Legislative Assembly

Thursday, the 8th September, 1977

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

STATE HOUSING COMMISSION

Rent Increases: Urgency Motion

MR B. T. BURKE (Balcatta) [2.17 p.m.]: Mr Speaker, I delivered to you today a letter relating to a matter of urgency that I sought to move under the appropriate Standing Order, and I would appreciate your advice on the decision you have made in respect of that request to you.

Speaker's Ruling

THE SPEAKER (Mr Thompson): It is true that the member for Balcatta wrote to me today. For the benefit of the House I shall read the letter, which is as follows—

> Dear Mr Speaker,
>
> Standing order 48 makes provision for the moving of a motion for adjournment to debate a matter of urgency and Standing Order 49 requires that a Member wishing to move such a motion shall first submit to the Speaker a written statement of the subject proposed to be discussed.
>
> Accordingly, I hereby acquaint you of my wish to move an adjournment motion for the purpose of discussing the urgent need for an immediate reconsideration of the increases in State Housing Commission rents announced yesterday, bearing in mind that:
>
> (i) the increases will cause great hardship to low income earners,
>
> (ii) the increases far outstrip the increases in the Consumer Price Index, despite the statements of the Minister for Housing that the increases are in line with the C.P.I. and
>
> (iii) the Minister for Housing recently told the Parliament that proposed increases were not before Cabinet.

It is signed, "Brian Burke". To that letter I advise the House I replied in the following terms—

> Dear Mr Burke,
>
> I acknowledge receipt of your letter of to-day's date concerning your desire to move for the adjournment of the House under the provisions of Standing Order No. 48.
>
> I have given the matter some consideration and decline to present your request to the House on the ground that I do not consider there is sufficient urgency in this particular matter.
>
> The increases in State Housing Commission rents, to which you refer, take effect from the 1st October. In this case it is competent, and time would allow, for you or any other Member to move a substantive motion on the matter.

I still adhere to that view.

Dissent from Speaker's Ruling

Mr B. T. BURKE: It is with some reluctance, Mr Speaker, but I move—

> That the House dissent from the Speaker's ruling.

Sir Charles Court: You cannot.

Mr B. T. BURKE: There are a number of reasons that make this a matter of extreme urgency. Some of them are peripheral.

Point of Order

Sir CHARLES COURT: I rise on a point of order, Mr Speaker. Is it competent to disagree with your ruling on this particular matter in view of what the Standing Orders provide for?

Mr Bryce: It is always competent to disagree.

The SPEAKER: Order!

Sir CHARLES COURT: It is at the discretion of the Speaker.

Mr Bryce: It is the rule.

Mr Jamieson: That is right.

The SPEAKER: Order! I shall leave the Chair until the ringing of the bells in order to consider the point of order raised.

Mr T. H. Jones: What are members opposite frightened of?

Sitting suspended from 2.22 to 2.41 p.m.

Speaker's Ruling

The SPEAKER: The Premier has raised a question of procedure; namely, whether it is competent for a member to move to disagree with my ruling against his proceeding with a motion to adjourn the House under Standing Order No. 48. I consulted the precedents in this House and am satisfied that it is competent for a member to so move. On no fewer than three occasions have such dissents been moved and dealt with by the House. I have made a ruling and, as must always be the case, I accept the motion to dissent from my ruling.

The member for Balcatta.

Debate (on dissent motion) Resumed

Mr B. T. BURKE: Mr Speaker, I thank you for your ruling and indicate to the House that it highlights one of the really urgent aspects of the matter now before the House. It is urgently necessary, Mr Speaker, to tell the Premier that it is time to stop trying to bully this Legislative Assembly; it is time to tell the Premier that his bully-boy tactics will no longer be tolerated.

Point of Order

Mr O'CONNOR: Mr Speaker, on a point of order is the member allowed to refer to other things or must he come back to the point of disagreeing with your ruling?

The SPEAKER: Clearly the member must address himself to the motion before the House and that is that my ruling be dissented from. Now I would ask the member for Balcatta to confine his remarks to that particular motion.

Debate (on dissent motion) Resumed

Mr B. T. BURKE: Thank you, Mr Speaker. I would have done just that had the Minister not risen to his feet as quickly as he did because I intended to elaborate and say that if the urgent need to stop the Premier acting in this way is not of the utmost importance then nothing is of any urgency. It is also true that there is an urgent need, as outlined in my motion, to tell the Minister for Housing that regardless of how he wants to act in a pedantic manner—regardless of how he wants to use words in an effort to evade responsibility—he should not mislead the House. It is time to tell the Minister that this is a responsible Chamber and he has responsibilities in the Chamber.

If it is good enough for the Minister for Housing to mislead this House by saying that the matter before the Chair, Mr Speaker, is not a matter of urgency after having said within weeks of the same date that the matter contained in my motion is not before the Cabinet, then there is an urgent need to tell that Minister—

Several members interjected.

The SPEAKER: Order! The question before the Chair is one of dissent from my ruling and surely that must be only on the point of the urgency aspect of it. I would ask the member for Balcatta not to introduce other matters. He should confine himself to the urgency aspect which obviously is the core of the ruling I have given.

Mr B. T. BURKE: With due deference, Mr Speaker, I would point out to you and to other members of the House that paragraph (iii) of the proposition I submitted to you touches upon the allegation, claim or statement that the Minister for Housing recently told the Parliament that proposed increases in rents were not before Cabinet.

Mr O'Connor: True.

Mr B. T. BURKE: What I am saying is that if he can say that and in the next breath say that increases will take place of the magnitude I predicted, then there is an urgent need today to tell the Minister for Housing that he is playing with words. His pedantic nonsense is not good enough. This is a matter of extreme urgency if only to prevent the Minister from tomorrow continuing the exercise.

Mr O'Connor: You are misleading the House.

Mr B. T. BURKE: Let me now deal in essence with the first two parts of my motion. The matter which I wished to draw to the attention of the House was the matter of the extreme hardship in the first instance that will be occasioned by these rises in rents. Of that there can be no doubt. Of the urgency of its reconsideration there can also be no doubt because if the Government wants to say, or if the Speaker wants to say, that the hardship being suffered by thousands of people is not an urgent consideration, is not something which should be looked at or reconsidered almost immediately, then I take the strongest possible exception to that.

I can understand the Premier's position. From his position of privilege it is obviously not urgent to reconsider the hardship being imposed on thousands of families.

Mr Laurance: When is it being imposed?

Mr B. T. BURKE: To say to those families that their difficulties are not urgent, and that their difficulties although imposed by the Premier and his Government are not of such a nature as to demand urgent reconsideration, is quite wrong. Of course it is a matter of urgency when people on a gross wage of $133 per week are told that they shall pay more than 25 per cent of their income in rent. Obviously their net income if they receive a gross wage of $133 per week is not four times as great as the proposed rents. Of course it is urgent to relieve those people of the worries they are now experiencing. It is urgent to tell those people that we will take another look at the situation. That is clearly the position that the Opposition is taking. That is clearly what we are attempting to impose on this Government on this day.

We are saying very clearly that the excuse that these rises will not be implemented until the 1st October is not a sufficient excuse. It is not

sufficient to say to people that they can worry until this House gets around to considering a motion seeking reconsideration. We are saying to these people now that the members on this side of the House appreciate their hardship and want to reconsider the matter immediately.

