during the weekend.

The Hon. A. A. Lewis: What a poor imagination!

The Hon. D. W. COOLEY: The members of the Country Party do not have much faith in the Bill and we know that even in this place they are doubtful about it. That doubt was also expressed by the person who was interviewed, and who has some standing in the Country Party.

There are a few isolated individuals in employer organisations who are in favour of the Bill, and a large number of extremists in our community are also in favour of it. Those extremists are on the move at the present time. There is no doubt that the democratic system of this country is under attack, and an attempt is being made to smash down the trade union movement. These are the people who believe in private armies, and it is the likes of such people with whom I had an experience in Bunbury the other night. I refer to the half-drunken sons of well-to-do farmers who went to Bunbury to disrupt a meeting. They are the type of people who want to smash down the trade union movement.

The Hon. H. W. Gayfer: Did the member say the half-drunken sons of well-to-do farmers?

The Hon. D. W. COOLEY: Yes, they came to Bunbury like lions, but they were like lambs when they had to speak.

The Hon. A. A. Lewis: Like the member, when he sees the facts.

The Hon. D. W. COOLEY: I have the courage to stand up for my convictions, whether I am confronted by 8 000 or 80 000 people. I will not hide behind closed doors when the time comes to express my views.

I am not saying that the provisions of this Bill violate ILO principles because I have evidence to the contrary. However, there is some doubt in respect of the application of the provisions of the Bill and the ILO conventions established in recent times and ratified by the Australian Government. As we are a House of Review I think it is as well that we review the situation and take a few minutes to talk about ILO and the principles of that organisation.

The PRESIDENT: Order! I would like the honourable member to talk about the Bill.

The Hon. D. W. COOLEY: I am talking about the Bill. I have the feeling that this Bill—as do a number of other Bills—contravenes ILO conventions 87 and 98. If there is any doubt I think this House should be informed of that fact.

The Hon. W. R. Withers: Did you say numbers 87 and 98?

The Hon. D. W. COOLEY: Yes, I said the Bill possibly violates conventions 87 and 98. If there is any doubt I think it should be looked at. Honourable members should have an understanding of the workings of ILO and the reasons for its existence. Members should realise that legislation of this nature is likely to contravene the principles of ILO, and they should be patient to hear what those principles involve.

Briefly, the procedure in ILO is that each country sends four delegates to its conference each year. The delegates form a plenary session and, with advisers who sit on the technical committees of ILO, they discuss instruments to present either recommendations or conventions to the final session. The plenary session then determines whether instruments should be conventions or recommendations. There is no haste in respect of the application of these things. The documents put before the committee are fully discussed and then brought up for further discussion in the following year. In the intervening period the instrument is sent to the countries associated with ILO and those countries are asked to make observations.

The delegates return to the next session of ILO in the following year and the instrument is put before the second sitting of the conference which either determines that it is a convention or a recommendation. That is the situation, briefly stated. There is an existing ILO convention 87 entitled *Convention concerning Freedom of Association and Protection of the Right to Organise*. I will not read the whole of the convention, but I will refer to a number of the articles and quote as follows—

2. The public authorities shall refrain from any interference which would restrict this right or impede the lawful exercise thereof.

That means that workers' and employers' organisations shall have the right to draw up their constitutions and rules, to elect their representatives in full freedom, to organise their administration and activities, and to formulate their programmes. The convention says that the public authorities shall refrain from interfering and I submit that proposed new section 41 will interfere with rightful awards and agreements. Another article states—

2. The law of the land shall not be such as to impair, nor shall it be so applied as to impair, the guarantees provided for in this Convention.

The International Labor Organisation was established in 1919 for the purposes of improving conditions for workers throughout the world. It applied to people in all parts of the world, Government employees, trade unionists, and others.

The Hon. W. R. Withers: And also to industries.

The Hon. D. W. COOLEY: The convention to which I referred has been ratified by the Australian Government. Before it was ratified ILO sought the opinion of the States and of the Commonwealth as to whether they agreed to the ratification of the convention. Every State agreed to the convention which was duly ratified, and one of those States was Western Australia.

There should be an examination of this Bill to find out whether any of its provisions do contravene the provisions of that convention.

Another convention, No. 98, concerns the application of the principles of the right to organise and to bargain collectively. If we are to take away the rights of the people to make agreements and to accept awards, how can those people have a right to bargain collectively? Article 4 of Convention 98 states—

Measures appropriate to national conditions shall be taken, where necessary, to encourage and promote the full development and utilisation of machinery for voluntary negotiation between employers or employers' organisations and workers' organisations, with a view to the regulation of terms and conditions of employment by means of collective agreements.

I do not think that any Act of Parliament, or any Bill which is presented to us, should contain any suggestion that the rights of awards and agreements will be taken away from the trade union employees and the employer organisations of this country. Emergency situations, far worse than those envisaged in this country, have occurred throughout the world where there have been takeovers of democratic Governments.

I will refer to a document entitled *Freedom of Association*. It is a digest of a decision of the Freedom of Association Committee of the Governing Body of the ILO. Section 134 of the document states—

The suspension, by administrative authority, of the legal personality of a trade union is not compatible with Article 4 of Convention No. 87.

It is not compatible with article 4 of Convention 87, so why should there not be an examination of this document in respect of the legislation proposed by the present Government? Another conclusion of the committee was—

Bearing in mind the powers conferred by the law of one country on occupational associations with "trade union status", the Committee considered that the possibility under the legislation of the adoption with immediate effect of measures similar in character to the suspension or dissolution of a workers' organisation by administrative authority constituted a violation of the provisions of Article 4 of Convention No. 87. In matters of this kind the Committee had to look beyond the form of the action taken to its substantial nature and effect. While the organisations in question may not have been formally suspended or dissolved, the action taken in respect of them was tantamount to suspension or dissolution in its practical effect. Convention No. 87 as a guarantee of fundamental freedom was concerned not only with words but also with realities.

And so it goes on. This committee has considered situations that have developed and it has come to these conclusions. The Government would be well advised to look at some of the decisions made by the ILO Committee in respect of these conventions before proceeding with this legislation.

There are a number of other determinations, but I will not weary the House with them. I was endeavouring to find the comments about a situation that developed in Greece in respect of the implementation of emergency powers. The ILO Committee was very firm in its attitude; it stated that nothing in the Greek situation would allow the Government to take away the rights of the trade unions in that country.

I took it upon myself to write to the representatives of the committee in Australia. The Department of Labour deals

with the application of the conventions. The department replied to my letter but unfortunately I have not as yet received an official copy. However, its contents were dictated to me over the phone. While the letter does not say outright that this legislation is in contravention of Conventions 87 and 98, it implies that the possibility does exist.

There are very evident dangers in this Bill, and members opposite, who, on every occasion possible, proudly wear their RSL badges—

The Hon. N. McNeill: I wear mine proudly any time and anywhere.

The Hon. D. W. COOLEY: I am not denigrating the Minister for Justice for that, but I do say that members who are willing to display their RSL badges at every opportunity should have a good look at this legislation. Many Government members, as well as members on this side of the House, went to war in 1939 and in the years after that, to fight against the type of principle inherent in this legislation; provisions to smash down the trade union movement.

As I indicated previously, Hitler rose to fame after the trade union movement was smashed in Germany. Government members should not be supporting legislation to bring about a situation to destroy the trade union movement. If one travels the world, one finds that in countries where the trade union movement has been smashed at one time and then restored, it is held in the highest respect by the Government of those countries. Such countries never wish to see the trade union movement again go down the drain because they know what the result will be.

This Bill has all the ingredients necessary to smash the trade union movement, and nothing members opposite can say will convince me to the contrary while proposed section 41 remains.

The Hon. W. R. Withers: Under what condition could this apply?

The Hon. D. W. COOLEY: Under the condition where the unions have their awards taken away.

The Hon. W. R. Withers: You could not do that.

The Hon. D. W. COOLEY: If the honourable member wishes me to read the proposed section again, I will.

The Hon. J. Heitman: They don't worry about awards now—they just hold every-one to ransom.

The Hon. D. W. COOLEY: Who says we do not worry about awards?

The Hon. J. Heitman: Of course you don't.

The Hon. D. W. COOLEY: The honourable member is talking through the back of his head because the conditions of workers have been won through their

awards. The award is the very basis of the workers' conditions. If the honourable member is speaking about negotiations for overaward conditions, that is only a very slight element of the general situation.

The Hon. W. R. Withers: But, Mr Cooley, you cannot even give us one emergency situation where this could apply.

The Hon. R. F. Claughton: Surely it is up to the Government to do this.

The Hon. R. Thompson: This is what we are waiting for—to hear you get up and explain this because it has not been explained anywhere.

The Hon. R. F. Claughton: You want the legislation, and you want the public to accept it.

The Hon. W. R. Withers: You are the ones who are criticising it. Would you explain where it can be used?

The PRESIDENT: Order! Mr Cooley, will you please continue with your remarks.

The Hon. D. W. COOLEY: Yes, Sir, when I get the chance I will do so. Over this last week the Government has taken great pains to convey to the public at large that people are telling lies in regard to this legislation. The Premier said, "We will nail these lies." When is he going to nail them? He has all the facilities at his disposal to do this. He can use the Press and he has his ministerial colleagues to help him nail these lies. However, he has not come out and nailed any lies. The trade union movement has said that this section gives the Government the authority to take away conditions of awards and agreements. If that is a lie, why have we not been shown that this is not the case?

The Hon. W. R. Withers: That is not a lie but you cannot tell us a case where it could be done.

The Hon. D. W. COOLEY: This could happen in an emergency situation.

The Hon. W. R. Withers: What sort of emergency situation?

The Hon. R. F. Claughton: If you don't know, why are you supporting the Bill?

The Hon. W. R. Withers: Heavens above, because I consider it necessary.

The Hon. R. F. Claughton: Because you have no brains to do anything else. You do as you are told.

The Hon. G. E. Masters: And you don't?

The Hon. D. W. COOLEY: It is a great pity that 21 members can sit in this place and justify the Bill before us. However, they have not been out telling the public the good points of the Bill. They do not have any justification for it.

The Hon. W. R. Withers: You did not hear me speak at Balga.

The Hon. D. W. COOLEY: No, I did not hear the honourable member speak, but I heard what he had to say.

The Hon. W. R. Withers: Are you saying that you would like me to get up here and repeat what I said at Balga?

The Hon. D. W. COOLEY: If the honourable member is honest, he will do this. History has proved that the easiest path to a dictatorship is to abolish the trade union movement. I do not suggest that by introducing this Bill the Government is on the threshold of introducing a dictatorship, but I repeat that the measure contains all the ingredients and the paraphernalia of a dictatorship if it is used recklessly and indiscriminately.

If members doubt my comments, they need only look at Germany and Italy prior to 1939 and at the situation in Spain and China today. There are no trade unions in China; it is a totalitarian State. If we suppress the trade union movement we will have sick countries like South Africa, Greece, and Chile. Greece and Chile operate under military juntas, and, of course, the laws in South Africa are so oppressive that they take away all the liberties and civil rights of the people whether they are black, white, or brindle.

The PRESIDENT: While the honourable member is looking at countries, would he also take a casual look at the Bill before the House.

The Hon. D. W. COOLEY: Yes, Mr President. As I have said earlier, the Bill before us is bad law—there is no question about that. We have ample evidence to indicate the attitude of the people within the community. I will go through a few of these documents to endeavour to convince members opposite that they are supporting legislation which could bring industrial chaos to this State. It has been stated clearly today, and it will be stated again, that civil disobedience will prevail if this Bill becomes law and is implemented against the trade union movement or any section of the trade union movement. I do not think any of us want to see that happen. I personally do not, and I do not think the Government members do. It would be sensible to introduce legislation to give our State the ability to control an emergency situation with the goodwill of all people.

The Law Society has indicated its reasons for considering this bad legislation. It says—

Critical comment of this sort, with respect to potentially repressive legislation, is typically answered by the comment that the powers will be used in a responsible way. There can be no guarantee of that, at least in the long run. This legislation is susceptible to abuse by extremists, from either side of the political spectrum and the

normal protections afforded to citizens by our system of law are removed. The declaration of a state of emergency in Queensland at the time of the Springbok Rugby tour a few years ago is now generally considered to have been quite unwarranted. There is always the danger that the government of the day will take panic measures which on reflection are quite unjustified.

Such a situation can prevail with legislation of this type.

The Hon. G. C. MacKinnon: This law would not allow a declaration in regard to something like the Springbok tour because that had nothing to do with fuel and energy.

The Hon. D. K. Dans: They are not coming again in any case.

The Hon. D. W. COOLEY: I am not saying that.

The Hon. G. C. MacKinnon: Why not talk to the Bill?

The Hon. R. Thompson: You would be the greatest one ever to wander from a Bill.

The Hon. D. W. COOLEY: The danger of a Bill of this nature is that it can be abused by irresponsible people. I do not say that members opposite are irresponsible.

The Hon. G. C. MacKinnon: It cannot be abused.

The Hon. D. W. COOLEY: In 10 years' time it might be applied in a different way.

The Hon. G. C. MacKinnon: In 100 years' time it could not be applied to stop the Springbok tour.

The Hon. D. W. COOLEY: It may be applied to the disadvantage of a lot of people who hold extreme right-wing ideas.

The Hon. G. C. MacKinnon: That is a risk one takes.

The Hon. N. E. Baxter: You are implying that any Governor could be an irresponsible person.

The Hon. D. W. COOLEY: I am saying that an irresponsible Government—

The Hon. N. E. Baxter: I am talking about the Governor.

The Hon. D. W. COOLEY: I can envisage the day when we could have an irresponsible Government here and the type of people in control may wish to conduct a war against the trade union movement. This legislation could be used on a rampage against the trade unions. It is not good enough for the Minister to shrug—the Government would be able to set up private armies and things of that nature.

The Hon. N. McNeill: Who is talking of private armies?

The Hon. D. W. COOLEY: I am talking of the type of situation that could develop if this legislation is placed on the Statute book. The question was asked: Could there be an irresponsible Government? I am saying that this could happen in the future.

The Hon. N. E. Baxter: I referred to the Governor, and not the Government.

The Hon. D. W. COOLEY: We are democratic people. We are simply asking the Government to look at this legislation to see how it could be altered so that it will contain the safeguards required by the trade union movement and the Labor Party. Surely that is not an unreasonable request to make. Government members should be looking at it in that light, rather than trying to inflame the situation.

The Hon. N. E. Baxter: I like the use of the word "inflame" from you.

The Hon. D. W. COOLEY: We all should know what present-day industrial life is all about. We have known this since 1969 when the Government of the day gaoled a trade union official. I do not like to go over this again, but the then Government was responsible for gaoing a trade union official. From that time on, the law in respect of gaoing or fining trade union officials has not been applied because of trade union resistance against a bad law.

The Hon. N. McNeill: Why was he gaoled?

The Hon. D. W. COOLEY: Because he would not comply with the penal provisions of the Industrial Arbitration Act.

The Hon. N. McNeill: He would not obey the law.

The Hon. D. W. COOLEY: No union official has been gaoled since O'Shea. Plenty of other people have disobeyed the industrial laws of the country but they have not been gaoled. The Government knows they are bad laws and cannot be implemented. When a Bill such as this is brought before the Parliament of Western Australia it introduces bad law and incites people to act against it.

The Hon. N. McNeill: You are the one who is doing the inciting.

The Hon. D. W. COOLEY: If members are so blind that they cannot see what will happen I have pity for them, because thousands of people have indicated to us and told us it is bad law; and I mean people quite apart from the trade unionists.

The Hon. G. E. Masters: I have heard quite a lot of people say it is a good law.

The Hon. R. Thompson: Prove it.

The Hon. D. W. COOLEY: As I have already indicated there are 49 people in Parliament, apart from a few isolated employers, who will say that it is good law.

The Hon. V. J. Ferry: Not employers but unions.

The Hon. D. W. COOLEY: Members opposite cannot produce a large number of people who say this is good legislation; they are just not able to do so. They will not be able to find any large body of people who support the provisions of the Bill.

The Hon. V. J. Ferry: You would be surprised.

The Hon. D. W. COOLEY: Members opposite say that the people who protest have been conscripted.

The Hon. G. E. Masters: Reluctant unionists; that is what most of them are.

The Hon. R. Thompson: They were supposed to have hired people!

The Hon. A. A. Lewis: They were threatened if they did not attend.

The PRESIDENT: Order!

The Hon. R. F. Cloughton: We are now really getting on to what it is all about.

The PRESIDENT: Order! Will Mr Cooley please resume his seat. I have come to the conclusion that it is useless for me to call order because certain members seem to take no notice. When the President calls for order will members please maintain order?

The Hon. D. W. COOLEY: It is bad law, Mr President, because the provisions of the Bill cannot be applied beyond the borders of this State. I presume every member of the Government will know of the existence of section 109 of the Commonwealth Constitution which states that, "When a law of a State is inconsistent with a law of the Commonwealth, the latter shall prevail, and the former shall, to the extent of the inconsistencies, be invalid." Is the Government going to put this legislation into effect when we know that there exists a Federal law which will override this legislation in the event of any inconsistency? The Government is merely inviting trouble, because as has been expressed by the President of the Federal ACTU and by at least 132 Federal unions, if any body or organization is attacked under the provisions of this Bill the full weight of the trade union movement of Australia will be brought to bear to assist the people so attacked. What if we have a desperate fuel situation in this State and some unions are covered by a Federal award and others are not?

The Hon. A. A. Lewis: You are doing a lot of threatening.

The Hon. D. W. COOLEY: This is not a threat. I am merely pointing out what could happen if the provisions of this Bill were applied to any particular body.

The Hon. W. R. Withers: Set up the situation and explain how it will happen. You cannot do so.

The Hon. D. W. COOLEY: For the benefit of the honourable member I will again read through the provisions of the Bill. Subsection (2) of the proposed new section 41 contained in clause 4 of the Bill reads as follows—

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

I invite the attention of members to, and stress, the words "under this Part of this Act."

The Hon. V. J. Ferry: I thought you would know it by heart.

The Hon. D. W. COOLEY: I do.

The Hon. N. E. Baxter: Then why are you reading it?

The Hon. D. W. COOLEY: It is a great wonder to me that what I am trying to convey has not sunk into the minds of some members opposite, particularly when I indicated that the Bill will bring about great industrial disputation in this State.

The Hon. N. McNeill: You have already said it cannot override the Commonwealth Constitution.

The Hon. D. W. COOLEY: That being so it is bad law.

The Hon. G. C. MacKinnon: It cannot override the State Constitution either.

The Hon. N. McNeill: You talked about section 109 of the Commonwealth Constitution.

The Hon. D. W. COOLEY: I can see the Minister for Justice is aware of section 109.

The Hon. N. McNeill: That is right, and how can you claim what you do?

The Hon. D. W. COOLEY: It may not override Federal awards but it will override awards of this State. It would for example override the Collie miners' award. Why should we have a provision in legislation which will override such an award?

The Hon. W. R. Withers: How many emergencies would cover Collie miners?

The Hon. D. K. Dans: They may stay away for three or four months.

The Hon. W. R. Withers: Thank you, Mr Dans, and the community will fall apart.

The Hon. N. McNeill: Did you say it conflicts with the Commonwealth Constitution?

The Hon. D. W. COOLEY: Of course it does.

The Hon. G. C. MacKinnon: Can you tell us how you can draft a Bill which will override the Commonwealth Constitution?

The Hon. D. K. Dans: That is the whole point; it is most divisive.

The Hon. D. W. COOLEY: Is it bad law when provision is made in a Bill such as this which cannot be properly enforced against one section of the community while it can be enforced against another?

The Hon. G. C. MacKinnon: There are thousands of Acts which cannot override Commonwealth Acts.

The Hon. N. McNeill: It is only in the case of an emergency that the provisions will be applied.

The Hon. D. W. COOLEY: Why is it necessary to have such a provision in this legislation? The Minister has not made the position clear.

The Hon. G. C. MacKinnon: You sit down and we will try to explain it to you.

The Hon. W. R. Withers: Mr Dans just explained it.

The Hon. D. W. COOLEY: Is it necessary for the Government to have this control over the trade unions?

The Hon. W. R. Withers: When they go on strike for three or four months.

The Hon. D. W. COOLEY: The honourable member is saying it is designed to control the trade union movement and that the legislation will be used against them.

The Hon. G. C. MacKinnon: As the major speaker for the Opposition you should be explaining the Bill and not going on as you are.

The Hon. D. W. COOLEY: Perhaps Mr MacKinnon does not like the truth.

The Hon. G. C. MacKinnon: We have not heard it as yet.

The Hon. D. K. Dans: I am concerned about Mr Withers continually interjecting and trying to throw Mr Cooley off the Bill.

The PRESIDENT: I think Mr Withers is not the only one who is doing battle.

The Hon. D. W. COOLEY: I am not the only one who thinks this is bad legislation. This opinion has been expressed by the Press and others, and I am sure most members will have read the article written by Tony Warton which was headed, "Government has trade-union tiger in its sights." The article states in effect, there are a number of ways to catch a tiger, the first of which is to shoot a tranquilliser dart into the beast and wait until it is sleeping peacefully when one can do with it as one wishes. The article also suggests that the worst method is to grab the tiger by the

tail, but once one has done so one must not let go or one will run the risk of being eaten.

The Hon. V. J. Ferry: Is that another threat?

The Hon. G. C. MacKinnon: I am not concerned about getting eaten but that something undignified might happen.

The Hon. D. K. Dans: Your finger or thumb could slip.

The Hon. D. W. COOLEY: I could go on at great length in respect of the people who have come out in opposition to the Bill. Members opposite should think again if they feel I am just mouthing words in respect of the situation that might prevail in the event of this Bill becoming law. Not only have the representatives of the Transport Workers' Union said that they will not obey the law, but the Firemen and Engine Drivers' Union, the Miscellaneous Workers' Union and quite a number of other unions have also indicated they will not recommend to their members that they obey the provisions of this Bill should it become law.

The result of a confrontation such as this can end either in embarrassment for the Government or in the destruction of the trade union movement, and if this situation occurs we will be heading towards a breakdown in democracy.

I would like to conclude and ask members of the House to use their power of review, about which we have heard so much in this Chamber, and send the Bill back from whence it came, and tell the people who sent it here that the public at large does not accept it. We should tell them that if it is implemented in its present form it will bring industrial chaos; we should tell them that the public will support emergency legislation based on democratic procedures and the preservation of civil liberties.

I remind the House now, as I did in my speech in the Address-in-Reply debate, that it was the enforcement of stupid laws which resulted in the gaoling of a trade union official in 1969 and which, in turn, triggered off the considerable industrial unrest we have today. That law was defeated as I am sure will be the legislation we are now discussing.

If the Government does not heed this advice I can assure it that, as sure as day follows night, this Bill—when it becomes law—will founder on the seas of industrial unrest and be eventually smashed upon the rock of trade union unity that has developed over this issue.

THE HON. H. W. GAYFER (Central) [8.57 p.m.]: I have sat here from about 5.00 p.m., which was about the time Mr Cooley rose to his feet to lead the opposition to the Bill which is before us at the moment. For the benefit of members, and

in case some of them might have forgotten the purpose of the legislation, I will read the title of the Bill which is as follows—

A BILL

for

AN ACT to amend the Fuel, Energy and Power Resources Act, 1972, and to make provision for the securing of present and future sources of fuel, energy and power and of services relating thereto, for the protection of the community in cases of emergency, and for purposes connected therewith.

We are speaking now at the second reading stage of the Bill, during which we generally discuss in simple language whether or not the Bill should be read a second time. If we decide that the Bill should be introduced we will then move into the Committee stage and discuss whether the parts of the measure which make up the title are parts which we feel should be included in the Bill.

At the present stage, however, we are merely discussing whether or not the Bill should be read a second time. I have heard quite a number of words spoken to-night which remind me very much of a debate which I witnessed in 1963. As a matter of fact the industrial climate we have experienced today is very similar to that which existed in 1963. I can well recall the occasion when the galleries of the Assembly were packed with lumpers—I believe there were over 500 lumpers there.

The Hon. D. K. Dans: Waterside workers, please.

The Hon. H. W. GAYFER: I do apologise; I would not like to say the wrong thing.

The Hon. D. K. Dans: Lumpers are from Bunbury.

The Hon. G. C. MacKinnon: They were lumpers back in 1963.

The Hon. H. W. GAYFER: Nevertheless, the people to whom I have referred had packed the Assembly galleries, and the speeches we heard on that occasion were, of course, made for the benefit of the people in the gallery, as was the speech made by Mr Cooley tonight.

The Hon. R. Thompson: You were watching TV.

The Hon. H. W. GAYFER: I can assure the Leader of the Opposition I did not watch TV and there are 14 people to say I did not watch TV. The only thing that spoilt my evening was that Mr Thompson was not with me.

Getting back to what happened in 1963, I would like to quote from the *Hansard* of that year to show the similarity of the opposition to the Bill that was introduced then and that being expressed to the Bill that is now before us. In 1963 Parliament was debating the Workers' Compensation Act Amendment Bill. This was an Act that

was to be the ruin of all the trade unions. It was to be the end of the trade union movement.

The Hon. S. J. Dellar: Was it not the Industrial Arbitration Act Amendment Bill and not the Workers' Compensation Act Amendment Bill?

The Hon. H. W. GAYFER: Well, the Industrial Arbitration Act Amendment Bill.

The Hon. G. C. MacKinnon: That was the one where they carried a coffin around, was it not?

The Hon. H. W. GAYFER: That is right. At that time Mr W. Hegney spoke, I think, for three-and-a-half hours. I cannot see the clock, but I think Mr Cooley was watching it and was trying to break Mr Hegney's record. Part of Mr Hegney's speech reads as follows—

A measure such as the one before us does not help to improve the situation. On the contrary, it stirs up antagonism, bitterness, and hatred, both personal and general, as a result of such legislation. I have no doubt that any trade unionist, who studies the provisions of this Bill, will come to realise that this is an attempt to undermine the influence of the trade unions in Western Australia.

The Hon. G. C. MacKinnon: We won the next election with a majority of seven, did we not?

The Hon. H. W. GAYFER: I will deal with this side of it first, and I will then lead up to the other. If the Minister would like to make a speech a little later—and no doubt he will—he can go through it all again as Mr Cooley did time and time again with the letters he had in front of him. Further, a very prominent member of the Labor Party—a gentleman by the name of Mr Fletcher—had this to say—

I would also like to ask members: Who has a majority in the community of Western Australia, the unions or the employers? If members opposite paid anything other than lip service to democracy they would accept the fact that it is undemocratic to have the will of the minority inflicted on the majority.

Another gentleman, by the name of Mr J. T. Tonkin, also spoke. He said—

The Bill provides for a mass assault upon the working conditions of men and women in Western Australia. Its real purpose has not been disclosed; nor have the real reasons for its introduction been given to the Assembly.

The Hon. D. W. Cooley: The same has happened here today.

The Hon. H. W. GAYFER: There are three volumes of *Hansard* in that year as you may well recall, Mr President, because you would have been the Leader in the Legislative Council at that time. The debates on the Bill went on and on for

hours. Both Houses were given every opportunity to talk it out. I can recall that the House used to adjourn at 6.15 in the morning; not just on one morning but on many mornings. The House did not rise early in those years as it does now, but there was an unwritten law at that time that if the House sat until 6.30 a.m. members were entitled to breakfast, and that is the reason the House used to rise at 6.15 a.m. One of the reasons was that the House Committee was not too keen about feeding us, but nevertheless it was thought fitting that we should have an opportunity to have a shower and a break before resuming proceedings on the same day.

During the debate on the Bill in another place all sorts of threats were made. One member in that place threw his books around the Chamber and, waving his arms, he called out to the people in the gallery words to this effect: Come down here and join us; let us get rid of the so-and-so. One member, as you will recall, Mr President, was flooded in the corridor. This is the truth. That is the excitement that prevailed at that time.

The Hon. R. Thompson: Not in this Chamber.

The Hon. H. W. GAYFER: It was just as bad in this Chamber. There were occasions on which I came up here to listen to the debate. I will not quote some of the illustrious debates that took place at that time and which made history. The Leader of the Opposition knows of them only too well.

We heard many threats and tirades made during the debates on the Industrial Arbitration Act Amendment Bill at that time. What happened? The Brand Government did not fall at the next election. In fact, it was returned with a majority of seven. Further, that Government was returned for two more terms before it fell. It certainly did not fall over the introduction of the Industrial Arbitration Act Amendment Bill. It could not, because Mr Tonkin did not do anything to take out the provisions that we inserted in that obnoxious Bill and that shows how farcical the present situation is.

The people are getting stirred up over nothing and I am afraid that this mass inciting of the people is only weakening our democratic structure. We can only stand back and look at what is being done to the people. A short time ago all the Labor members in this Chamber complained bitterly because 6 000 farmers marched through Perth.

The Hon. Grace Vaughan: You admit that?

The Hon. H. W. GAYFER: Yes, there were 6 000 farmers who marched through Perth; nobody has denied that. The Labor movement has had 10 000 people out of 660 000 people residing within 10 square miles of this place marching through

Perth. However, the 6 000 farmers who were involved in a march had to travel hundreds and hundreds of miles to prove the sincerity of their operation. One person out of 66 residing in the metropolitan area came to this building today, and one person out of 56 came down from the country to march through Perth in protest against the action of the Federal Government. In much the same way Labor members have incited the crowd to march today against what they consider to be an irresponsible Government; that is, the Liberal-Country Party Government of Western Australia. There is not much difference between the two demonstrations, and to my way of thinking the whole thing is absolutely ridiculous. On the banners carried today appeared the words "Ban the Bill". Ban what Bill?

The Hon. J. Heitman: Are you sure it was not "Ban the Pill"?

The Hon. H. W. GAYFER: It could have been, but I do not think so.

Ban what Bill? Mr Cooley has said nothing against the introduction of a Bill to meet an emergency.

The Hon. D. W. Cooley: You have not been listening.

The Hon. H. W. GAYFER: I have been listening all the time.

The Hon. D. W. Cooley: Why did you not address the 8 000 people who were outside this building today?

The Hon. H. W. GAYFER: They were incited—

The Hon. Grace Vaughan: They were very orderly.

The Hon. H. W. GAYFER: I admit they were orderly, purely and simply because they did not want a debacle to occur such as the one which occurred in Forrest Place.

The Hon. Grace Vaughan: That is right. They know how to behave themselves.

The Hon. H. W. GAYFER: There is no-one here today who took part in the Forrest Place demonstration, so we will leave that out of the debate for the moment. They were incited to oppose the Bill at any price.

The Hon. R. Thompson: When are you going to debate the Bill?

The Hon. H. W. GAYFER: I would point out to the Leader of the Opposition that it is my prerogative to debate whether or not this Bill is to be read a second time, and the content of it will be debated in full when we reach the Committee stage. I think I can refer to the contents of the Bill, Mr President, if I so choose, but this is purely and simply a Committee Bill, and I am trying to explain that no member has yet opposed the introduction of the Bill; they have merely opposed its contents.

The Hon. G. C. MacKinnon: They are opposed to one clause; Mr Cooley reiterated that the Bill ought to be introduced.

The Hon. H. W. GAYFER: There is no argument. South Australia has introduced a similar Bill. In January of this year Mr May, as Minister for Mines, introduced a similar Bill to Cabinet when the Labor Government was in office and the Leader of the Opposition was a member of that Cabinet.

The Hon. G. C. MacKinnon: It was introduced on the 10th January.

The Hon. H. W. GAYFER: It was approved by Mr Tonkin's Cabinet and signed by him. I am not arguing about that. The point I am making is that he recognised the importance of introducing a Bill to control an emergency situation. So did Mr Dunstan, the Premier of South Australia, and so did people in other places. Members opposite have not said anything in opposition to the introduction of the Bill, although possibly they will.

The Hon. R. Thompson: If you stay awake long enough tonight you will hear us.

The Hon. H. W. GAYFER: I listened to the expert on the matter this evening—the President of the TLC—and not once did he oppose the introduction of the Bill.

The Hon. D. W. Cooley: We are not opposed to emergency legislation.

The Hon. H. W. GAYFER: I fully support the introduction of this Bill for emergency purposes. The Law Society has no objection to it, and the Federated Clerks Union has no objection to the introduction of such a Bill. In a letter I received from that union, the following appears—

Furthermore, the Union has no political affiliations and no "political axe" to grind.

Our concern is to the extent of the powers being sought and the unanswerable question of how the present and, just as importantly, succeeding governments will use those powers if the Bill becomes law.

It seems to us that the most critical proposal is the introduction of a section 41 which seeks to supplant any provision of any other Act which is inconsistent with the amended Act, a provision in our opinion which surely goes beyond the requirements of a democratic government.

That is the only section mentioned; there is nothing against the introduction of the Bill. I can see every reason why the Bill should have been introduced, because I am a union member. I am a member of the Farmers' Union. Mr Cooley may laugh—

The Hon. D. W. Cooley: Are you a worker within the meaning of the Act?

The Hon. H. W. GAYFER: I am a worker and I should imagine that in my time I have worked a darned sight harder than the honourable member.

The Hon. D. W. Cooley: You do not look as if you have.

The Hon. H. W. GAYFER: Do not let the honourable member worry about that. They are only words of assumption and we will not worry about that.

The Hon. D. W. Cooley: We have heard a lot of words tonight.

The Hon. H. W. GAYFER: Sure; I have listened to the honourable member and I have just about had enough of that.

The Hon. R. Thompson: We are sick of you already; you have said nothing.

The Hon. H. W. GAYFER: The TLC Secretary, Mr Jim Coleman; who is that? Is that the offside to the State President of the TLC, Mr Cooley? I will now quote from a newspaper article that was published in the *South Western Times* of the 17th September, 1974. The heading was—

Things get heated at "Fuel Bill" meeting

The article then went on to state—

HEATED debate marked a meeting at the Bunbury Railways Institute last Thursday between unionists and farmers over the State Government's Fuel Energy and Power Resources Bill.

The Hon. D. W. Cooley: You had all your young thugs there.

The Hon. H. W. GAYFER: That was the question that was discussed. That was the audience to which the Hon. Don Cooley had the effrontery to refer when he said that the hall was full of drunken sons of well-to-do farmers.

The Hon. D. W. Cooley: What is the matter with the truth?

The Hon. H. W. GAYFER: Listen to these words uttered by Mr Jim Coleman—

As far as the farming community is concerned, the trade union movement respects the problems of the farming people. We have talked to the Farmers' Union and we have adopted a responsible attitude to the working people.

We are not here tonight to attack anybody; we are here to tell you the truth.

The Hon. D. W. Cooley: You have to humour people when they are in that condition.

The Hon. H. W. GAYFER: I thank the honourable member; that will make magnificent reading in the *Farmers' Weekly* next week. I fully appreciated the sincerity of the Secretary of the Trades and Labor Council at that meeting; as did everyone present, and also everybody else.