There is also the question of the machinery of the State Housing Commission and of its preparedness for, and its adaptation to, the new rent rises. If it is not sufficient to relieve the worries of people then certainly the whole tone of this Government would indicate it is urgent to relieve the State Housing Commission of the prospect of wasting money by going ahead with rearrangements that may not be necessary.

I repeat that the statement that because this increase will not be made until the 1st October, and that a substantive motion can be moved before that time, is not a sufficient reason to say to people who are vastly concerned, "You will endure one week, 10 days, or two weeks of anguish and heartburning and worry and concern about the magnitude of the impost that is to be placed on you by our Government." That is not sufficient reason for this Government deliberately to say to those people, "Regardless of our mouthings in the past, you will now pay more than 25 per cent of your income to the State Housing Commission as rent."

It is urgent also to tell these people that this Government does have the attitude that the State Housing Commission rentals must support the operations of the State Housing Commission, because that is what it is saying. Why does it not apply the same rule to the Metropolitan Transport Trust or the railways? It subsidises their operations; and more importantly and more urgently in need of subsidisation is the matter of the State Housing Commission's role in assisting people who do not enjoy even the average wage.

That is the first point; the matter is urgent because it is not sufficient to say the rises will not be implemented until the 1st October. It is not sufficient to say that although that involves some extra waiting and hardship and anguish to people, they can endure that while we make preparations at our leisure to tell them of our intentions.

The second point that urgently needs to be considered is the irrational and irresponsible actions and statements of the Minister for Housing.

Point of Order

Mr HASSELL: Mr Speaker, it seems to me that under the Standing Orders there are two points involved. One is whether the issue is urgent, and the other is whether you can rule that it is or is not urgent. I submit that the point at issue in the dissent motion is whether you can rule whether or not the matter is urgent, and not the issue of whether or not it is urgent. The member for Balcatta is talking about whether the matter is urgent—

Mr T. H. Jones: You are not in court; you are in the Parliament now.

Mr HASSELL: —whereas the point at issue is whether you can rule on the matter.

Mr Barnett: What is your point of order?

Mr HASSELL: My point of order is that everything being dicussed by the member for Balcatta is irrelevant to the dissent motion—

Mr Bryce: The Speaker has already ruled on that.

Mr HASSELL: —and therefore out of order.

The SPEAKER: The only point in respect of which the member can dissent from my ruling is on the matter of the urgency aspect. The ruling I have made is in line with rulings that have been made on previous occasions in this House. Much as I do not like members moving to dissent from my rulings, as Speaker of the House I have an obligation to accept such motions. I am not above the House; I have to accept that I can make mistakes, and the procedure being followed now is one given to members of Parliament to ensure that the Speaker, as far as is practicable, is not allowed to make mistakes.

Opposition members: Hear, hear!

Debate (on dissent motion) Resumed

Mr B. T. BURKE: Thank you, Mr Speaker. The point of order was quite preposterous because it limited any dissent to simply restating a single sentence—that is, that a matter is urgent—without supporting that statement by reference to any of the facts that make it urgent.

I was moving to the second point of the motion, and that is the one which deals with the irrational and irresponsible statements of the Minister for Housing who continually tells us that this increase in State Housing Commission rents is in line with increases in the Consumer Price Index. That is not true. I do not know why the Minister tries to prevail continually upon the public with an argument that is so patently false; but let us once and for all lay the lie to rest.

During the last year metropolitan rents of State Housing Commission units have increased by 37 per cent. During the past year the CPI

has increased by 14 per cent. It is urgent to tell people that the arguments being used by this Minister are false, are irrelevant, and are untrue. If we do not do that now, then we are allowing this Minister to prevail for at least one week, or for at least that time which will expire before a substantive motion comes before the House; and I say there is no need to allow that time to elapse and to allow these fallacious arguments to continue to be used. We should tell the Minister immediately, while the argument is fresh upon the pages of the paper that it is a false argument and he should desist. That should not be done next week; it should be done now. The Minister has a responsibility, and if he does not fulfill that responsibility it falls upon us to ensure he does. That is quite clear.

The third point in my proposition touches upon the Minister for Housing having recently told the Parliament that proposed increases were not before Cabinet. If there is nothing else urgent about the motion, then definitely this matter is. The whole essence of the urgency of this point is that this Parliament should not allow Ministers to provoke and prevail upon it misleading statements—statements that are not true, statements that do not measure up with the facts. If any member cannot see the urgency of putting a stop to that sort of practice, then it is quite beyond me.

Mr O'Connor interjected.

Mr B. T. BURKE: The Minister will have his opportunity in just a moment. It is very true that the urgency of stopping this practice—and I will prove that it has occurred in just a moment—is of the first order. There is no doubt that if some Minister continually, or even once, misleads the House, then the House should at the first opportunity say to that Minister, "You cannot persist in what you are doing." The first opportunity is the opportunity we have now—the opportunity to tell the Minister that one of the things we hold dearest in this House is the prevention of this sort of thing.

Point of Order

Mr GRAYDEN: Mr Speaker, the member for Balcatta has moved to disagree with your ruling. However, under the pretence of disagreeing with it he is debating the matter he originally sought to debate. In those circumstances he should be confined to the point at issue: whether you were right or wrong. This is in accordance with Standing Order No. 48 or No. 49.

Mr Bryce: Which one is it?

Mr GRAYDEN: It is Standing Order No. 49, which states—

> A Member wishing to move "That the House do now adjourn" under Standing Order 48, shall first submit a written statement of the subject proposed to be discussed to the Speaker who, if he thinks it in order, shall read it to the House, whereupon, if seven Members rise in their places to support it, the Motion shall be proceeded with.

This matter was submitted to the Speaker; he has ruled that it is out of order; the member for Balcatta has moved to dissent from that ruling, and in the process of doing that is departing completely from that issue and is debating the matter he originally sought to debate, and which he would have debated had his motion been accepted. In those circumstances I ask that he be ruled out of order.

The SPEAKER: I agree in part with what the Minister for Labour and Industry has said. Unfortunately it appears the member for Balcatta is taking this opportunity to make the speech he would have made had the urgency motion been allowed to proceed. I find myself in the delicate position of having to "lean" on a member who is making a speech in support of dissenting from my ruling. However, I feel the member for Balcatta is not strictly confining his remarks to the question before the Chair.

Mr O'Connor: He abuses every privilege.

Debate (on dissent motion) Resumed

Mr B. T. BURKE: If I can explain to people who, like the Minister for Housing, are quite incapable of comprehending the very simplest of facts, what I am saying is that my proposition contains three parts. The nature of those three parts indicates that the motion in its entirety is an urgent matter. If I am to be restricted simply to saying in opposition to your ruling that the matter is urgent without being able to support it by reference to the facts that are included in the proposition, then I am to be prevented from saying almost anything.

What I am now saying with respect to the third part of my argument is that the Minister for Housing, who recently told the Parliament that proposed rent increases were not before Cabinet, should be told as a matter of urgency that he should not mislead the House. That is what I believe he did, and that is what I believe we have an obligation to tell him as soon as possible after the offence has occurred; namely, that he should desist from repeating his offence.