That is why the resolution was carried by only 62 for and 56 against. He called these meetings to incite trouble. I do not know what happened in Geraldton because I did not hear about that meeting. However, the point about this matter is that members opposite do not have the support they think they have. As a matter of fact, in the country areas I have not heard one word against this Bill.

The Hon. J. Heitman: Neither have I.

The Hon. H. W. GAYFER: This is a fact. No-one talks about it.

The Hon. R. F. Claughton: Have you shown the Bill to anyone?

The Hon. H. W. GAYFER: I was involved in a funny act this morning. I sat down to breakfast with my wife.

The Hon. R. F. Claughton: Answer the question.

The Hon. H. W. GAYFER: Two gentlemen present became involved in a heated row about the Bill. I was dining at a place frequented by workers. The honourable member would not eat at such places. These gentlemen were really uptight about the Bill. As I listened to what they claimed was in the Bill, my wife kicked me under the table because I was going very red indeed.

I had a copy of the Bill in my pocket. If members study this copy they will see the fold marks in it. Members might claim that I have not read the Bill. If so, they should look at the one I have in my hand. It is marked in various colours—red for Mr Marks and various colours for other people. At least I had a copy of the Bill in my pocket and I showed it to them. We had quite a discussion on it and we parted good friends. They read various provisions in it and asked me what objection there was to them. I said I did not know; that they had better go along and listen to Mr Bob Hawke at one o'clock this afternoon.

The Hon. D. W. Cooley: They have had their minds changed now.

The Hon. H. W. GAYFER: They did not have a clue what was in the Bill, and I guarantee that this is the situation with 99 per cent of the people in Western Australia.

The Hon. G. C. MacKinnon: Mr Cooley does not know, and he has been telling them.

The Hon. H. W. GAYFER: All I say is that there has been a great incitement, excitement, or indictment of the people, call it what we will. A lot of baloney has been spoken about this Bill.

Mr Cooley made a few remarks to which I would like to refer, with your kind permission, Mr President. As I am debating the second reading, I must be able to refer to words he used during that same debate.

He said the Country Party was at sixes and sevens over the Bill; and he also said that its members do not have much of a say in this Chamber. Mr Cooley should not get carried away with his own importance. There are three members of the Country Party in this Chamber—my colleague on my right, Mr Baxter, and myself. There are nine Labor members; but we had nine Country Party members two years ago. This is how insecure one's place is in this Chamber. We should never belittle the little man. It does not become us. The three of us are quite happy.

Mr Cooley said a few more things.

The Hon. D. W. Cooley: You do not—

The Hon. H. W. GAYFER: Mr Cooley does not like his words coming back to him. These are the threats he actually made in this Chamber. I have been involved in the cut and thrust of debate in my time, and it has been with experts like Mr Herb Graham, Mr Bert Hawke, and Mr J. T. Tonkin, statesmen who know their place. However, never have I heard such real threats made as I have heard today. The debate during the arbitration legislation did not contain such a direct threatening attitude. Mr Cooley said the Government will be declaring industrial warfare on the trade unions if the Bill is passed and that there is an overwhelming consensus of opinion against the Bill among State and Commonwealth unions.

In other words, the State and nation have an overwhelming consensus of opinion against the Bill. That is wrong. He also says that the Government will be declaring industrial warfare. He said that if the Government continues with its policy and the Bill becomes law, or if it is implemented, there will be civil disobedience and bitter future conflict in Australia. In other words he is provoking the trade union movement into doing the very thing it says would not happen and for which no Bill need be introduced.

The Hon. N. E. Baxter: He is following his high priest, Mr Bob Hawke.

The Hon. H. W. GAYFER: Mr Cooley says there is no shortage of fuel. He said that we might as well talk about a shortage of food. I come from a farming community and one of the things I like about the Bill is the fact that under it the supply of fuel can be controlled and therefore we will be able to get the foodstuffs into the ground at seeding time. In Western Australia this period lasts for five weeks at the most.

If we do not get our crops planted in Western Australia during those five weeks we have to give it away. That is all there is to it and there is no income, no food, and no livelihood for those who shift the grain. There is no work for those who overload it if we do not have our fuel so we can plant the seven million acres of crop. If we do not plant our crops, the State cannot move. For this reason the farming

community I represent supports the Bill because we can then be assured that we can move our crops and our tractors and get our crops planted.

The Hon. R. F. Claughton: Is that how you justified the Bill to them?

The Hon. H. W. GAYFER: It is not how I justified it at all. It is just plain common sense.

The Hon. R. F. Claughton: That is what you have been saying to them.

The Hon. H. W. GAYFER: No, no, no! I have not talked about the Bill at any farmers' meeting—and this is the truth—because I do not have to sell myself to the farmers. They can read and they can understand; and they are quite sure that this Bill will be an advantage to them. Its purpose is to ensure that they will be able to plant their crops. Also if a shortage of fuel occurs and we cannot get our grain from the country terminals to the ports and thus overseas, the money will not come into the Commonwealth.

If we cannot get fuel to enable us to plant our crops and then move the grain and other commodities, the whole country will come to a grinding stop. There will be no need to consider the poor farmers and to ask, "What the devil do they matter?" It matters not whether those in the Labor corner like it, the farmer is still the backbone of this country, and if he stops working, they will stop—make no error about that—and so will those involved in the production of iron ore and similar primary production commodities.

I do not know whether members of the Labor Party lived through the Meckering earthquake.

The Hon. S. J. Dellar: We must have if we are still here.

The Hon. H. W. GAYFER: I daresay they would not have bothered to look at the devastation which resulted. That is the type of disaster which can occur. One minute there is a town, and the next there is nothing at all.

The Hon. D. W. Cooley: Did not the workers help in respect of that disaster? Was not the trade union movement well to the fore?

The Hon. H. W. GAYFER: Yes, and they were marvellous; and the farmers were working with them side by side.

The Hon. D. W. Cooley: The workers have never let the nation down.

The Hon. Clive Griffiths: How many speeches has he made?

The Hon. H. W. GAYFER: No-one says they have. I am saying that this is the type of emergency for which we need the powers contained in the Bill. No-one has disagreed with the introduction of the Bill, except the marchers today. They carried placards, but they had been told what to put on them. They want the Bill banned,

but Mr Cooley is not opposing the Bill. He is opposing its contents, not its introduction.

The Hon. D. W. Cooley: I made that clear.

The Hon. H. W. GAYFER: This is what is so farcical about the whole situation. It is laughable when we look at it from inside here and realise the shallowness of the whole purpose in inciting people who do not know what they are being incited about.

The Hon. Grace Vaughan: That is not so. They oppose the Bill.

Several members interjected.

The Hon. H. W. GAYFER: I know it hurts like blazes, but it is the truth, and the truth will always hurt. It has been said that the miners have not been off for one day in 14 years.

The Hon. D. W. Cooley: And they are very proud about it.

The Hon. H. W. GAYFER: The farming movement has had two strikes in 135 years.

The Hon. D. K. Dans: It is about time you had another one.

The Hon. H. W. GAYFER: I am not belittling the miners. They are in a very good union. So are the railway workers. This is what worries me; to see union members walking up and down with placards reading, "Chuck the Bill out" and "Don't Vote for the Bill". Yet Mr Dunstan wants it, Mr May introduced it into Cabinet, Mr J. T. Tonkin approved it and signed it, and Cabinet—whether by a majority or not—approved of it. If Labor had been returned to office this year, this Bill would have been introduced just the same.

The Hon. D. W. Cooley: It is a lie to say that.

The Hon. H. W. GAYFER: It is not a lie to say that.

The Hon. D. W. Cooley: It would never have got past Caucus.

The Hon. H. W. GAYFER: Baloney! It would have got past Caucus. There is no doubt about that; and there would have been no arguments.

The Hon. D. K. Dans: Before or after the election?

The Hon. H. W. GAYFER: Possibly the contents are slightly different: I do not know. Nevertheless the point I make is that we are getting uptight about very little.

The Hon. S. J. Dellar: Don't blow a fuse.

The Hon. H. W. GAYFER: I have studied the Bill. But if some members do not believe I have, they should look at my desk! A few amendments were made to it after it was introduced in another place. Like Mr MacKinnon, I do not enjoy reading *Hansard*. I never have done so and I will not start now.

About three weeks ago Miss Judy Bateman rang me and asked me how I would vote for the Bill when it reached the Upper House. I asked her whether it had left the Lower House. She said she did not think so. I asked her what the situation was in regard to the Bill and she replied that she thought a few amendments were to be made. Yet she wanted me to forecast then how I would vote on that legislation when it came here three weeks later. Have members ever heard anything so crazy? That is how I am supposed to make up my mind in a House of Review, which is how I regard this place. I am asked to form an opinion on a Bill which has not left another place and which at that time was still being discussed in another place. The Premier or someone or other had moved certain amendments, at whose insistence I do not know, which in his opinion would improve the Bill. Once the Bill has been passed in another place, it comes to us. So, to try to form a preconceived opinion on a matter about which we know nothing at all, is absolute rot.

The same applies to many of the people who have been misled over this issue. For instance, one of the provisions in the Bill makes it necessary for a search warrant to be obtained before any checking up is done in respect of compliance with the law. I believe that members of the Labor Party are saying they got that one through and that was something.

It is interesting to note that this provision was not included in the draft Bill authorised by the Tonkin Cabinet. Under that draft Bill a warrant was not required, but that clause has been deleted by the Liberal Government. In other words, the Tonkin Government's Bill did not insist on the necessity for a search warrant to be obtained, but the Liberal Government has included such a provision. I would like the Minister to correct me if I am wrong.

The Hon. G. C. MacKinnon: I think you are right.

The Hon. Lyla Elliott: How can you discuss a Bill never introduced into Parliament?

The Hon. H. W. GAYFER: That is a good point; and how can anyone incite a mob by not explaining what is in the Bill?

The Hon. Grace Vaughan: That is nonsense. You do not know what was explained.

The Hon. H. W. GAYFER: I listened to what was said.

The Hon. R. F. Claughton: In the Supreme Court gardens?

The Hon. H. W. GAYFER: It is interesting to note that the Tonkin Government enacted no fewer than eight pieces of

legislation which included no provision to make it necessary for a search warrant to be obtained.

The Hon. R. F. Claughton: Name them.

The Hon. H. W. GAYFER: I am referring to the legislation dealing with environmental protection, Aboriginal heritage, community welfare, construction safety, noise abatement, W.A. products symbol, auction sales, and motor vehicle dealers.

The Hon. R. Thompson: And all approved by this House.

The Hon. H. W. GAYFER: Quite correct. Not one of those pieces of legislation included a provision for a search warrant.

The Hon. G. C. MacKinnon: Not one.

The Hon. R. F. Claughton: Have you looked at the sections in those Acts?

The Hon. H. W. GAYFER: Yes. School teachers!

The Hon. R. Thompson: What about the Aboriginal Heritage Act?

The PRESIDENT: Order! The honourable member will address the Chair.

The Hon. H. W. GAYFER: I bow to your wisdom at all times, Sir. Another provision brought in as an amendment to the Bill which was first introduced is that which provides that Parliament must be brought together within 14 days if a state of emergency has been declared when Parliament is not in session. That is not a bad effort. Who was it said 30 days would do? Was it the Law Society?

The Hon. G. C. MacKinnon: I think so, but 14 is about the minimum.

The Hon. H. W. GAYFER: By the time the Speaker and the President call the Parliament together, it would be 14 days. However, Parliament will then decide the matter, and either House of Parliament has the right to disallow the regulations made under the legislation so it does not mean the matter must be at the whim of either House.

The Hon. G. C. MacKinnon: The Interpretation Act will still apply.

The Hon. Grace Vaughan: There is precious little chance of this House disallowing the regulations.

The Hon. H. W. GAYFER: Last year it was a Labor majority in the lower House and Labor could have annulled it. It was possibly non-Labor in the House of Review, but either House can disallow regulations made under the legislation now before us. What could be fairer than that? It is crazy to say the Bill has these drawbacks. It reminds me of the chap who says it is dangerous if it gets into the hands of the wrong Government. What he means by the "wrong Government", I do not know—probably either a particularly left-wing or right-wing Government. Can members imagine that such a Government, if it had power,

would not put this legislation on the Statute book if it were not already there? Is that what he is afraid of? It is so much rot.

The Hon. G. C. MacKinnon: They would put it on in a week.

The Hon. H. W. GAYFER: In less time than that. With dictatorial powers, such a Government would introduce something much tighter than this Bill.

We could go through the many amendments which were introduced to alter the first part of the Bill which was not accepted by the Law Society at that time. Those nine amendments have been incorporated in the Bill. The Bill has been through the Committee stage and we have not heard a peep from the Law Society. The acceptability or otherwise of those provisions will be considered during the Committee stage in this Chamber, and I believe that is the correct time to discuss those clauses of the Bill.

As I said before, I intend to support the Bill and vote for the second reading. I will listen to the arguments put up in Committee. If they are nice and kind they might even receive some sympathy. We will listen to the debate which ensues. But I want to say this: Mr Cooley intimated that the Government members would not speak in the lower House. In this House there have been three speakers so far and two of them have been from the Government side. My colleagues here will speak alternately with Opposition members, or otherwise, and eventually more Government members than Labor Party members will be speaking.

The Hon. D. K. Dans: That is simple arithmetic.

The Hon. H. W. GAYFER: The situation here will be in direct contrast to that in the lower House. It is farcical the way the Bill has been dished up to the public so far, with waving arms and the causing of mass hysteria. That is the sad thing about this Bill, because when our term expires the Bill will be mentioned on the hustings and if we go out of office there will be no rush to get rid of it because by and large it will do exactly what Mr May's Bill proposed when Mr Tonkin was Premier.

THE HON. Lyla Elliott (North-East Metropolitan) [9.35 p.m.]: Despite the histrionics of Mr Gayfer, I hope to show, as I believe the Hon. Don Cooley did very adequately, that this Bill should be rejected in its entirety. But before I do so I would like to comment on one point made by Mr Gayfer. He supplied an answer to Mr Withers about the type of emergency in which this Bill could be invoked. It seems if the farmers are having trouble with their crops, according to Mr Gayfer that would be justification for declaring a state of emergency. I wonder whether he would apply the same thinking

if the farming community withheld stock or produce from the market, as they have threatened to do, and created a food shortage in the metropolitan area.

This Bill provides yet another illustration of the great gulf that exists between the philosophy of the Australian Labor Party and that of the Liberal and Country Parties. In 1972 the Tonkin Government introduced a Bill which conformed to our concept of the functions of government in a democratic society. The purpose of the Bill, which became known as the Fuel, Energy and Power Resources Act, was to form a Fuel and Power Commission with the duty to determine the means by which the present and future sources of supply of fuel and energy in Western Australia could be developed and utilised to the best advantage of the people of Western Australia, and to promote and ensure the co-ordinated development of those sources and that supply. There is nothing wrong with that.

The Minister introducing the Bill (Mr May) said in his second reading speech that discussions on the details of the Bill had been held with representatives of industry who work in the field of fuel, energy, and power. He said the discussions had been held in an atmosphere of mutual understanding and it was considered the detailed provisions of the Bill would ensure co-operation between the industry and the commission to the optimum advantage of the people of Western Australia. It was good legislation and it provided evidence of the concern of the Labor Government for the welfare of the people of this State as a whole.

The Hon. G. C. MacKinnon: And it was supported by the Opposition.

The Hon. LYLA ELLIOTT: What a contrast to the present legislation before the House which seeks to amend that Act! There is no atmosphere of mutual understanding on this occasion. The State is in an uproar about it, and is it any wonder? People from all walks of life who know what the legislation represents are outraged that such a measure could be introduced.

Nobody would argue against the proposition that a Government needs powers which it can invoke in times of a real emergency which threatens the welfare of the citizens of the State, but such a proposition should never provide a Government with powers so sweeping and total as to threaten the basic civil liberties of the citizens of the State.

The present Government has been in office for only 22 weeks and we have seen today the results of that. The State has been brought to a standstill and we can blame only the present Government for any inconvenience or financial loss incurred, because it could have been prevented. All the Premier had to do was

show he was concerned only with powers to handle fuel and power in a genuine emergency and not with obtaining repressive powers to be used against the trade union movement. The stoppage would then have been called off.

The Hon. W. R. Withers: It will not happen.

The Hon. S. J. Dellar: Why have you got it here?

The Hon. LYLA ELLIOTT: The Premier should have heeded the overwhelming opposition coming from all sections of the community. He should have withdrawn the Bill and redrafted it in co-operation with the people involved in all sections, including the trade union movement and the legal profession. The Secretary of the TLC wrote to the Premier offering co-operation and assistance and indicating that the trade union movement was not opposed to the principle of emergency powers for the Government if they were properly prescribed. Mr Cooley mentioned what happened to that request.

What a contrast to the way the original legislation was introduced by the Tonkin Government and the way it was handled, when an atmosphere of mutual understanding prevailed, as I mentioned earlier. There is no doubt in anybody's mind as to the real reason that this Bill was introduced. It is a repressive piece of legislation which is aimed at destroying the power of the trade union movement.

The Hon. D. J. Wordsworth: Is that why Mr Tonkin was going to bring it in?

The Hon. LYLA ELLIOTT: I wish members opposite would stop talking about a Bill which was never introduced by the Tonkin Government. Any doubt which may have existed that this is a Bill aimed at destroying the trade union movement has certainly been dispelled by statements which have been made by Ministers. One of many similar statements made by Sir Charles Court appeared in *The West Australian* on the 29th August. He said—

Representations being made to me indicate very plainly that the public is thoroughly fed up with the incessant dislocation of essential services and household economies by unwarranted industrial disruption. There is a growing demand that the Government should prepare for quick and effective action in any emergency.

He is talking about "unwarranted industrial disruption" in an emergency. He is not confining it to a fuel and power crisis.

The Hon. I. G. Pratt: Did he relate that to a fuel and power crisis or was he talking about the situation in general?

The Hon. LYLA ELLIOTT: He was talking about the Bill we are now debating and he was justifying it in those words.

The Minister for Fuel and Energy (Mr Mensaros) was reported in *The West Australian* of the 16th August as follows—

Outside the House, Mr Mensaros said that last week's transport strike was an example of the fuel shortages causing hardships and disruption.

Now listen to this: he said—

The Government was proposing the legislation to give it powers to counter such industrial action and to minimise its adverse effects on the community.

Do not let members opposite try to tell us this Bill is not aimed at the trade union movement. That has come from the mouths of Ministers in another place.

It is also very interesting to see the people who have come out publicly—very few of them, I might add—in support of the Bill. Mr Cooley referred to Mr Finch, the President of the Perth Chamber of Commerce. I will not read the whole statement which Mr Cooley quoted but I want to emphasise something Mr Finch said which supports what I am saying. Mr Finch said—

The attempts to curb union power would be approved by most people even to the extent of curtailing some rights. Mr Finch said that the public debate over the Bill's provisions was diverting attention from the circumstances which had led to its introduction.

The circumstances were the irresponsible way in which trade unions were pursuing wage increases and other improvements in working conditions with complete disregard for the effect of their actions on the community.

Later on he says—

...some of the Bill's provisions might be improved, but this should not be allowed to obscure its objectives and the chamber supported the efforts of the Premier.

I wonder what are the objectives which Mr Finch had in mind. I do not really have any doubt.

Mr Firkins, also of the Perth Chamber of Commerce, is reported as saying the chamber believed the legislation was desirable. Mr Bruce McKinlay, of the Employers' Federation, is quoted in the *Daily News* of the 20th September as saying—

The Bill is in the public interest.

The West Australian newspaper on the morning following the introduction of the Bill in another place said it was an obvious endeavour to get at the unions. Now, Mr Deputy President, is it any wonder that the unions are fearful for the welfare of their members should this Bill become law? I am sure the Premier felt very pleased with himself and confident of public support for anti-union legislation after

the march on Trades Hall, organised by the Director of the Liberal Information Centre, was held—

The Hon. N. McNeill: It was organised by a private person.

The Hon. LYLA ELLIOTT: —and timed very nicely to fit in with the introduction of this Bill.

The Hon. G. C. MacKinnon: Who is the Director of the Liberal Information Centre?

The Hon. LYLA ELLIOTT: I wonder if he is so happy now following the massive show of opposition from not only the trade unions, but from even staff and students of tertiary education institutions, the Law Society, the Civil Liberties Association, the Press, and also religious bodies.

The Hon. W. R. Withers: I know four girls from a secondary education institution who were here today, and none of them had read the Bill. They had been given pamphlets which contained lies by the TLC.

(Interjection from the gallery.)

The Hon. LYLA ELLIOTT: We see McCarthyism creeping into the situation before the Bill is even law, and people who have expressed opposition to the Bill have been smeared by Government Ministers in another place. Mr McPharlin, the Deputy Premier, was reported in the *Daily News* of the 11th September as having said that the loudest critics of the Bill are the leading Communists of this State. Mr Mensaros, the Minister for Fuel and Energy, attacked the integrity of members of the Law Society, accusing them of political bias. When the Australian Attorney-General (Senator Murphy) and the Minister for Manufacturing Industry (Mr Enderby), stated in the Federal Parliament that that Parliament probably had a constitutional power to override any section of legislation which was obnoxious, the Premier stated in reply—

I would suggest that Senator Murphy and Mr Enderby and their Federal Labor colleagues mind their own business.

That is typical of the comment one would expect from Sir Charles Court.

The Hon. G. C. MacKinnon: If we had their legislation we would be able to call out the Army like Chifley did.

The Hon. LYLA ELLIOTT: I will come to that in a moment.

The Hon. G. C. MacKinnon: Don't forget to do so.

The Hon. LYLA ELLIOTT: To continue what Sir Charles had to say—

Their suggestion that they would use further powers to interfere in our legislative programme demonstrates how far they are prepared to go to help their left-wing comrades to try and destroy the States.

Note the emphasis on "left-wing comrades". Let us have a look at some of the so-called Communists and left-wing comrades. On the 9th September the Law Society at a general meeting overwhelmingly endorsed the strong opposition to this Bill expressed by its council.

The Hon. G. C. MacKinnon: Not to this Bill; to the Bill as originally introduced in the Assembly.

The Hon. LYLA ELLIOTT: This Bill still contains many objectionable features which have not been touched.

The Hon. G. C. MacKinnon: I did not notice any amendments on the notice paper.

The Hon. LYLA ELLIOTT: That is because we think the whole legislation is bad.

The Hon. G. C. MacKinnon: No you don't. Mr Cooley said there ought to be emergency legislation.

The Hon. LYLA ELLIOTT: I think it is bad, and I will vote against it.

The Hon. G. C. MacKinnon: Your principal speaker was Mr Cooley, and he said there should be emergency legislation.

The Hon. LYLA ELLIOTT: As I was saying, the Law Society on the 9th September overwhelmingly endorsed the opposition expressed by its council. In a vote of 69 members, 65 voted to endorse the attitude expressed by the council.

The West Australian editorial on the 3rd September said, amongst other things, that public debate had convinced the State Government that the emergency fuel legislation it introduced was a potentially dangerous instrument. As it was drafted it represented a blank cheque for dictatorship—even though benevolent—by any Administration.

Are the members of the Law Society and *The West Australian* editorial writers Communists or left-wing comrades?

I refer now to the *Sunday Independent*, and I do not imagine anyone in this Chamber would accuse Mr Lang Hancock, who has described Sir Charles Court as a socialist, of being a Communist or a left-wing comrade. That newspaper, in an editorial on the 15th September, after referring to the Deputy Premier's statement about the opposition to the Bill being Communist-inspired, and Mr Mensaros' attack on the Law Society, asked: Could either Minister or a Government in which they serve be trusted to sensibly use the sweeping powers contained in the Bill? We on this side of the House, in common with many other people in the community, ask the same question.

The PRESIDENT: Is the honourable member talking about the Bill as it was introduced in the Legislative Assembly

before it was amended? If she is, she is not addressing herself to the Bill before the Chamber.

The Hon. LYLA ELLIOTT: In the first place, Mr President, the amendments were announced in the Press on the 2nd September. Although they were not actually adopted until a later date, they were made public on that date, and most of the quotes to which I am referring were made after that date.

The PRESIDENT: I must draw the attention of the honourable member to the fact that the subject matter before the Chair is the second reading of the Bill which is now before the House, and that is what she should confine her remarks to.

The Hon. LYLA ELLIOTT: Yes, Sir. I hope to show later that the Bill is substantially the same as that introduced in another place, despite certain amendments which have been made to it. The Australian Journalists' Association has expressed fear for the freedom of the Press if the Bill is passed in this form.

The Hon. G. C. MacKinnon: Mr Cooley told us that.

The Hon. LYLA ELLIOTT: Mr Gareth Evans, a senior lecturer in law at the Melbourne University, when he was in this State some time ago, said he was appalled that any State Government could be serious about the legislation and described the Bill as a shocker, an outright disgrace, and an extraordinary piece of legislation. The Civil Liberties Association has been very critical of it.

The Hon. G. C. MacKinnon: Mr Cooley told us all this.

The Hon. D. K. Dans: Miss Elliott is telling us again.

The Hon. LYLA ELLIOTT: I really think it should be repeated. I do not know whether Mr Cooley quoted all this.

The Hon. G. C. MacKinnon: He did, five times.

The Hon. LYLA ELLIOTT: I do not think he did, but in any case it is important to reiterate these comments because it does not seem to be penetrating through to the Government that not only the trade unions and the Labor Party, but many outside people who could not be called Labor Party sympathisers, are opposed to the Bill.

The Hon. G. C. MacKinnon: It is gradually getting through to us.

The Hon. LYLA ELLIOTT: The next quote to which I refer was also quoted by Mr Cooley. I would like to mention Mr Tucker, President of the University Liberal Club. Would members opposite call him a Communist or left-wing comrade? He said the Bill should protect a person's right of appeal, which should be to the

courts and not to the Minister. The Student Guild of the University of Western Australia unanimously condemned the Bill as dangerous.

We have all received photostat copies of appeals from the academics and staff of tertiary education institutions in this State, which were also referred to by Mr Cooley. We have also received a copy of a letter from the Anglican Archbishop of Perth, and I doubt that anybody in this Chamber would accuse him of being a Communist sympathiser. Day after day we have seen statements and advertisements in the Press from both white collar and blue collar trade unions expressing opposition to this legislation.

When we have Jack Marks of the Amalgamated Metal Workers' Union and Jim Harding of the Federated Clerks Union joining forces to oppose this legislation, it must be pretty bad.

However, despite all this, and despite two demonstrations against the Bill at the steps of Parliament House, the Government is proceeding with the measure.

In his second reading speech the Minister referred to the fact that the Bill had been amended. He said he felt that much of the controversy and criticism surrounding the Bill was, to use his words, emotional and ill-founded. He said amendments were made to the Bill so that its true purpose would be better understood and its inherent safeguards increased. A great deal has been made publicly of these alterations by the Government to justify its proceeding with the measure.

I would like now to deal briefly with some of these so-called safeguards. Proposed new subsections 43 (4), 43 (5), and 43 (6), and proposed new section 44 provide that Parliament shall be called together within 14 days of the declaration of a state of emergency, and that where the order declaring the state of emergency is not ratified by Parliament within 30 days the order shall be deemed to be revoked.

That sounds very nice and democratic, but just exactly what would it mean in practice while we have in office a Government with control of both Houses of Parliament? For example, I cannot imagine the present Parliament, controlled as it is by the Liberal and Country Parties, revoking an order made as a result of a Liberal-Country Party Cabinet decision. I could not see that happening. Even if it did happen—and it is a remote possibility—two things are possible: firstly, a state of emergency could exist for six weeks before being revoked by Parliament, and a great deal of injustice and damage could occur in that time; and, secondly, a further order could be made with differently worded regulations, and the people saddled with another state of emergency for a further six weeks.

Another of these so-called safeguards says a person who, as a 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 shall be entitled to compensation under this part of the Act from the Minister. But what about the person who suffers loss, damage, or injury indirectly through the declaration of the state of emergency; or a person who is charged with an offence under the Act and is subsequently proved innocent? What if damage is done to his home or other premises while it is being searched? Is he eligible to claim compensation under this Bill? I would not think he is—at least not from my reading of the Bill.

Let us have a look at some of the other clauses in the Bill which have been subjected to strong criticism. The obnoxious and dangerous clause 4, which contains proposed new section 41, is still in the Bill; and this was referred to earlier tonight. I know it has already been quoted to the House, but I will read it again because I want to emphasise the complete power it contains. It provides that the Act and the regulations made under it override any other Act, law, proclamation or regulation, judgment, award or order of a court or tribunal or in any contract or agreement whether oral or written or in any deed, document, security, or—just to make sure that nothing is overlooked—any writing whatsoever. Mr President, just how comprehensive can one be?

The *Western Australian Year Book* under the heading of "The Judicature" states that independence of the judiciary is an essential part of the Australian legal system. I believe the legislation before us abrogates that principle, because the legislature is seeking to force its will on the judiciary and on the past acts of the judiciary.

Proposed new section 41 appearing in clause 4 is all-embracing and all-powerful. While this clause remains in the Bill I think we can forget about even trying to amend the rest of the legislation. Every bit of common law that has been built up over the centuries, every safety regulation, and every industrial union award can be declared null and void during a state of emergency. If we read proposed section 41 in conjunction with proposed section 47 (2) (k) which provides for the engagement of persons whether for reward or otherwise, and which could amount to conscription of labour or the use of strike-breaking labour—in that respect I agree with the comments made by Mr Cooley—it is no wonder that the unions are opposing the Bill.

Clause 6 which contains proposed new section 43 (2) provides that a state of emergency can be declared for six months unless it is revoked sooner. In effect, what

this amounts to is that in a transport strike a state of emergency might be declared and ratified by Parliament. The strike might have been in progress for three weeks, but the very next day after the order has been ratified the strike ends. In that event the order could remain in force for the full six months.

When we take into consideration the fact that during this period all the other laws, awards, judgments, etc. are suspended, the position could result in such chaos and revolt on the part of the workers and the trade unions that the Government would use it as an excuse for declaring a further state of emergency.

Clause 10 contains proposed section 47. Subsection (2) states—

Emergency regulations made under this part of this Act may make provision for or with respect to—

(a) the co-ordination of emergency action with national bodies;

I would like to know the Minister's definition of "national bodies". Does it mean that the Minister administering the legislation will be able to negotiate with the Army, the Navy, the Air Force, and all national bodies to break a strike on the waterfront or in the mines?

The Hon. G. C. MacKinnon: You should know better than that. You know that the State has no power to do that.

The Hon. LYLA ELLIOTT: The provision I have mentioned states that the Government can make emergency regulations to provide for the co-ordination of emergency action with national bodies. Would the Minister advise me what national bodies he has in mind?

The Hon. G. C. MacKinnon: I shall do that.

The Hon. LYLA ELLIOTT: Clause 11 contains proposed new section 48. The Government has claimed credit for including this provision in the Bill, and it is particularly proud of the fact. It deals with retaliation, discrimination, and intimidation. I believe this provision has been aimed specifically at the trade union movement.

The Hon. G. C. MacKinnon: What section was that?

The Hon. LYLA ELLIOTT: I refer to proposed section 48 in clause 11. In my opinion it is designed to prevent any action being taken by a union after a state of emergency has arisen, against any persons who might have been used as strike breakers. This would include the refusal of membership of a trade union.

On my reading of this provision a union would be committing an offence in refusing membership to a person who has been used as a strike breaker during a state of emergency. I would like clarification from the

Minister as to the meaning of "after the state of emergency" appearing in proposed section 48. How long after?

The Hon. G. C. MacKinnon: That is the reference in the provision to "during or after the state of emergency".

The Hon. LYLA ELLIOTT: Yes, I would like to know how long after. Furthermore I would like to know who is to determine the nature and the extent of the offence. We could have a case of imagined retaliation, discrimination, or intimidation on the part of a person with a guilty conscience who had taken part in strike breaking during an emergency.

Such a person may miss out on promotion or preferment at some time following the end of the state of emergency, and claim this is retaliation or discrimination against him. Does the foreman or the boss become liable under this legislation, and will they be subject to being charged?

The Law Society has pointed out that where action was taken against a person in default of a contract, it could be said to be retaliation, because he had participated in the emergency supply operations.

The penalties provided in proposed section 49 in clause 12 are ludicrous. An individual, who has been on strike and is ordered back to work, can be fined an extra \$500 or sentenced to six months' imprisonment for each day that he remains out on strike. This means that if he defies an order and stays out for a week he could be fined \$3 500 or be gaoled for 42 months. If he stays out for two weeks he could be fined \$7 000 or be sentenced to seven years' imprisonment, or both.

It was mentioned earlier in the debate that the Law Society had pointed out that to its knowledge it did not know of any other legislation which provided a court with unlimited power to fine a body corporate. It means that a magistrate would be acting within his jurisdiction if he fines an organisation millions of dollars. If such a penalty were invoked it could bankrupt the entire trade union movement.

The Hon. G. C. MacKinnon: Do you not think they would take it to appeal?

The Hon. LYLA ELLIOTT: Appeal is provided under proposed section 61, but I still think that proposed section 49 is a ludicrous provision to place into the Act; and the Law Society is also of the same opinion.

Clause 21 which contains proposed section 58, deals with appeals to the Minister by aggrieved persons. This provision would be laughable if it were not so serious. Just imagine the Minister giving an unbiased decision against himself in an appeal!

Attempts have been made to equate the South Australian legislation, which was introduced by the Dunstan Government this year, with the measure before us;

but I should point out there are many major differences between the two Bills. For example, the South Australian Bill which was drawn up when a real emergency was actually in existence in that State was intended as a temporary measure only. It contained a self-destructive clause which provided that if the Bill became law it would expire on the 31st December. In our case, the legislation is intended to be permanent.

The South Australian Bill expressly provides that nothing in it empowers the promulgation of any regulation imposing any form of civil conscription, prohibiting any person from undertaking any work, or making it an offence to take part in a strike or peacefully to persuade any other person to take part in a strike. That provision is very different from any that appears in the Bill before us.

The Hon. W. R. Withers: The South Australian Bill was not brought forward on the notice paper; so, what is the sense of referring to it?

The Hon. LYLA ELLIOTT: The South Australian Bill has been referred to by other members to justify the Bill that is now before us.

The Hon. R. F. Claughton: That Bill went through both Houses of Parliament in that State.

The Hon. LYLA ELLIOTT: The maximum penalties laid down in the South Australian Bill are \$5 000 or six months' imprisonment, or both. We are aware of the penalties that are provided in the Bill before us. There are other differences, but I shall not go into them.

There are no redeeming features in the measure before us. It is a bad, undemocratic piece of legislation, and it should be rejected in its entirety. I feel it is a pity that the Government parties do not have the same democratic Caucus system that the Labor Party has, because if they did—

The Hon. A. A. Lewis: If we did we would be in a bigger mess than the Labor Party is in!

The Hon. LYLA ELLIOTT: —they would not have introduced the Bill. If they were not committed as they are at present, they would not have agreed to introduce it in Parliament.