Mr Speaker, the Minister for Housing told the House certain things in relation to proposed rent increases not being before Cabinet. He then admitted to the House that increases would probably come about but that they were not before Cabinet. Certainly, that was the impression he gave the House.

After seeing the predictions made by the Opposition come true, the Minister is now saying that the matter is still not before Cabinet. At least in the chronological sense the matter must have been before Cabinet and to that degree the Minister is guilty of misleading the House. That is where the urgency comes in.

Point of Order

Mr HASSELL: Mr Speaker, I raise a point of order. Again I draw your attention to Standing Order No. 130 which states that no member shall digress from the subject matter of any question under discussion. The remarks which are being made by the member for Balcatta are totally irrelevant to the motion to dissent from your ruling.

The SPEAKER: I concede that it is a fairly fine line to decide when the member for Balcatta is speaking to the motion, and when he is not. I can only ask for his co-operation. I think I gave the lead to the honourable member when I suggested a little earlier that perhaps he was making the speech he might otherwise have made had his original move been successful. Once again, I can only ask for the co-operation of the member for Balcatta.

Debate (on dissent motion) Resumed

Mr B. T. BURKE: Mr Speaker, you have my full co-operation. However, I again point out to members that it is very hard to draw conclusions about the urgency of a case if I am not allowed to refer to the factors which create the urgent situation. If the Government wishes to proceed with these puerile points of order simply because it wants my time to expire before I can complete my case, be it on the Government's head. The Government is adopting these tactics to cover the diabolical nature of these rent increases and the irresponsibility of its own Minister in misleading the House.

As for the three points contained in the argument I have submitted for your consideration to be placed before the House as a mattter of urgency, Mr Speaker, I say that all three points can be clearly related in the most urgent manner to my motion to dissent from your ruling. This issue must be discussed fully and as quickly as possible. Certainly, the speech I am making now does not resemble the speech I would have made had you deemed my original motion to be of an urgent nature.

In view of the preposterous hardship being imposed on people in State Housing Commission homes, I say that the Government and the Speaker should not allow those people to endure that hardship for one minute longer than is absolutely necessary. Additionally, the irrational and irresponsible attitude of the Minister for Housing, with his misleading and false statements about the Consumer Price Index and the increases in State Housing Commission rents is too much for this House to accept. The Minister has gone too far, and this practice should be stopped today—not next week, as the result of a substantive motion, but today. The Minister for Housing should face up to his responsibilities now, not in 10 days' time. The Minister should admit his faults now, not in 10 days.

The same argument applies in respect of my last proposition; namely, that the practice being followed by the Minister is not acceptable to the House. The practices followed by this Minister need urgent correction. The Minister should face up to his responsibilities now, not in 10 days or two weeks' time. The Minister is in an indefensible position; it is a position which needs to be attacked now. Unless my motion is accepted as a matter of urgency, I doubt the worth of moving similar motions in the future.

Mr BRYCE: Mr Speaker, I rise to second and support the motion to dissent from your ruling moved by my colleague, the member for Balcatta. I believe it is appropriate for me to suggest not only to you, Mr Speaker, but also to many Government backbenchers that they familiarise themselves with the book of Standing Orders. This motion to dissent from Mr Speaker's ruling is based upon the fact that the Speaker has made a ruling. We saw the Premier attempting to suggest to Parliament that members had no right to dissent from the Speaker's ruling.

Sir Charles Court: I said nothing of the sort; do not distort the situation. Are not we also entitled to use Standing Orders, or do we not work under them?

Mr BRYCE: Mr Speaker, you were called upon to make a ruling, by virtue of what is contained in Standing Order No. 48, as to whether or not the motion moved by the member for Balcatta was urgent and warranted immediate discussion in this House. You indicated to the House by reading from a letter that the matter was not urgent.

I should like to join with the member for Balcatta in suggesting that by virtue of the substance of that letter, the matter is urgent. It is a question of distinction, of a difference of opinion. Mr Speaker, you were called upon to make a value judgment, and you ruled that the matter was not urgent. I am on my feet now to support the member for Balcatta and to insist that it is urgent.

I believe the issue is urgent, for a number of reasons. In your ruling to the House you suggested there would be ample time for a substantive motion to be moved in this Chamber to enable the member for Balcatta to give vent to his beliefs and grief in regard to this matter. However, because of the way in which this House conducts its business, I suggest there will not be appropriate time for that to occur. Today is the 7th September. Next Wednesday, the 14th September, will be the first opportunity for a private member in this House to move a substantive motion.

Mr Nanovich: Today is the 8th September.

Mr Clarko: You do not know what day it is!

Mr BRYCE: That is correct; today is the 8th; yesterday was Wednesday, the 7th September. Mr Speaker, are not Government members original in their ignorance of the Standing Orders? The first opportunity any member in this House will have to introduce a private member's substantive motion will be next Wednesday, the 14th September. The way we have seen the Government conduct the business of this House, the motion will be automatically adjourned after its mover has spoken to it. It will not come up for debate again until the 21st September. Presumably, the House will not sit during the next week because, after all, State Parliament must stop while the Royal Agricultural Society holds its annual Royal Show.

Sir Charles Court: Do not start that caper! Your side asked for Parliament to stop during the school holidays.

Mr BRYCE: That is the time element which, of necessity, is involved. Any matter of urgency is related to a question of timing, and this takes me to my second reason; namely, the simple matter of the administrative machinery inside the State Housing Commission.

The Minister for Housing can tell us in a short while that when a decision is made to increase the rent structure of more than 20 000 dwellings throughout the State, a great deal of work needs to be done inside the SHC. So, if these changes to the rent structure are to come into effect by the 1st October, several weeks' work is needed to impose the increases as efficiently as possible.

Under the Standing Orders by which this Parliament operates, Parliament would not have sufficient time at its disposal to enable members to express their concern at the savage rent increases proposed for SHC dwellings which, only a few days ago, the Minister indicated by way of interjection, were not before Cabinet. Even with the two or three weeks needed by the SHC to effect the increases efficiently, this House would not have the opportunity to convey to the commission its strong disapproval of the increases before the machinery of the commission is altered, and the rent increases are imposed.

There is another reason involving the time element which certainly relates to whether or not the matter is of an urgent nature. It is urgent that this Government should immediately approach the Federal Government. If the Minister's statement as reported in today's issue of *The West Australian* is correct—namely, that the rent increases are necessary and essential to provide more funds for housing to cater for the increased demand—it is urgent that this Government immediately approaches its counterparts in Canberra and informs them that Western Australia is being strangled under new federalism and that the State needs more money for housing.

It is urgent that this be done immediately. We cannot afford to wait until after the 1st October and until the impact of these rent increases begins to affect the low salary and wage earning families in Western Australia.

My colleague, the member for Balcatta, expressed his concern which is related directly to the question of urgency in this Chamber. When the Minister for Housing makes misleading statements it becomes directly a matter of urgency for this Chamber to take them into consideration.

Mr O'Connor: You are not going to get back to that, are you?

Mr BRYCE: Let us have a look at these two straightforward questions on which the Minister has made misleading statements which need to be taken up immediately and not in 20 days' time. The first one relates to a statement by the Minister when questioned in this Chamber that the Government did not have before it or have in its mind a decision to increase rents.

Mr O'Connor: It was not a question.

Mr BRYCE: The member for Balcatta directly questioned the Minister on this matter and it appears to be obvious that the Minister had the idea in his mind, but he said that was not so. The second misleading statement—

Mr Sodeman: Why be dishonest?

Mr BRYCE: It was before Cabinet; that is what it says in the motion.

Mr Clarko: You said in his mind.

Mr BRYCE: The second misleading statement also constitutes a grave urgency. It affects a great number of people—in excess of 20 000 families—who occupy State Housing Commission rental properties. They will have read in the Press today that the increases to be brought in will be in the vicinity of 34 and 37 per cent and yet in that same article the Minister has had the temerity to say these increases are only in line with increases in the cost of living.

Let me make the point that these people are concerned and bewildered. The people will have read that the increases in rent are going to be raised only to match the increase in the cost of living, but I would point out that that increase amounts to 14 per cent only. The Minister said in the paper that the rent will increase by a figure somewhere between 34 and 37 per cent which will affect the vast majority of people who I presume live in the metropolitan area. If this does not constitute a question of urgency—a Minister making such a statement—nothing I have seen in my time in this House does.

One final point, and I guess it is related, as it is a cumulative realisation, is that it is most urgent that this Government be brought back to earth with one heck of a thump. This decision affects all low wage and salary earning families, widows, unemployed people and pensioners—the people living on $47 a week plus some allowances if there are youngsters involved. The minimum amount of money earned by a person on an award wage in this State is a miserable $108 for women and $111 for men. As members of Parliament we all know that if anyone earns less than $167 a week he can apply for one of the State Housing Commission houses.

The urgency of the situation highlighted today surrounds the fact that 13 infamous Cabinet members, who sat around a table and made this decision, are all enjoying parliamentary salaries of between $750 and $1 000 a week. If their decision does not constitute a case for an urgency motion, realising what they are doing to the wage and salary earners in this State who occupy State Housing accommodation, I cannot imagine what is urgent. The Ministers should be brought back to earth and made to realise what they have done.

This afternoon was a highly appropriate time for this House of Parliament to express its rejection of the move made by the Government, with a request to the Government to review immediately the decision it made, with a view to keeping down the increase to one that is fair, realistic, and humane, if indeed there has to be an increase at all. I indicated at the outset of my remarks that it was with regret that this motion was necessary, as I feel very strongly for the people I represent in this Chamber, especially those on the lowest level of wage structures in this State who occupy these homes.

I can only suggest to the members who sit in this Parliament and who represent farming communities, how disgusted they would be and how quickly they would jump to their feet, if this or any other Government had increased the price of superphosphate by 34 or 37 per cent. They would be concerned if such an increase was placed on any article that affected the livelihood of people in their electorates. There are many members in this Chamber representing people living in State Housing Commission homes and they should all appreciate the urgency of this matter.

Sir CHARLES COURT: Mr Speaker, I oppose this motion to disagree with your ruling for very good reasons. First of all, you have explained in the letter you read to the Chamber why you did not consider the request as coming under the heading of urgency.

Mr Jamieson: I do not know that the Speaker has that responsibility under the Standing Orders.

Sir CHARLES COURT: With due respect to the Leader of the Opposition, after his long experience in this Parliament he should know that is the reason the matter is taken to the Speaker, and it is the only reason.

Mr Tonkin: The Standing Orders do not say so.

Sir CHARLES COURT: The question of urgency motions on this kind of thing is not new. On occasions when we were in Opposition during 1953 to 1959 and 1971 to 1974 we prevailed upon the Speaker, and sometimes we did not succeed.

Point of Order

Mr B. T. BURKE: A point of order, Mr Speaker—

A Government member: Fair crack of the whip.

The SPEAKER: Order!

Mr B. T. BURKE: Quite clearly the Premier is not talking to the subject matter before the Chair.

Mr Clarko: You have plenty of effrontery.

The SPEAKER: Order!

Mr B. T. BURKE: You have a bit yourself.

The SPEAKER: Order!

Mr B. T. BURKE: As I was saying, the Premier is not talking to the subject matter before the Chair. Rather, he is giving us a lecture in history and I would ask him, as you asked me, Mr Speaker, to speak to the subject matter.

The SPEAKER: For the same reason that I allowed the two previous speakers to speak in the way they did, I shall allow the Premier to make his speech in the manner he is making it. It is difficult for me to decide what is revelant to the motion and what is not and it is particularly embarrassing under the circumstances to rule in these situations.

A Government member: The chickens come home to roost.

Debate (on dissent motion) Resumed

Sir CHARLES COURT: I submit that the matter I am putting before the House is directly confined to the motion we are discussing; that is, the disagreement with your ruling, Mr Speaker, whereas those before me did not conform to what is normally required in respect of a motion before the House.

Mr Bertram: You are reflecting on the Chair.

Sir CHARLES COURT: Standing Order No. 48 says—

> A Motion "That the House do now adjourn" for the purpose of debating some matter of urgency, . . .

That is the point. Standing Order No. 49 says—

> A Member wishing to move "That the House do now adjourn" under Standing Order 48,—

We cannot dissociate one from the other. To continue—

> —shall first submit a written statement of the subject proposed to be discussed to the Speaker who, if he thinks it in order,

I repeat, "if he thinks it in order".

Mr Pearce: If it is in order; not urgent.

Sir CHARLES COURT: The new boy in the class.

The SPEAKER: Order!

Point of Order

Mr TONKIN: Mr Speaker, I take a point of order. I found it grossly offensive that the Premier in that cynical and vain way should talk about "the new boy in the class". I think it is unworthy of anyone in this House to say that about a member, and I ask that it be withdrawn.

Several members interjected.

The SPEAKER: Order!

Mr Pearce: I do not mind what the Premier said.

The SPEAKER: Order! The words were not unparliamentary.

Debate (on dissent motion) Resumed

Sir CHARLES COURT: I was endeavouring to relate to the House that Standing Orders Nos. 48 and 49 must be read together, and the matter comes down to a question of urgency. The Speaker has been entrusted by the House to make this decision on the question of urgency. I repeat that there were occasions when we were in Opposition on which I went to see the Speaker and my requests were acceded to, and occasions when my requests were refused.

Mr Jamieson: Give us an example of the refusals.

Sir CHARLES COURT: If I had time to do some research I would give the honourable member an example. I am referring to occasions when the Speaker was able to convince me that because private members' day was approaching and no physical crisis was going to arise I did not have very good grounds. But I must admit that on some occasions both Speaker Toms and Speaker Norton permitted the Opposition to move an urgency motion.

I come back to the reasons why urgency is not present in the form that members have tried to claim that it is present. The cold hard facts are that they could have given notice of motion today or on Monday and it would be completely in the hands—

Mr B. T. Burke: If you will be here on Monday we will do it.

Sir CHARLES COURT: On Tuesday then; excuse me. If the Opposition were to give notice of motion either today or on Tuesday the order of precedence it gets when we reach private members' day on Wednesday is entirely in the hands of the Opposition. If the Opposition considered it to be urgent it would make sure the matter was the first motion on the notice paper.

Mr Bryce: And you would adjourn it.