The Hon. W. R. Withers: Members of the Labor Party may be forced to vote against the wishes of their electors under the ALP pledge.

The Hon. LYLA ELLIOTT: The people of my electorate knew exactly whom they were voting for when they elected me as their endorsed Labor Party candidate. The electors know when we submit policies to them at election time that they can rely on Labor members being loyal to those policies. If members opposite take this attitude to its logical conclusion, how can

the people be sure, when the Government parties place their policies before them, that the candidates if elected will support those policies in Parliament?

The Hon. G. C. MacKinnon: Where does that appear in the Bill?

The Hon. S. J. Dellar: Mr Withers introduced the subject. Surely Miss Elliott is entitled to reply to it.

The Hon. LYLA ELLIOTT: I refer to a news item which appeared in the *Daily News* of the 20th September. It contains a report that a Liberal back-bencher said, "There has been heated argument in the party room. Many MPs had not seen the Bill until it reached the House."

The Hon. G. C. MacKinnon: There is nothing unusual about that. It came as a shock to your back-benchers that your party had the Bill drafted.

The Hon. LYLA ELLIOTT: Does the Minister not think it would have been better if his members had been given the opportunity to examine the Bill before it was introduced? That is the system under which the Labor Party operates. I think it is a very democratic and satisfactory method. Everyone would then know what a Bill contained before it was introduced in Parliament.

The Hon. R. F. Claughton: Did your party have a look at this before it was introduced in Parliament?

The Hon. G. C. MacKinnon: Your back-bench members did not know that your Cabinet had ordered the Bill to be drafted.

The Hon. R. F. Claughton: Talk sense!

The Hon. LYLA ELLIOTT: That is not relevant. The relevant point is whether the Bill was introduced.

The Hon. A. A. Lewis: You did know it had been drafted?

The Hon. R. F. Claughton: Be quiet and talk some sense!

The PRESIDENT: I suggest Mr. Claughton should follow the same example.

The Hon. LYLA ELLIOTT: The point is that the Bill is now before the Liberal members who claimed they had not seen it until it reached the House. Despite the fact that they did not know its provisions before it was introduced, the dangers and anomalies have since been pointed out to them not only by Labor members of this House and those in another place, by the trade union movement, and by the Law Society, but also by academics and others. I hope they appreciate the points that have been raised by these people, and will demonstrate what they have been telling us—that they are not bound to support their Government's legislation—by crossing the floor of the House and voting with us on this occasion.

I think it was rather ironical last Friday when I had just finished preparing some notes on the Bill and had turned on the radio to hear a news bulletin, that before the news bulletin the radio announcer gave one of his little historical tidbits which said—

On this day 27th September, 1933, martial law was declared in Germany. Immediately following that little piece of historical information, was a news item quoting Sir Charles Court slamming today's stoppage and stipulating that he had no intention of withdrawing the Bill.

The Hon. N. McNeill: It was just a coincidence that those two news items came together!

The Hon. LYLA ELLIOTT: I thought it was ironic and I wondered whether some 40 years hence a radio station would be broadcasting an historical point and refer to the beginning of the end of democracy in this State by the declaration of a state of emergency in the 1970s.

The Hon. G. C. MacKinnon: That did not happen when Chifley called out the Army.

The Hon. LYLA ELLIOTT: I oppose the Bill.

The Hon. G. C. MacKinnon: The member did not tell us about Mr Chifley.

The PRESIDENT: The question is that the Bill be now read a second time. Those in favour say "Aye"; those to the contrary say "No".

The Hon. G. C. MacKinnon: Aye.

The PRESIDENT: The Hon. R. F. Cloughton.

THE HON. R. F. CLAUGHTON (North Metropolitan) [10.16 p.m.]: Mr President—

The Hon. R. Thompson: I thought it was to be one for one.

The Hon. G. C. MacKinnon: Not necessarily.

The PRESIDENT: Order! The Chair takes the eye of the person who addresses himself by standing up.

The Hon. R. F. CLAUGHTON: We have an indication of the sincerity of the Government with regard to what it says in relation to this Bill.

The Hon. A. A. Lewis: The member has known about it since January.

The Hon. R. F. CLAUGHTON: Mr Gayfer indicated that the debate would go from the Government to the Opposition. I am not sure whether he represents the Government.

The Hon. H. W. Gayfer: I miscalculated.

The Hon. R. F. CLAUGHTON: I think the member will miscalculate again if he continues to give his support to the Bill. The Bill is a great miscalculation and I

say to Mr Lewis, through you, Mr President, if he thinks the Bill in its draft form would have got through Caucus to Parliament, when we were in Government, he is wrong.

The Hon. A. A. Lewis: In other words, the honourable member stopped the Bill in January.

The Hon. R. F. CLAUGHTON: I will give an example of the fact that this is not idle talk on my part. It was proposed to the previous Government that legislation should be introduced similar to that now before Parliament in relation to fingerprinting. That proposal came to our Caucus, but it was not approved.

The Hon. A. A. Lewis: How about talking to the Bill?

The Hon. R. F. CLAUGHTON: I am aware that the member is not interested in what I am saying, but when the Bill dealing with fingerprinting came to Caucus for our approval that approval was denied because we saw in it a reduction of civil liberties. In the same way, if this Bill had come to Caucus it would have got no further.

The Bill dealing with fingerprinting was passed after being amended along the lines suggested by the Labor Party. We have now seen this legislation get through the other place and that is an indication of how the measure is likely to be treated if it does become law.

The Bill was presented to Parliament in a most unacceptable form. We have heard about that frequently, and everybody was told that it would not be amended. However, there was a surprise announcement—not to Parliament, but through the media—that various amendments would be made. That is the sort of respect this Government has for Parliament.

The Hon. A. A. Lewis: Similar to the Tonkin Government with regard to the motor vehicle dealers' legislation. I ask the member to cast his memory back to that occasion when amendments were released to the Press before Parliament heard about them. The member probably would not remember.

The Hon. Clive Griffiths: The Labor Party Ministers did not tell us anything when they introduced Bills into Parliament.

The Hon. S. J. Dellar: Tell us what information was contained in the Minister's second reading speech in regard to this measure.

The Hon. R. F. CLAUGHTON: The member opposite is going back to 1968. When the secondary debate between the Hon. Clive Griffiths and my colleague concludes I will say without fear of contradiction by anybody that Parliament never received more information than it received during the time of the Tonkin

Government. In that period a tremendous amount of information was given to Parliament.

However, that does not change the situation with regard to this measure. Parliament has already been bypassed in the announcement of the amendments which were to be made to the Bill. Mr Lewis has referred to other Bills which were passed by the Tonkin Government and I think it should be shown just what the situation is. When the Minister introduced the Bill he said—

Another provision which brought forward considerable emotional response, and which the Government has agreed to delete, concerned the right to enter premises and to conduct searches without a warrant. I find this a little surprising because many other existing Acts contain similar provision, and by my reckoning some eight Bills containing a similar power were passed by the Tonkin Government.

The Minister in charge of the Bill in another place (Mr Mensaros) in a letter to a constituent was more precise. He said that eight Bills were passed by the previous Government which contained this power. Mr Gayfer gave us a list of those Bills so we will just have a look at them to see how precise is the Government, and how closely the Minister and the Government stick to the truth.

The Hon. Clive Griffiths: It seems the member has never been acquainted with it.

The Hon. R. F. CLAUGHTON: As Mr Clive Griffiths is taking an interest he will be able to check. First of all, he might like to look at the Noise Abatement Act. Section 35 of the Act states—

35. (1) Any member of the Council or Advisory Committee or any inspector in addition to such other powers and duties as may from time to time devolve upon him under this Act, or as may be prescribed, may together with any person he may think competent to assist him in making any inspection or examination, enter any premises, and may therein or thereon—

- (a) examine and inspect any equipment, industrial plant, or process; and
- (b) make such examination and inquiry and tests, and ask such questions, and request such information as he considers necessary or desirable,

to ascertain whether the provisions of this Act or any requirement or order made under or pursuant thereto or the conditions attached to exemption granted thereunder are being or have been complied with.

That is one of the Bills where we were told there was no requirement for a warrant to be issued.

The Hon. Clive Griffiths: The member was told that.

The Hon. R. F. CLAUGHTON: Mr Gayfer mentioned that Bill as one of the eight which were introduced by the Labor Government and which allowed entry without warrant. However, whoever wrote out the list of eight Bills should have read a little further because he would have found that what was said, was, in fact, a lie. There is a requirement in the Bill for a warrant to be issued. That is an indication of how much credence we can put on the words of the people pretending to support this most unwise and harsh legislation.

Referring now to subsection (3) of section 35, of the same Act, it is stated—

(3) Before entering any premises pursuant to this section the member of the Council or Advisory Committee or inspector referred to in subsection (1) of this section shall unless the owner or occupier of such premises shall permit such person to enter such premises obtain a warrant to do so from a Magistrate or Justice of the Peace.

That indicates how much credence we can place on the words of the people who make this sort of statement.

The Hon. G. C. MacKinnon: To which Act is the member referring?

The Hon. Clive Griffiths: Which Act will the member refer to next?

The Hon. D. K. Dans: Read them all out.

The Hon. Clive Griffiths: Would the member like me to read out the provisions in the environmental protection legislation?

The Hon. G. C. MacKinnon: The Noise Abatement Act was amended.

The Hon. R. F. CLAUGHTON: I will refer also to the Sales by Auction Act.

The PRESIDENT: I would like the member to refer to the Bill before the House.

The Hon. R. F. CLAUGHTON: The Minister made an accusation against the previous Labor Government and I think I am justified in replying.

The Hon. G. C. MacKinnon: The accusation I made referred to Bills introduced by the Tonkin Government. The Noise Abatement Bill was amended extensively by me.

The Hon. R. F. CLAUGHTON: To which Bills is the Minister referring?

The Hon. Clive Griffiths: The member should have a look at section 13 of the Community Welfare Act.

The Hon. R. F. CLAUGHTON: A total of eight Bills were mentioned and it is only reasonable that I should make some reply. The eight Bills in the list that has been distributed include the Environmental Protection Act, the Aboriginal Heritage Act, the Community Welfare Act, the Traffic Act, and the Noise Abatement Act. That Bill does, in fact, contain a necessity for a warrant.

The Hon. N. E. Baxter: Why not just refer to all the Bills quoted by Mr Gayfer?

The Hon. R. F. CLAUGHTON: There was also the Sales by Auction Act and the Motor Vehicle Dealers Act. First of all, let us look at section 51 of the Aboriginal Heritage Act.

The Hon. Clive Griffiths: That is an interesting Act.

The Hon. R. F. CLAUGHTON: Section 51, in part, states—

51. (1) Any member of the staff of the Museum may, together with any person he may think competent to assist him, enter any premises, other than premises used exclusively as a private dwelling, and may therein or thereon—

(a) examine any Aboriginal site or any place or object that he has reasonable grounds for believing to have been traditionally or currently of sacred, ritual or ceremonial significance to persons of Aboriginal descent; and

(b) make such examination and inquiry and tests, and ask such questions, and request such information as he considers necessary or desirable,

to the extent required for the purposes of this Act.

It is not a very extensive power and it excludes private dwellings; so one cannot go into anybody's home.

The Hon. G. C. MacKinnon: Who put in the amendment excluding private dwellings, and where was that amendment put in?

The Hon. R. F. CLAUGHTON: Is the Minister now going to change his ground?

The Hon. G. C. MacKinnon: You said "introduced by the Tonkin Government".

The Hon. R. F. CLAUGHTON: All the Minister has done up to this time is make the flat statement that eight Bills introduced by the Labor Government contained a provision for entry without warrant. When it is found we were not responsible for the dreadful things which have been implied, the Minister wants to change his ground. None of those Bills contains anything like the overriding power contained in this amendment to the Fuel, Energy and Power Resources Act.

The Hon. W. R. Withers: Do you have a Bill or an Act in your hand?

The Hon. R. F. CLAUGHTON: Is the honourable member becoming pedantic?

The Hon. D. K. Dans: He does not know what the word means.

The Hon. W. R. Withers: You are holding an Act and you are not referring to the Bills introduced by the Tonkin Government.

The Hon. R. F. CLAUGHTON: Perhaps when Mr Withers speaks he will inform us what are the eight Acts which contain the right of entry without warrant.

The Hon. W. R. Withers: None of our members referred to Acts. They referred to Bills introduced by the Tonkin Government.

The Hon. R. F. CLAUGHTON: I do not know why I bother with the honourable member.

The Hon. D. K. Dans: Get him into *Hansard* as often as you can.

The Hon. Clive Griffiths: I hope you are going to say something before you finish your speech.

The Hon. R. F. CLAUGHTON: It is quite obvious that what I have been saying so far is not very acceptable. We have had nothing but continual interjections. Two charges were made against the previous Government. The first one was that the Tonkin Government was responsible for this legislation. That is a nice, comfortable way to ease oneself out of an awkward situation—try to blame it on somebody else. It cannot be sustained.

The Hon. G. C. MacKinnon: The Tonkin Cabinet appreciated the need for it.

The Hon. R. F. CLAUGHTON: It is quite obvious that ever since this Government came to power it has been scrabbling around trying to find a reason for being in office. It was surprised to get into office and I doubt whether a Government has ever before come to power so unprepared for the job. As members of the Government have gone through the files they have obviously seized upon this, saying, "That is something we could use"; but not for an emergency because the emergency situation has disappeared. It was the Arabian oil embargo which necessitated the drawing up of emergency powers. That situation had well and truly passed in January when the Tonkin Cabinet put the matter to one side.

The Hon. W. R. Withers: On the 21st January Mr Tonkin signed it, so it was not pushed aside.

The Hon. R. F. CLAUGHTON: It was put to one side. It did not go to Caucus from there.

The Hon. W. R. Withers: Of course not. You were in recess and that is why. It was never brought up then because you lost the election.

The PRESIDENT: Order, please!

The Hon. S. J. Dellar: You would not know what you are talking about.

The PRESIDENT: If the honourable member would disregard the interjections he would make better progress with the speech he is endeavouring to make.

The Hon. R. F. CLAUGHTON: Thank you, Mr President. The other accusation related to the right of entry without warrant. We have disposed of that. We have found it has no basis of truth. There is no justification for bringing this legislation to Parliament or for what it contains.

Among the many papers I have is a very interesting letter signed by the Minister for Fuel and Energy (Mr Mensaros) and addressed to Mr Sutton of 16 Exbury Road, Armadale. It is dated the 17th September. I obtained this letter from a member of the Liberal Party—in case members wonder how I got it. He asked me not to state his name. I would like to go through most of the letter.

The Hon. G. C. MacKinnon: When you say "Liberal Party", do you mean the Parliamentary Liberal Party?

The Hon. R. F. CLAUGHTON: No, not the Parliamentary Liberal Party. The letter is in reply to a request from Mr Sutton, who had sent copies of a pamphlet to Mr Mensaros asking him to give an explanation. This is the explanation. Much of it is extremely revealing about the Government's attitude towards this Bill. The Minister says—

It is a fact that the Tonkin Government in 1972 introduced the Fuel and Power Commission Act which we, in Opposition, supported. We encouraged the Commission to survey the present and future situation of energy supply.

"We" means the Liberal Government. The Tonkin Government set up the body for that purpose so I assume the present Government would continue to encourage it. It had not been in office for long. The letter continues—

What the pamphlet does not say, however, is that the Tonkin Government took the logical step and prepared this same Bill which we have introduced, after discovering that there were no powers to deal with a fuel emergency.

That is the beginning of the first wavering from strict truth, because it is not the same Bill. In this letter the Minister indicates that he made changes to it. He continues—

There is no way the Opposition can deny this, because the files contain the Tonkin Cabinet's approval of the draft Bill, signed by the then Premier, Mr. Tonkin. The only reason the Bill was not printed was because the draft Bill was approved in January—

That is his statement of opinion about what the Tonkin Government would have

done and he is giving it to Mr Sutton as the truth. That is hardly a reasonable thing to do and it is certainly not the action one would expect of a Minister. I will read the last sentence again—

The only reason the Bill was not printed was because the draft Bill was approved in January, and Parliament was not to sit for a further 7 months because of the election.

There is a wavering about the truth, as there was no guarantee the Bill would have been printed at all because the Tonkin draft had not been before Caucus; so we can say in fact it was a lie.

The Hon. G. C. MacKinnon: No, you cannot. You can say it was a reasonable supposition.

The Hon. R. F. CLAUGHTON: He is making a direct statement. He says "The only reason the Bill was not printed"—not "perhaps that is the reason", but "that is the reason".

The Hon. G. C. MacKinnon: There is no indication on the file that it would not have gone ahead in exactly that way.

The Hon. R. F. CLAUGHTON: To be printed?

The Hon. G. C. MacKinnon: Yes.

The Hon. R. F. CLAUGHTON: A Bill is not printed until it has been finally approved by Cabinet and the Minister goes to Caucus and explains what it is about. When he has the approval of Caucus he goes ahead and has it printed.

The Hon. G. C. MacKinnon: It is reasonable to suppose that was the situation.

The Hon. R. F. CLAUGHTON: We have already seen, with the Bill on fingerprinting, what happens in the Liberal Party. That was passed by the member's party all right, but it was not passed by ours because we have a greater respect for people's civil liberties. The letter continues—

When we won Government, the very same Commission advised me to continue with the Bill.

And I accept that as the truth. It continues—

This I did with only three alterations. Firstly, I made provision that in case of emergency the Government should be able to "engage" any voluntary or paid labour,—

This again is a reasonable approximation of the truth, because in fact that part of the Bill, proposed section 47 (2) (k), provides for a lot more than the engaging of voluntary or paid labour. In fact, it provides for conscription.

The Hon. G. C. MacKinnon: It cannot; that is a lie.

The Hon. W. R. Withers: Look at the legal interpretation of the word "engage".

The Hon. R. F. CLAUGHTON: The honourable member should look at it.

The Hon. W. R. Withers: I have.

The Hon. R. F. CLAUGHTON: There is another part about this further on, and I will come back to it. We have various legal opinions about paragraph (k), but there is no doubt at all that that provision provides for conscription. If Mr Withers does not believe that, and again I do not know why I am bothering to answer him, he should seek an opinion from people more skilled in legal terminology than I am.

The Hon. W. R. Withers: Do you mean like Mr Henshaw?

The Hon. R. F. CLAUGHTON: I mean like Mr P. W. Johnston, an expert in constitutional law at the University of Western Australia. The honourable member should see him.

The Hon. W. R. Withers: What does he say about the interpretation of the word "engage"?

The Hon. R. F. CLAUGHTON: The honourable member should go to see him.

The Hon. W. R. Withers: We are debating it in this House; in other words, you cannot answer it.

The Hon. R. F. CLAUGHTON: Does the honourable member say it does not mean conscription? The letter continues—

—secondly I made it an offence if anyone retaliates or intimidates persons who are so engaged,—

The Hon. G. E. Masters: That is fair enough, isn't it?

The Hon. R. F. CLAUGHTON: We will come to that further on, and we will consider whether it is reasonable or not. The letter continues—

—thirdly, regarding penalties in connection with offences by body corporates, I included in the Bill that courts of law must take into consideration the gain which was or could have been realised by the body corporate in committing the offence. That, of course, is directed against black marketeers, and my change only limits the penalty which was without limit in the draft Bill proposed by the Tonkin Government.

He says that the provision is directed against black marketers, and that is a reasonable statement. When commodities are in short supply, there are bound to be black marketers, but the point is that that is not the only situation in which the provision can be used. It can be used in a far more objectionable way. The letter then continues—

The pamphlet then goes on and talks about the feeling against the Federal Labor Government by the Opposition. It mentions inflation . . .

We are then given the opinion of the Minister about inflation, and I quote—

The pamphlet forgets to say that inflation was caused by the Arabian oil crisis which trebled the price of oil for importing countries.

That statement was made by a Minister of this Government; a Government which has laid the blame for inflation on the Labor Government in Canberra. Here we find an entirely different explanation for inflation. I would mention that I am not reading all the letter—just the relevant parts. It continues—

Generally, it is gross misrepresentation and false interpretation of the statute which leads to this seemingly acceptable criticism. One has to bear in mind that every statute can only be interpreted *in toto*, that is, including the long title. One cannot take out a clause or clauses separately and try to interpret it on its own. Anything which the Bill gives power to can only be judged in connection with the whole purpose of the Bill, namely to augment the supply of fuel.

In this Chamber tonight we were given a marvellous example of the way members of the Government parties feel about the limits of this Bill. Mr Gayfer said that when farmers suffered a shortage of oil—and, no reason was given for the shortage nor was any degree of shortage stated—that would be a situation of emergency. If the farmers cannot transport their grain to the port, that is a situation of emergency according to Mr Gayfer. That is how a member of the Government interpreted this Bill. Obviously Government members consider that the measure will cover a whole range of situations.

The Hon. G. C. MacKinnon: That is an example of a gross misinterpretation of what Mr Gayfer said. We can read his remarks in *Hansard*.

The Hon. R. F. CLAUGHTON: We will have an opportunity to read his remarks. I hope they are not changed much from the words he actually used here.

The Hon. T. O. Perry: It hurt a few people, did it not?

The Hon. R. F. CLAUGHTON: Not really. He was talking about a Bill way back in 1963; an entirely different Bill. He said that the Tonkin Government did not do anything about the Industrial Arbitration Act. Apparently he has forgotten, although I have not, the long debate in this Chamber during the term of the Tonkin Government about amendments to the Industrial Arbitration Act. Mr Thompson will remember that very well also as he was the Minister in charge of the Bill.

The Hon. T. O. Perry: We passed all the reasonable amendments, didn't we?

The Hon. R. F. CLAUGHTON: Surely the honourable member will admit that the Tonkin Government dealt with the Industrial Arbitration Act during its term of office. Mr Gayfer did not think so.

The Hon. J. Heitman: It was our Bill that he opposed.

The Hon. R. Thompson: In 1963—my word!

The Hon. R. F. CLAUGHTON: In this letter the Minister for Fuel and Energy says that we must examine the Bill *in toto*. My remarks about Mr Gayfer were to illustrate the scope of this Bill even in the minds of some Government members. If that is the way Government parliamentary members think, how can we criticise people outside Parliament who see the scope of the Bill as being even wider than that postulated by Mr Gayfer.

The Hon. N. E. Baxter: Who criticised people outside?

The Hon. R. F. CLAUGHTON: Would the Minister like me to read some of the criticism?

The Hon. G. C. MacKinnon: No.

The Hon. R. F. CLAUGHTON: There is certainly plenty to read. I have no doubt I will refer to some of this criticism before I have finished my speech. The Minister's letter continues—

Where there is constructive criticism we have proposed amendments which will be incorporated in the Bill, . . .

I want members to remember those words "proposed amendments" because I will refer to them soon. I believe the Minister is not being honest to this constituent to whom he is writing this letter. I have already pointed out several places in the letter where he has made contradictory remarks. The letter continues—

Where there is constructive criticism we have proposed amendments which will be incorporated in the Bill, including the extensive right of appeals to the Supreme Court against any penalty imposed by Magistrates.

The Minister uses the phrase "extensive right of appeals". I will not dwell on this point now but I am sure we will dwell on it during the Committee stage. The Minister has jurisdiction in the area not covered by the orders, but the "extensive right of appeals" refers only to the orders.

The letter continues—

Also we removed the provision allowing entry without warrant, despite the fact that such provision is incorporated in many Acts of Parliament which are much less important . . . We also catered for ample compensation—

That, again, is stretching the truth quite a deal. To continue—

—and, most important, made it subject to Parliament's approval the declaration of the state of emergency and any regulation brought down in such an emergency can be disallowed by Parliament.

As far as compensation is concerned, it relates only to personal injury, and not to other matters. One will be able to claim

medical expenses, which is hardly ample compensation. With regard to the matter of the disallowance of regulations, the Bill also provides that even if the orders and the regulations are disallowed, anything done up to that time is perfectly valid. The disallowance of the regulations does not make an act which was previously illegal, and then made lawful by the regulations, illegal once more. So no great importance can be attached to the disallowance of regulations because damage may be done before the regulations are disallowed. An emergency situation by definition is sudden.

The Hon. G. C. MacKinnon: You know compensation is allowed for both personal and other than personal injury in clauses 18 and 19.

The Hon. R. F. CLAUGHTON: I do not want to go into detail at this stage. As I said, we will cover this matter more closely in the Committee stage. The letter continues—

Section 42 has proposed that much of the right to common law or the constitution, criminal law, or anything like this, and trial by jury, is only provided in certain cases, and never for offences which only bear a maximum penalty of 6 months.

It is a pity Mr Withers is not present to hear that. The letter continues—

However, the over-riding provision only applies if any existing regulation would be inconsistent with the purpose of the Act to facilitate the supply of fuel.

Again, I hoped Mr Withers would be listening to that. In other words, the Act and anything done under it will override everything else. That is precisely what everyone opposing the Bill has been saying.

The Hon. G. C. MacKinnon: Only in regard to the supply of fuel.

The Hon. R. F. CLAUGHTON: Well, perhaps the Minister should instruct Mr Gayfer because he feels that if the farmers are unable to get their wheat to the port that would be an emergency situation.

The Hon. G. C. MacKinnon: Before you make too many statements I think you should read his speech.

The Hon. R. F. CLAUGHTON: There is plenty of time yet.

The Hon. J. Heitman: There is plenty of time before 6.00 a.m.

The Hon. R. Thompson: Why knock off at 6.00 a.m.?

The Hon. Clive Griffiths: Because breakfast is at 6.15, and we need time to shave and brush up.

The Hon. R. F. CLAUGHTON: The letter continues—

To give you an example, the last time bakers did not bake bread during an industrial action was because of certain health regulations which they could not adhere to through the lack of fuel.

I do not know whether members recall that particular strike. However, the Transport Workers' Union was blamed for the fact that bread was not available, and in his letter the Minister said that the bakers did not bake bread due to health regulations.

Sitting suspended from 10.55 to 11.24 p.m.

The Hon. R. F. CLAUGHTON: Before the suspension of the sitting, I was quoting from a letter from Mr Mensaros to one of my constituents. I repeat part of that letter. It states—

Section 42 has proposed that much of the right to common law or the constitution, criminal law, or anything like this, and trial by jury, is only provided in certain cases, and never for offences which only bear a maximum penalty of 6 months. However, the over-riding provision only applies if any existing regulation would be inconsistent with the purpose of the Act to facilitate the supply of fuel.

Mr Mensaros then went on to give an example—

To give you an example, the last time bakers did not bake bread during an industrial action was because of certain health regulations which they could not adhere to through the lack of fuel.

Before the suspension of the sitting I mentioned that the TWU had been blamed for the lack of bread supplies during that strike and that the public had complained against the union for something with which it had nothing to do. The secretary of the Bakers' Union told me a different story again. He told me that the bakers had refused to bake bread during that time. The letter continues—

With the provisions contained in the Bill we would suspend these inconsistent health regulations because, for all practical purposes, such regulations could safely be suspended during the time of an emergency.

That gives an example of how this law can operate in an area which people could feel was quite unrelated to the purpose of the Bill, where it would override the health regulations relating to the packing of bread. It would seem to me that this is quite remote from the purpose of the Bill and has nothing to do with the title of the Bill. So, those who protest that this Bill does not have wide ramifications are contradicted by the Minister's own words. I will dwell again on that

point at a later stage. I want to impress upon members the example from the Minister's own hand. I will read it again—

To give you an example, the last time bakers did not bake bread during an industrial action was because of certain health regulations which they could not adhere to through the lack of fuel.

With the provisions contained in the Bill we would suspend these inconsistent health regulations because, for all practical purposes, such regulations could safely be suspended during the time of an emergency.

The letter continues—

Regarding comments on proposed Section 43, it must be borne in mind that no legislation can be drafted in a very specific way for any specific purpose.

In other words, he is saying that the Bill in fact has a very wide scope, because he believes it cannot be expressed in more specific terms. The letter continues—

As I have already mentioned, there is plenty of safeguard in Parliament having to affirm the state of emergency, and being able to disallow any legislation brought down under such emergency.

I have already mentioned that even if the regulations or orders were disallowed, any actions enforced before the disallowance remain valid. Of course, that would protect people who, for example, suffer some personal injury. However, if in fact this section were used to get at a particular union and that union were badly disrupted because of it, those actions would also stand and the union would have no real redress.

To continue with the letter—

One also has to think practically and realise that as long as we have elected Governments, no Government would overstep its powers, quite apart from the legal fact that this particular legislation would not allow it to do so.

Again I remind members that we have to bear in mind the attitude of some elements in the society towards unions and it is for this reason that unions say this legislation is directed against them. Later on I will quote some of these opinions. To continue—

In connection with Section 45, regarding retrospectivity, it stands to reason that if there is an emergency—especially a sudden emergency—certain actions have to be taken which then are made legal by subsequent regulations.

The Minister then goes on to mention explosions, fire, earthquakes, and so on. However it can be applied equally to where a strike is provoked. As I said before, any action taken during the duration of an

emergency would be unlawful, even if subsequently revoked by Parliament. To continue with the letter—

As to Section 46.—

That is proposed new section 46 in the Bill as introduced in the Assembly. Continuing—

—I have dealt with this before and mentioned that we have, by way of amendment, taken out the provision of entry without warrant. The pamphlet, of course, conveniently overlooks this, thereby misleading people.

Here again, the Minister is bending the truth, because at the time this letter was written and the Minister had this pamphlet to hand, those amendments had not been made to the Bill. In other words, that provision whereby there could be entry without warrant was still in the Bill. As I pointed out previously, in his letter the Minister referred to proposed amendments which would be incorporated in the Bill. So in this letter he is contradicting himself and to the person who wrote to him seeking the exact information at that time he has not represented the true state of affairs.

The Hon. G. C. MacKinnon: My letter was dated the 17th September. I thought the Bill was amended before that date.

The Hon. R. F. CLAUGHTON: The Minister can look it up while I continue with my speech. Even if it were a day or two before, the pamphlet would have to be prepared, printed, distributed, and a copy sent to this person by the Minister and this would take at least a week.

The Hon. G. C. MacKinnon: But you are referring to the Minister's letter.

The Hon. R. F. CLAUGHTON: Yes, which is dated the 17th September.

The Hon. G. C. MacKinnon: That is right.

The Hon. R. F. CLAUGHTON: So at that time the amendment would not have been incorporated in the Bill. To continue to quote from this letter—

At the same time, it should be emphasised that the Tonkin Government, during its three years in Office, brought down eight pieces of legislation which all provided entry without warrant.

I have already been through that list; a list provided by the Liberal Party, and in fact we did see that one of those did provide for entry before taking out a warrant. So again the Minister has been misleading.

We went through all those pieces of legislation and examined the provisions contained in them to compare them with what was in the original Fuel, Energy and Power Resources Act Amendment Bill and we saw that it was an entirely different situation from the one we are now talking about. Continuing to quote from the letter—

Paragraphs (k) and (l) in proposed Section 46 were the ones I mentioned earlier. In order that the legislation should remain effective, and if the cause of an emergency is industrial unrest, these provisions have to be there.

Once again I would like members to note the Minister's words. They are—

In order that the legislation should remain effective, and if the cause of an emergency is industrial unrest, . . .

We have heard, again and again, the story that this legislation is not directed at unions. Yet here it is stated in black and white, by the Minister himself, that he is visualising the sort of situation where there could be some industrial trouble and the provisions of the Bill would be used in that situation.

The Hon. G. E. Masters: The situation would be in regard to fuel and energy. That is what the Bill is for, is it not?

The Hon. R. F. CLAUGHTON: I am quite able, as is the honourable member, to read the long title of the Bill. I agree that it does refer to fuel, energy, and power. That is quite right. However, what the Opposition has expressed is that this legislation is not primarily aimed at that situation. It is primarily aimed at getting at the unions.

The Hon. G. C. MacKinnon: That is wrong. You have it the wrong way round; that is a secondary consideration.

The Hon. R. F. CLAUGHTON: Even if it is a secondary purpose, it is a purpose of the legislation.

The Hon. G. C. MacKinnon: It would be foolish not to have it. Every other State has emergency legislation, much of it introduced by Labor Governments. Chifley's action was against industrial unrest.

The Hon. R. F. CLAUGHTON: We have the Industrial Arbitration Act, awards, and other laws to deal with industrial trouble, and we are certainly not faced with any emergency situation in relation to that. As Mr Cooley has done, I put it to the Minister that the powers in this Bill, if it is passed, are aimed at the union movement and if they are put into effect it would indeed provoke an emergency. That would not happen if this legislation were withdrawn.

The Hon. W. R. Withers: That would not happen if the unions were responsible.

The Hon. R. F. CLAUGHTON: Is the honourable member saying that unions are not responsible? It is accepted that unions are responsible. We have some irresponsible members of Parliament, but we do not inflict these sorts of laws on them.

The Hon. Clive Griffiths: How many more pages are in that letter?

The Hon. R. F. CLAUGHTON: It is a very long letter and I would be surprised if the honourable member did not have a copy.

The Hon. Clive Griffiths: I do not have one.

The Hon. R. F. CLAUGHTON: The honourable member does not have one? It would be most discourteous if the Minister did not issue a copy to all Liberal Party members.

The Hon. T. Knight: Read the letter twice so that he understands it.

The Hon. S. J. Dellar: You would not understand it if he read it three times.

The Hon. R. F. CLAUGHTON: To continue with the letter—

They do not mean industrial description, because the very word "engage" means that only those people could be engaged who are willing to be employed, either for reward or in a voluntary capacity.

The Hon. G. E. Masters: There is nothing wrong with that.

The Hon. R. F. CLAUGHTON: No, there is nothing wrong with that. However if, for instance, no tanker drivers were available to move fuel about, does the honourable member intend to bring in voluntary labour?

The Hon. G. E. Masters: I would be a volunteer if I thought it necessary.

The Hon. D. K. Dans: That happened in 1919 in Fremantle when a man was killed.

The Hon. R. F. CLAUGHTON: That indicates the extent of the knowledge of Mr Masters.

The Hon. G. E. Masters: If I considered it necessary I would volunteer.

The Hon. R. F. CLAUGHTON: The honourable member would be prepared to take one of these very complicated machines carrying a highly volatile cargo and endanger the population by moving it about.

The Hon. W. R. Withers: He would have to be a person with a proper license.

The Hon. D. K. Dans: But not with this Bill; this Bill overrides all other laws.

The Hon. R. F. CLAUGHTON: How do we go about getting voluntary workers to operate a refinery? We could risk a far greater emergency by getting untrained people to operate a refinery than by allowing the industrial processes to be applied.

The Hon. G. C. MacKinnon: I remember that during the Dwellingup bushfire the Collie coalminers fought the bushfire though they were not trained in that work. They were volunteers, and they were not paid for the work.