Sir CHARLES COURT: There would be a mover and a seconder and they could state their case in absolute and full terms. The mover would have limitless time to state his case, and the seconder could then state his case. At least they would have got the message across and on a matter such as this the Government would normally reply. I remind members opposite that

if they had taken this course they would be in no worse a position with regard to the question of urgency than they would have been today if the Speaker had acceded to their request. The motion which the member for Balcatta was going to move would not have been voted on today because he should know that there would have been an agreement between the Opposition and the Government about the number of speakers, and at the end of those speeches the motion would have lapsed and would have been withdrawn. If that arrangement had not been entered into the House would never have embarked on the exercise.

Accordingly, Mr Speaker, I believe you have ruled properly. There will be occasions when the Opposition with effect will be able to make approaches to you, Sir, for the use of the urgency procedure. But it must be a case of genuine urgency and I do not think this is one, in view of the fact that question time is approaching and the Opposition also has the right to give notice of motion and if it—not the Government—desires it can make the motion the first item of business on private members' day next Wednesday.

Mr TONKIN: I am reminded of the occasion in the period from 1971 to 1974 when the then Opposition wished to talk about a drought that had been continuing for years; and on that occasion the Speaker allowed the Opposition to speak, although it was quite clearly outside the power of that State Government to bring the rain, as it apparently seems to be outside the control of the present State Government to bring the rain. But on that occasion the Speaker agreed that it was a matter of great importance to the public in the rural areas and, therefore, quite rightly allowed it.

We suggest that because this matter of great importance affects people on low incomes in urban areas members opposite do not think it is important. We on this side of the House are greatly concerned at the way in which the Premier seeks to intimidate the Speaker. This is not the first time he has done this. He has asked for phrases to be withdrawn which are clearly not unparliamentary—phrases such as "confidence trick".

The Premier will make this Parliament the laughing stock of all Parliaments in the world because this sort of matter will be written up in *The Parliamentarian* and everyone in the Commonwealth Parliamentary Association will laugh and point out to his friends these ridiculous phrases that have been withdrawn at the Premier's behest. The Premier is making this Parliament a laughing stock. Some of us would like to see this Parliament as something of which to be proud, not as something which is under the Premier's thumb.

Several members interjected.

Mr TONKIN: That is a joke to members opposite.

The SPEAKER: Order! The honourable member will resume his seat. As I understand it, it is the Speaker who is under attack and perhaps the member for Morley will confine his remarks to the question before the Chair.

Mr TONKIN: Certainly, Mr Speaker. The problem is, of course, that you, as the Speaker, are put under tremendous pressure by this Premier. The reason that there has already been great dissension is that the Premier insists on getting his own way in everything. We believe that this Parliament should be independent of the Executive. We are tired of the Premier having his will; he can decide something and it will be passed through this Parliament, no matter what happens.

I come back to Standing Order No. 49, which says in part—

> A Member wishing to move "That the House do now adjourn" . . . shall first submit a written statement of the subject proposed to be discussed to the Speaker who, if he thinks it in order, . . .

It does not say, "who, if he thinks it is urgent".

Sir Charles Court: It does. Read out the whole of Standing Order No. 49.

Mr TONKIN: The Premier did not do so.

Sir Charles Court: I did. You read out the whole of Standing Order No. 49.

Mr TONKIN: The Premier certainly did not do so. Why did he not read out the whole of Standing Order No. 49?

Sir Charles Court: It relates it to Standing Order No. 48.

Mr Bryce: The word "urgent" does not appear in Standing Order No. 49.

Sir Charles Court: It does in Standing Order No. 48.

Mr TONKIN: It does not use the words "in order" in the terms of Standing Order No. 48 but in terms of all the Standing Orders of this Parliament.

Sir Charles Court: Do not make a fool of yourself. It refers to urgency.

Mr TONKIN: If the Premier wishes to call me a fool, that just shows how intemperate this man is when someone dares to disagree with

him. He is so used to getting his own way from the sycophants on that side of the House that when someone stands up to him all he can do is descend to personal abuse.

The term "in order" does not refer only to Standing Order No. 48; it refers to all the Standing Orders, all the usages of the House, and the whole function of the Parliament. It means "in order in every way". For example, a quorum must be present and seven members must stand in their places before such a motion can be debated. So it is not just a question of urgency; it is a question of being in order in every way.

I do not think it was ever intended that the Speaker should give a veto decision and say that a matter brought forward and supported by seven members is in his opinion not urgent. Clearly the Speaker is not here to decide what is urgent and what is not urgent. The ultimate arbiter of that is the House itself; it decides what is urgent and what is not urgent, and what shall be done and what shall not be done.

Mr Speaker, you have been elected to ensure that the forms and usages of this House are upheld. That does not mean you are there to make political decisions. Clearly it is a political decision whether such a matter is urgent.

The SPEAKER: Order! I find that statement offensive, and I ask the member to withdraw it. The decision that has been taken was taken by me as the Speaker acting impartially and it was not a political decision.

Mr TONKIN: Mr Speaker, I withdraw; I certainly did not mean to reflect on you. I think there has been a breakdown in communications here.

Mr O'Connor: Ha, ha!

Mr TONKIN: If the Minister will just listen I shall explain that I was not suggesting that you, Mr Speaker, were being political in your decision. What I said was that it was never intended that a Speaker—any Speaker, not you—should make a political decision and without—

Mr Sibson: Ha, ha!

Mr TONKIN: What I said, as *Hansard* will show, is that it was never intended that a Speaker should make a political decision. A political decision does not mean a decision which is pro-Liberal Party; I wish we could get that matter straight. A political decision is one related to politics—the art of government.

A political decision is made by members of the House acting not as members of a particular party but as political beings saying, "We think or we do not think that that is a matter of urgency." A farmer on the land will consider urgent matters which are different from those which a tenant of a State Housing Commission flat will consider urgent.

I referred to "political" in the sense that you, Sir, are not there to make political decisions. They are made by votes of the House. We pass Bills. You are not required to decide whether any of those Bills are good or bad. All you are required to do is to say whether the Bills are in order.

Mr Clarko: On what basis should he decide whether or not a matter is urgent?

Mr TONKIN: I am saying he should not decide whether or not it is urgent. He has to decide whether or not it is in order. That is what the Standing Orders provide. I am saying that the Speaker certainly is not required to make a decision as to urgency because that is a political decision.

I hope you will accept my explanation, Mr Speaker. Indeed, I feel as though I should ask for some apology from you because I do not like it to be recorded in *Hansard* that I have been asked to withdraw a remark against the Speaker, and have in fact withdrawn such remark, when, if you had understood everything I have said, you would have known I was certainly not reflecting on the Chair when I was referring to the Speaker—

The SPEAKER: Order! Perhaps I could facilitate the progress of the House if I were to apologise to the member for Morley. I interpreted his remarks as though they meant that I was making a decision on a political basis. If that is not what he said, then I apologise.

Mr TONKIN: Thank you. I am sure that when you look at *Hansard* you will find that what I say is true. Thank you for your comment.

This is the essence of the Opposition's comments on this motion of dissent.

Mr Sodeman: If the Speaker does not deliberate on the urgency of the motion then no matter what is raised it must be dealt with. That is what you are saying.

Mr TONKIN: Provided it is in order.

Mr Sodeman: And as a matter of urgency.

Mr TONKIN: In that case the Standing Order should stipulate that; but I do not think it was ever intended that the Speaker should enter into the political arena and make political decisions. In other words, I do not think he should say whether or not any matter is urgent. Indeed, it would not be in the best interests of the

House if a Speaker were required to sit in judgment on a matter and decide whether or not it was urgent. The perspective of the Speaker changes from time to time.

The whole point is that this is a matter of urgency to those people in State Housing Commission accommodation and it is a matter which we believe should be brought to the attention of the Government. The question as to whether or not it is in order should be clarified. I certainly do not believe that it should be written into Standing Order No. 49 that a matter must be urgent. That was not the original intention.

Mr Sodeman: The Standing Order requires the Speaker to make a judgment on urgency to maintain a degree of order in the House.

Mr TONKIN: No.

Mr Sodeman: You say he should not do that?

Mr TONKIN: That is right. If, in fact, that is what it means, it should say so.

Mr Sodeman: It refers to No. 48.

Mr TONKIN: I know, but it should include the fact that the Speaker must decide whether or not he considers the matter is urgent. It would be simple to include it, and in that case the situation might be different. However, as I said, I think such a move would be a retrograde step as the Speaker would then be brought into the political arena because he would be required to say to the Opposition whether or not he considers the matter is urgent.

Mr Sodeman: That is the whole essence of the thing.

Mr TONKIN: I think it was Speaker Norton who acted quite correctly some years ago when he said that a debate could proceed on the then existing drought. I do not know whether or not the matter was urgent. It could have been raised on private members' day a week later. The drought had been with us for years and it is doubtful in any case whether the Government could do anything about it. However, Speaker Norton decided it was not his prerogative to say whether or not the matter was urgent, but that it was for the House and the Government to decide that point. Consequently he allowed the debate to proceed. That is a far safer way to act than for the Speaker to enter into the political arena and make a value judgment and say that he does not consider a matter is urgent.

Mr JAMIESON: The honourable member who has just resumed his seat raised a point I wished to make. I am sure that when he thinks about the past the Premier will come to a different conclusion about Standing Orders Nos. 48 and 49 from that which he has reached now.

As the member for Morley just said, some years ago the drought situation was the subject matter of an urgency motion and the Speaker ruled it was in order.

I do not believe we could go ahead on an urgency motion which attacked the Queen, judges, or someone like that because according to Standing Orders this would not be allowed. All the Speaker must determine is whether or not the motion is in order. The Standing Order does not say that the Speaker's judgment must be based on whether or not the matter raised is urgent. That problem is resolved if the mover of the motion has the support of seven other members of the House. That is how the determination as to urgency is made, not by a decision of the Speaker.

I was placed in a rather poor position by your predecessor last year, Mr Speaker, who did not give a decision before the House sat. I was trying to ascertain what his decision would be, but I could not do so and by the time I found out, it was too late to raise the matter, because any urgency motion must be raised before the normal proceedings of the House are commenced. On that occasion the Speaker ruled that the matter was not urgent. Had I been able to do so I would have adopted action similar to that which has been adopted today because I believe the Standing Orders are quite correctly interpreted. Standing Order No. 48 allows a person who is aggrieved or worried in some way to raise a matter he considers urgent.

Of course our ideas differ on the degree of urgency of matters. I will refer to two motions which were the subject of debate in the past and let members decide for themselves whether or not they consider they were urgent. As a matter of fact they were moved by an ex-Speaker of the House who obviously believed he had the prerogative to do so.

One of the motions dealt with crowing roosters in the backyards of houses around Perth. If that was really urgent, I am not here. The roosters had been crowing for a long time and probably still are to a degree. Nevertheless, the member had seven supporters and, as the Speaker had already indicated that the motion was in order, the debate proceeded.

The same member subsequently moved a similar motion when a tram overhead pulley system became loose at the corner of Oxford Street and caused some damage. This had

occurred many times since the commencement of the operation of trams in the metropolitan area, but it also occurred on that particular day and the member concerned believed it was a matter which should be raised in the House. The Speaker considered the motion was in order and not against any rules of the House. If I am not mistaken, one of the seven who supported him was the member for Nedlands, the present Premier.

Sir Charles Court: I cannot remember the one about the tram.

Mr JAMIESON: If the Premier will refer back to earlier *Hansards*, he will find what I am saying is true. I have just referred to two items which were raised under the Standing Orders.

Mr Coyne: The House is more enlightened now.

Mr Clarko: We do not have trams for a start.

Mr JAMIESON: Not very many urgency motions have been moved. The decision as to whether a matter should be debated is left to members because the mover of the motion must have seven supporters to enable his motion to be debated.

If a member raised some ratbag scheme and he had seven supporters, in those circumstances I believe the Speaker would be justified in ruling the motion out of order because this would protect the decorum of the House. Another instance when the Speaker decides whether or not a member is out of order is when certain questions without notice are asked. He does not know until he has heard the question whether it is in order, but as soon as he hears it he can indicate whether he does or does not consider it is a right and proper question to be answered.

However, to me a matter of urgency is not in the same category. I think this is clearly indicated by reference to the subject matters of urgency motions which have been debated. If this were not so, they would have been ruled out of order at the time as not being considered matters of urgency. However, the matters were raised, examined, and debated because the Speaker found they did not offend against the Standing Orders, and the movers had the required seven supporters.

Because of that, I feel your ruling could have been astray and even at this late stage I think you should reconsider it because it could have vital repercussions in the future with regard to the source of the judgment.

As I understand the situation, you, Mr Speaker, did not rule that the motion offended against any Standing Order; you ruled that it had no degree of urgency. I contest your right in your position—having due regard to what has happened in the past—to determine on the matter of urgency as you did. Had you determined the matter was something the Parliament was not entitled to deal with, because it did not come within Standing Orders, that would have been justifiable.

The argument now is whether the subject under discussion is a matter of urgency, and that decision must be left to the member who makes the submission to you, and the decision of the House by virtue of seven members supporting that member—as is required by Standing Orders —to indicate the matter does have a degree of urgency.

Sitting suspended from 3.41 to 4.00 p.m.

Mr O'CONNOR: Mr Speaker, I rise in support of the ruling you have given. I sincerely believe your ruling is correct. If the Parliament accepted otherwise it would mean members could come here with an urgency motion on any issue at all—a tax increase, an increase in motor vehicle licence fees, or anything of that type—and we would be setting a precedent to bring such matters before the House as the subject of urgency motions.

I believe the provision for an urgency motion was made to deal with such matters as fires, disasters, floods, and any acute emergency in the State. The fact is members of the Opposition have until the 1st October to bring a motion before the House in an endeavour to censure the Government on this issue. There is ample time for that.

I am amazed at the way the Opposition has sought to bring forward an urgency motion today, and at the distortions of the member for Balcatta. One of the reasons which the member for Balcatta said it was necessary to bring an urgency motion before the House—and he said it was one of the most urgent reasons—was his claim that I had misled the House in saying the matter had not been brought before Cabinet. I will briefly refer to *Hansard* of the 25th August where it will be seen the member for Balcatta accused me of having taken the matter before Cabinet and I denied it. He then went on to say—

> I thank the Minister for the confirmation of the fact that there will be an increase.

Surely that eliminated the urgency in this case because there was no doubt in my mind or in the mind of any member of Cabinet or any member of this House, including the member

for Balcatta, that this issue was not taken to Cabinet until Monday of this week.

Mr Laurance: There must have been some impropriety on the part of members of the commission or somebody.