The Hon. R. F. CLAUGHTON: Does the Minister equate the operation of a refinery with fighting a bushfire, particu-

larly in a country area where a good cross-section of the people have a knowledge of fighting bushfires? Although I live in the city I have fought bushfires around the suburbs. Is the Minister equating the fighting of bushfires with operating a highly complicated oil refinery?

The Hon. G. C. MacKinnon: I have news for you. The Dwellingup bushfire was as dangerous as driving an oil tanker.

The Hon. R. F. CLAUGHTON: I have a fairly close knowledge of that fire. A parent of one of the children I was teaching was killed in that bushfire.

The Hon. N. McNeill: I was the chief fire officer of the area in which the Dwellingup fire occurred!

The Hon. S. J. Dellar: I was the deputy chief at Bridgetown at the same time.

The Hon. W. R. Withers: Could you clarify one point for me?

The Hon. R. F. CLAUGHTON: If I thought I would assist the honourable member to really understand the position I would; otherwise I would not waste my time.

The Hon. W. R. Withers: Will you explain why the Law Society did not criticise that part of the Bill?

The Hon. R. F. CLAUGHTON: To continue with the Minister's letter—

The provision making it an offence for somebody to retaliate or intimidate persons participating in helping the community is, of course, necessary. If, for instance, there is a strike of say petrol tanker drivers,

Here again the Minister is talking about other emergencies that may arise. He went on to give an example; in this case, the movement of drums of oil. I should point out that this is an elementary part of the movement of fuel, and is hardly relevant to the total distribution of fuel to the community.

I suggest that if this legislation is used in that sort of situation, instead of creating a minor industrial problem the problem will quickly escalate into a real emergency involving a large section of the community. This is not a very wise piece of legislation, and the mind of the Government is made crystal clear in the Minister's letter. To continue with the letter—

As to Section 48, the "continuous offence" is not novel in legislation. The breach of any building by-law is a "continuous offence". This is necessary because, without it, anyone could commit the offence continuously, calculating that it is worthwhile being fined once.

The Minister goes on to talk about black marketers. If that is all the Bill has to deal with I would have no objection to it, and neither would members of my party. However, we should bear in mind it applies not only to black marketers, and

the constant reference by the Minister to industrial disputes would confirm that. The Bill will apply to members of trade unions and the unions themselves; they would feel the effects of the penalties.

The Hon. N. McNeill: It could apply to anybody.

The Hon. R. F. CLAUGHTON: That is right.

The Hon. N. McNeill: If a person happens to be a member of a trade union, you suggest this legislation should not cover him.

The Hon. R. F. CLAUGHTON: We are saying that the legislation should not be applied at all; and that it is not a wise piece of legislation. It is legislation which is likely to create emergencies and not resolve them, and to exacerbate minor conflicts by turning them into serious conflagrations.

The Hon. W. R. Withers: Not with responsible unions.

The Hon. D. W. Cooley: All the trade unions are opposed to the Bill.

The Hon. W. R. Withers: Only because they have been given the initial Bill, and not the amended one.

The Hon. D. W. Cooley: I think members of the trade union movement have as much intelligence as you have.

The Hon. R. F. CLAUGHTON: To continue with the Minister's letter—

It is quite untrue to say that Section 49—

Proposed section 49 has now become proposed section 50. To continue—

—would give unlimited power to the Minister, or anyone else. I refer to my previous comments that such order or direction could only be taken in context with the purpose of the whole Act.

The last part of that paragraph is correct. We have seen how the Minister has broadened the scope of that proposed section to far more than any Government member debating the measure has indicated, such as the reference by Mr Gayfer to the movement of grain to the ports. It is true to say that any order or direction could only be taken in context with the purpose of the whole Act, but it is not correct to say that proposed section 50 does not provide unlimited powers. I say it does.

The Hon. W. R. Withers, It should be read in conjunction with proposed section 47(2) (e).

The Hon. R. F. CLAUGHTON: To continue with the Minister's letter—

The provisions in Section 56,—

Proposed section 56 has now become proposed section 57. To continue—

—being an appeal to the Minister, are very practical. There is no appeal against administrative action in any

known legislation. This appeal, therefore, is an additional safeguard and not something which takes away any other rights.

The Minister, in the course of his duties, has to make innumerable decisions daily, and consequently has to rely on the advice of his officers. This provision of an appeal means that if anyone is aggrieved by the routine decisions of the Minister, then he can appeal to him personally, and the Minister will take a personal interest in the case.

I would not quarrel with that. It is quite correct to say that it could be used in that way; but it is also correct to say it could be used in the opposite way. If this legislation operates in a manner to disrupt or provoke the unions, what purpose would be served by them appealing to the Minister who has initiated the action?

The Hon. W. R. Withers: That is not the only safeguard. They still have the constitutional right of appeal through the courts.

The Hon. R. F. CLAUGHTON: These orders and regulations would override all other laws. The Minister has said so in his letter.

The Hon. W. R. Withers: That is why it can become the subject of a constitutional appeal to prove this point.

The Hon. R. F. CLAUGHTON: To continue with the Minister's letter—

It is untrue to say that the legislation itself, or any action under it, cannot be challenged at a court of law. It can be done as with any other legislation.

It is misleading to talk about the South Australian Act. South Australia has no Act.

That is what the Minister said.

The Hon. W. R. Withers: It had a Bill.

The Hon. R. F. CLAUGHTON: I am quoting the Minister's letter which states further—

The Emergency Powers Act 1974 was only introduced to Parliament, but not passed, because the Legislative Council considered that the provisions are not effective enough to give an efficient tool to the Government, hence the Bill never became an Act of Parliament.

The Hon. W. R. Withers: Do you agree with that?

The Hon. R. F. CLAUGHTON: I am reading the Minister's comments. No, I do not agree with him.

The Hon. W. R. Withers: You think South Australia has an Act?

The Hon. R. F. CLAUGHTON: No, I do not think so.

The Hon. W. R. Withers: They do not have an Act?

The Hon. R. F. CLAUGHTON: No.

The Hon. W. R. Withers: You ought to explain that to Mr Cooley because he says that it refers to the South Australian Act, and there is no such thing.

The Hon. S. J. Dellar: That is all you have been quoting all night.

The Hon. W. R. Withers: That was handed out at your meeting at Balga last Tuesday night.

The Hon. R. F. CLAUGHTON: I would expect Mr Withers to know the difference between an Act and a Bill.

The Hon. W. R. Withers: But the TLC does not. The document involves the TCL and others.

The Hon. R. F. CLAUGHTON: All those outside do not know the difference.

The Hon. D. W. Cooley: It is not a TLC document.

The Hon. W. R. Withers: I just said that.

The Hon. S. J. Dellar: You have referred to the TLC all night.

The Hon. R. F. CLAUGHTON: In his letter the Minister refers to the Emergency Powers Act, 1974, because that is the title on the Bill, and anyone quoting it would quote what was actually in the Bill. The honourable member is trying to make a very fine point and the authors of the document cannot be referred to as lying merely because they have taken the words from the Bill itself.

The Hon. W. R. Withers: I accept your words, but it does refer to the South Australian Labor Government having an Emergency Powers Act of 1974 which is still incorrect.

The Hon. S. J. Dellar: It is on the bottom of the notice paper.

The Hon. W. R. Withers: It is not an Act.

The Hon. R. F. CLAUGHTON: Mr Withers and I would know that, but the South Australian Parliament has before it a document which contains those provisions. What the document to which Mr Withers is referring is doing is pointing out the very marked differences between what is contained in the South Australian Bill, and what is contained in the Bill before us. They are very significant differences, and the honourable member cannot say that those statements are untrue even if the name is not correct. The honourable member's point is hardly just and does not negate the statements made in the document.

The Hon. W. R. Withers: You think it is perfectly all right to refer to an Act when such an Act has never been passed by Parliament?

The Hon. R. F. CLAUGHTON: The honourable member is taking this very minor point, which is pedantic, as a condemnation of the document. What is the

honourable member's opinion, then, of the Minister's letter and the points I have been making about it? The comments are obviously not true. What would his feelings be—

The Hon. W. R. Withers: What are the points which are obviously not true?

The Hon. R. F. CLAUGHTON: I suppose I spent at least three-quarters of an hour going through them. I do not propose to do so again—

The Hon. Clive Griffiths: That's good.

The Hon. R. F. CLAUGHTON: —for the benefit of Mr Withers.

The Hon. Clive Griffiths: That is heartening.

The Hon. R. F. CLAUGHTON: If Mr Withers wants to check up on it, he will find it recorded in *Hansard*, and if not tonight, tomorrow he can make his own speech.

The Hon. S. J. Dellar: Is he allowed to?

The Hon. R. F. CLAUGHTON: Mr Withers has not given an opinion about the Minister who wrote this letter. Perhaps he might do so then.

The PRESIDENT: Mr Withers has made a number of short second reading speeches while sitting down. Mr Cloughton has been answering his interjections. He would make more progress if he ignored them.

The Hon. R. F. CLAUGHTON: Yes, Mr President, but it would mean a much shorter speech of course.

The Hon. N. E. Baxter: That would be good, too.

The PRESIDENT: That may have merit; I do not know.

The Hon. R. F. CLAUGHTON: The Minister stated—

The Emergency Powers' Act 1974 was only introduced to Parliament, but not passed, because the Legislative Council considered that the provisions are not effective enough to give an efficient tool to the Government,—

I said that that was the Minister's opinion, and one with which I do not agree. The letter continues—

—hence the Bill never became an Act of Parliament. In any event, the provisions in this Bill which prohibits industrial conscription applies to our Bill, because there is no provision, as I mentioned before, for industrial conscription.

Mr Cooley dealt with that point. He wanted to know why it was not included in the Bill before us.

Again, grave doubts have been cast on what the Minister has said. A great many other differences exist between the provisions in our Bill and those in the South

Australian Bill. For instance, in the South Australian Bill a limitation is provided on the legislation itself as to how long regulations made under it would operate. This makes the Bill self-destructive. If it became law it would conclude on the 31st December. Our legislation conveniently ignores all those aspects of the South Australian Bill.

We know that the Bill before us provides power to enable labour to be conscripted. The Government is not sticking to the truth in its story about this legislation and certain statements in a letter by the Premier (Sir Charles Court), published in *The West Australian* are highly significant because they reveal the philosophy which I believe he has held for a considerable time, but which has never been seen in print before. The letter appeared on the 20th September and is headed—

Power to protect the community.

Referring to the slanderer's creed, the Premier said—

... when you're on dangerous ground, accuse your adversary of doing what you intend to do yourself.

That is a fair summation of what the Government had been trying to do. Perhaps I will deal with some more of that letter later on.

I have already said that the trade union movement is opposed to this legislation because it visualises it as being directed primarily against the movement and we have heard a number of attitudes expressed by Government supporters confirming this view. In fact, Mr Cooley quoted a great deal more than I did in this respect.

The following is in *The West Australian* of the 19th September—

Some unions 'a cancer'

Powerful trade unions, operating as a law unto themselves had become a cancer upon society and the national economy, the outgoing president of the WA Employers' Federation, Mr C. G. Hammond, said yesterday.

Speaking at the federation's annual meeting, Mr Hammond said these unions had created their own bargaining system and spuriously intruded between industry and the arbitration system.

Their direct confrontation of industry and society to secure extreme wage increases and working conditions was now worrying most level-headed and far-thinking Australians.

Those are the attitudes expressed, and I suggest it would be the attitude of the body which he was representing. So, can we wonder that the unions have this grave suspicion of the real intentions of the Bill?

The Hon. G. E. Masters: The member thinks that is totally wrong in every case? You do not think there is any different situation at all?

The Hon. R. F. CLAUGHTON: The member can put his own interpretation on it, if he likes. I am making the point that these are the attitudes of the men in the Employers Federation. It is an attitude publicly stated. The man to whom I have referred is not the only one who has expressed these points of view. There are many other groups of people who have expressed similar points of view and that is why the unions have such a grave suspicion of the legislation. The TLC made an offer to co-operate with the Government. However, the Premier said he had talked with the employer groups. In other words, he was prepared to talk with people such as the man to whom I have just referred.

The Hon. G. E. Masters: Does the member accept that that applies to extremists?

The Hon. R. F. CLAUGHTON: The member is making his own point.

The Hon. G. E. Masters: I am asking the member because I do not understand what he is getting at.

The PRESIDENT: Will the honourable member please address his remarks to the Chair?

The Hon. R. F. CLAUGHTON: I will do that. I am making the point that these are the ideas and attitudes of people in the employer groups. Mr Cooley, who is President of the TLC, has already stated he agrees that not all strikes by unionists are justified. That point has already been made. I will now quote what was said by Mr R. L. Finch. His comments appear in *The West Australian* of the 2nd September, under the heading, "Bill amended" and, in part, are as follows—

Earlier yesterday the president of the Perth Chamber of Commerce, Mr R. L. Finch, said that attempts to curb union power would be approved by most people, even to the extent of curtailing some rights.

There, again, we have an attitude expressed which confirms the fear of the trade union movement that this is what the Bill is designed to do; not to deal with an emergency situation. The emergency situation is minor, and incidental to the measure.

The draft of the Bill which had been prepared under a real and actual emergency situation has been seized on by this Government for an entirely different end. I will refer back to Sir Charles Court's letter.

The Hon. R. J. L. Williams: I think the member is getting close to contravening Standing Order 81, is he not?

The Hon. R. F. CLAUGHTON: I have no doubt that Mr Williams would like to curtail debate on this Bill.

The Hon. R. J. L. Williams: Have I said so? I said that the member was close to infringing Standing Order 81.

The PRESIDENT: I think Standing Order 81 has been neglected a number of times tonight.

The Hon. R. F. CLAUGHTON: I am making the point in relation to this Bill that the concern of the trade union movement is that the measure will be used as a vehicle with which to destroy the trade union movement. It will be used as an effective vehicle against the working people in this State and I am quoting the remarks of various people who support my contention.

In the same article in *The West Australian* of the 2nd September it was stated that certain amendments had been announced—not in Parliament, but to the media and it had the Premier (Sir Charles Court) as saying—

"It is hypocritical for the militant Left to talk about civil liberties and individual rights when they are the people who trample these rights under foot when it suits them," he said.

"We have no intention or desire to ignore individual rights. The main reason for the Bill is to protect those otherwise unable to fend for themselves."

The Premier went on to mention hoarders and black marketers. There again, instead of looking honestly at the proposals put forward by the trade union people he has denigrated them by calling them hypocritical and by referring to the militant left as though that excuses the Government from examining criticism of the legislation.

In the letter to which I referred earlier, which was published in *The West Australian* on the 20th September, the Premier mentioned the slanderer's creed. In other words, he was saying that when on dangerous ground accuse your adversary of doing what you intend to do yourself.

In his letter he used various terms in order to denigrate the honest criticism of the legislation. He talked about the Australian Labor Party and the Trades and Labor Council feeling guilty. That is the sort of expression he made: accusing the Opposition of what applies to himself.

Later in the letter, under the heading "Manipulated", he said that now public opinion was being manipulated against legislation democratically drafted. Of all things: How is legislation democratically drafted? What is the process of democratic drafting? Does the Government go out and consult the public and tell the people that it wants legislation to deal with emergency situations, and exchange ideas in order to come up with suitable legislation? Is that democratic drafting?

The Hon. R. J. L. Williams: Drafted by those who were democratically elected.

The Hon. R. F. CLAUGHTON: That is a different thing.

The Hon. R. J. L. Williams: It is not a different thing.

The Hon. R. F. CLAUGHTON: It was not the Premier or the Minister in charge of the Bill who drafted it. The Crown Law officers drafted it.

The Hon. R. J. L. Williams: When the previous Government was in office.

The Hon. R. F. CLAUGHTON: Officers of the Public Service—

The Hon. R. J. L. Williams: On the instructions of the democratically elected Government of the day. They do not do anything just for fun.

The Hon. R. F. CLAUGHTON: If one likes to twist words around like that one might get back to what the Premier is saying but it is really so much gobbledygook. To talk about things being done democratically hardly applies to the drafting of a Bill. A Bill can be democratically debated in Parliament by people who are the elected representatives, and it can be changed in a democratic process; but the term "democratic" can hardly be applied to the way it is drafted.

He goes on to say "intent on establishing a dictatorship of chaos". That is precisely what is likely to result from this Bill if it becomes law and is applied to the unions. We will then have chaos. He is accusing the critics of something he is likely to do himself. I think people should take good note of what he says in his letter. He says—

I stand behind the legislation and am not afraid to do so.

Nevertheless, I remind your correspondents that I alone wield no authority under the Bill: it is the Government and the Parliament which has the power.

There are two different statements there. He stands behind the Bill; in other words, he wants it as it appears before us. As he indicated today, when members of the union movement sought an interview with him, he is not prepared to budge on the Bill. He also says, "I wield no authority under the Bill". Of course, the authority under the Bill is wielded by the Minister to whom it is allocated. It might be the Premier, Mr Mensaros, or some other Minister; or perhaps two or more Ministers acting together. So it is rather meaningless. He could very well be administering the Bill alone but he does not say that in his letter.

Mention has already been made of a number of the people involved in the opposition to the Bill. It will not hurt to mention them again. The Council of the Law Society made a submission to the Government, which was subsequently endorsed by the Law Society. That cannot be denied. The report is contained in

The West Australian of the 10th September, and the matters to which the society so strongly objected largely remain in the Bill; although the Government obviously took some notice of the society's criticism, as evidenced by the amendments.

The Women's Electoral Lobby is reported on the 9th September as opposing the Bill. On the 19th September a number of educationists inserted in the Press an advertisement which reads—

We, the undersigned educators urge the revision of the Fuel and Energy Emergency Powers Bill so that its provisions do not jeopardise the existing legal and constitutional rights of Western Australian citizens.

Then follows a list of people, headed by Professors John Raser, Geoff Bolton, and Bruce Mainsbridge.

More recently there were advertisements leading up to the 24-hour stoppage today, and the number of people who attended at the Supreme Court Gardens today indicates the extent of the opposition to the legislation amongst the people. In *The West Australian* on the 30th September is a small advertisement by the Federated Storemen and Packers Union of Australia (W.A. Branch), indicating the union's opposition to the Bill even though its members did not intend to stop work. The advertisement reads—

Fuel Energy and Power Resources Amendment Act 1974.

1. A General Meeting of members voiced forceful opposition to the above Bill and resolved to call upon the Government to drop the proposed Legislation in the interests of the Industrial harmony.

That is the way that union sees it. The advertisement continues—

2. A decision was made to make a substantial donation to the campaign fund to alert the Public to the pernicious provisions of the Bill.

3. The Union will consider what further avenues of opposition are open to it should the Government continue with its intention to enact the Bill.

Perhaps some people would see that as a threat but I think it simply registers the extent of the union's concern about the future of the union movement if the legislation goes through. The Government members in this Chamber should think a little more seriously about it, too.

The Hon. R. J. L. Williams: Have you read the advertisement of the Civic Affairs Bureau?

The Hon. R. F. CLAUGHTON: I have that here and I will deal with it.

The Hon. D. W. Cooley: Who paid for it—the CIA?

The PRESIDENT: I have not enforced Standing Order 81 this evening but I would ask that members have some regard for it. If the honourable member would read Standing Order 81 he might have some regard for it.

The Hon. R. F. CLAUGHTON: I do not recall, offhand, what it says.

The PRESIDENT: It says—

No Member shall read extracts from newspapers or other documents, except *Hansard* . . .

I repeat, I have not enforced it but I ask that you have regard for it.

The Hon. R. F. CLAUGHTON: It goes on to say—

. . . referring to debates in the Council during the same Session.

The items I am reading are not reports of debates. The advertisements from which I am now quoting deal with the 24-hour stoppage.

The PRESIDENT: The advertisements from which the honourable member is quoting surely deal with the Bill before the House. If my reading is correct, they mention the Bill.

The Hon. R. F. CLAUGHTON: Mr President, I recognise the extent of your indulgence and I will respect it, but I repeat that the Standing Order refers to debates, which I think would be reports of speeches made in this House. I will try not to press your indulgence too far, Sir.

On page 12 of *The West Australian*, again of Monday the 30th September, appeared an advertisement for a State-wide 24-hour work stoppage, from midnight the 30th September, 1974, to midnight the 1st October, 1974. In this advertisement the W.A. Trades and Labor Council called on its affiliated members to express their opposition to the legislation by joining today's demonstration at the Supreme Court Gardens. No direction was indicated in that advertisement, but I will not read it to the House in deference to your remarks, Mr President. However, all unions affiliated with the Trades and Labor Council—and any members of the Government parties who bothered to view the demonstration would realise that this was not a gathering of 2 000 or 3 000 people, it was a gathering of about 16 000 or 17 000 people on an authoritative estimate—took part in this demonstration and the later march up St. George's Terrace.

Monday's issue of *The West Australian* carried two other advertisements to which I would like to refer. The first advertisement was placed by the Western Australian Employers' Federation and I wish to quote it to indicate that the employer groups are doing their best to divide the union movement to further their own

ends. The advertisement is headed, "People in employment" and it reads as follows—

The WA Employers' Federation has this message.

You do not have to go absent without leave from work tomorrow simply because Trades and Labor Unions are calling a general strike.

Your Union has no legal power to fine or expel you for not taking part.

In fact you will break Industrial Law if you do join their strike.

You would lose the day's pay and, under your Award, would give reason to lose your job.

This strike is not a work issue. It is a political stunt, but it could put Western Australia to a whole day's loss.

That means \$27 of the average man's pay, \$8 million to the total workforce and \$16 million to the economy in production.

That is why strikes are outlawed . . . they are an evil. Western Australia needs to be rid of them.

Make this one the turning point by staying out of it.

If Government members say that the remarks of those addressing the assembly today were inflammatory, I say that this advertisement is inflammatory from the opposite side of the industrial fence.

The Hon. T. Knight: It is the truth, though.

The Hon. I. G. Pratt: He has difficulty with that.

The Hon. T. Knight: It is just letting people know where they stand.

The Hon. R. F. CLAUGHTON: Mr Knight has claimed that what this group is saying is the truth. I only wish that people on the Government side would admit that what we have been saying about the Bill is also true. The advertisement states that the union has no legal power to fine workers for not taking part in the demonstration, and that is the truth. We will not quarrel with that.

The Hon. T. Knight: I suppose you will say next that strikes are legal.

The Hon. R. F. CLAUGHTON: I am not saying that.

The Hon. T. Knight: This advertisement is stating the truth.

The Hon. R. F. CLAUGHTON: I am not saying it is not the truth.

The Hon. T. Knight: It is just letting people know where we stand on the other side.

The Hon. R. F. CLAUGHTON: It is inciting them not to support the demonstration.

The Hon. T. Knight: I cannot see where that would incite anyone—or excite them either for that matter.

The Hon. R. F. CLAUGHTON: This shows the degree to which the honourable member's mind is biased towards the Government's action. He fails to see—

The Hon. T. Knight: I can see both sides very clearly.

The Hon. R. F. CLAUGHTON: This advertisement was obviously placed in the Press to encourage unionists not to join the strike; in other words, to create a division within the union movement. If that is not inciting people, I do not know what is.

The Hon. Clive Griffiths: This is a responsible action on the part of the people who put the advertisement in the paper.

Several members interjected.

The Hon. R. F. CLAUGHTON: I do not know what Mr Masters knows about the union movement, but from the earliest days of the movement—when working conditions were very bad—one of its principles has been that the only way to progress is with unity. Conversely, the employer who does not want his workers to obtain better conditions will attempt to keep them divided. It is as simple as that. If anyone is for the union movement—

The Hon. G. E. Masters: Yes, I am.

The Hon. R. F. CLAUGHTON: —he would be urging them to work together. He would not try to divide them.

The Hon. G. E. Masters: I am for responsible unionism—not irresponsible unionism.

The Hon. T. Knight: There are two sides to every story and they saw both sides.

The Hon. R. F. CLAUGHTON: The employer groups are using these tactics to get at some workers.

The Hon. T. Knight: You want to deprive them of the right to see both sides of the argument.

The Hon. R. F. CLAUGHTON: We wish Government members could see both sides of the argument.

The Hon. I. G. Pratt: Let us get this straight—are you saying that telling the truth is biased and inflammatory?

The Hon. R. F. CLAUGHTON: It is little wonder that—

The Hon. I. G. Pratt: Are you saying that telling the truth is biased and inflammatory?

The Hon. R. F. CLAUGHTON: —the trade union movement sees danger for itself in this legislation when it can see the attitude of Government members at this time.

The Hon. I. G. Pratt: Are you saying that telling the truth is inflammatory?

The Hon. W. R. Withers: He cannot hear you.

The Hon. I. G. Pratt: He is having difficulty.

The Hon. S. J. Dellar: He cannot answer everyone at once.

The Hon. I. G. Pratt: Try one at a time. Are you saying that telling the truth is biased and inflammatory?

The Hon. R. F. CLAUGHTON: It is like statistics—one can select statistics to suit one's own argument.

The Hon. I. G. Pratt: Is that what you are saying?

The Hon. R. F. CLAUGHTON: The individual statements in the advertisement are not untruthful. It is the totality of the statements which is an incitement to unionists.

The Hon. T. Knight: You mean that the union bosses saw red?

The Hon. R. F. CLAUGHTON: This advertisement is to encourage a division within the union movement. It is not a question of whether the statements contained in the advertisement are true or false.

The Hon. I. G. Pratt: You have been talking about truths and falsehoods all night. Let us get back to this: Is the advertisement true?

The Hon. R. F. CLAUGHTON: I have already dealt with that question when Mr Knight was interjecting. If the honourable member had listened he would have heard my answer to that very question. I am not going to answer it again; the honourable member may read what I said in *Hansard*.

The Hon. S. J. Dellar: Mr Pratt will be able to tell us all about it when he gets up to speak.

The Hon. I. G. Pratt: I will satisfy you.

The Hon. R. F. CLAUGHTON: One of the interjectors raised the point of the advertisement placed in the Press by the Civic Affairs Bureau. I said I would deal with this advertisement later, but I feel that you, Mr President, may pull me up under Standing Order 81 if I refer to it. I would have liked to expose some of the misstatements in that advertisement.

However, I would like to quote a letter which appears in *The West Australian* of the 2nd October—this morning. The letter is pertinent to this debate, and it is headed, "The emergency Bill issues". It reads as follows—

We write as a group of clergy of various Christian denominations united in the belief that the area of Christian concern is the totality of

life and committed to the upholding of individual conscience under the Lordship of Christ.

Members opposite must remember that we are dealing with the principles of this measure, and our position is that we are opposed to it and feel it should be defeated. The letter continues—

While we recognise the need to ensure the supply of essential services for the benefit of all in times of crisis, we write out of a deep concern that transcends party political differences to oppose those sections of the fuel and energy Bill which appear to seek exaggerated physical power to secure the overlordship of the individual conscience.

Those are fairly strong words. To continue—

In particular we are opposed to those sections of the Bill which have the overall effect of placing in the hands of a single Cabinet Minister unlimited power and absolute discretion, and of totally suppressing the autonomy of the individual's conscience.

We therefore call on the members of the Legislative Council to exercise moderation in considering these sections of the Bill and to amend them in a way that will uphold as a prior concern, the integrity of the conscience of the individual citizen.

The letter is signed by the Revs. Keith Wilson, Balga; Jim Matthews-Payne, Morley; Max Smith, Greenwood; John Gilks, Duncraig; Michael Dewsbury, Balga; Jonathan Ewer, Hollywood; Ken Broadbent, Thornlie; and John Bowyer, Medina.

The Hon. Clive Griffiths: Are there any other letters in that newspaper you can read to us?

The Hon. R. F. CLAUGHTON: Mr Griffiths will have his chance to speak—

The Hon. Clive Griffiths: I thought you might read out one or two others.

The Hon. R. F. CLAUGHTON: —and I have no doubt that if he finds any letters which he feels will assist his case in support of the Bill he will quote them.

The Hon. Clive Griffiths: That occurred to you, did it?

The Hon. D. K. Dans: You will not get your chance until about 5.00 a.m.

The Hon. R. F. CLAUGHTON: I have already dealt with the advertisements placed in the newspapers by people who are opposed to the legislation. I could go on to quote some of the letters which have been received. I might mention that which came from the Rev. G. T. Sambell, the Anglican Archbishop of Perth, who expressed his particular opposition to proposed new section 41.

We have seen an indication of a division within the Government parties in respect of this Bill. We have already heard something about that, and I would like to add to it by quoting from *The Sunday Times* of the 29th September.

The Hon. D. K. Dans: That is a very authoritative newspaper.

The Hon. R. F. CLAUGHTON: The article is on page 1 of that newspaper under the heading of, "Grave Country Party doubts on emergency Bill—Party vote on support". In the article Mr David Reid, who was a member of the Legislative Assembly until he resigned—

The Hon. H. W. Gayfer: And also a Senator.

The Hon. R. F. CLAUGHTON: Yes, he was also a Senator for a brief period until he was defeated. I have known him for many years, and I quite like him. Mr Reid is reported as having said—

The Hon. N. E. Baxter: I am glad you said "reported".

The Hon. Clive Griffiths: He denied it subsequently, didn't he?

The Hon. R. F. CLAUGHTON: Just listen to what Mr Reid is reported as having said. The article states—

The state president of the party, Mr. David Reid, indicated yesterday that because of the confusion, the CP might decide to ask that the present bill be dropped and an alternative one drawn up.

"I and many of my colleagues were very concerned about the bill in its original form because it was far too extreme," he said.

The Hon. Clive Griffiths: He has already refuted that. He denied saying that, so what is the point of reading further?

The Hon. R. F. CLAUGHTON: I will continue to read the article.

The Hon. Clive Griffiths: It is misleading in the extreme to read that.

The Hon. D. W. Cooley: Many misleading things have been said on your side. You are saying it is not an attack on the trade union movement, and your leader is saying that it is.

The Hon. Clive Griffiths: Mr Reid refuted that statement.

The Hon. R. F. CLAUGHTON: When he speaks Mr Griffiths may quote if he wishes the report which he says contradicts this statement of Mr Reid. However, I will finish the quotation. The article continues—

I have since been assured by the Deputy Premier, Mr. McPharlin, that the amendments which were adopted got rid of its more objectionable aspects.

However, I have not yet had a detailed look at those amendments. I have sent for a copy of them, together with a copy of the original bill, and intend to study them carefully before the state council meeting on Saturday.

I know from my former parliamentary experience that sometimes, in spite of a bill being extensively amended, it is so difficult to get rid of the initial impression that it is better to prepare and present a new bill.

My own feeling is that the Bill could well fall within that category.

I cannot speak for Mr Reid—

The Hon. Clive Griffiths: You are doing your best to.

The Hon. R. F. CLAUGHTON: —but I believe that is an honest expression of his feelings. Whether or not Government members wish to deny that was said, it is a rather long quote for a misreport.

The Hon. Clive Griffiths: Well, he denied it.

The Hon. R. F. CLAUGHTON: I believe it indicates that some members of the Government parties believe, like the critics on this side of the House, that the Bill is not a good one and the best course to follow would be to withdraw it. If members opposite wish to have emergency legislation then let us have an entirely new Bill.

The Hon. Clive Griffiths: If you sit down some members on this side might get up and tell you what they feel about it.

The Hon. R. F. CLAUGHTON: I am sure Mr Griffiths would like me to sit down, because I believe he does not like the criticism I am levelling at the Bill. We have heard a great deal about how members of the Government support the union movement; and we have heard them saying the legislation is not directed against the unions. I would like to quote what the Liberal Party policy says about this matter to see how it compares with what is contained in the legislation.

I think it is very relevant to the points I am making. The important point I am trying to get across to Government members is the very strong opposition of the union movement to this legislation. I have explained the reasons why the unions have this feeling. It is entirely relevant to the measure we have before us because unless the Government understands these feelings, it will make a very serious mistake. With your permission, Mr President, I should like to dwell a little on the statement contained in the Liberal Party policy booklet. It is headed, "Dealing with Industrial Unrest" and states—

We are seriously concerned about industrial unrest.

That is how it commences and I believe it sets the tenor for what the Government is doing. This Bill is aimed at how the Government believes the situation should be dealt with. It continues—

The whole community is realising that the tactics now used by the militant left wing unions constitute a form of industrial civil war against our community.

Strikes are affecting essential production and are becoming an economic burden on every one of us.

Last year, Western Australian workers lost 90,000 days work and 90,000 day's pay because of strikes.

What worries most people is that some union leaders now think they are above the law.

Whoever produced this copy underscored that section. I understand these papers came from the Minister.

The Hon. R. Thompson: They surpassed that in one day, today. They lost 100 000 days today, and 100 000 days' pay.

The Hon. R. F. CLAUGHTON: The Liberal Party policy relating to industrial unrest continues—

It is therefore important for us all to agree that no-one should be above the law.

Because so many people are involved in this issue, we have decided to take a firm stand in this matter in the following way:

Those words are also underscored—

We will uphold industrial law.

We will publicise any attempts to break it—especially through unlawful strikes or disruptions.

We will rely heavily on public opinion to help us.

Nevertheless, we will insist that all parties involved in dispute must abide by the 'fair go' principles of arbitration and conciliation.

We will stand by these principles firmly, without exception.

We will stand by every individual's right to work if he wants to.

We will investigate growing evidence of standover tactics and coercion, said to be used against individuals by the officials of some militant unions with a notorious strike record.

We will stand by the belief that every worker has the right to 52 weeks take-home pay and 52 weeks industrial peace every year.

While standing by principle in the interests of the public, we will also stand by the principle of unionism.

We believe in unions and will endeavour to assist and encourage unions with responsible policies to fulfil their roles.

We will encourage regular, meaningful consultation between unions, employers and Government in an effort to ensure that Government economic, financial, social and development objectives are better understood. From this we hope all parties will come to a better realisation of interdependence and community responsibilities.

If we separate the various points contained in that statement we will see just how what has taken place developed from that policy. It is a pity that the Government did not in fact do what it said it would do in the last paragraph where it said—

We will encourage regular, meaningful consultation between unions, employers and Government . . .

Here was a prime opportunity; if the Government sincerely wanted emergency powers legislation, it should have gone to the unions. We have heard the President of the Trades and Labor Council say that the TLC has been anxiously offering to consult with the Minister, but that its approaches have been rejected.

But what do we find? We find in this policy statement the same attitudes that give cause for concern in the union movement. The Government says it is "seriously concerned about union unrest". It does not say that it intends to try to resolve those problems; it merely adopts the attitude that there are industrial problems and that unions are going out on strike daily and causing trouble and so the Government must do something about it. That is the sort of attitude contained in the policy statement.

The next part of the statement goes on to talk about the whole community. The Government obviously believes that the community supports it in its campaign of union bashing. The policy goes on to state—

What worries most people is that some union leaders now think they are above the law.

The people referred to in that paragraph are the ones to whom I referred earlier, such as the retired president of the Western Australian Employers Federation or Mr Finch from the Chamber of Commerce. I suppose it could also include some Government supporters in this Chamber. Those are the people to whom the Government refers as being "above the law".