Mr O'CONNOR: Obviously the member for Balcatta had internal information, and this disturbs me.

Mr B. T. Burke: I will tell you who told me about it: your general manager in discussions I had with him. That is the internal leak.

Mr O'CONNOR: It concerns me that the member for Balcatta distorts the matter in an endeavour to bring an urgency motion before the House. I believe the ruling you have given, Mr Speaker, is a correct one if we are to have the type of House we desire.

Mr GRAYDEN: I did not intend to speak but I will do so following the interjection of the member for Balcatta. He made the statement that he was aware of this matter for a long time, having received the information from the General Manager of the SHC.

Mr B. T. Burke: I did not say a long time.

Mr GRAYDEN: Well, when did the honourable member receive it?

Several members interjected.

The SPEAKER: Order!

Mr B. T. Burke: I will tell you; you asked me.

Mr GRAYDEN: You have no option.

Mr B. T. Burke: I received the information no more than four weeks ago. That information was given to me during discussions with the General Manager of the State Housing Commission and his deputy (Mr Healy). That led to a series of questions I asked subsequently and I accepted the Minister's assurances. How wrong I was to accept anything from him!

Mr Sodeman: You accepted nothing.

The SPEAKER: Order! The Minister for Labour and Industry.

Mr GRAYDEN: This is what the member for Balcatta said in replying to an interjection by the Minister on the 25th August—

> Or whether it is substantial, which is what I am saying. I thank the Minister for the confirmation of the fact that there will be an increase.

Mr B. T. Burke: I thanked the Minister. I accepted his assurance.

Mr GRAYDEN: That was on the 25th August. We now see the stark reality of the arrant hypocrisy of members of the Opposition. They are seeking to debate an issue of urgency. They have put it to you, Mr Speaker; you have rejected it; and they have moved to disagree with your ruling on the urgency—

Several members interjected.

The SPEAKER: Order! The member for Balcatta is interjecting at a time when the Minister for Labour and Industry is trying to make a speech. I ask him to desist from interjecting in the way he is.

Mr GRAYDEN: On the 25th August the member for Balcatta thanked the Minister for confirmation that the increases would take place. He indicated to us that in discussions with the General Manager of the State Housing Commission four weeks ago he gained knowledge of this situation. In the last four weeks we have had amendment after amendment seeking to censure the Government on all manner of subjects—

Mr Bryce: Including housing.

Mr GRAYDEN: —unemployment, education, industrial conditions, all sorts of things—and the Opposition has studiously refrained from making any reference along the line to this particular issue.

Mr B. T. Burke: That is a lie.

Mr GRAYDEN: As late as last night some members of the Opposition spoke in the Address-in-Reply debate. None chose to speak about this issue. Any one of those speakers could have moved an amendment to the Address-in-Reply, when this question could have been debated at length. It was not done. Of course it was not done, because yesterday the member for Balcatta and other members of the Opposition did not regard it as a matter of urgency in those circumstances. They did not regard it as a matter of urgency the day before yesterday; they did not regard it as a matter of urgency last week; it was not a matter of urgency, in their opinion, three weeks ago; and apparently it was not a matter of urgency the week before that.

Mr Clarko: What about the week before that?

Mr GRAYDEN: I give the member for Balcatta the benefit of the doubt. He has just said he heard about it four weeks ago. In those circumstances we must accept his word that he has known about it for only four weeks, and the Opposition in turn has known about it for only four weeks. So we cannot condemn the Opposition for not raising the issue five or six weeks ago; we can only condemn the Opposition for not raising it during the last four weeks.

Mr B. T. Burke: You are crazy.

Mr GRAYDEN: It seems extraordinary that they can keep information of that kind for that period and not say anything about it. It leads me to the conclusion they could not care less. Which member of the Opposition or other member of Parliament in this world would not raise the matter in the space of four weeks if he felt so keenly about it? Yet on this particular occasion the Opposition has been silent.

Mr Bryce: You had better get some curry to go with your rice.

Mr GRAYDEN: Today we have heard the most arrant hypocrisy from members of the Opposition.

Mr Sodeman: From "Mal's circus".

Mr GRAYDEN: They are trying to indicate that the words in Standing Order No. 49 simply mean members who seek to move an urgency motion must submit it to you in writing, Mr Speaker, and that you must look at it to see whether it is in order. How can it possibly be out of order unless it is not in writing, or is perhaps illegible and not on paper?

I imagine it is not even necessary for the motion to be on paper; it could be on parchment or paperbark if necessary. The point is it must be submitted in writing to you, Sir. Members opposite are suggesting that you have to see it is in order.

Mr Bryce: That is right.

Mr GRAYDEN: Quite obviously this has to be read in conjunction with Standing Order No. 48.

Mr Jamieson: It never has been in the past.

Mr GRAYDEN: Mr Speaker, you have to determine whether or not this is a matter of urgency, and you have to do that for one clear reason. These Standing Orders were framed for a specific purpose; that is, to stop Opposition members standing up virtually daily to move frivolous motions. That could happen once a day whenever this House is in session.

When we meet next Tuesday, there would be nothing to stop a member opposite from standing up to move a motion of this kind. Then on the following day the same thing would occur, and again the day after that. Such a procedure could be followed week after week. The Standing Orders were framed in this way to prevent the Opposition moving a censure motion daily; that is what it amounts to.

Mr Clarko: Can I ask you a question? Would it not mean that seven people could control the other 48?

Mr GRAYDEN: It would mean that debates in the House would be stifled. The Standing Orders go further to say that the Speaker has to rule whether or not a particular motion is a matter of urgency. You, Sir, have to determine whether a matter can be discussed on private members' day, in the course of the Address-in-Reply, or during debate on a Bill. You have to decide whether a matter is reasonably urgent and whether it can be discussed adequately in this House. Having determined that, the Standing Orders then go much further to state that seven members must rise in their places to support the motion.

The Standing Order is so worded to avoid the possibility of any member coming along here to say that a particular subject is a matter of urgency and should be discussed immediately and that all other parliamentary business should be set aside. The Standing Orders have been drafted specifically to cover a situation, and yet the Leader of the Opposition, the Deputy Leader of the Opposition, and others, have today stood up here to say that you have made a wrong decision.

I make the point again that this is arrant hypocrisy. Members know that there is no substance at all in the statements they have made. They have used this motion to disagree with your ruling, Sir, virtually so that they can debate an issue. This means that the Minister has not had the opportunity to reply to the allegations made, because he has attempted to conform with the spirit of the Standing Orders and he addressed himself to the question before the Chair.

Mr Bertram: He will get his opportunity.

Mr GRAYDEN: So by this surreptitious method, Opposition members have taken the opportunity to make unfounded and untrue statements. I take it for granted that the Minister will leave the House shortly and that he will give the lie to some of the statements that have been made. He has dealt already with the allegation that he misled the House in regard to his statement that the matter was not before Cabinet. Of course the matter was not before Cabinet.

We on this side of the House would be more concerned than anyone about the plight of the people who occupy State Housing Commission homes. Probably every Government member represents people who are accommodated in Housing Commission homes. However, we want to see the maximum possible amount of money made available for the erection of additional homes so that other people in similar circumstances can be accommodated.

The Opposition accepts the CPI figures, and these rent increases are in line with them.

Mr Bryce: They are vastly in excess of them, and you know it.