This document contains very strong evidence of the attitude of the Government parties towards unions and is a document which union members would read with a great deal of concern. If the

Government had carried out its programme, there may have been some sense to a statement like—

Because so many people are involved in this issue, we have decided to take a firm stand in this matter in the following way:

We will uphold industrial law.

The Bill before the House is not something which will uphold industrial law but which will override industrial law. The Government says that the unions must obey the rules and the laws yet the Government can bring in legislation that will completely override those laws. In other words, it is a policy of "Do as we say, not do as we do".

The Hon. W. R. Withers: This is not designed against the unions. Responsible unions do not create emergencies. We think that unions in Australia today are quite responsible. The regulations will apply only if a union is irresponsible and creates an emergency.

The Hon. R. F. CLAUGHTON: The member is two-faced about this. First he says that unions are responsible and now he is saying that they are not responsible.

The Hon. W. R. Withers: I did not say that.

The Hon. R. F. CLAUGHTON: The member cannot have it both ways. With this legislation, the Government feels that it is going to fix those unions which it claims are not responsible and at the same time will fix the whole union movement. That is hardly a responsible and reasonable attitude to adopt. The Government is saying, "You are going to obey the law, but we are going to disregard it and bring in completely new laws. We will write the laws as we see fit".

The Hon. W. R. Withers: That is only if an irresponsible union creates an emergency.

The Hon. R. F. CLAUGHTON: That is the member's point of view; I do not know why I am bothering with the man.

The Hon. W. R. Withers: It is in the Bill.

The Hon. R. F. CLAUGHTON: The Bill states that if there is a situation in which unions are involved and the Minister sees fit, he can declare an emergency situation; that is what we are talking about. It is a different concept from the one advanced by Mr Withers. He says that the unions create the emergency situations.

The Hon. W. R. Withers: I am not saying that.

The Hon. R. F. CLAUGHTON: The member is changing what he is saying.

The Hon. W. R. Withers: But if they do, a state of emergency will be declared.

The Hon. R. F. CLAUGHTON: If some other group in the community created a situation that provoked the unions, it would be the unions which would 'cop it, not somebody else; that is the problem.

The Hon. W. R. Withers: That is in your imagination.

The Hon. Clive Griffiths: Who said that was the situation?

The Hon. D. K. Dans: What State union controls petroleum, for instance?

The Hon. D. W. Cooley: They would not have a clue.

The Hon. G. C. MacKinnon: I suppose it would be the union of petroleum supplies.

The Hon. R. F. CLAUGHTON: I will ignore all those interjections, Mr President, and proceed. We will rely heavily on public opinion to help us. Again, that is hardly something that is likely to encourage the unions; their point of view so seldom gets across to the public. It is a very one-sided view of industrial relations that is presented to the public upon which they can base their opinions. That is not likely to help.

To return to the instance Mr MacKinnon cited in his letter—that is, the strike that involved the bakers, and where the unions got the blame for shortage of bread—the bakers could have gone ahead and baked the bread and it could have been delivered to the stores and been made available to the public. However the bakers did not bake the bread and the unions were blamed, but the public were not told. It was not the fault of the Transport Workers' Union that the bread was not delivered.

The Hon. N. E. Baxter: That is the second time you have told us that.

The Hon. R. F. CLAUGHTON: I am reiterating it to use it as an example, because it is one with which the Minister is now familiar and he can understand the point I am making. If we are talking about using public opinion, it is public opinion loaded against the unions.

The Hon. G. C. MacKinnon: Which union? The union of industrial workers, or the union of employers? If the Bill is loaded against one, it must be loaded against the other.

The Hon. R. F. CLAUGHTON: It is regrettable that the Minister in charge of the Bill has not been listening to what I have said. This does not give members on my side of the Chamber or the unions much hope.

The Hon. G. C. MacKinnon: I have not missed anything.

The Hon. R. F. CLAUGHTON: Judging by the interjection the Minister just made—

The Hon. Clive Griffiths: Don't tell me you are losing your voice, for goodness sake!

The Hon. D. K. Dans: I will stand in for him if he does.

The Hon. R. F. CLAUGHTON: That would be disastrous. I was talking about public opinion. I was quoting from the Liberal Party's platform. The Minister obviously did not hear what I said because he was referring to the Bill as it applies to both parties. I am talking about public opinion being one-sided.

The Hon. G. C. MacKinnon: I am sorry; I made a mistake. I thought you were talking about the Bill.

The Hon. R. F. CLAUGHTON: My comments are related to the Bill because the Government's intent in bringing this legislation forward is the nub of the matter so far as the opposition to the Bill is concerned. It is highly pertinent. It is no use condemning the unions for objecting to it.

The Hon. T. Knight: Why keep on pushing the union side? We have not said the Bill has been prepared particularly to oppose the unions. It is for an emergency. You are the only one who is saying that it is against the unions.

The Hon. R. Thompson: It is loaded against the unions.

The Hon. T. Knight: It is not just for unions.

The Hon. R. F. CLAUGHTON: Mr Knight has not listened to me carefully.

The Hon. G. C. MacKinnon: Can you give us a promise that he will?

The Hon. R. F. CLAUGHTON: It is a pity Mr Knight has not listened to me carefully, because I have gone to great lengths to explain why the unions have such strong opposition to this Bill, and I am going to great lengths because I think it is important for the Government and the Government members to understand that.

The Hon. J. Heitman: Why don't you sit down and give somebody else a go?

The PRESIDENT: The honourable member has gone to such lengths he has gone close to infringing Standing Order 89.

The Hon. R. F. CLAUGHTON: I have managed to keep to the Bill to this point, Mr President, and there is a fairly large area of the Bill to cover. If I have had occasion to repeat some points it has been for the benefit of those members who have interjected and who obviously have not understood the point I was making.

The Hon. Clive Griffiths: If you repeat it any more we will be here all night.

The Hon. R. F. CLAUGHTON: With all due deference to you, Mr President, there is nothing to prevent any member from moving that my speech be adjourned until the next sitting of the House and I will continue then instead of carrying on tonight. If Government members wish to go home I do not mind if that is done.

The PRESIDENT: Until such event occurs I ask the honourable member to address himself to the Bill.

The Hon. Clive Griffiths: He has spoken for two hours without mentioning it, so why should he mention it now?

The Hon. S. J. Dellar: You always do a good job.

The Hon. D. K. Dans: A fantastically good job!

The Hon. R. F. CLAUGHTON: I have kept very much to the Bill, Mr President, and I will continue to do so.

The Hon. G. E. Masters: Have you lost your place?

The Hon. R. F. CLAUGHTON: No, I have some papers here which *Hansard* might like, and it will clear the bench a little for me.

When we examine the Bill itself we find that not only is there cause for the unions to be concerned, but also for a good proportion of the population at large to be concerned; because, as other members have said, the provisions of the Bill cut across many of our civil liberties. This is not just my opinion; it is the opinion of people more competent than I to pass judgment. I just make reference to the Law Society report. I know that as a consequence of that, and other representations to the Government, various amendments have been made to the Bill, but the main thread of the measure is unchanged.

There are one or two provisions such as the power to enter and search without a warrant that have been removed. However the long title of the Bill reads—

AN ACT to amend the Fuel, Energy and Power Resources Act, 1972, and to make provision for the securing of present and future sources of fuel, energy and power and of services relating thereto, for the protection of the community in cases of emergency, and for purposes connected therewith.

The Hon. W. R. Withers: I think I have heard that before.

The Hon. R. F. CLAUGHTON: It does not hurt to repeat it, but I would much rather see the Bill removed altogether so that we do not have it before us.

If we consider all the ramifications that are involved, we will realise that the title of the Bill covers a wide range. When we refer to fuel we are not talking about oil and firewood only.

The Hon. H. W. Gayfer: If you talk about the quality of the paper and the printing you are still talking about the Bill!

The Hon. R. F. CLAUGHTON: I thank Mr Gayfer for his assistance.

The Hon. H. W. Gayfer: You are stuck for words. You had better keep on going.

The Hon. R. F. CLAUGHTON: I thank members opposite a great deal for their assistance. If I am lost for words it will not be for too long. To go back to the long title of the Bill, I say the Bill covers not only oil and firewood, but also nuclear power, tidal power, and coke.

The Hon. Clive Griffiths: And grain alcohol!

The Hon. R. F. CLAUGHTON: And liquified petroleum. A vast range of basic resources go to provide fuel. When we talk about the scope of the Bill we should realise that the word "scope" indicates a very broad range of the affairs of the State. When we make reference to energy or the conversion of fuel into a usable power source, we can give as illustrations the Kwinana power station which uses oil as a fuel source and the Muja power station which uses coal as a fuel source. I realise that proposals have been made for the introduction of a nuclear power plant; and that quite recently suggestions were made for the use of tidal power in the north using a combination of tidal power, pump storage, and hydrogen. I do not intend to follow that line. The word "scope" encompasses a wide range of activities.

Power includes the product after the fuel has been converted into energy for final consumption. This covers the distribution of power through a grid system, as adopted in the supply of electricity; and also the piping of natural gas to various points, and the conversion of it into steam in some instances to supply institutions, such as the Royal Perth Hospital. Right in the first line of the long title a vast area of activity is encompassed.

The Hon. H. W. Gayfer: The first line of the long title contains the word "act" and that is exactly what you are doing!

The Hon. R. F. CLAUGHTON: If the honourable member had been listening he would realise that I have been referring to the first line of the long title. In defence of what is contained in the Bill, against the very strong objections raised by people because its powers impinge on civil liberties, the Ministers have said repeatedly that this legislation can be applied only in its total scope; and that the individual provisions cannot be applied separately, but can be operated only in the confines of the total legislation, including the long title. We have heard

about that *ad infinitum*. When Mr Withers was out at Balga this was the sort of statement he was making.

To say that the scope of the Bill is confined by the reference contained in the long title is to put forward a misrepresentation, because the ramifications of the title are so wide that there is no limit to it at all. I refer, for instance, to the portion of the letter from the Minister which makes reference to the health regulations in respect of the baking of bread.

Following on my comments on the long title, I now refer to clause 4 which contains proposed new section 41. This gives the regulations made under the legislation overriding power, and there is no need for me to read that provision out. No matter how much this has been disputed by the Minister in charge of the Bill and by other Ministers, and no matter how much protest has been made in another place, they have not been able to show that the scope of the Bill is not what the critics claim it to be. Again, the Minister's letter supports that point of view.

If an order or regulation is made by the Minister to the effect that the health regulations governing the baking of bread are to be suspended, then those health regulations have to be suspended. Similarly, if an order or regulation is made that industrial awards or conditions relating to the transport industry are to be superseded, then such order or regulation is the law of the land that will govern the transport industry. That is the effect of this legislation.

For those reasons the unions are strongly opposed to the Bill, as are the people who are concerned about civil liberties. All existing laws, industrial awards, etc. are to be overridden by what is contained in a regulation made after a state of emergency has been declared. It is true that other areas of the law which are not covered by the scope of such regulations will still operate; and there is no question about that. If the Minister were to state that as a fact I would agree with him, but if he says that the provisions of this Bill are not able to override all existing laws, etc. then I say he is not telling the truth.

It is quite patent that that is the situation and it can extend to the Electoral Act. One of the claims made is that the provisions of the Bill can be used to override our existing electoral laws.

The Hon. N. McNeill: How?

The Hon. R. F. CLAUGHTON: It is not hard to visualise a number of situations if we are talking about fuel and its distribution. For instance, first of all in order to hold an election it is necessary for a proclamation to be made and a date to be set. Contact must be made with various people who would be prepared to man the booths. All the papers relating to the election must be printed and distributed

throughout the State. Forms for postal votes must be distributed and returned. Also the movement of people to polling places must be taken into consideration.

A fair consumption of fuel is involved in an election. It could be said that because of a serious fuel shortage an election cannot be held. Let us speculate. It is unlikely, but another oil embargo could be involved and there could be a serious shortage of fuel in Western Australia. Under those conditions a Government could very well justify the postponing of elections for an indefinite period. That is just one example, and not a very difficult one to visualise.

One does not need to have a fertile imagination to realise how this sort of situation could come about. For instance, if some sort of industrial chaos occurred, the Government could say that that was an emergency situation and therefore it was not possible to conduct an election at that time. In those circumstances it is not difficult to visualise that an election could be postponed, merely on the writing on a piece of paper.

We know the provisions in the Bill concerning the calling together of Parliament, and members may feel obliged to agree with what the Government has done in that regard. Once the order applies, we have fulfilled the conditions about calling Parliament together, and it is only a matter of renewing the order at the end of six months. This is the type of situation which could arise, despite the protestations of the Government to the contrary. If the Minister in charge of the Bill can deny that that can happen, we will have a second look at it. But no, it is very hard-pushed—

The Hon. N. McNeill: You are not suggesting it would make any difference to your attitude to the Bill, surely?

The Hon. R. F. CLAUGHTON: Mr McNeill would recognise that I am a reasonable man.

The Hon. G. E. Masters: Oh yes!

The Hon. G. C. MacKinnon: Not tonight, Mr Claughton.

The Hon. R. F. CLAUGHTON: I am able to appreciate a reasonable case; but I will admit that the Government would have to produce some very different arguments from those it has produced already to convince me that this is the type of emergency legislation this State requires. It just is not. If we want emergency legislation, let us have it, but not this kind.

The Hon. G. C. MacKinnon: You vote for the second reading, and we will have a look at it in Committee.

The Hon. R. F. CLAUGHTON: The legislation is too unspecified; too many unforeseeable circumstances could arise. Its scope is really beyond definition. We can visualise all sorts of circumstances

under which the Bill could apply but they are so diverse it is difficult to bring them within a confine with which one can cope.

I repeat that I cannot see myself coming around to supporting this Bill. I have looked very closely at it and have read the various opinions given on it.

The Hon. G. E. Masters: You have had your orders haven't you?

The Hon. R. F. CLAUGHTON: Mr Masters has obviously had his orders and from that point he has apparently lost interest in what the legislation contains.

The Hon. G. E. Masters: I am interested in what you are saying. I have listened to every word.

The Hon. N. McNeill: Difficult though it is.

The Hon. G. E. Masters: I have listened to all the "ums" and "ahs" as well.

The Hon. R. F. CLAUGHTON: I have read the Crown Law opinion of the Law Society's report and various other opinions on different clauses of the Bill.

It is not beyond me to understand that necessarily some clauses must be widely framed because in some circumstances the situation cannot be covered unless this is done. However, when such a provision is included, we expect that the Bill will limit what action can be taken under it.

If we start from the beginning of this legislation with the long title and then go through it, we find it is far too wide. Its ramifications cut across too many things which in a democratic society we prize so highly.

I do not believe we should press ahead with this legislation. The best thing the Government could do would be to withdraw it, as has been suggested, and start again. We have considered the long title and clause 4 and the wide scope that clause has to cut across all existing laws.

Actually we need go no further than clause 2 because that could be the only law in Western Australia. Under it, regulations and orders could be made to cover all situations. It could have the effect of suspending the State's Constitution. We might argue a little about that aspect, but, having got to that stage, we have gone so far it is hardly worth arguing the fine points.

There is no doubt at all that it can override the provisions of the Electoral Act, as I have already indicated. Clause 6 contains proposed new section 43 which provides for the declaration of a state of emergency. Proposed subsection (1) reads—

At any time, if the Governor is satisfied that by reason of embargoes . . .

There are a number of divisions numbered down to six setting out the circumstances of a state of emergency, which can be for

a maximum period of six months. However, the period can be repeated over and over simply by the issue of a new order or new regulations compiled by the Minister. The state of emergency can be repeated without any limit at all.

A further provision sets out that a state of emergency can cover not just oil embargoes, explosions, or disruptions—the sorts of things mentioned in the proposed new section. The emergency situation will cover not only those items, but in relation to oil embargoes and the obstruction of shipping it will cover what happens in this State and also what happens outside the State. I do not know how the Government proposes to deal with that sort of situation but I would point out that if an emergency situation concerned an oil embargo which affected the whole of Australia, this law would not help. The Government would have to depend more on the co-operation of the other States of Australia. We would have to work out, in co-operation with the other States, how to share the available oil supplies in Australia and for that reason we do not need such all-embracing legislation as we now have before us.

The same would apply to shipping. If there was a shipping problem there would need to be co-operation with other State Governments, and not the imposition of a dictatorship in Western Australia. This is hardly a realistic way to go about solving emergency situations, and it should not be an excuse to deprive the people of Western Australia of their civil liberties. Proposed new section 46 states—

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

Proposed new section 46 has caused a good deal of concern because it will be retrospective and will make illegal acts legal and legal acts illegal.

The Hon. R. Thompson: Which the Law Society did not agree with, and it has not changed its opinion.

The Hon. R. F. CLAUGHTON: I will quote from the Law Society report concerning its comments on proposed new section 46. The comments are set out in relation to proposed new section 45 in the original Bill, which is now proposed new section 46 in the Bill before us. The comment is as follows—

This section has the effect of rendering lawful that which was illegal at the time it was done. The common law countries have always, and pro-

perly, considered that retrospective legislation can only be justified, if ever, in the most extreme situation.

The marginal note is quite misleading because it states—

Validation of acts done in anticipation of emergency regulations.

One can understand, of course, that in a genuine emergency situation quick response would be necessary on the part of the Government. It could well be necessary to take steps before orders are properly proclaimed to cover the situation. Nevertheless, the provision will allow for a highly dangerous situation and the Law Society obviously considers that to be the position. It will be possible for a person to do something which is quite illegal, such as commandeering somebody else's vehicle. For instance, a person who had insufficient supplies of fuel might observe a truck loaded with fuel and believing that the Minister would agree it was essential for him to have that fuel, he could commandeer the vehicle. In other words, that person would be anticipating what the Minister would do. Subsequently, because the person concerned has some influence, his quite unlawful act could be made lawful even though the Minister may not have given authority to commandeer the vehicle had he been able to consider the situation. In order to avoid any problem to the person who committed the unlawful act the Minister could make the act lawful.

One has to visualise the sort of situation which could arise. It need not be an act of the extreme left or of the extreme right; it could just be that a person who commits an unlawful act could be well known to people in the Government and in order to protect him his actions would be covered. The person whose property was commandeered would have no recourse through the law, no matter what protestations he might make. The actions of the person who commandeered the vehicle would be validated by orders or regulations. The person who owned the vehicle would subsequently get it back again but he could have suffered some personal loss which would be very difficult to prove and he would just have to put up with the situation.

It is a minor injustice. It is not one of great moment to the generality of the community but it is a real injustice to that type of person. That is on a very low level and in fact someone who has authority delegated to him, or believes he is likely to have authority delegated to him, can do far more serious things than that. If we are dealing with supplies of fuel—petroleum—then anyone who has control of distribution could reasonably assume he would receive some delegated powers from the Minister to deal with the situation, and in anticipation of that

delegation he could undertake acts which would work against other citizens yet leave them without any reasonable recourse for obtaining satisfaction for any wrongs they may suffer. In the extreme situation, with Governments which were tending to become autocratic and dictatorial, much more serious consequences could flow. Other speakers have dealt with that aspect and I will not pursue it.

The Bill does not lay down any time limit for these provisions, so there is nothing to prevent some action such as I have indicated being taken tomorrow, which in the normal course of events would be unlawful but would subsequently be made lawful by the proclamation; and because there is no time limit on the declaration of the orders that would make it lawful it could be done five, six, eight, or 10 years in the future. That is not a very desirable situation.

The Hon. I. G. Medcalf: What were you saying about time limits?

The Hon. R. F. CLAUGHTON: I am saying the Bill does not give any time limits.

The Hon. I. G. Medcalf: I thought you were objecting to time limits.

The Hon. R. F. CLAUGHTON: No. I am saying the Bill does not give any time limits.

The Hon. I. G. Medcalf: Do you think there should be time limits?

The Hon. R. F. CLAUGHTON: I take it on this occasion Mr Medcalf is being facetious. When I was dealing with the letter from Mr Mensaros I touched on the power in the Bill to conscript workers. This provision gives him the power to engage workers with or without wages. It does not say the workers have to be paid for the work they do or even that they have to be employed under the award conditions for the job they happen to be doing in the emergency.

There does not have to be any observation of safety requirements, for instance, in respect of the work being done. In regard to the health requirements for bakers, it could be said, "Because this is a temporary situation we will dispense with those." So the normal protection for employees is removed by this provision in the Bill.

The proposed new section 50(7) says—

(7) Where any order is given under this Part of this Act to any person or body, a person who contravenes or fails to comply with that order shall be guilty of an offence against this Part of this Act.

That means the Minister or any person to whom he has delegated authority can order a man to do something, with or without pay, and if that man refuses he commits an offence. What kind of situation are we arriving at when those defend-

ing the Bill say it does not interfere with civil liberties? This kind of situation can arise. The Minister or any person to whom he cares to delegate this authority can order a man to do something, with or without pay, and if the man does not do it he is committing an offence.

Is it any wonder the unions are objecting to that kind of provision in the Bill, where all the conditions and safeguards for workers that have been built up over a long period are just wiped out at the stroke of a pen? Some members might smile and say that is a good provision but if they had to work in ordinary employment where they were dependent upon those awards and conditions to protect them I suggest the expression on their faces would be a little different. I stress again that the union movement has been built up over a very long period with a great many struggles, and the people who have led the fight to obtain those conditions have often suffered.

The Hon. A. A. Lewis: Just the way we are suffering tonight.

The Hon. R. F. CLAUGHTON: It would not hurt Mr Lewis to suffer a little, I suggest. He is quite prepared to take away all the conditions which protect the workers.

The Hon. A. A. Lewis: You have not yet heard me speak.

The Hon. R. F. CLAUGHTON: We have missed his bull-like roar in this Chamber for quite some time.

The Hon. A. A. Lewis: You poor fellow!

The Hon. N. E. Baxter: I have not seen that in the Bill, anyhow.

The Hon. R. F. CLAUGHTON: I would say it is as unnecessary as this Bill.

The Hon. A. A. Lewis: So is your speech.

The Hon. R. F. CLAUGHTON: I suggest I am debating this Bill at length and it is now almost 1.40 a.m. It is not too long because it is obviously very difficult for members of the Government parties to understand what is in the Bill.

The Hon. N. E. Baxter: Your description makes it difficult because you do not know what is in it yourself.

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

The Hon. A. A. Lewis: Isn't it?

The Hon. N. McNeill: Still, he does not have a bad imagination.

The Hon. R. F. CLAUGHTON: Perhaps during the debate the Minister for Health will get to his feet and tell us what he believes is in the Bill and how he believes its provisions will be applied.

The PRESIDENT: The honourable member should disregard the interjections and get on with his speech.

The Hon. R. F. CLAUGHTON: Thank you, Mr President.

The Hon. N. E. Baxter: I hope he sticks to the Bill, too.

The Hon. S. J. Dellar: I hope your members do, too.

The Hon. R. F. CLAUGHTON: I have been sticking very closely to the provisions of the Bill. When members of the trade union movement read the type of provision contained in this legislation, where all the conditions and benefits they have built up over a long period with some very intense struggles at different times can be wiped out with a stroke of a pen, it is little wonder that they have voiced their opinion so strongly.

The Hon. J. Heitman: You have told us that before.

The Hon. A. A. Lewis: Tedious repetition, I would think.

The Hon. R. F. CLAUGHTON: It was to be expected that some members of the Government parties would say that it is the militant left-wing element, the Communists, etc., who are voicing opposition to the Bill, in order to denigrate the real concern of responsible and reasonable union members. Surely members of the Government have had sufficient contact with people such as Mr Jim Coleman and others with long experience in union matters to be able to assess that such people are quite prepared to co-operate with the Government. However, when Mr Coleman and those associated with him read the provisions in this Bill it is little wonder that they protest loudly about them and do their best to inform their members of what they mean.

The Hon. W. R. Withers: They have not done this, of course.

The Hon. R. F. CLAUGHTON: This Bill has been categorised with a fair number of titles. One of the pamphlets which was produced, and one which Mr Withers flashed around, was entitled, "Gun Butt on the door, W.A. 1974". This aptly sums up the way in which the legislation is regarded.

The Hon. W. R. Withers: On the original Bill.

The Hon. R. F. CLAUGHTON: If the honourable member had been following what I had been saying—

The Hon. A. A. Lewis: That is impossible, absolutely impossible.

The Hon. S. J. Dellar: It would be for you.

The Hon. A. A. Lewis: I'll bet you cannot tell us what he said either; you cannot put jigsaws together that quickly.

The Hon. R. F. CLAUGHTON: Mr Lewis has not been in the Chamber for a great deal of the time I have been speaking.

The Hon. A. A. Lewis: That is blessed luck.

The Hon. R. F. CLAUGHTON: I would not expect him to be able to follow what I am saying.

The Hon. A. A. Lewis: I am informed that I have not missed a thing.

The Hon. R. F. CLAUGHTON: For those who have a real interest in the legislation and who are following my speech—

The Hon. A. A. Lewis: Could you point to anyone who could follow your speech?

The Hon. R. F. CLAUGHTON: —I point out that the main objections to the original Bill are still contained in the measure before us.

The Hon. W. R. Withers: They are not. What about proposed section 46?

The Hon. A. A. Lewis: You are in trouble again.

The Hon. R. F. CLAUGHTON: As I said before, I do not know why I bother with Mr Withers' interjections.

The Hon. W. R. Withers: Only because you cannot refute what I say.

The Hon. R. F. CLAUGHTON: Hope springs eternal, and I hope that eventually he will gain some knowledge about the measure.

I now come to the part of the Bill dealing with penalties, and we find a provision for continuing fines for a maximum of 500 days, six months, or both.

The Hon. N. McNeill: You are getting tired.

The Hon. R. F. CLAUGHTON: If that is the only casual mistake I make—

The Hon. A. A. Lewis: No, it is not.

The Hon. R. F. CLAUGHTON: —In a speech of this length, members opposite have little to complain about. The Bill prescribes a penalty of \$500 or six months, and this penalty can be applied day after day as long as the offence is believed to be continuing. That is a very serious penalty. Admittedly the penalty may be varied in the orders and regulations but under the orders and regulations the penalty can quite easily be fixed at the maximum. I would not expect Mr Lewis to understand that, or to have much sympathy for those who could get caught in such a situation. Again the trade union movement is most concerned about this provision because the unions themselves could easily fall within the scope of the penalties.

I have already referred to the attitudes—

The Hon. A. A. Lewis: You are getting very close to tedious repetition, I should think.

The Hon. R. F. CLAUGHTON: —held by people who support this legislation. In these circumstances, we can quite understand that those who see the legislation directed at them should be quite concerned

at the extent of the penalties that may be imposed under this provision. Government members need not believe me—I have quoted sufficient sources for members to realise that my comments are not an expression of my own views but rather an expression of other people's views. Government members should try to understand the point of view of the union movement. Perhaps then they will sympathise with the workers and this Bill will be committed to the grave it well deserves.

The Hon. W. R. Withers: I think we can understand the concern, it is just that we do not understand how you can make the interpretations that you do.

The Hon. N. McNeill: Does your concern spread to other people as well as to unionists?

The Hon. R. F. CLAUGHTON: I have here a letter from the Federated Clerks Union, and I think all members would have received a copy of this letter. On page 2 we see the following comments—

Regardless of the opinions of Crown Law Department officers and Ministers and members of the Legislative Assembly, we are entitled to assume that the wording of the Bill as expressed in its everyday English means exactly what it says.

The Hon. W. R. Withers: They are entitled to an opinion.

The PRESIDENT: Order!

The Hon. R. F. CLAUGHTON: What I have been trying to do is to run through the thread of the Bill to show—

The PRESIDENT: I am well aware of what the honourable member has been doing.

The Hon. R. F. CLAUGHTON: One part of this measure leads to another, and it all builds up to a very frightening picture. I have not been through all the Bill, but I wish to refer again—

The Hon. A. A. Lewis: From here on it will be tedious repetition.

The Hon. R. F. CLAUGHTON: For convenience I have been following largely an article appearing in *The West Australian* of the 2nd September, 1974. The author of the article considered the proposed amendments as well as the Bill originally presented. The article summed up the situation in this way—

They add up to the possible creation of rule by decree instead of by Parliament.

I would like to make a few comments on the introductory speech of the Minister. In the course of his remarks he said—

The possibility of long-term fuel shortages caused by factors operating overseas is very real. There are many reasons why our imported petroleum

supplies could be reduced or cut off by influences over which Australia has no control. In such circumstances this State, and probably Australia, would have little choice but to introduce fuel rationing of the type which, until recently, was being contemplated in the United States.

It is very odd that the Minister who introduced the Bill should refer to the United States because it was not a State Government in that country which was preparing for the rationing of fuel; it was the Federal Government. I would suggest, as I have indicated previously, that if the shortage stems from overseas and if we want to give everyone in Australia a fair go, then it should be handled by the Government which is best equipped to handle it; and that is not a single State Government acting alone; it is the Australian Government which is best equipped to organise rationing throughout the whole of Australia—and, I might add, in co-operation with the States. The Bill before us could be a hindrance to creating that sort of co-operation. That is just one aspect of the Minister's speech which, far from supporting the Bill, is really an argument against it. That is the sort of argument with which Government members have been persuaded to support the Bill; and I would suggest it is a very good reason for turning around and having another look at it.

The Hon. J. Heitman: You have said that four times already tonight.

The Hon. R. F. CLAUGHTON: Apparently I have not said it often enough. I would like to be able to refer to the debates in another place. However, members can study the voting in the other House, and they will see how carefully Government members must have considered the legislation.

The PRESIDENT: I think the honourable member's speech is getting close to tedious repetition.

The Hon. R. F. CLAUGHTON: Thank you, Mr President. I make the point that I have not made that reference in the time I have been speaking.

The PRESIDENT: During the course of his speech the honourable member has said on a number of occasions, "As I have already said", or, "I say again", and that smacks of repetition.

The Hon. R. F. CLAUGHTON: I was referring to the voting in the other House, and I am not trying to reflect upon that place. I am simply pointing out that all Government members in that Chamber supported the Bill. I think there was a real case for the Minister when introducing the Bill in this place to give a reason for Government members in this Chamber to re-examine their point of view.

The Minister went on to say—

The Bill before the House has been extensively amended in another place. Many of the Government's more determined critics continue to advocate further amendments.

I would point out that, far from being extensively amended, the real points of objection contained in proposed new section 41 and the clauses to which I referred when explaining the thread of the Bill would require alteration if the Bill is to be acceptable. Further on the Minister said—

I suggest that section 47 effectively counters any fear that section 41 would be misused.

If we look at proposed new section 47 we find that the Minister's bald statement that our fears should be allayed is simply not justified. If we look at proposed new section 46 (2) (k), which I will not read because members are already familiar with it, we find that it refers to the engaging of persons.

The Hon. W. R. Withers: It would be hard to look at section 46 (2) (a), because there is no such thing.

The Hon. R. F. CLAUGHTON: I said 46 (2) (k).

The Hon. W. R. Withers: Well, there is no 46 (2) (k) either.

The Hon. R. F. CLAUGHTON: I am sorry, I am referring to proposed new section 47 (2) (k). The following paragraph—(1)—is the omnibus provision which gathers up everything not contained in the preceding provisions. It states—

generally, for ensuring that the whole resources of the community are available for use, and are used, in a manner best calculated to serve the interests of the community.

The Hon. W. R. Withers: That is one of the most important provisions in the Bill.

The Hon. R. F. CLAUGHTON: Most Statutes contain a similar provision because it is difficult to be specific about everything. But, as the Minister keeps telling us, we must read this Bill in toto; and in toto it is so broad, so all-embracing, and so overriding of all existing laws that it must be regarded with the greatest seriousness. The Minister went on to say—

Another set of amendments incorporated in the Bill now before members completely does away with the criticism that an Executive Government could overstep its responsibilities in judging whether an emergency which warrants the Governor making an order declaring a state of emergency exists.

I would assume that the Minister—although he does not make it clear—

The Hon. Clive Griffiths: Are you still going?

The Hon. G. C. MacKinnon: He has just about beaten Mr Cooley; he will be able to sit down any tick of the clock now.

The Hon. R. F. CLAUGHTON: I was being a little unfair to the Minister, because he did go on to refer to the provisions for the calling together of Parliament. I will read what he had to say in his speech as follows—

The Bill has provisions that Parliament has to affirm—by ratification in both Houses—the order declaring a state of emergency. Only those critics who do not believe in our system of democratic government, where the elected Parliament has supremacy in decision-making, could claim that this provision is not the most democratic and satisfactory safeguard against any future overambitious executive branch of government.

I suggest to the Minister that this is a most unfair criticism of people who oppose the Bill. It is almost a slander on the people who oppose it to say that people who oppose the Bill are critical of our system of democratic government. I oppose the Bill, yet I believe strongly in our system of democratic government. I do not think it is at all reasonable to categorise in this manner people who oppose the Minister's point of view.

If the orders and regulations are disallowed by Parliament, whatever actions were taken after the declaration of the state of emergency would still be valid. Anything can take place in that time and still be valid, even though people may have genuine complaints about it.

The Hon. W. R. Withers: They have an appeal though, do they not?

The Hon. R. F. CLAUGHTON: The protection that the Minister pretends he has given in the amendment to the Bill simply is not there to the extent that is desirable. I admit that there is more protection with the amendment than without it.

The Hon. G. C. MacKinnon: Big of you!

The Hon. R. F. CLAUGHTON: However, there is nowhere near the degree of protection that we would like to see. The Minister went on to say—

This Bill makes provision for the Governor to declare a state of emergency in any part of Western Australia, provided he is satisfied that by reason of embargoes, disruption of supplies, or for any other cause, the supply of fuel to the community is restricted.

I do not believe and I cannot accept that the Minister believes that the regulations will apply only to fuel because as we have already seen, the Bill has many ramifications. The Minister qualified it by saying, "the supply of fuel to the community is restricted". What is the test of the term

"restriction"? For instance, Mr Gayfer talked about farmers being short of fuel to plant their crops. To what extent do they have to be short? How many farmers need to be affected in this way? There is far too much scope for a subjective judgment in this area. The Minister's words, "the supply of fuel to the community is restricted" leaves the situation wide open. It is almost incredible that the Government believes people will swallow what we are now discussing.

The Hon. W. R. Withers: But it is laid down; you have already read it. It is laid down in a manner best calculated to serve the interests of the community.

The PRESIDENT: Order!

The Hon. R. F. CLAUGHTON: I know that Mr Withers is easily satisfied.

The Hon. S. J. Dellar: It is remarkable how dissatisfied he has been this year.

The Hon. R. F. CLAUGHTON: Yes. On the question of how emergency circumstances arise, I should like to refer members to incidents which occurred recently in New South Wales, where big cuts were made in country and interstate rail services. I quote from a pamphlet headed, "Court acts in character" which was handed out at the meeting at the Supreme Court Gardens today. It states—

The Liberal Premier of New South Wales, Askin, blamed the cuts in services on oil shortages and workers on strike. But the people were not told that the real reason for oil shortages was the bloody-mindedness of some oil companies who were deliberately refusing supplies to the railways and other companies, holding out for a higher price. Caltex had 5 million gallons of fuel stock at their refinery at Kurnell. Another 600 000 gallons was being produced each day, but since they did not get the contract to supply the New South Wales Transport Commission, Caltex denied supplies to the railways.

Here we have what is a restriction of fuel supplies to the community generally, a situation in which the Government could declare a state of emergency. If we return to the Liberal policy relating to industrial unrest, we see that the unions are being blamed in the public mind for these shortages, yet they have nothing to do with them.

The Hon. I. G. Pratt: What is the authority from which you are quoting?

The Hon. R. F. CLAUGHTON: I am quoting from a pamphlet handed out today which is headed, "Court acts in character".

The Hon. I. G. Pratt: But who is the author?

The Hon. R. F. CLAUGHTON: It is a pamphlet; it has no acknowledged author on it.

The Hon. A. A. Lewis: Pamphlets do not have authors.

The Hon. R. F. CLAUGHTON: But pamphlets generally do not have acknowledged authors. Here is a Bill; there is no acknowledged author of the Bill.

The Hon. I. G. Pratt: You are presenting this as fact, yet you will not tell us who wrote it.

The Hon. R. F. CLAUGHTON: Mr Pratt has done his best to divert the argument all night. If he does not believe what I am saying, he will have the opportunity to refute it.

The Hon. A. A. Lewis: If we understand what you are talking about, we would know whether to believe it or not.

The Hon. I. G. Pratt: I do not want to talk about it. I just want you to establish that it is a fact.

The Hon. R. F. CLAUGHTON: If Mr Pratt does not believe me, he will have the opportunity later to refute it. If he can, let him present the facts which do not support what I am saying.

The Hon. I. G. Pratt: I am trying to get to the facts.

The Hon. W. R. Withers: Do you believe any pamphlet you receive that has no acknowledged author, no name, and no justification for being printed?

The Hon. I. G. Pratt: You told us earlier that you are a reasonable man. Be reasonable! Just tell us who the author is so that we can check it.

The Hon. R. F. CLAUGHTON: I have just pointed out to members opposite that the Bill with which we are dealing does not have an author's signature on it.

The Hon. W. R. Withers: But it is authorised because it says so on the first page.

The Hon. R. F. CLAUGHTON: The gentlemen interjecting will do their best to find some excuse for not believing what they hear.

The Hon. A. A. Lewis: You are finding a lot of excuses for not answering a simple question.

The Hon. R. F. CLAUGHTON: Mr Lewis will have ample opportunity to get to his feet and debate this Bill.

The Hon. V. J. Ferry: What about you getting off your feet?

The Hon. Clive Griffiths: You have been talking for the last four hours.

The Hon. W. R. Withers: Why can you not tell us who authorised the pamphlet? Surely it would be quite simple to do that.

The Hon. R. F. CLAUGHTON: The point I was making was that, where fuel supplies were restricted, an emergency situation could be declared. However, in this case, the restriction was a manufactured one for which the unions quite easily could have been blamed. Again, it is similar to the

bread manufacturing case to which I referred earlier, when I quoted Mr Mensaros' letter.

The Hon. Clive Griffiths: I will tell you one fact that seems to have slipped your mind—

The Hon. R. Thompson: He will think of it!

The Hon. Clive Griffiths: He will get a terrible fright when he thinks of it; he has to read this speech tomorrow.

The Hon. R. Thompson: I have already thought of that.

The Hon. G. C. MacKinnon: He will have to read it today.

The Hon. A. A. Lewis: He may have more luck than we have; he may be able to understand it.

The Hon. R. F. CLAUGHTON: Reference has already been made to the South Australian legislation. It has been mentioned that because South Australia has this sort of legislation on its Statute book it is therefore all right for us to have it in Western Australia, in much the same way as the Government has tried to hide behind the skirts of the Tonkin Government because it had a similar Bill drafted. The Government has used that as an excuse for the introduction of this Bill. An article was published in *The West Australian* which Government members can study if they so wish. It appeared in that newspaper on the 3rd of this month and it pointed to the difference between this legislation and the South Australian legislation. I will not quote the whole of that article; I will quote only the relevant parts of it.

The Hon. I. G. Pratt: The honourable member means the 3rd September, does he not?

The Hon. R. F. CLAUGHTON: I said the 3rd September.

The Hon. I. G. Pratt: You said the 3rd of this month.

The Hon. R. F. CLAUGHTON: If that is what I said I stand corrected; I am glad to know the honourable member is listening to what I am saying. In part, the article stated—

DIFFERENCES

Though similar in aim and in some of its provisions, the legislation differs in several major respects from the WA Bill.

I quote this not only to point out that there are major differences between the two pieces of legislation, but also to mention that when the Government finally comes to its senses and withdraws this Bill it may, on future occasions when it introduces emergency legislation, give consideration to introducing some of the South Australian provisions. The article continues—

The biggest difference is a self-destruction clause which says that if the legislation becomes law it will expire on December 31.

The WA legislation is intended to be permanent.

The Hon. Clive Griffiths: You do not take out fire insurance and then cancel the policy within three months.

The Hon. R. F. CLAUGHTON: The South Australian Government was looking at what might have been a serious situation for that State and it took action to deal with it just as the Tonkin Government, last December, when facing a serious situation, acted to deal with it here in Western Australia. In South Australia, what were then thought to be serious emergencies have now gone so there is no need to continue with that legislation. That is why the provision I have mentioned was inserted in the South Australian legislation, but we find that the Western Australian legislation is intended to be permanent. I continue to quote from this article published in *The West Australian*—

The SA Bill, framed at a time when a major fuel strike looked certain to disrupt the community, was not intended to be anything more than a temporary measure.

Regulations made under the legislation would expire automatically after seven days unless renewed by both Houses of Parliament.

There was no necessity to call Parliament together; the regulations would automatically expire after seven days unless renewed by both Houses of Parliament. The article continues—

The WA Bill provides for regulations to last as long as a declared state of emergency.

So if tomorrow a state of emergency is declared Parliament would have to be called together, and if the Parliament did not disallow the declaration of emergency itself it would continue for six months and could be continued indefinitely from then on. That is a markedly different situation from the South Australian legislation. I continue to quote from this newspaper article—

Penalties in the SA Bill are much more flexible than those proposed in WA.

Fines up to \$5000 or six months' gaol, or both, are specified in SA, but these are maximums and a court would be free to inflict smaller penalties. No distinction is made between individuals and corporate bodies.

In the WA Bill, penalties of six months' gaol, a \$500 fine, or both are set for individuals. There is no provision for variation and the penalties can be applied for each day that an offence is deemed to continue.

I would like the Minister to clarify that part of the Bill and to show that there is no provision for variation.

The Hon. G. C. MacKinnon: I will do that in the Committee stage.

The Hon. R. F. CLAUGHTON: The article continues—

There is also a minor difference in wording in the sections of the SA and WA Bills that empower the respective Governors to declare a state of emergency.

SIGNIFICANT

But the difference is of major significance.

The WA Bill refers to disruptions in supplies of fuel, power and energy and essential supplies and services. It does not define essential supplies and services.

The SA Bill says that the Governor may declare a state of emergency if he believes that "a situation has arisen or is likely to arise that is of such a nature as to be calculated to deprive the community or any substantial part of the community of the essentials of life."

We can say that just in those parts there is a marked difference between the South Australian legislation and our own. I think earlier Mr Cooley mentioned other provisions in that legislation which safeguarded the conditions and awards of the workers, and also the right to strike under their own legislation.

So the totality of the South Australian legislation is very different from the Western Australian measure and it can hardly be produced as something that supports the Bill before us; that is, to say that the Labor Government in South Australia introduced a Bill similar to this one. The South Australian legislation is a totally different piece of legislation from the one we are now debating.

The Hon. G. E. Masters: Have you lost your place again?

The Hon. Clive Griffiths: I think you have read that one.

The Hon. R. F. CLAUGHTON: I am checking through what I have already covered, because I do not want to be accused of tedious repetition.

The PRESIDENT: I am quite happy to hear that.

The Hon. R. F. CLAUGHTON: One aspect that concerns me relates to accidents. Proposed new section 47 (2) (a) refers to the co-ordination of emergency action with national bodies. Miss Elliott has asked the Minister to give some clarification of this provision. I must confess that I am also most concerned about it.

In the light of the fact that conferences of the Premiers of the Liberal States have been held—and Mr Cooley has referred to the visit of Mr Bjelke-Petersen to Western Australia—I wonder whether this is

evidence of action by the Government to bypass the Commonwealth Constitution. As some members pointed out earlier in the debate, if the Bill is passed we will see similar legislation introduced in the anti-Labor States. Reference has been made to a statement attributed to a Victorian Minister who has been watching very closely the progress of the Bill. It has been said that very likely he will examine it with a view to introducing a similar measure in his State.

It seems to me that part of the objective of this legislation is to attempt deliberately to bypass the Australian Government and to subvert the Commonwealth Constitution. I hope that is not the situation, but it is something which can be read into the actions of the Government, in view of its constant criticism of the Federal Government and its claim of lack of co-operation. This co-operation is a two-way process. It has been shown adequately that many areas of co-operation between the two Governments exist, if they are prepared to work in a spirit of goodwill.

The report of the Council of the Law Society indicates, firstly, that the society does not dispute the right of the Government to introduce emergency legislation. It says that this is a political judgment, but the kind of question the society has to consider is the need for the introduction of emergency legislation.

Having disposed of that aspect, it was the purpose of the Council of the Law Society to examine in an unpolitical atmosphere what the Bill provides. Despite the protestations that have been made, the Law Society after considering the Bill from its legal aspect arrived at a detailed and considered opinion. Although the amendments which were introduced in another place might have ameliorated the commentary of the Law Society, they have not affected its validity or importance.

In respect of clause 4 which contains proposed new section 41 the report of the Council of the Law Society states—

The Act, and regulations made under it, are to prevail over all other laws, judgments and agreements. It appears the effect of subsection (2) is to limit the power of the Courts with respect to the Act and its regulations. On a proper construction it may be that there is no power for the Courts to entertain any challenge to the Act, a declaration of a state of emergency under it, or regulations then brought down.

In other words, when a matter is referred to the court, any regulations made under this legislation are completely beyond the ambit of the jurisdiction of the courts.

The Hon. W. R. Withers: Have you heard what the Crown Law Department had to say?

The Hon. R. F. CLAUGHTON: I imagine there are trained lawyers in the Crown Law Department. We sometimes find a difference of opinion between lawyers and this becomes very disturbing. In this regard I refer to a Bill which I introduced to amend the Criminal Code. A view was expressed by a lawyer, who is a member of this Chamber, that my amendment was not a proper one, and he questioned the validity of the amending Bill. Subsequently, outside this Chamber my amendment was shown to be quite valid.

The PRESIDENT: The honourable member's attempt to amend the Criminal Code has nothing whatever to do with the Bill.

The Hon. R. F. CLAUGHTON: I agree with you, Mr President. I am only referring to it to indicate a difference in the legal opinions.

The PRESIDENT: I am well aware of the manner in which the honourable member is referring to it. I draw his attention to the fact that it has nothing to do with the Bill. I have been very tolerant, and if the honourable member disregards my ruling on this point I shall be disappointed.

The Hon. R. F. CLAUGHTON: I was referring to the opinion of lawyers associated with the Law Society.

The PRESIDENT: I am well aware of what the honourable member was referring to.

The Hon. R. F. CLAUGHTON: A point has been raised about the difference of opinion of lawyers who are associated with the Crown Law Department. I have before me the commentary of the Law Society which was forwarded to the Government.

The Hon. W. R. Withers: Can you read that section out, so that members will know?

The Hon. R. F. CLAUGHTON: In respect of proposed section 41, the Crown Law Department said—

This is very similar to section 7 and section 8 of the N.S.W. Emergency Powers Act, 1949. It relates to construction, and does not bar the jurisdiction of the court, it is an indication to the court of the relative weight to be placed on conflicting provisions.

I hope the honourable member followed that.

The Hon. W. R. Withers: It is the next sentence which is important.

The Hon. R. F. CLAUGHTON: It is an indication to the court of the relevant weight to be placed on conflicting provisions. The opinion continues—

It does not purport to override the common law, it operates only where there is inconsistency in an existing law, document or decision.

The Hon. W. R. Withers: That is very important.

The Hon. R. F. CLAUGHTON: The honourable member has followed that?

The Hon. W. R. Withers: My word I have.

The Hon. R. F. CLAUGHTON: It operates only when there is an inconsistency with an existing law, document, or decision. Where does that opinion differ from what is said by the Law Society? It does not. The Law Society states—

The Act, and regulations made under it, are to prevail over all other laws, judgments and agreements.

That is precisely what the Crown Law Department has said, only in a different way.

The Hon. W. R. Withers: Only when there is an inconsistency—

The Hon. R. F. CLAUGHTON: For heaven's sake!

The Hon. W. R. Withers: —under the fuel Act.

The PRESIDENT: Order!

The Hon. R. F. CLAUGHTON: The honourable member has both documents before him. The English used in those legal documents is not simple, of course, but I know he does understand that when the law is inconsistent with regulations under the Bill before us, those regulations prevail and override the existing law. That is precisely what the Law Society is saying. When a law is similar to the regulations under the fuel Bill when it becomes law and there is no inconsistency, everything is all right. It can only override existing laws when they are inconsistent with the provisions in the Bill before us.

The Hon. W. R. Withers: Therefore it would not override the Electoral Act would it?

The Hon. R. F. CLAUGHTON: I am afraid I just give up trying.

The PRESIDENT: The honourable member will not pay any attention to these interjections which are quite disorderly, and get on with his speech.

The Hon. R. F. CLAUGHTON: Yes, Mr President, but I do experience some difficulty when you are speaking to know whether I should be standing or sitting down.

The Hon. J. Heltman: Sitting down.

The Hon. H. W. Gayfer: Sitting down permanently.

The PRESIDENT: Do not tempt me to reply to that.

The Hon. R. F. CLAUGHTON: I just point out that when the President is speaking the honourable member is required to sit down under Standing Orders.

The PRESIDENT: Standing Orders require the honourable member to sit down when the President is on his feet.

The Hon. R. F. CLAUGHTON: That is where I am in difficulty.

The PRESIDENT: I am not on my feet.

The Hon. R. F. CLAUGHTON: I do not want to labour the matter before us.

The Hon. G. E. Masters: Good job you smiled when you said that.

The Hon. J. Heltman: What have you been doing all night?

The Hon. R. F. CLAUGHTON: I was dealing with the Law Society report because I believe it is extremely relevant to the debate and that the chief points in it still apply even though some members may feel that the Crown Law opinion does not support them. If those members examine the Crown Law opinion again they will find it does. Again, that is a matter we could debate much better during Committee, so I will not press it at this stage. As I have stated, what has been said regarding proposed subsection (3) still stands. Subsection (3) reads—

(3) All powers given by or under this Part of this Act or by or under the emergency regulations shall be in aid of and not in derogation from any other powers exercisable apart from this Act.

That only reinforces the regulations laid down under proposed section 41 (2). Under the Police Act a citizen may be arrested. That power remains and reinforces what other powers are set down in the regulations to this Act.

The next matter which the Law Society criticises is contained in clause 6 which deals with proposed section 43 under which the Governor is given the power, if he is satisfied as to certain matters, to declare a state of emergency. In this instance of course the "Governor" simply means the Government itself and in our Western Australian governmental history on no occasion has the Governor not accepted the advice of the Ministers of the day. So when we talk about the Governor being satisfied we really mean the Government or Minister or Ministers to whom the authority under the Act has been delegated.

That is the person who must be satisfied. This has not been altered. The Law Society has suggested that it should be changed by the addition of words such as "the community is or is likely to be deprived of essential supplies or services" to give some sort of definition to what is a state of emergency. That has not been done.

It has also been said that there are ample provisions within the Supreme Court Rules to enable such regulations to be dealt with expeditiously when there has been a declaration of an emergency. Some

amendments were made in relation to the Supreme Court, but I cannot see that they really satisfied the objections of the Law Society.

The next reference is to proposed new section 43 (2) and it reads—

The state of emergency may be declared for a period up to six months, unless first revoked, and more than one order declaring the state of emergency may be made in respect of a given emergency.

It was felt that this was quite unnecessary and the Council of the Law Society would have preferred the South Australian provision. So, the Law Society objection has not been satisfied in that regard.

Another comment reads—

The responsible Minister in his second reading speech made reference to section 36 of the Interpretation Act requiring regulations to be laid before Parliament within six sitting days after the creation. That provides a minimal safeguard. We would suggest that provision should be made, if necessary in the Constitution Act, that the exercise of this power be ratified by Parliament within one month . . .

That is the first of the objections contained in the submission which has so far been satisfied by amendment to the Bill.

The PRESIDENT: I really think these matters would be better dealt with by the honourable member during the Committee stage. He has reached the point where he is detailing the clauses of the Bill, and that is a Committee matter.

The Hon. R. F. CLAUGHTON: With respect, Mr President, the point I am making at this stage is that in stating my opposition to the Bill I have shown there are objections from a number of sources and, most importantly, from the Law Society. Also, the bulk of the suggestions put to the Government regarding changes to the Bill have not been acted upon and that indicates the reason for my continued opposition to the measure. I will not support the second reading and that is the point I am making while going through the various proposed new sections.

The PRESIDENT: I take it that when the Bill gets into Committee the honourable member will discuss the clauses in the same manner.

The Hon. R. F. CLAUGHTON: Mr President, several times during my speech I have indicated that there were matters I would not debate at length during the second reading stage because I felt that extensive debate would be more relevant during the Committee stage, and I have purposefully not gone into those matters at this stage. That is the approach I am using.

So, of the first five points raised by the Law Society, only one has been satisfied by way of amendment to the Bill in the Legislative Assembly.

The Hon. W. R. Withers: And with different interpretations by the Crown Law Department.

The Hon. R. F. CLAUGHTON: There is also reference to proposed new section 46, as follows—

This section has the effect of rendering lawful that which was illegal at the time it was done. The common law countries have always, and properly, considered that retrospective legislation can only be justified, if ever, in the most extreme situation.

Again, that provision remains in the Bill and it has not been amended. The Law Society note with regard to proposed new section 47 (2) (d) is as follows—

It may be that 47 (2) (c) does not go too far. However, when one compares paragraph (d) with it, the clear intent of the latter is to give the government of the day almost absolute powers with respect to "industry and commerce". This means that the economic life of the community could, for a period of as long as twelve months without any parliamentary surveillance, be dictated entirely by regulation.

That objection has been partly satisfied by the requirement to call Parliament together within a specified time after the declaration of an emergency. However, the reference to the scope of powers with respect to industry and commerce remains, and has not been adjusted. The note with regard to proposed new section 47 (2) (f) reads—

Traditional individual liberties in democratic countries are the right to refuse to incriminate oneself, and the fact that premises are sacrosanct unless a Justice has signed a search warrant.

The Hon. A. A. Lewis: This is Committee stuff.

The Hon. R. F. CLAUGHTON: The reference is to the power to search without a warrant and we know that provision has been deleted from the Bill. So, that is two and a bit, if one likes, out of the eight or nine submissions up to this stage. The note with regard to proposed new section 47 (2) (i) reads—

This gives power to make regulations for "the making, negotiation and settlement of claims for compensation". There is nothing in the State Constitution requiring just terms when the State takes property from an individual—in this regard Section 51 (xxxi) of the Australian Constitution is in contrast. There should be added the words "on just terms", so

as to ensure that the regulations did not authorise the Government to pay a proportion only of true value.

I believe that objection has been partly satisfied, only by the amendment made to the Bill. The submission from the Law Society covers four pages but I do not intend to go through the whole of the objections. I think I have demonstrated that a large number of the Law Society objections have not been satisfied and the Bill is still as objectionable as it was when it was first introduced into the Legislative Assembly.

No case has been presented to influence me to support the measure. It is rather sad that the Government has been so dogmatic in its continued refusal to take notice of objections. We feel the Government has to enter into reasonable negotiation with the people in the trade union movement in order to demonstrate that it has a real respect for them, and a respect for civil liberties. The Government has not really lived up to what was promised in the Liberal Party policy speech for the last State election.

I think the objections that have been raised are entirely warranted. I will not repeat the examples of attitudes which I have previously quoted. Between those which Mr Cooley and I have quoted there is very strong evidence of an anti-union attitude among the people who have been supporting this legislation—more than enough for the union movement to be highly apprehensive about the Government's intentions.

If the Government is sincere about its expressed reasons for bringing this legislation forward—that is, it sees the need for emergency powers to deal with emergency situations of all kinds, which were mentioned by the Minister who introduced the Bill, and not just everyday matters but earthquakes, bushfires, and the rest of it—surely when dealing with fuel and power only it is very likely that in those circumstances we do not have what is believed to be the right kind of power. If a refinery is destroyed we may not be short of fuel. Perhaps it could be obtained from another source or there would be sufficient reserves in the country to tide us over the immediate loss. However, perhaps there could be other circumstances relating to that which would find the Government deficient in some emergency powers—more generalised powers than are contained in the Bill.

If the Government is sincere about what it is saying, let us have legislation of that type, not this particular Bill which can so obviously be read as something with which to get at the union movement. I conclude at this point. There is a great deal more I could say during the Committee stage.

The Hon. Clive Griffiths: You have given us a sketchy resumé.

The Hon. R. F. CLAUGHTON: I find it difficult to see how members of the Government will justify what they have put up to support their position, having studied most of the papers which are available to them. But that remains to be seen. I again express most strongly my opposition to the Bill as presented to us.

Point of Order

The Hon. V. J. FERRY: On a point of order, Mr President, I wish to draw attention to Standing Order 150. About an hour ago Mr Claughton quoted from a document—a white paper—the authenticity of which he declined to state. I request that under Standing Order 150 the document be tabled.

The PRESIDENT: Would the honourable member please identify the document he wishes to be tabled?

The Hon. V. J. FERRY: Mr Claughton quoted from a white paper with black print on it which referred to the South Australian legislation and some comparisons with reference to Sir Charles Court.

The PRESIDENT: The Standing Order requires that a document quoted by a member who is not a Minister of the Crown may be ordered by the Council to be laid on the Table. Is the honourable member prepared to lay the document on the Table?

The Hon. R. F. CLAUGHTON: Yes, Mr President. The paper referring to the South Australian Government was actually a quotation from a Press cutting.

The Hon. G. C. MacKinnon: We do not need another speech on it.

The PRESIDENT: Order, please! I do not know to which document the honourable member is referring.

The Hon. V. J. FERRY: It was a pamphlet which was handed out at the Supreme Court Gardens. It was mentioned by Mr Claughton.

The Hon. R. F. CLAUGHTON: I presume the honourable member means the paper entitled "Court acts in character". I have no objection to that being tabled. It was freely available at the Supreme Court Gardens today.

The document was tabled (see paper No. 228).

Debate Resumed

THE HON. A. A. LEWIS (Lower Central) [2.56 a.m.]: I promise I will not quote from voluminous notes or from *Hansard*, any documents from the ILO, the South Australian legislation, and what-have-you. I will try to confine my remarks to the second reading speech on this Bill—which, apart from the Hon. H. W. Gayfer, nobody has done.

It has been an interesting 24 hours. We have heard all sorts of comments—many of them with slanted views—from the time the small march wandered or meandered up the hill from the Supreme Court Gardens.

The Hon. R. Thompson: A small march! It was the biggest ever in Perth.

The Hon. A. A. LEWIS: One of the first comments made outside this House about the Bill was by some female who spoke about being "one of nine human beings in that place". I thought there were 30 of us here but I may have miscounted. One of nine human beings! The gall of anybody to say that only nine people in this House were human beings and had any human feelings! I thought that was the highlight of the day. It was a wonderful day for me, as somebody else said earlier on.

The Hon. R. Thompson: Why do you not talk about the Bill?

The Hon. G. C. MacKinnon: Mr Claughton did not talk about it in four hours. Why should Mr Lewis talk about it in two minutes?

The Hon. D. K. Dans: The Chairman would not let him speak unless he was talking about the Bill.

The Hon. A. A. LEWIS: I thought we had a President. The honourable member has hit the nail right on the head.

The Hon. D. K. Dans: As I always do.

The Hon. A. A. LEWIS: For six or seven hours we have been listening to the Hon. D. W. Cooley and the Hon. R. F. Claughton talking as though they were in Committee, and it has even confused the Opposition Whip to the stage that he thought he was in Committee and referred to you, Madam Acting President, as "the Chairman". Even the sex was wrong. That is what has happened to the Opposition with the whole of this Bill.

The Hon. D. K. Dans: Gender. I do not think the sex is wrong.

The Hon. A. A. LEWIS: I am not referring to Madam Acting President's sex.

The Hon. D. K. Dans: Are you referring to mine?

The Hon. A. A. LEWIS: It is amusing that the Minister who introduced the Bill said it had to be taken as a whole.

The Hon. D. W. Cooley: It should be put in a hole.

The Hon. A. A. LEWIS: All this evening, apart from Mr Gayfer's speech, we have heard little sections of the Bill taken by themselves. We have heard all the balances but none of the counterbalances. None of the real questions asked by members on this side of the House have been answered by the Opposition.

The Hon. R. Thompson: Why should we answer questions? Are you that dumb?

The Hon. A. A. LEWIS: The Opposition is putting certain words into the mouths of the people of this State. Some of these words are a long way from the truth.

The Hon. R. Thompson: Tell us one?

The Hon. A. A. LEWIS: If the Leader of the Opposition is so anxious to make his speech, I will sit down in a few minutes. It is not my intention to hold up the House with tedious repetition.

The Hon. R. Thompson: I do not know what you stood up for; you do not know what you are talking about.

The Hon. A. A. LEWIS: At least we have the honourable member awake for the first time in the last three hours.

The Hon. S. J. Dellar: Do not start that—you have not been in the Chamber all that time.

Points of Order

The Hon. R. THOMPSON: I rise on a point of order. I ask the honourable member to retract his words because in my 16 years in this House I have never been to sleep once. I demand a retraction.

The Hon. A. A. LEWIS: I will withdraw the remark—he only appears to be asleep.

The Hon. R. Thompson: Listen you noong, you sit down and put your thumb in your mouth and sit back as you usually do.

The Hon. N. McNEILL: I rise on a point of order. I suggest the Leader of the Opposition should withdraw those remarks.

The Hon. R. THOMPSON: I will definitely withdraw them, but I do not appreciate the manner in which this honourable member addresses himself to the House and to the members here. We do not do this type of thing to Government members.

The Hon. G. C. MacKINNON: On another point of order, I think that the word "dishonourable" ought to be withdrawn.

The Hon. R. Thompson: I did not use the word "dishonourable".

The Hon. G. C. MacKINNON: The Leader of the Opposition used it just then.

The Hon. R. Thompson: I did not.

The Hon. G. C. MacKINNON: No-one on this side has made a laughing stock of the system. For about five hours Mr. Cloughton has made a laughing stock of this House, and the Leader of the Opposition knows it.

The Hon. A. A. LEWIS: I will apologise to the Leader of the Opposition.

The ACTING PRESIDENT (The Hon. Lyla Elliott): The Hon. Mr MacKinnon has raised a point of order. He seeks the withdrawal of the word "dishonourable". I request the Leader of the Opposition to say whether or not he used that word.

The Hon. R. THOMPSON: Definitely not. I used the words "honourable member".

Debate Resumed

The Hon. A. A. LEWIS: I am sorry that at this late hour I have got under the tender skin of members on the other side of the House.

The Hon. S. J. Dellar: Here we go again.

The Hon. A. A. LEWIS: I certainly never try to make fun of the Leader of the Opposition. Usually I can give it, and usually I can take it.

I will now come back to the Bill, which is something unusual for this evening. We have heard diatribes about the Transport Workers' Union and about Esso and BHP. It is funny how BHP always seems to get a mention when certain people are talking about the fact that Government members have not read the Bill. I believe that Mr Cloughton put his finger on something very important. I congratulate him because for about three or four minutes in his very long speech he did manage to get one thing through to me about this Bill. He told us that in December the Tonkin Government—we thought that this happened in January but Mr Cloughton told us it happened in December—made a decision that some legislation was necessary.

The Hon. R. Thompson: That just proves you cannot even read because this has all been in the Press.

The Hon. A. A. LEWIS: This is the second time the Leader of the Opposition has accused members on this side of being unable to read. Once he said we could not read the Bill and now he says we cannot read newspapers.

When we asked certain members on the other side of the House to say whether they knew about this in January, they would not answer. Now Mr Cloughton, due to extreme fatigue—by the standard of his speech I think it was extreme fatigue—has admitted that in December the Tonkin Government knew something about this legislation. However, he then told us it never would have got through Caucus.

It is a ludicrous situation that at 3.05 a.m. on Wednesday, the 2nd October, this House has been delayed by the friends of the workers. There are many workers around this place who are being kept up because of the long and tedious speeches of Opposition members.

I support the Bill. I believe that right throughout the measure there are checks and balances. By taking any part of this Bill out of context, one can prove just about anything. However, I believe that the Bill is necessary for this State.

It is interesting to hear the Hon. D. W. Cooley say he knows that the general public are against this Bill. Apparently the general public which Mr Cooley sees and the general public which I see are totally different. This is obvious because the general public that I see—

The Hon. D. W. Cooley: Pushed down in remote areas somewhere.

The Hon. G. C. MacKinnon: Do not get nasty about people in the country.

The Hon. A. A. LEWIS: I think Mr Cooley has said enough about farmers' sons going around in a half-drunken state.

The Hon. D. W. Cooley: I was speaking the truth about farmers' sons.

The PRESIDENT: Order! The Hon. Mr Cooley has made his speech.

The Hon. A. A. LEWIS: It is not only people in remote country towns whom I meet. I meet many people in the city. I did receive one telegram from some very good friends of mine in the Collie Miners' Union, but apart from that, all the people to whom I have spoken have urged me, as a member of this House, to see that the Bill is passed as quickly as possible.

The Hon. D. K. Dans: Why? Is there an emergency around the corner?

The Hon. A. A. LEWIS: These people have read the Bill. Some of us have the courtesy to send to our electors a copy of certain Bills when they are received in this House. I believe quite often members of this House hand out Bills when they have been introduced in another place rather than hand out the Bill with which we are presented.

This measure has received an enormous Press coverage, and yet the people to whom I have spoken, although fearing that something may be wrong, after looking at the Bill and studying it fully have decided that it deserves a place in our Statute book. Opposition members have dragged every little section through the mire of a second reading debate; such matters should be considered in Committee. I believe that at least two speakers this evening have made a farce of this House, or they have tried to do so. They have attempted to bring back the old filibuster but after what has happened here this evening, they can see that this tactic has not worked. With due deference to you, Sir, I say that the debates in this House will have to be confined to the Bill. I support the measure, and I am only sorry that we have had to put up with such tedious repetition this evening.

Before sitting down, I would again apologise to the Leader of the Opposition because I realise the hour is late and there may have been a misunderstanding; or I may have been controversial.

Adjournment of Debate

THE HON. S. J. DELLAR (Lower North) [3.11 a.m.]: I move—

That the debate be adjourned.

Motion put and a division taken with the following result—

Ayes—9

Hon. R. F. Cloughton	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
Hon. R. T. Leeson	(Teller)

Noes—18

Hon. C. R. Abbey	Hon. G. E. Masters
Hon. N. E. Baxter	Hon. M. McAleer
Hon. G. W. Berry	Hon. N. McNeill
Hon. H. W. Gayfer	Hon. I. G. Medcalf
Hon. Clive Griffiths	Hon. I. G. Pratt
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
	(Teller)

Motion thus negatived.

Debate Resumed

THE HON. S. J. DELLAR (Lower North) [3.15 a.m.]: In view of the result of the vote just taken we will now continue to discuss the matter before the House. It is, of course, interesting to note that the member who resumed his seat prior to my moving for the adjournment of the debate complained about Opposition members keeping the staff here at this late hour, but he decided to prolong the sitting by voting against the adjournment of the debate.

The Hon. G. C. MacKinnon: On a reasonable basis this debate could have been over long before this.

The Hon. S. J. DELLAR: Members have the right to discuss the Bill in whatever form they wish to discuss it, provided they please you, Sir, and conform with the rules of debate.

The PRESIDENT: It is not a question of pleasing me; it is a question of remaining within the Standing Orders.

The Hon. S. J. DELLAR: I agree, Sir; that is the point I was trying to make. I wonder why at this hour of the morning there is an urgent desire on the part of the Government to push—in fact bulldoze—through this legislation tonight.

The Hon. G. C. MacKinnon: After a five-hour speech by one member.

The Hon. S. J. DELLAR: Mr Gayfer was the second speaker from the Government side. The first was the Minister for Education when he introduced the Bill in this Chamber, and he took exactly 11 minutes to do that. Then, while Mr Gayfer was speaking, he indicated that we had not heard from many Government members, and it is obvious we will not hear from many more.

The Hon. G. C. MacKinnon: Not after the performance of the Opposition.

The Hon. S. J. DELLAR: The Opposition will perform in the manner it thinks fit and in the best interests of the people of the State.

The Bill before the House seeks to amend the Fuel, Energy and Power Resources Act of 1972, which was introduced by the Tonkin Government at a time when there was no oil or fuel crisis within the State or the free world. I believe the Tonkin Government showed great foresight at that time in introducing the legislation; and, in fact, it was lauded by the Opposition as being good legislation.

The Hon. D. J. Wordsworth: I think we might just get this one through before the next fuel shortage, too.

The Hon. D. K. Dans: Before the price goes up.

The Hon. S. J. DELLAR: As I said earlier, the Bill before us was introduced by the Minister for Education on the 19th September, and he took exactly 11 minutes to do so. In his speech he said—

This Bill has been drafted to amend the Fuel, Energy and Power Resources Act, 1972, to provide certain powers to control fuel supplies in emergency situations. It has been framed to provide that, in the best interests of the whole community, present and future sources of fuel, energy, and power are protected in cases of emergency.

He went on to say—

At present the Government does not have the power to implement such regulations and this Bill has therefore been introduced to provide legislation for such action to be taken should the need arise at any time in the future.

It is interesting to note that the Fuel, Energy and Power Resources Act of 1972 comprises 24 pages, including the schedules; and the Bill before the House, which has been amended in another place, comprises 18 pages and it has no schedule.

We received an intimation of the possible introduction of legislation of this nature when His Excellency the Governor had the privilege of opening this Parliament on the 25th July of this year, and was forced to read a Speech prepared for him by the Government. In his Speech, he said—

To enable the State to deal with any possible future fuel emergency, the Government is considering amendments to the Fuel, Energy and Power Resources Act.

The Fuel and Power Commission will add to its current investigation of the potential of solar and tidal energy, a study of nuclear energy.

The Government will try to expedite development of the North-West Shelf gas field by seeking to overcome the

present impasse affecting Western Australia's natural gas resources, brought about by the Commonwealth Government's policies.

I agree with the first two paragraphs of those comments. Perhaps there is a need to introduce a Bill to provide for the situation which could arise in the event of an emergency occurring in the future.

The Hon. Clive Griffiths: That is what this Bill is for.

The Hon. S. J. DELLAR: Judging from the number of amendments to the Act included in this Bill, the Government certainly did intend to amend the Act, and in no uncertain manner.

The Minister outlined the reasons for the introduction of the Bill. I will not repeat them now. I might add that I do not intend to contribute to this debate to the extent that some members contributed because I believe they have adequately covered most of the points and the objections that have been raised. In his second reading speech, the Minister said—

Members will be fully aware of the controversy and criticism which have surrounded this Bill. Much of it is emotional and ill-founded. The Government has recognised that the true purpose of the Bill would be better understood and its inherent safeguards increased by certain amendments. The Government is always willing to listen to constructive criticism and has done so in this case.

Like hell! Certain amendments were made to the Bill in another place which removed some, but very few, of the most objectionable features of the measure. However, I do not believe that at this stage, such legislation needs to be introduced into the Parliament. There is no need for an emergency powers Bill at the moment, and certainly not along the lines outlined in this legislation. There is no emergency at this stage although I believe that if this Bill is agreed to we could see an emergency develop. We need legislation to provide for an emergency which could occur in the future. However, this Bill was bulldozed through the other place by the use of certain methods and we have seen here tonight that the Government is not prepared to allow the Bill to be deferred for just another day. We have been criticised for the contribution that our members have made to this debate.

The Hon. G. C. MacKinnon: Justly criticised!

The Hon. S. J. DELLAR: The Minister saw fit to devote just 11 minutes to the introduction of a Bill which could provide for a state of emergency to apply over the entire State of Western Australia. The Minister believes that this House and the people of Western Australia deserve to be told for only 11 minutes about legislation with such sweeping provisions under which

a state of emergency can be declared here, there, or in any part of the State. How many times were we criticised when we were in Government for the inadequate detail and information that we were supposed to have given the members of the Opposition at that time?

The Hon. Clive Griffiths: Many times.

The Hon. S. J. DELLAR: Whether or not that criticism was justified, certainly we are seeing the same type of thing happening now. The Government should withdraw this legislation and confer with the trade unions, the Law Society, and other interested parties who are objecting to this legislation and come back with a Bill that will meet the requirements and provide the safeguards that the Government wants and which I believe it should have. It should remove the objectionable sections of this Bill.

When the Minister introduced the legislation I felt sorry for him on three counts. Firstly, he had just returned after an extended illness and I believe he was still having difficulty with his speech and was not feeling the best. At the same time there was what Mr Lewis described as a small rally at the front of Parliament House—that is, a small rally of 9 000 or 10 000 people. At the time the rally was taking place and the Minister was not feeling very well, he was introducing obnoxious legislation designed to appease the dictatorial ego of one man, the Premier of this State.

Point of Order

The Hon. G. C. MacKINNON: Mr President, I demand a withdrawal of a reflection on a Minister in another place and the Premier of this State.

The PRESIDENT: The Minister for Education has asked the honourable member to withdraw the remarks he made relating to the Premier.

The Hon. S. J. DELLAR: I withdraw the remarks relating to the Premier.

Debate Resumed

The Hon. S. J. DELLAR: This legislation is ill-founded and obnoxious and is designed to suit the requirements of certain people in this community. There are many aspects of this Bill to which opposition has been shown, not only by the Trades and Labor Council and the affiliated unions but also bodies like the Law Society, *The West Australian*, private individuals—I do happen to talk to private individuals—the clergy, educationists, the Women's Electoral Lobby and many other organisations, including three bookmakers to whom I was talking last night who considered that this Bill should be withdrawn and re-drafted. Still the Premier says that few people oppose the Bill.

I suppose the Premier considers that the number of people who gathered at the Supreme Court Gardens this afternoon

and marched down St. George's Terrace to attend a meeting at the front of Parliament House was a small number. I suppose he thinks that the number of people who attended the demonstration here on the 19th September was a small number. As has been said before, they do not represent the entire 680 000 people who live within a certain distance of this place. However, I think it is indicative that there is objection to this Bill. It is not ill-founded objection, nor is it mass hysteria. People have studied the Bill and have made up their own minds. This was outlined by Mr Claughton, Mr Cooley, and Miss Lyla Elliott in no uncertain manner. I suppose I could go over the ground again, but I feel that would be unnecessary, because as Mr Gayfer and Mr Lewis—who once again is absent—said, this should be discussed in Committee. I certainly hope that we are given the opportunity to discuss it in Committee in the manner in which it should be discussed in a House of Review and that we will have the opportunity to debate the Bill, clause by clause, and that the Government will be prepared to allow sufficient time to study the ramifications of the measure and the effects it will have on the people of Western Australia if it becomes law and if the Government is game enough to introduce it as law.

Why is the Government so adamant that it will push through the legislation, when there is no state of emergency and no fuel crisis? I think the Government might have an emergency next week, if this Bill becomes law. Many clauses in this Bill are obnoxious, but clause 4 which contains new section 41 is the clause which has received the most criticism from members of the Opposition. When we get to the Committee stage we should have a long debate on this clause. I hope that not only the Minister who has introduced the Bill and the two other members opposite who have already spoken, but also all Government supporters will stand and justify what the Government is trying to do.

The Hon. Clive Griffiths: We will be.

The Hon. S. J. DELLAR: I hope they will satisfy us.

The Hon. Clive Griffiths: We would not be able to satisfy you if we talked until Pancake Tuesday.

The Hon. S. J. DELLAR: We have indicated to the House what we feel is wrong with the Bill. Perhaps it has been in a very lengthy way, but we have expressed our concern. We believe certain aspects of the legislation still require attention and should not be permitted to pass into law in their present form. The Minister in charge of the Bill said that we made a farce of this House by having a five-hour debate on the measure.

The Hon. G. C. MacKinnon: I said a five-hour speech, not a five-hour debate.

The Hon. S. J. DELLAR: He criticised a member of the Opposition for speaking for five hours when he devoted only 11 minutes to introducing the Bill.

The Hon. G. C. MacKinnon: I explained it adequately in 11 minutes.

The Hon. S. J. DELLAR: Are we to hear from Government supporters? The Minister was very quick during the early passage of this Bill to try to get the Bill read a second time without further debate but, unfortunately, he missed out.

As I have said before, members of the Opposition who have spoken previously in this debate have outlined our objections to the Bill. I repeat again that I query the need for this legislation. I believe it is an attempt to control certain trade unions in this State under the guise of proposed amendments to the Fuel, Energy and Power Resources Act.

No mention was made in the Governor's Speech that the Government proposed to amend the Act in such a manner as to introduce a Bill such as the one before us now. On page 6 of the Governor's Speech the following appears—

To enable the State to deal with any possible future fuel emergency, the Government is considering amendments to the Fuel, Energy and Power Resources Act.

The Fuel and Power Commission will add to its current investigation of the potential of solar and tidal energy, a study of nuclear energy.

Once again I query the need for this legislation and the manner in which it has been introduced. I support all of what my colleagues have said; namely, that we believe this Bill is an attempt to get at a certain section of the trade union movement. If this is the desire of the Government it could have taken steps to introduce amendments to the Industrial Arbitration Act. That would have been the proper course for the Government to take if this were its sole desire, but we have been told that it is not trying to get at the unions, and yet the Deputy Premier said that this was the intention of the Bill. He may have been provoked at the time, but he certainly made that statement. At this point I will refer members to the *Sunday Independent* of the 28th July, 1974, and to an article published in that issue, written by Peter Rosendorff and Dennis Lingane. I will not weary the House by quoting the whole of the article, but parts of it read as follows—

The State Government and the trade union movement appeared headed on a collision course yesterday as several unions prepared for strikes in WA next week.

The strike threats came within hours of the Premier Sir Charles Court, foreshadowing a "showdown in the community."

Sir Charles said he believed the average workman was "fed up with the actions of some of these militant union leaders—thoroughly fed up with them."

Sir Charles said the Government was looking at ways of amending the industrial law but declined to elaborate on the possible changes.

He said he believed the proposed changes in the industrial law "will be effective."

We have not seen any changes in the industrial laws, but we have seen some proposed amendments to the Fuel, Energy and Power Resources Act which are contained in this Bill. Not that I believe that that article set the pattern for the statement that the contents of the Bill were deep in the mind of the Government at that time; that it was its intention not to change the industrial laws, but to use this Bill as a means of getting at the unions.

I challenge the Government at this stage to take the Bill back. It is not too late to do that, although judging by the way we are progressing tonight apparently it is the intention of the Government to push the Bill through. Apparently the Government has a burning desire to push the legislation through knowing full well that nothing the Opposition says will change the mind of the Government. Let the Government take the Bill away after it has passed, but it will have no guarantee that, in fact, it will become a law of the State.

I still say at this stage that there is no emergency. There is a need for a Bill, not unlike this measure, to provide for the needs of the State in respect of fuel, energy, and power, particularly in the event of an emergency having to be declared. However I do not believe that the way in which the Government is seeking to deal with an emergency under this Bill is the correct way, and if it is considered desirable—

The Hon. Clive Griffiths: Which way would you have done it?

The Hon. S. J. DELLAR: —and the people of the State want it—

The Hon. V. J. Ferry: Like the Tonkin Government did.

The Hon. S. J. DELLAR: I think the honourable member will receive an answer to that when my leader speaks, so I hope the honourable member stays in the Chamber.

The Hon. Clive Griffiths: We will be here.

The Hon. R. Thompson: Mr Lewis has gone home, though.

The Hon. Clive Griffiths: I think he is outside with Mr Dans and Mr Leeson; I think they are all outside.

The Hon. S. J. DELLAR: I find it rather difficult to continue in view of the noise coming from the opposite side of the Chamber. If the Government is convinced that it needs the powers contained in this Bill; that it needs the wherewithal contained in the provisions of this measure, and if it really believes that the people of the State want this legislation, let it hold a referendum on the issue. We will be holding a referendum on daylight saving in a few months' time so why not have a referendum on this Bill?

The Government has said that the unions are not told what is in the Bill; that the union leaders tell the workers what is in the Bill and that they say to them "We do not like what is in the Bill and we will go on strike." I do not believe that the majority of the workers in this State are that dumb, or that any other class of working people are that dumb. If the workers cannot get an indication of the purpose of the Bill from newspaper articles and other literature that is distributed among them I would be greatly surprised. I am sure the workers know that the powers contained in this Bill are far-reaching. If the Government considers we have to have the Bill in its entirety and that we need the powers contained in it, let us go to the people on it.

The Hon. H. W. Gayfer: After a trial run?

The Hon. S. J. DELLAR: Let us make the Bill an issue at an election. If the Government will not permit a referendum to be held on it, let the people say what they think at a general election.

The Hon. R. Thompson: We would be prepared to fight an election on it.

The Hon. H. W. Gayfer: You are joking.

The Hon. R. Thompson: I am not.

The Hon. S. J. DELLAR: The powers of this Bill are extremely far-reaching and over-powerful. I would not trust any Premier or any Government with the powers contained in this legislation, and in saying that I would include Honest John Tonkin.

The Hon. Clive Griffiths: Are you trying to tell me that if this Bill is passed the next Labor Government would move to repeal it?

The Hon. S. J. DELLAR: I am not speaking for any future Government because it may well be that I may not be here, in the same way as Mr Clive Griffiths may not be here.

The Hon. Clive Griffiths: I will be here; do not worry about that.

The Hon. S. J. DELLAR: I have had offers of side wagers before and there is no need to continue with this discussion. I do not intend to continue at this stage, because, as members have so rightly pointed out, this is a Bill that should be discussed in Committee, and I am sure the Government will give us every opportunity to discuss every clause in the Bill when we go into Committee and not by continuing the debate all day and all night. I do not mind sitting here while the debate progresses now because I have nowhere else to go at this stage of the night.

Let us see whether or not the Government is prepared to listen to our argument. I have not introduced many points that have not already been mentioned, but I believe there will be opportunity in the Committee stage to raise other matters which I think should be raised and to which we can point for the Government's benefit in the fond hope that it may see fit to amend the legislation or throw it onto the rubbish heap where it belongs. I oppose the second reading.

THE HON. GRACE VAUGHAN (South-East Metropolitan) [3.40 a.m.]: I am likely to take a long time in presenting my contribution to the debate on the Bill, because I think this legislation will go down in history. Insignificant as I am, I do not want it to be said that I did not make some effort to draw the attention of members of this House to the dangers that are inherent in the Bill. Tonight we heard a great deal of "hoo-haaing" about how irresponsible we are. I think the authors of the Bill should add to its title the words of Noel Coward "Aren't we all the nicest people, aren't we all?"

Mr Withers has been repeating *ad nauseam* the circumstances under which people will do this or that. I think the Bill should be withdrawn and redrafted. It has been passed in the Assembly, but obviously the members supporting the Government were not acquainted of its provisions before its introduction. This is illustrated by the fact that subsequently the Deputy Premier said the objectionable features of the Bill had been removed. This meant that it was objectionable when it was first presented to that House. The amendments, paltry and insufficient as they are, are supposed to remove the objectionable features. So, the supporters of the Government themselves have described the Bill in this manner.

The members who are elected by the people of Western Australia have to advise and consent, and generally this wording appears in the preamble to all measures. I think members should do so with a great deal more thought than they have up to date.

Some of the smart-aleck type of interjections that have been made in this debate were an utter disgrace. I think that

the views placed before the House either through the medium of the elected representatives, or through the well considered submissions made to the Government, the Premier, the Press, and individual members of the Government, contain the sincere words of people who have studied the Bill, and who are fearful of the consequences of the too vague and too broad wording in the measure.

The rather cavalier manner in which they have been treated is to my mind a disgrace. I hope that members of this House will give very deep consideration to what I am about to say. First of all, I want to draw a parallel between the Bill before us and similar legislation which has been passed in other countries. I refer to the enabling laws which were introduced during the Weimar Republic, and later during the Hitler regime in Germany. It was possible for these enabling laws to be passed in that country; and they were passed in the same way as regulations will be declared under the Fuel, Energy and Power Resources Act. This will indicate how ridiculous it is for some members to pooh-pooh the dangers which are inherent in what appears to be a harmless piece of legislation, but which could backfire at a later date.

In part, article 48 of the Constitution of the Weimar Republic states—

In the case of a State not fulfilling the duties imposed on it . . . and where public security and order are seriously disturbed or endangered . . . the President . . . may take the measures necessary for their restoration, intervening in case of need with the help of armed forces. For this purpose he is permitted, for the time being, to abrogate, either wholly or partially, the fundamental laws.

The President of the Federation must, without delay, inform the Reichstag of any measures taken . . . Such measures shall be withdrawn upon the demand of the Reichstag.

They sound like famous last words; yet we hear Mr Gayfer saying, "What are you worrying about? These things can be withdrawn. We can call Parliament together."

A great deal of explanation has been sought as to what happened in Germany, and why a proud, intelligent, and advanced people allowed acts such as the atrocities committed under the Nazi regime to develop and to eventuate. We still wonder about that, and Eric Fromm in his book *Fear of Freedom* has tried to explain it. The parallel that can be drawn in this regard shows that the enabling laws were introduced as a result of the part of the Weimar Constitution to which I have referred, and we regard them as being analogous to the Bill before us, although in that country a two-thirds majority was

required for those laws to be passed, whereas only a simple majority is required to pass the Bill before us.

Primarily they were introduced fairly innocuously, twice in 1923 for short periods to cope with a revolutionary situation in Germany. I should point out that the conditions which existed in Germany at the time were very much more chaotic, and demanded emergency powers and laws which perhaps were not consonant with the democratic type of parliamentary system which the Weimar Republic attempted to allow to exist after the First World War when Germany was in a very dire situation.

That type of enabling law which is, in my opinion, similar in wording and in intent to the legislation now before the House, did not indicate how iniquitous it could be until 1933 when Hitler was given untrammelled power for four years, at the end of which time there was no opposition left in any organised form.

Members might sneer and say that I am exaggerating; but if they look back in history they will see that this type of thing happened not only in Germany but also in South Africa where, perhaps, the people could be excused for what they did in view of the very great problem they faced with the tremendous number of Bantus compared with the white people and the growing number of coloured people as well as the legacy of the serious problems left to them in the development of the country. Thus we can perhaps understand a little better how those countries considered it was necessary to so alter their laws that the sort of thing I have mentioned could happen later.

A slight parallel can also be drawn in respect of the Bill with the Liberal-Country Party Coalition though perhaps not as forcefully as in the case of Germany, where it was almost impossible to form a majority party, because of the opposition of the Social Democrats to the Conservative Party, with neither being able to obtain a majority without combining with the National Socialists and the Communists. Consequently the Social Democrats hung out and said they would not join with the National Socialists and Communists, although they could have governed had they done so. We may find a parallel here with the Liberal-Country Party coalition. Perhaps those parties want to protect their future and this may be some reason for the introduction of this legislation.

I do not wish to labour that point because I do not believe that we should approach this legislation with any prejudice in our minds. I am therefore attempting to put these things out of my mind. I am only mentioning them to show some of the possibilities which could be drawn if we wanted to do so.

Article 48 of the Welmar Constitution has been regarded by many historians as a great threat to the republic because it provided a legal method with which to bypass Parliament. This is just what this legislation will do. It will provide the Government of the day with a legal method by which to bypass Parliament. Moreover, the legislation not only gives authority and power to a Minister of the Crown, but it also allows him to delegate that power, not essentially to an elected member—another Minister or a lesser member—but to any member of the Executive or any other person. This “any other person” may be given these extraordinary powers.

I am no lawyer, but I have studied the Law Society's report on this legislation. I am not prejudiced in this matter, but I am trying to look objectively at the wording of the legislation. I believe the Law Society has put forward a very good case. We have heard Government members say, “But that was presented before the amendments were made.” That is a lot of nonsense.

If those members would look at the report they would find it was prepared as a lawyer would prepare such a document—article by article, dealing with each clause relating specifically to the powers which have been given by various clauses in the Bill. Consequently one can go through the report and tick off those suggestions of the Law Society which have been met by the amendments.

The Law Society's report contains three pages of suggestions whereas, depending on whether subclauses are counted, only about six amendments have been made. The most important proposed section—41—has not been touched. This is the iniquitous one and if we look at it carefully and closely we must recognise it will abrogate all those painful steps taken in the history of our British society. Since 1215, when Magna Carta was signed, many laborious, slow, and well-considered steps have been taken, some forward and some backward. However, we know of the sincerity of those people who, over those years, worked hard and even gave their lives in their efforts towards the democratic process which was gradually being developed.

Today, during the rally held in the Supreme Court Gardens, and later in front of this building, we heard from Neville Curtis who is a university student who escaped from South Africa and sought political asylum in this country. He warned us about this legislation because he said that those in South Africa had been told by the Government to trust it. In similar circumstances the Government had said, “Oh look, it is all right. We have to bring these laws in for a specific purpose, but we will not misuse them.” Yet within 10 years South Africa has become a police State.

The Hon. J. Heitman: Have you ever been to South Africa?

The Hon. GRACE VAUGHAN: I have not been to the Antarctic, but I know penguins are found there.

The Hon. J. Heitman: If you go there you might find a different version.

The Hon. GRACE VAUGHAN: I am quite sure that country has a great problem and I am not attempting to mitigate that at all. I am attempting to be objective and I wish Government members would recognise my sincerity and attempt to do likewise.

The Hon. J. Heitman: How can you be when you know nothing about the country?

The Hon. GRACE VAUGHAN: I am sincere about this. If members on the Government side wish to experience everything in this world before they recognise it as knowledge, I am afraid they will be reverting to the situation which existed during the cave-man era. The only way human beings can acquire knowledge is by accepting what other people have told them and which by their knowledge, inquiry, and studies they are able to validate. That kind of question to me is specious.

The honourable member who supports South Africa so spiritedly is not the only one who does. When he was Leader of the Opposition the Premier told us how marvellous the place was, too. I am sure that South Africa is a wonderful place. Neville Curtis said today that it was and that he was very unhappy to have to leave it. He said that life was so repressive and so impossible for him that he was not allowed even to mix with his friends. He was under house arrest and this is the situation in which many people in South Africa find themselves if they express the belief that the type of State that has developed there is undemocratic and unworthy of an advanced civilisation. South African people hate doing this but they see it as their only way of survival.

I may agree, but that does not detract from the fact that I am drawing a parallel with the sort of insidious way in which this type of legislation can encroach on our democratic processes which have been built up so painfully over many years.

It is quite astounding that this Government should be pressing this Bill in its present form at the same time as the Australian Government is ratifying those International Labour Organisation conventions which mean so much in the improvement of the life of the ordinary people. I refer to some of the ILO conventions which have been ratified and passed by the Australian Government—and I will give *Hansard* a copy of them. They are No. 83, standards of Labor—nonmetropolitan territories; No. 86, the contracts of employment of indigenous workers; and No. 87, freedom of association and protection of the right to organise. This is one of

the earliest freedoms we were able to acquire in the development of our particular type of democratic process. The advanced countries of the world have developed their democratic processes in varying ways. Some have taken a lot longer than others and some have developed as a result of colonisation or migration from one country to another. They were able to carry some of the culture with them when they went, and did not have to start from scratch.

The others are No. 98, the right to organise and collective bargaining; No. 111, discrimination in employment and occupation; and No. 131, minimum wage fixing. One which is now being ratified—and Australia was the first country to ratify it—is the convention on dock labour.

I also draw attention to the fact that it seems to me the Government of Western Australia is over-reacting in introducing this Bill—an ill-conceived measure—which could be good legislation if it were redrafted. It would be too messy to amend the Bill and patch it up but, certainly, it could be redrafted with the co-operation of those people who have already objected and others who might like to do so. The measure should be redrafted with the co-operation of the Law Society and the university people who have already registered their protests.

You, Mr Acting President (the Hon. R. J. L. Williams) said by interjection that the Archbishop of Perth (the Most Rev. Geoffrey Sambell) had commented before the amendments were made to the Bill. However, that is not so. He said—

Accepting unquestionably the need for an Emergency Bill and accepting that the Government has gone far in meeting the Law Society's recommendations in the revised Fuel and Energy Bill, I would urge that reconsideration is still necessary on contentious elements not so dealt with and in particular Clause 4, Section 41.

Even at this late hour, vital amendments are necessary if Democracy is to be upheld in this State.

A similar letter has already been read to members, together with a list of the names of academics, teachers, and university staff. I am quite disappointed. I have not been in this House very long, but long enough to get to know some of the members here. I really cannot believe that they would accede to the contents of this Bill. I really believe they are not fully aware of the implications, and that they have read the Bill with some prejudice.

The Hon. W. R. Withers: I agree with the member.

The Hon. GRACE VAUGHAN: It seems that members have read the Bill having already made up their minds.

The Hon. Clive Griffiths: Nine people on the other side have done that.

The Hon. GRACE VAUGHAN: Members should look at the black on the white and read it. They should analyse what the words say. Words strung together can easily be misinterpreted, as any lawyer will tell members.

Some of the more obnoxious parts of the Bill relate particularly to the subjective way in which people reach decisions. The Bill states that the Governor must be satisfied. The word "satisfied" has such vague and broad implications.

I have also been worried by some of the comments made with regard to this Bill. First of all, there have been some stupid remarks about trade unions and to me such remarks are damaging to our democratic process. It has taken a long time for the people who sell their labour—as the expression is—to be able to get justice with regard to conditions and wages.

The Hon. W. R. Withers: Who said anything damaging against trade unions?

The Hon. GRACE VAUGHAN: It is sometimes difficult for people who have not grown up in the working class to understand what I have said. I believe that many people who have spoken to the Bill have barely concealed their contempt of trade unionists, and the workers who are not unionists.

The Hon. W. R. Withers: Can the member quote any other member who has spoken against trade unionists?

The Hon. GRACE VAUGHAN: The Premier, when being challenged on television regarding some of his investments, did little to conceal his contempt. The Premier asked whether anybody who was other than a no-hoper was to be criticised. Apparently, no-hopers are people who do not make money out of businesses. Unfortunately, I have heard other Government members refer to the people who gathered outside this building as rabble. Every man is entitled to respect, and many people who have criticised this Bill are worthy of respect. I find it quite insulting that members accept protests in the names of Geoffrey Sambell and Geoffrey Bolten. They even tolerated the fact that the Law Society criticised them. In fact they are pleased that the Law Society has not gone on criticising them.

The Women's Electoral Lobby comprises as many Liberal Party women as it does Labor Party women, and Australia Party women. A unanimous decision was reached at a recent meeting which denounced the Bill in its present form. It is quite extraordinary that all the names in the lists of protestors were received with equanimity, but when it comes to trade unionists and the workers who are not unionists, and those people who have demonstrated in various ways either by writing letters, making phone calls, or by marching today

or last Thursday week, there is the connotation that they could not have thought up their protests themselves. It seems that they cannot protest because of their own decisions, and that somebody has led them by the nose. I find that very insulting.

My family did not make a lot of money out of businesses. However, they were quite capable of understanding their political rights and working out problems for themselves even though perhaps their education was not all that they themselves would have desired.

I think I might have made a point during my Address-In-Reply speech—whether it was taken, I do not know—when I said that the standard of education which people are able to reach is very much a matter of the environment in which they are brought up, and the other resources available to them.

I think Court and his courtiers have mistaken the nature and the temper of the times.

The PRESIDENT: Order! The honourable member must not reflect on members in the other House or in this House.

The Hon. GRACE VAUGHAN: I am saying they have made a mistake.

The PRESIDENT: The honourable member used the expression "Court and his courtiers".

The Hon. GRACE VAUGHAN: I am sorry, Mr President. I feel the Premier and his Ministers have mistaken the nature and the temper of the times. I think they need to be reminded about their responsibilities, and I would like to do that before such legislation as this is passed, because perhaps I may not have the opportunity to do so afterwards.

The democratic process about which I was speaking is a very fragile thing. It has been built up over hundreds and hundreds of years, and while a Government is in power it is given the responsibility to see that at least the democratic process is not impaired, even if it is not improved by the Government.

There has been a lot of "pooh-poohing" about there being no danger, everything will be all right, we are all terribly nice people, and everybody who comes after us will be terribly nice and certainly will not take advantage of any loose wording. The Government has attempted to justify the Bill by saying there are no dangers inherent in it because "we will all be very nice and so will the people who come after us". They try to justify the loose wording by declaring that everybody will be very responsible. I would like to read something from Emerson—the Hon. Mick Gayfer and I share a liking for Emerson. Referring to democracy, he says—

But our institutions, though in coincidence with the spirit of the age, have not any exemption from the practical defects which have dis-

credited other forms. Every actual State is corrupt. Good men must not obey the laws too well.

Democracy, as we all know, is government fully responsible to the people, and that is a far cry from the distrust of and distaste for the common man exhibited by this Government.

The Hon. W. R. Withers: Can you prove any of this?

The Hon. GRACE VAUGHAN: The unionists, the workers who are not unionists, the ordinary housewives, and the other people have exhibited by marching—that is probably the way they like to express themselves because they cannot write highfalutin letters to the papers and they cannot write papers for the journals—the full fervour of their recognition of the value of their political rights and have demonstrated in the street to show how they feel—

The Hon. W. R. Withers: If they cannot write letters, who explains the Bill to them?

The Hon. GRACE VAUGHAN: The reactionaries, like the Hon. Bill Withers, have been waiting for a long time for a Government like this which puts competition above people, which puts property before people, which derides social security and does not want to have too much social security, which does not want to give anything to the less affluent people—

The Hon. G. C. MacKinnon: Rubbish!

The Hon. GRACE VAUGHAN: —which does nothing about social problems, which attacks the Executive, which calls the planner a scoundrel, and complains about the judiciary. One of our members complained that the High Court was always whittling away the powers of the State and giving them to the national Government. So the parliamentary democracy which we know and cherish is being threatened quite often by this kind of attack. They want the Legislature to be supreme to the judiciary, the Executive and the people.

The PRESIDENT: I am anxious to hear something about the Bill from the honourable member.

The Hon. GRACE VAUGHAN: I am concerned about the wording of proposed section 41, and I think it needs to be repeated. It reads—

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

Furthermore, it goes on to say—

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

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

That is the reason I am pursuing this line. These are the kinds of things which will be abrogated if the loosely worded, vague, and broad contents of this Bill are misused; and the possibility is that they will be misused. I do not accuse this Government of being about to do some of the things which many people are fearful it will do. That is not my brief here today. I am trying to say—and this has been well pointed out by other people—that the threat is there because although it is not written into the Bill it is implied in what some people have said and some of the statements which have accompanied the progress of this legislation through Parliament.

The Hon. W. R. Withers: But not by the Crown Law Department.

The Hon. GRACE VAUGHAN: In relation to the contents of this Bill I want to remind the Government of its responsibility to care for the well-being of democracy and the democratic pattern which I regard as being so fragile. The Government can do this by perusing the Bill without a subjective predisposition to making allowances for our niceness, the fact that the circumstances will not arise, and the fact that it will deal only with fuel, energy, and power.

Anyone who saw the film, "The Bed-sitting Room" is rather fearful of what will happen if we run out of oil, coal, and other sources of energy. We may have to recruit people to ride stationary bicycles to produce power, and maybe this would do some of us a lot of good. However, the regulations which will emanate from this legislation if the Bill is passed, could certainly be quite extensive and far-reaching. Everyone may say it is our bounden national duty to ride the bicycles, but we may find a little bit of discrimination operating.

I would like to return to the discussion about South Africa. I do not think my remarks about what could happen with the loose wording of this legislation have made as much impact as they should have on Government members. The very fact that the Government of South Africa has been defended here is indicative of the fact that we are being lulled into a sense of false security. Legislation introduced and passed by the South African Parliament has allowed the Government to use the labour and rich resources of the country in the manner it pleases. The Government has become very well organised. I would like to quote the words of the Hon. A. A. Lewis. When speaking to his censure motion, Mr Lewis said—

As in many other directions when the Government of South Africa sets out to do a job it does it properly.

That is, without any consideration for the sweat, the blood, and the tears of the people who have had to make the sacrifices. Again I am not criticising what the South African Government has done, because were we in its place we may have had to do the same or worse. Perhaps we would have been less efficient. The South African Government is very efficient, but the insidious point about this is that we then begin to see efficiency as being more important than people. This is what we are doing with the legislation before us. We are saying that the comfort and the continual economic growth of this State are more important than any threat to the civil liberties of the people.

The Hon. W. R. Withers: Where does it say that in the Bill?

The Hon. GRACE VAUGHAN: I am attempting to point out that with legislation in which the wording is so loose, we take the risk of exposing the civil liberties of the people to abuse. We do this in the name of creating comfort, and in the name of keeping the State moving and our fuel and energy resources up to date in times of shortage. I do not say we should not have such legislation; in fact, we should have legislation for emergencies, but the wording of the present Bill is so loose that it could endanger the civil liberties of the people. If there is even the slightest chance of that happening, we should certainly pull up our socks and have a jolly good look at the measure before we start to denigrate the opinions of the people who are protesting about it.

With this Bill the Government is exhibiting a lamentable lack of understanding of the perspicacity and political knowledge of the workers who took part in the march today. These people make up a very important section of our society. The trade union movement has a noble and respected history. It has struggled from beginning to end. By its very nature, our capitalist society is based upon the principle that the people producing something want to get the best value for their money. The manufacturer wishes to cut costs as far as possible, and to cut costs he must keep wages and other benefits down to the minimum.

Today the public at large is concerned about civil liberties. The people understand this measure because they have learnt the hard way about the value of individual rights. This Government alleges that it is concerned with individual rights, although sometimes one wonders whether its concern is just with the individual's right to make money.

The Government has told us it is concerned about the matter, and I believe it is concerned. As I have said before, I have got to know some of the members here and I am sure that they have within

them the compassion, the intelligence, and the understanding to recognise their vast responsibility in this matter and to give this measure some further consideration.

The objections to this Bill are all related to the protection of civil liberties and individual rights. We are worried that the Government can appoint somebody—not even an elected member—to tell the people how to behave. The individual and civil liberties of the people should be to the forefront of our minds. If the Bill is passed in its present form it will then be very difficult to repeal. This is particularly so when one considers—and this is not said with acrimony—that with the present position of the Electoral Districts Act in this State we are likely to have a Conservative majority in this House for a very long time. Therefore, we are saying to the people, "You will just have to tolerate *mort main* because it is unlikely that the dead hand will be removed for a very long time."

We need emergency legislation in this State, but the Government has gone overboard. It seems that foolish pride is forcing it to say, "We cannot draw back." Surely this is a sign for the Government to retract and say, "It seems as though there are a few questions about this legislation. Let us have a look at it."

The Hon. V. J. Ferry: The Government has already amended it.

The Hon. GRACE VAUGHAN: Perhaps the members of the Parliamentary Liberal Party will have a surge of feeling for the workers and they will put some sort of pressure on the Premier and the Minister for Fuel and Energy to reconsider this Bill.

The Hon. R. F. Cloughton: You mustn't embarrass them.

The Hon. GRACE VAUGHAN: The Government seems to be justifying its stand by saying there are certain groups of people which it is there to represent. It is rather like President Nixon's silent majority which kicked him out of office as fast as it could. I think those people are mainly the invention of the Government's own imagination. Certainly we see no evidence of a large demonstration or a long list of people having considered the Bill and sending in their names and saying it is a marvellous piece of legislation. Certainly people are saying—and I am saying it myself—that we need some form of legislation to provide emergency powers. However, no evidence has been presented during this debate concerning the great group of people who are terribly concerned.

The Hon. R. F. Cloughton: We have not heard much from the Government side at all.

The Hon. GRACE VAUGHAN: One certainly hears complaints from individuals; but that occurs no matter what we do. The same people write the same sort

of letters to the Press year after year. We all know their names; and if the Government changed tomorrow those people would still write practically the same sort of letters, although perhaps with a slightly different orientation.

I am getting some feedback from the members of this Chamber, and I feel there is a certain amount of apprehension. That is what I am attempting to appeal to. I am receiving the impression that there is a slight feeling of embarrassment on the part of the members opposite.

The Hon. V. J. Ferry: Oh!

The Hon. GRACE VAUGHAN: Not on Mr Ferry's part; he could never be embarrassed.

The Hon. V. J. Ferry: Not by you.

The Hon. GRACE VAUGHAN: However, I think some members opposite now feel they have not thought hard enough about the Bill, that there is something much more important than party politics in our political process, and that there is need to consider the wording of the Bill to ensure that the powers cannot be abused.

I think members opposite are starting to feel we should not delude ourselves by saying what nice people we are and how we would not do the horrible things which have been done in other countries—other countries we admire, such as South Africa and Germany. The troubles in Germany are now over and it is about the only country in the western world which has not a high rate of inflation; I think its rate is 6 per cent.

I have a regard for many of the members of this Chamber, and I believe many are capable of some measure of statesmanship. That is what is called for at this time. It is necessary when we have a Bill like this and we all agree that we need emergency powers, yet we are arguing over the contents of the measure. One side is saying there is nothing wrong with the Bill and that everything will be all right, and the other side is saying something nasty will happen. Members opposite may think I am prejudiced. I am just as prejudiced as I think they are. But surely as reasonable human beings—and this is our most important asset; that we have some form of reason—

The Hon. G. C. MacKinnon: It would be infinitely better if this sort of sensible debate took place in the Committee stage; and we could have reached the Committee stage about four hours ago, couldn't we?

The Hon. GRACE VAUGHAN: I have not been talking for four hours.

The Hon. G. C. MacKinnon: I know; but I said we could have been in Committee about four hours ago. That is where this sort of debate should take place.

The Hon. GRACE VAUGHAN: I am only new to this House, but it seems to me that when members say a lot in the Committee stages they are told they should have said it during the second reading debate; and when they say it during the second reading debate they are told they should say it in the Committee stages. This is a little confusing. I think I am speaking generally about the Bill, and I understand that is what one should do during the second reading debate. I understand that in the Committee stages we argue the Bill clause by clause.

The Hon. G. C. MacKinnon: Isn't that what we should be doing?

The PRESIDENT: The honourable member's assessment of the situation is correct.

The Hon. GRACE VAUGHAN: I think the Government now has an opportunity to show this House of Review how the different method it adopts operates in its party. Members opposite are inclined to criticise us, and they cannot understand our caucus system. The basis of the Australian Labor Party is one of socialism, and it is one in which we believe in a philosophy; and from that philosophy springs the action we take. Often our actions are quite divergent, but they all spring from the same basic philosophy.

The Hon. W. R. Withers: You want us to go your way, but you do not want to come our way.

The Hon. GRACE VAUGHAN: I am not asking the Government to come entirely our way. We have not even stated an entirely different direction we think we should follow in regard to this Bill. We have said we want the Government to redraft it in the light of the protests it has received, in the light of the advice of the Law Society, and in the light of the misgivings of clerics, academics, the Women's Electoral Lobby, housewives, workers, and all the other people.

The Hon. I. G. Pratt: Don't speak to us about housewives. I spoke to some who had a lot to say about this Bill.

The Hon. GRACE VAUGHAN: It is quite extraordinary how some Government members seem to think they can analyse things just by tripping around their electorates—although, admittedly, some of them are very small—and then come back and say exactly what everyone is thinking. They are really awfully clever—or they think they are. However, I really cannot see that anybody knows what every housewife thinks; and in that respect I think I know more than Mr Pratt would.

The Hon. W. R. Withers: Do you think you know what the majority of them think?

The Hon. GRACE VAUGHAN: I did not say "all housewives", "all academics", or "all clerics"; although I am referring to all trade unions.

The Hon. G. C. MacKinnon: And you are even wrong in that.

The Hon. GRACE VAUGHAN: I could be wrong; but all I am saying is that sufficient people have protested to cause very deep concern to any thinking Government.

The Hon. I. G. Pratt: Quote me properly; I did not say I know about all housewives. I advise you to talk to them.

The Hon. GRACE VAUGHAN: Shush! Members opposite now have an opportunity to demonstrate that they can act as individuals and are able to say to other members of their parliamentary party, "We had a few people in our House the other day who were talking what could, for Labor people, be considered to be a little bit of sense." Their method is supposed to be so different from our method, but in practice it does not seem to be very different at all; unless, of course, members opposite all have such an affinity that without any discussion with one another they suddenly know which way to vote. I think, Mr President, your remarks at the recent Commonwealth Parliamentary Association meeting were very telling in this regard; that members of Parliament tend to vote according to the policies of their parties even where there does not seem to be any reason why there should not be a divergence of opinion.

I ask the Government to consider the gains which could be effected by withdrawing the Bill and submitting it for redrafting along the lines suggested by the Law Society and in view of all the criticism and protests which have been made. I venture to say that in so doing, the Government will win the respect of those people who have made the protests and criticism. The Government will then be able to produce a Bill which it can use.

I do not want any of the hot-headed young fellows opposite telling me that I am using threats, but if the Government persists with this Bill, it may have the same fate as the penal clauses of the Crimes Act which as members know have not been invoked since O'Shea was gaoled. We would have an Act which we would not use.

The Hon. W. R. Withers: We hope it never will be used. We have said that over and over again.

The Hon. GRACE VAUGHAN: Mr Withers would not know the risks the Government might be taking. I will have to warn him. We will get somebody to talk to him about that.

The Hon. G. E. Masters: People have the right to keep working if they so desire.

The Hon. D. W. Cooley: Anyone who does that is a scab.

The PRESIDENT: Order!

The Hon. G. E. Masters: I reserve the right to work when I choose.

The PRESIDENT: Order!

The Hon. D. W. Cooley: If you were to do that, then I would classify you as a scab.

The PRESIDENT: Order! I have called for order three times now. Will honourable members please contain themselves and keep order.

The Hon. GRACE VAUGHAN: I doubt whether any of the provisions of the Bill will be used by this Government, apart from the few innocuous sections to which we offer no objection. However, having passed a Bill such as this, it could remain on the Statute book like a time bomb, ready for some autocratic left wing or right wing person or whatever to come along and use it. This is a big danger and members opposite should be warned about it.

I know that most members opposite have a great deal more experience than I have in examining legislation and I believe that if they really analysed what is contained in the Bill—as Mr Gayfer said, it is the contents we are on about—they would see that we have good cause to express opposition. By withdrawing the Bill, they would earn the respect of the electors of this State. Here is their chance to behave in a statesmanlike manner by withdrawing this document.

I should like to quote a man for whom I think all members would have great respect. I refer to Thomas Paine, who said—

We must attend to the distinction between men and principles.

The principles of this Bill are under attack, not the men who are introducing them. As has been pointed out by Government members, a Bill similar to this would have been introduced by the Tonkin Government, had it been returned. I think quite a lot of nonsense has been spoken about whether or not somebody initialled a Cabinet minute. As the Minister well knows, there is certain machinery which must be put in motion when submissions come before Cabinet. Draftsmen draw up the legislation and it is laid on the Cabinet table. Various people are allocated to examine the legislation and they come back to the Cabinet to tell Cabinet what they have found.

The Hon. G. C. MacKinnon: I have heard some pretty odd descriptions of Cabinet procedure, but that just about tops the bill.

The Hon. D. K. Dans: That is a pretty simple version, but it is very near the truth.

The Hon. G. C. MacKinnon: It is simple all right.

The Hon. GRACE VAUGHAN: I am sure it is all much more dignified than that, although sometimes when I walk past the Cabinet room I hear raised voices so perhaps they are not as dignified as they pretend to be. As I say, the principles of this Bill are under attack, not the men who introduced them. Even if some of us have our doubts about some Government supporters, we give them the benefit of the doubt. Thomas Paine said—

A revolt may take place against the despotism of principles while there lies no charge of despotism against men.

We are not saying that members opposite will suddenly become great tyrants or despots, but the possibility is there.

The Hon. G. C. MacKinnon: As I recall, I had occasion to ask for the withdrawal of certain words used by Mr Dellar. That tends to indicate that you are not right.

The Hon. GRACE VAUGHAN: I am not my brother's keeper.

The Hon. D. J. Wordsworth: What about the chants and the slogans during the demonstration today? There were signs depicting a ball and chain and claiming that we were gangsters and all that sort of thing.

The Hon. GRACE VAUGHAN: I am not all my brothers' keeper. People do react as this Government has reacted in some ways in charging that the trade unions are rabble. Words and signs and symbols are used, but it does not mean that the basic feeling I am expressing here differs markedly from the feeling expressed during the demonstration. I believe people do over-react; we have seen it in this House, as you would know, Mr President.

The Hon. W. R. Withers: You make statements without proving them.

The Hon. GRACE VAUGHAN: Thomas Paine also said—

Men have no right to bind posterity for ever to such despotic principles.

Men are distinct from the principles which they introduce; this is where members must face up to their responsibilities. To keep our democratic processes, members opposite have a responsibility while in Government. As I said before, they will not always be able to improve them; let us hope that they do not impair them. In the same way, I say that the Government has reacted so strongly that it could be called reactionary with its conservative approach to this legislation. Why have the sections of the public about which I have been speaking expressed their objections to this legislation?

Why are they objecting? This question is answered by one of Thomas Paine's pieces of philosophy which I would like to

pass on to members. Why are we so concerned about civil liberties? Men come into the social contract with natural liberties. They set up the State which then makes the social contract with them. This is the elementary Rousseau theory, but they must be assured of rewards themselves; there is no point in their entry into the social contract unless they have a guarantee or have some assurance of obtaining civil rights. This is what Thomas Paine has to say about this—

Hitherto we have spoken only (and that but in part) of the natural rights of man. We have now to consider the civil rights of man, and to show how the one originates from the other. Man did not enter into society to become worse than he was before, nor to have fewer rights than he had before, but to have those rights better secured. His natural rights are the foundation of all his civil rights. But in order to pursue this distinction with more precision, it will be necessary to mark the different qualities of natural and civil rights.

The Hon. N. E. Baxter: I have never heard so much guff in all my life on a Bill such as this.

The Hon. GRACE VAUGHAN: I am sorry the Minister does not have any consideration for civil liberties.

The Hon. N. E. Baxter: You ought to talk about civil liberties!

The Hon. GRACE VAUGHAN: If the Minister considers that civil liberties are not important; if he considers it is worth while taking the risk, that is for him to decide, but perhaps he may like to hear what Thomas Paine has to say.

The PRESIDENT: I would remind the honourable member that the subject matter before the Chamber is the second reading of the Bill and it is to that that you should be addressing yourself.

The Hon. GRACE VAUGHAN: The basis of my argument is not that we should not have a Bill; it is concerned with the contents of the Bill, and within the contents of this Bill there is a very real threat to the civil liberties of the people of this State. I say now—as I said when I first stood up to speak—that I would not be able to live with my conscience if I did not make a strong protest in an attempt to persuade Government members that they should reconsider this Bill, and in order to impress them I am doing my best to show them how important civil liberties are; they are much more important than the question of whether we have fuel and energy. I am not saying that we should not have fuel and energy. I do not like walking long distances myself. I like to ride in my car and have a little comfort, but the most important things a man can have are civil liberties. I am sorry the Minister is adopting such an attitude.

The Hon. N. E. Baxter: The housewives do not want to be without fuel and energy.

The Hon. GRACE VAUGHAN: Many housewives are without fuel and energy because they cannot afford to have them.

The Hon. D. W. Cooley: Now the truth is slowly coming out.

The Hon. GRACE VAUGHAN: Many housewives have had to tolerate conditions at which several of the members of this House would shudder despite the fact that they are pioneers and have been hard workers on the land. The comforts that have come to us in the last few years perhaps have made us soft and too concerned about keeping ourselves comfortable and less concerned with democratic processes and the basic civil rights and liberties for which our predecessors fought so hard over hundreds of years. I am sorry to hear such remarks coming from a Minister of the Crown.

The Hon. N. E. Baxter: You are making the remarks—not I.

The Hon. G. E. Masters: Do you know the meaning of the word "scab"?

The Hon. GRACE VAUGHAN: In regard to the matter of voluntary labour and the possibility of employing what is known as "scab" labour, I do know the meaning of the word. As one has to consider most social problems and social issues, one has to take into consideration the history of institutions within our society. I should not have to give Mr Masters a lecture on one of them—the trade union movement—and he should consider that when he makes allegations about civil liberties, because those civil liberties which have been built up over the years for workers have brought about a method of unity, and without unity there are no safeguards for the workers.

The Hon. G. E. Masters: They all do as they are told, is that right?

The Hon. GRACE VAUGHAN: A union works on the principle that people get together and, after coming to a decision, they abide by it.

May I make a small quote from the works of Machiavelli? He is always considered to be the epitome of authority and despotism, and he had many wise things to say. He was a fairly hard-hearted sort of a man but he lived in times when people had parts of their anatomy cut out without any beg pardons. Machiavelli had this to say—and the Minister, in deputising for the Premier, may like to listen—

The Hon. G. C. MacKinnon: Will you connect it up with the Bill?

The Hon. GRACE VAUGHAN: I will, because somebody else has made the remark that I should line it up with the guts of the Bill. I am talking about what I

think is the guts of the Bill. Other people may say that comfort represents the most important contents of the Bill in the provision of fuel and energy.

The PRESIDENT: I am afraid that your opinion and mine of what is in the Bill are at variance, and I would point out to the honourable member that Standing Order 87 provides—

No member shall digress from the subject matter of any Question under discussion.

The honourable member is giving us a historical dissertation on many social matters and I ask her to please keep to the Bill.

The Hon. GRACE VAUGHAN: Yes, Mr President, because the Bill as I see it is one that is threatening our social conditions. I can only speak of the Bill as I read it, and I am asking other members to think more clearly about the actual wording of the Bill and to keep in mind the threat to our civil liberties.

The Hon. G. C. MacKinnon: You are not succeeding; you are just confusing us.

The Hon. GRACE VAUGHAN: I am sorry.

The Hon. G. C. MacKinnon: I just thought I would try to be helpful.

The Hon. GRACE VAUGHAN: I have not had much in the way of interjections or questions so it is very difficult for me to judge whether members are following what I have to say.

The PRESIDENT: The honourable member should address herself to the second reading of the Bill and not to interjections which are disorderly in any case.

The Hon. GRACE VAUGHAN: Yes, Mr President. One of the disquieting factors about this Bill is its leaning towards totalitarianism. In other words, we are trying to provide to the State authority a much bigger stick than is needed to swat the fly.

Probably the reason for this authoritarianism might have something to do with the conservative nature of the Government, because many of the sociological and psychological tests that have been carried out indicate that authoritarianism is associated with conservatism and with submissive behaviour. I hope that Government members will not be submissive; I hope they recognise they have the chance to prevent the passage of the Bill in its present form, so that an opportunity is made available to redraft it, and after it is enacted the possibility to use it as a weapon in a way which we do not expect it to be used may be obviated.

I think that in his contribution to the debate Mr Cloughton covered most of the areas with which the Law Society is concerned. Apart from proposed new section

41 which is most dangerous, the other provision that worries me particularly is proposed section 47 (2) (1) which states—

(2) Emergency regulations made under this Part of this Act may make provision for or with respect to—

(1) generally, for ensuring that the whole resources of the community are available for use, and are used, in a manner best calculated to serve the interests of the community.

This provision in its present form allows far too much license.

The Hon. W. R. Withers: Will you explain how?

The Hon. GRACE VAUGHAN: I make this last appeal to members of the Government that they look at the Bill again and consider it in an objective frame of mind, so that they will be able to see the dangers I have outlined. Perhaps they may think that I have over-reacted, but I am sure the illustrations I have given of what has happened in Germany and South Africa, of the looseness of the wording of the Bill, and of the responsibility of the Government for preserving the democratic process, will influence them in considering amendments to the Bill so that it will become acceptable to all sections of the community.

THE HON. R. T. LEESON (South-East) [5.04 a.m.]: I have good news for members opposite, not that I am supporting the Bill but that I shall be fairly brief in my remarks. So much has been said about the Bill in this House and in another place that all aspects of it have been covered. I have discussed the Bill with a number of people from all walks of life. Whilst I admit there is the odd crank who agrees with the legislation, I should point out that the majority of the people are in opposition to it—not to all sections, but to some sections of it.

We all agree there is need for some legislation to cope with emergency situations, but there is no doubt in my mind that the Bill goes far beyond that need. Whilst members of the Opposition, including myself, violently oppose this sort of legislation, I do not think that the Government will have the guts to invoke some of the provisions. I am sure that some of the clauses have been included in the Bill as a big bluff. While they remain on the Statute book they will hang as a threat over the heads of many people. We shall see in due course what becomes of such provisions. The hour is late, and I am very tired.

The Hon. D. K. Dans: It depends on which end you started.

The Hon. R. T. LEESON: I have expressed my opposition to the Bill. I intended to debate the second reading to

some extent, but not at 5.00 a.m. I thought that I would enjoy the debate on the measure, but at this hour of the morning I have no more love to make my contribution than I have for doing a couple of other things. With those remarks I express by opposition to the Bill.

THE HON. CLIVE GRIFFITHS (South-East Metropolitan) [5.08 a.m.]: My contribution to the debate will differ in two important ways from the contribution of Mr Claughton. The first way in which it will differ is that I intend to support the measure; the other important difference is that I will do so much quicker than Mr Claughton did in opposing the Bill.

The Hon. D. K. Dans: For a horrible moment I thought you said you would be longer in doing that.

The Hon. CLIVE GRIFFITHS: My assessment of the party system of Parliament in this State is that the Opposition has a role to play; and the role I give to the Opposition is for it to put forward the alternative view on proposals suggested by the Government.

The Hon. S. J. Dellar: What has that to do with the Bill?

The Hon. CLIVE GRIFFITHS: I shall get around to that in a moment. For the reason I have stated I have absolutely no objection to members of the Opposition opposing legislation introduced by this Government from time to time.

Indeed, I believe it is an absolute obligation on the part of the Opposition if measures are introduced by the Government of the day in contrast to the philosophical attitude of the Opposition, to submit the point of view on behalf of those it represents. Therefore, as far as I am concerned, the Opposition is at perfect liberty to argue the point about this proposal or any other proposal. Indeed, over the years since I have been here that is what the Opposition has done and when we were the Opposition we did the same sort of thing, on behalf of the people and point of view we represent.

The Hon. R. Thompson: We do it for the citizens of Western Australia.

The Hon. CLIVE GRIFFITHS: We believe that this particular legislation is in the best interests of the citizens of Western Australia. We differ on that point and nothing that I say will alter the point of view of the Opposition.

I am also prepared to suggest that in putting forward its views, the Opposition can take license. In other words it can exaggerate and scream as loud as it likes. I am not necessarily talking about members of this Opposition, but of any Opposition. They can jump up and down and make all the attempts in the world to use any method at their disposal in order to do their job which is to endeavour to displace the Government or belittle it in the eyes

of the population so that at a subsequent election the people will replace it. As the Opposition, we did that, and the current Opposition can also do so. However, when an Opposition goes to the lengths to which this Opposition has gone on this occasion, we have reached an all-time low in tactics adopted. The tactics of this Opposition will go down in history as being the greatest hoax and confidence trick in the political history of Western Australia.

The Hon. R. F. Claughton: You must remember the Premier's statement about accusing your opponents of what you are trying to do.

The Hon. CLIVE GRIFFITHS: For purely political reasons members of the Opposition have misrepresented the Bill to the people. I come back to what I said initially. For political reasons the Opposition can do what it likes except incite the people of Western Australia to act as they acted yesterday. The workers were called out and told to absent themselves from work thus putting the community and themselves to a great financial disadvantage all because of misrepresentation concerning the result of the provisions in the Bill.

The Hon. R. Thompson: I think you should correct that. You said the Opposition did that. Is that correct?

The Hon. CLIVE GRIFFITHS: The Opposition misrepresented it, yes.

The Hon. R. Thompson: The unionists did this themselves; the Opposition did not do anything of the sort, and you know it.

The Hon. J. Heltman: Who put all the men out?

The Hon. CLIVE GRIFFITHS: I am saying that the Bill has been misrepresented to the people. During last week and over the weekend I spoke to many people in and out of my electorate. I asked them about the Bill and I particularly asked those who took part in the demonstrations. I have nothing against people demonstrating. Indeed, considering the number of people involved in them the orderly manner in which the demonstrations were conducted was a credit to them. I have no argument at all on that aspect. However, they were hoaxed into taking part in the demonstrations.

The Hon. Grace Vaughan: You sell them very short.

The Hon. D. W. Cooley: You are insulting their intelligence.

The Hon. CLIVE GRIFFITHS: Last week, and during the weekend in particular, I spoke to many people, and without exception those who said they were concerned—

The Hon. D. W. Cooley: Who told you to say this? The Premier was getting phone calls, too. This must be the policy of your party.

The Hon. CLIVE GRIFFITHS: For the information of the honourable member, at the moment I happen to be secretary of one of the Government parties and all calls which come to Parliament House come to me.

The Hon. D. W. Cooley: You must have been listening in on the Premier—

The Hon. CLIVE GRIFFITHS: I was not.

The Hon. D. W. Cooley: —because he has been running this line about people contacting him.

The Hon. CLIVE GRIFFITHS: I cannot help that. People have been contacting me also; but I will not become involved in an argument with Mr Cooley on that aspect because he amply demonstrated yesterday the lengths to which he is prepared to go to mislead the people.

Without exception, those to whom I spoke about the matter and who had expressed some concern about the powers the Bill would give to the Government, told me that the part of the Bill which was most objectionable to them was that which permitted their premises to be entered without a search warrant. We all know that this provision has not been in the Bill since it has been in this Chamber because it was deleted in another place. However, these people have not been informed by those who were inciting them to take industrial action that this is no longer part of the legislation.

The Hon. Grace Vaughan: That is not true. They were informed.

The Hon. S. J. Dellar: It was in the paper.

The Hon. CLIVE GRIFFITHS: If they were informed it was not done satisfactorily because I repeat that without exception those who spoke to me about the Bill indicated that to them that provision was the most objectionable.

The Hon. R. Thompson: Remember that it was in the Bill for three weeks.

The Hon. CLIVE GRIFFITHS: But it was not in it during last week or last weekend. It is not in the Bill before this House.

The Hon. R. Thompson: But they may have been advised about it when it was in the Bill.

The Hon. Grace Vaughan: I hope you took a proper sample and not a prejudiced one.

The Hon. CLIVE GRIFFITHS: We talk about prejudice. I have a lot of regard for members of the Opposition as has Mrs Vaughan. I have equal appreciation of their desire to do the right thing; but Mrs Vaughan seems to be under the impression that while the people on her side can look at the Bill objectively and without prejudice, the people on this side cannot. It

seems to me that this is a pretty one-sided point of view, simply because we do not agree with their contention.

The other misunderstanding on the part of those who took part in the demonstrations or whatever they were called is that these particular provisions which will go into the Act as the result of the amending Bill are not provisions which will be effective all the time. It is not realised that none of the provisions of this Bill will come into effect until a certain set of circumstances arise.

The Hon. R. F. Claughton: What is wrong with the Government; it is the worst Government this State has had.

The Hon. CLIVE GRIFFITHS: The Government will have to declare a state of emergency, otherwise none of the provisions contained in the Bill will operate.

The Hon. R. Thompson: That shows that the Government is not getting through to the people.

The Hon. CLIVE GRIFFITHS: We are getting through to the people because the majority of them are supporting our point of view. It is this sort of misrepresentation on the part of the Opposition that has led many people into a wrong belief.

The Hon. R. Thompson: Name one member of the Opposition who has made any misrepresentation.

The Hon. CLIVE GRIFFITHS: The Bill has been misrepresented here for some time. Mr Claughton had five or six hours during which to make a speech. Having made it he ought to allow me to continue with what I want to say.

The Hon. R. F. Claughton: The member seemed to want to share some of my time.

The Hon. CLIVE GRIFFITHS: We get to the situation regarding a search without a warrant.

The Hon. R. Thompson: That is not in the Bill.

The Hon. D. W. Cooley: The member is conscience stricken about it.

The Hon. CLIVE GRIFFITHS: Not at all. Members in another place decided that the Bill ought to be amended.

The Hon. D. W. Cooley: They were members of your party, though.

The Hon. CLIVE GRIFFITHS: Does the member opposite think that it should not have been amended?

The Hon. D. W. Cooley: I certainly do believe it should have been amended.

The Hon. CLIVE GRIFFITHS: Well, what is the honourable member growing about?

The Hon. S. J. Dellar: The only amendments accepted were introduced by the Government.

The Hon. CLIVE GRIFFITHS: The situation of the search without a warrant was thought to be so awful. Mr Claughton

has already mentioned tonight, when he rambled on, the several Bills mentioned by Mr Mensaros in another place and by Mr Gayfer in this House. I have seven of those Bills in front of me and they were introduced by the Tonkin Government.

The Hon. R. F. Claughton: Is the member not going to quote the eighth Bill?

The Hon. CLIVE GRIFFITHS: No, because I happened to check the Bills before I brought them in, the same as did the member opposite.

The Hon. R. F. Claughton: The Minister would have been wise to have checked them also.

The Hon. CLIVE GRIFFITHS: I was not going to fall for that one. However, seven of the Bills do provide for search without a warrant, and all seven Bills were introduced by the Tonkin Government. We have the shocking state of affairs where inspectors are able to search premises without a warrant. I repeat, that was the main objection raised by most of the people who spoke to me in respect of this Bill.

The Hon. R. F. Claughton: Why not read out all the titles?

The Hon. CLIVE GRIFFITHS: The member opposite did that.

The PRESIDENT: Order!

The Hon. CLIVE GRIFFITHS: *Hansard* has more to do than to keep on rewriting what is in the Bill.

The Hon. R. Thompson: Would the member agree that some of the Bills we introduced were repeals and re-enactments?

The Hon. CLIVE GRIFFITHS: I do not follow the Leader of the Opposition.

The Hon. R. F. Claughton: The Sales by Auction Bill, for instance.

The Hon. R. Thompson: That Bill was to repeal and re-enact, the same as was the Bill dealing with child welfare.

The Hon. CLIVE GRIFFITHS: I will not argue about that, but the point is that the Bills were introduced while the Tonkin Government was in power. If it is such an objectionable state of affairs one would have thought that a Labor Government would have altered the position, but it certainly did not.

The Hon. R. F. Claughton: Not like the Bill we are now discussing.

The Hon. CLIVE GRIFFITHS: The right to search without a warrant means just what it says: the right to search without a warrant.

The Hon. G. C. MacKinnon: It is the power to search.

The Hon. CLIVE GRIFFITHS: It was the power, and that was the main objection.

The Hon. G. C. MacKinnon: As Mrs Vaughan would point out: it is the principle.

The Hon. CLIVE GRIFFITHS: Yes. The main point which must not be forgotten is that a state of emergency has to be declared. It has also been forgotten that the Law Society suggested Parliament ought to be called together within 30 days of such a declaration. That was probably the most important suggestion of all those put forward by the Law Society. As I said, the most important suggestion was that Parliament be called together within 30 days but the fact of the matter is that Parliament will be called together within 14 days. Therefore, as the most important objection raised by the Law Society to the original Bill was that Parliament should be called together within 30 days, any suggestion by the Opposition that the Government is unbending in its attitude is hogwash because the Government has heeded suggestions made to it, and has consulted with people, and the Bill has been amended.

We have been presented with a Bill which, I believe, is designed to protect the citizens of Western Australia including members of the trade union movement.

The Hon. G. C. MacKinnon: That is right.

The Hon. CLIVE GRIFFITHS: Those people will be protected by this Bill and not victimised by it. If people happen to be the instigators of a crisis or an emergency they will be penalised, but so will everybody else whether or not they are members of a trade union. It is certainly wrong to read into the measure that it is directed towards one particular section of the community.

The Hon. D. W. Cooley: Why does the Bill specify awards and agreements if it is not directed against one section of the community? Why is that necessary?

The ACTING PRESIDENT (the Hon. R. J. L. Williams): Order!

The Hon. CLIVE GRIFFITHS: We will speak about that when we get into the Committee stage.

The Hon. W. R. Withers: The member opposite is off the track.

The Hon. CLIVE GRIFFITHS: He has not been on the track.

The Hon. G. C. MacKinnon: As a matter of fact, he has not been within the road reserve half the time.

The Hon. CLIVE GRIFFITHS: A short time ago a member opposite mentioned what would happen in actual practice with regard to the implementation of this legislation. We have to remember what will happen when an emergency situation is declared.

The Minister does not just walk along the street, kick his toe, and say that he will declare a state of emergency in respect of fuel and energy. I am sure members opposite know it will not work that way. I suggest that if an emergency presents itself then the Fuel and Power Commission would probably advise the Minister that the emergency was of such consequence that some action needed to be taken in respect of the provisions of this Bill. The Minister would then report to Cabinet and seek its approval to take action, and Executive Council would be summoned subsequently and the Governor would be asked to declare an emergency. That is the procedure that would be adopted before an emergency was declared.

The Hon. D. W. Cooley: There is no provision in the Bill for the commission to refer it. Why do you say that?

The Hon. CLIVE GRIFFITHS: I am saying that is the procedure which would be adopted. That is the way it works in practice.

The Hon. D. W. Cooley: That is not provided for at all in the Bill. The Governor can declare an emergency.

The Hon. CLIVE GRIFFITHS: The honourable member has not had enough experience to know how the system works. Nevertheless, if he works hard and represents his people correctly, there is a fighting chance he may be elected again at some future time, and he may make sufficient progress to become informed as to what actually happens.

The Hon. D. W. Cooley: Slurring does not get you anywhere.

The Hon. CLIVE GRIFFITHS: I am not slurring. The honourable member is interjecting in regard to something he knows nothing about.

The Hon. D. W. Cooley: I think I do know something about it.

The Hon. CLIVE GRIFFITHS: This morning's paper contains several letters.

The Hon. R. F. Claughton: Why do you not refer to the advertisement of the Australian Journalists' Association on page 24 of today's paper?

The Hon. CLIVE GRIFFITHS: One of the letters was read out by Mr Claughton. I suggested there may have been some other letters in the paper to which he could have referred, but he conveniently switched his tack and got away from the newspaper altogether; and I can see why. In the paper there is a letter which says—

It was reported that 100,000 workers were going on strike yesterday to protest against the State Government's fuel and energy Bill, but what should have been said was that 1,000 were striking and 99,000 were being forced to strike by the unions.

I am a member of the TWU (nothing to be proud of) and I support the Government, but as an individual I have no rights and my wishes are not respected.

We talk of civil rights. The letter continues—

I was told that if I or anyone else worked on Tuesday a black ban would be placed on the firm that employed such workers.

The unions therefore blackmail their members and the firms they work for.

So perhaps the Premier Sir Charles Court, should drop his present Bill and draft another to give the individual back his rights to work and also to curtail the power of the militant union leaders.

The Hon. D. W. Cooley: The phantom truckie.

The Hon. R. F. Claughton: Who is the letter from?

The Hon. CLIVE GRIFFITHS: A. W. Blake of East Victoria Park. The letter is there. Does the honourable member suggest that A. W. Blake is a disreputable individual who has no rights, simply because the other letter was signed by several reverend gentlemen?

The Hon. R. F. Claughton: You might suggest it.

The Hon. CLIVE GRIFFITHS: What is the point of the interjection?

The Hon. R. F. Claughton: What is the point of yours?

The Hon. CLIVE GRIFFITHS: I am not interjecting. I am making the speech.

The Hon. D. W. Cooley: You had better sit down. You are getting tired.

The Hon. G. C. MacKinnon: He is making a good job of it, too.

The Hon. CLIVE GRIFFITHS: The honourable member makes an interjection and is then not prepared to substantiate what he is saying. There is another letter in the paper today. Mrs J. Skinner of Wembley says—

Once more a minority of paid organisers and agitators are succeeding in holding the public to ransom by their strike actions.

It's a pity that Mr Tonkin and the State Opposition are not big enough to forget party politics and back Sir Charles Court's Government, which was elected by the majority of the people, and which has seen fit to implement a Bill first introduced in principle by the Labor Party. Obviously the Labor Party, when the Government, recognised the need for such a Bill.

It's plain that the unions intend to create dire emergencies in the future—otherwise they wouldn't be making such a bogey out of the fuel and energy Bill or going to such lengths to try to prevent it being passed.

It's also time that the unions realised that the public is fed up with having their civil liberties curtailed by strikes and stop-work meetings.

The point I am making is that civil liberties extend to all people, and the right to work or not to work is one of the civil liberties which we, as Australians, believe we have. However, yesterday's fiasco, brought about by misrepresentation of a Bill, did nothing but, as one fellow said, take away from 99 000 out of 100 000 people their civil liberty to make the decision whether or not they wanted to work. I could read what *The West Australian* said in its leading article about the "futile strike".

The Hon. D. W. Cooley: Read it all, too.

The Hon. CLIVE GRIFFITHS: I will not read any of it. If I read it all it would only serve to indicate further the futility of the Opposition's actions in inciting the people to hold the State to ransom yesterday for no good reason at all other than a cheap political stunt on behalf of the Opposition.

I repeat what I said earlier. I believe the Opposition has every right to oppose the Bill and fight it vigorously within certain limits but when it goes to the extent of hoaxing the people into holding a one-day strike which cost the trade unionists themselves thousands and thousands of dollars and put the State to tremendous inconvenience, I believe the Opposition has reached an all-time low in the tactics it is prepared to adopt for its own political ends. I intend to support the Bill.

Debate adjourned, on motion by the Hon. V. J. Ferry.

House adjourned at 5.37 a.m. (Wednesday)

Legislative Assembly

Tuesday, the 1st October, 1974

The SPEAKER (Mr Hutchinson) took the Chair at 4.30 p.m., and read prayers.

BILLS (11): ASSENT

Messages from the Lieutenant-Governor and Administrator received and read notifying assent to the following Bills—

1. Plant Diseases Act Amendment Bill.
2. Weights and Measures Act Amendment Bill.
3. Hire-Purchase Act Amendment Bill.

4. Wheat Marketing Act Amendment and Continuance Bill.
5. Official Prosecutions (Defendants' Costs) Act Amendment Bill.
6. Traffic Act Amendment Bill.
7. Stamp Act Amendment Bill.
8. Constitutional Convention Bill.
9. War Service Land Settlement Scheme Act Amendment Bill.
10. Metropolitan Region Town Planning Scheme Act Amendment Bill.
11. Daylight Saving Bill.

QUESTIONS (16): ON NOTICE

1. TOWN PLANNING

Guidelines to Small Traders, and Shopping Centres

Mr J. T. TONKIN, to the Minister for Urban Development and Town Planning:

- (1) When is it proposed to publish the "revised planning guidelines" which he has been reported to have said "will give a new deal to small traders"?
- (2) For what period is it intended to defer all major shopping development plans?
- (3) Are the plans of the Glenway Corporation Ltd., which has been given till 24th September to notify the South Perth Council what it intends to do about its proposed major shopping complex and community centre in South Perth, affected by the deferment which has been announced?

Mr RUSHTON replied:

- (1) Guidelines for retail shopping development are being considered by the Metropolitan Region Planning Authority and should be released about mid-November.
- (2) and (3) The Metropolitan Region Planning Authority has set no period of deferment for all major shopping development plans. Each application, if on zoned land and basic planning data is available, is being determined by the authority.

2. FREMANTLE HOSPITAL *Additional Beds*

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

- (1) Is the Minister aware of page 12 comment in *The West Australian* of 18th September, 1974 that the Federal Government intended allocating grants to the States over a five year period for modernisation of State public hospitals and