Mr GRAYDEN: That is not the point to be debated here. I want to emphasise that there is no substance at all, Sir, in the motion to disagree with your ruling on this particular question. What you have done is in accordance with Standing Orders, and I am horrified that the Opposition has wasted the time of the Parliament this afternoon in this fashion. The afternoon has been used up—

Mr Bertram: You seem to be more concerned with that than with the question.

Mr GRAYDEN: We met at 2.15 p.m.; it is now 4.15 p.m. and we have been talking about this frivolous issue for the whole time. Very shortly we will take questions and then the House will adjourn; so the Opposition has wasted the time of the Parliament on this matter.

Mr PEARCE: It is with some regret I add my name to those members who wish to dissent from your ruling, Sir, because I believe you have been a fair and impartial Speaker, and I note that you have shown me some considerations in the past. I may be a new boy in the class, but if the Premier is putting himself in the role of a teacher, he should check with the Deputy Premier who uses the term "teacher" regularly as a term of abuse.

Mr Speaker, you have held classes on procedure for new members. Perhaps these classes should be extended to old members, because some old members seem to be a little uncertain about the interpretation of the Standing Orders.

I want to refer to Standing Orders Nos. 48 and 49, because I believe an important part of the debate rests on whether or not you have the power to decide that a motion should not be entertained by the House because it is not of an urgent nature; that is to say, the argument is whether or not you have the power to make a value judgment.

On my understanding of Standing Order No. 48, necessarily tied to Standing Order No. 49, I do not think you have the power to decide the urgency of a subject. There is a subsidiary part to the question: If you have the power to judge on the urgency of a matter, should you exercise that power?

I think the Premier led members on the other side on the wrong track because he failed to refer to the provision that seven members must rise in their places. I wonder why that provision is included. If any member has a matter of urgency which he wishes to bring before the House, he takes it to the Speaker. If, on a value judgment, the Speaker agrees with him, why then is it necessary for seven men to rise in their places?

I believe there are two parts to this. When a member wants to raise a matter of urgency, the Speaker decides whether it is in order in accordance with the forms of the House; that is, in accordance with Standing Order No. 48 and the other procedural criteria which have to be met.

There are other implicit forms in the Standing Orders. If the Speaker thinks a motion is not in order, it does not necessarily mean it is not urgent. Throughout the Standing Orders we find other criteria. Standing Order No. 49 says, "The Speaker who, if he thinks it is in order", and that phrase has a clear meaning throughout the Standing Orders, and urgency has no part in that meaning.

The member for Karrinyup, who ought to know better, thinks the provision for seven members to rise in their places means that any seven members could rule this House; any seven members could rise at any time to demand virtually that any matter be debated at fantastic length.

Mr Clarko: Where is it wrong?

Mr PEARCE: I will tell the honourable member where it is wrong. If the honourable member reads Standing Order No. 48, he will know.

Mr Clarko: A member could go to the Speaker at lunch time with a motion, and then seven members could rule the other 48.

Mr PEARCE: I am horrified to think what the member for Karrinyup will do when he is in the Chair because he ought to be aware that debates do not necessarily go on *ad infinitum*. After the first speech, any member could move that the debate be adjourned.

Mr Clarko: Obviously you do not know how these debates are handled, either.

Mr PEARCE: I have already seen the convention in operation and I know perfectly well, as the honourable member knows, that most debates are adjourned after the first speech anyway.

Mr Clarko: You mean on an urgency motion?

Mr PEARCE: On any motion.

Mr Clarko: You look up the history of the House.

Mr Tonkin: It does not matter about the history of the House; a gag can be moved.

Mr PEARCE: There is much more to the way this House operates than the mere history of it, or that small part of it which the member for Karrinyup has observed.

Mr Clarko: You have not refuted my point.

Mr PEARCE: I have, because the majority of members of the House can decide at any particular time that a particular matter is not to be proceeded with. If the House feels its time is being wasted, it has the power to stop the debate.

Mr Clarko: And you say that is how urgency motions are dealt with in this House?

Mr PEARCE: That is a stupid and fatuous remark.

Mr Clarko: You have been here for five minutes.

Mr Tonkin: What has that to do with it? Don't you think people can read?

Mr PEARCE: Arguing in terms of rationality—

Mr Clarko: When are you going to argue about the motion?

Mr PEARCE: Does the honourable member deny that the House can move a gag motion on almost any debate?

Mr Clarko: Answer my question.

Mr PEARCE: The honourable member should answer my question.

Mr Clarko: What I said is that seven members could rule the rest.

Several members interjected.

The SPEAKER: Order!

Mr Clarko: I said seven could.

Mr PEARCE: Could what?

Mr Clarko: Cause the other 48 to just follow along.

Mr Tonkin: Rubbish!

Mr Clarko: You do not understand the meaning of the word "could".

Mr PEARCE: Yes I do.

The SPEAKER: Order!

Mr PEARCE: I shall turn now to the second part of the Standing Orders matter. Obviously there is some doubt inherent in the phrase "if he thinks it is in order", but I would construe it not so as to include value judgments about urgency. I would suggest it is not a good practice for the Speaker to rule on that particular aspect even if it is within his power because I believe in moving into the area of value judgments in this way, as the member for Morley suggested, the Speaker could put himself under the hammer for indulging in decisions which may be construed to be of a political nature; that is in the nature of a value judgment and I believe it would be unfortunate for both the Speaker and the House—

Mr Clarko: Somebody has to make a judgment if you are going to take precedence over the ordinary agenda. Don't you have to have a reason for that?

Mr PEARCE: That is the reason that there are seven members involved in standing in their places. If the argument of the member for Karrinyup is to be given any credence this particular Standing Order should say that 51 per cent of the House would have to stand in their places to decide on an urgency matter. Why the provision for seven? The member for Karrinyup says he has been here longer than five minutes but I would hazard a guess that he was not a member of Parliament when the "seven men" provision was passed.

The member for Karrinyup should exercise his mind and try to come up with some sort of reason as to why the "seven men" provision is there. If he did so I would be happy to listen to his answer.

Mr Clarko: Seven is an arbitrary figure.

Mr PEARCE: Why should there be an arbitrary figure at all? Why is it in there at all because if anyone is to stand in his place like the member for Karrinyup—

Mr Clarko: You use cheap abuse because you have not got an intelligent argument.

Mr PEARCE: If any one member were to stand in his place and say, "I think this matter is urgent" and everyone else were to disagree, obviously that matter could not be proceeded with on the basis of one person's opinion. But here there are seven persons standing and that is obviously a substantial minority of the House. It is a not insignificant number.

Mr Clarko: Your argument is terribly weak.

Mr PEARCE: If the member for Karrinyup could suggest an alternative reason why there are seven men I would be pleased to hear it. He has not been able to suggest an alternative. He has been able only to ridicule the suggestion I am putting forward.

Mr Sodeman: Don't you think that supports the urgency point: the fact that the Speaker makes a ruling in accordance with urgency? He stands

up and then the opportunity is there for six or seven other people to support it to show there is some feeling in the House.

Mr PEARCE: I think that is the difference. The Speaker is asked to decide: "This is in order"; that is to say in accord with the forms of the House and that is his job in every other area. It is perfectly reasonable that he could not decide there was no degree of urgency if all the members of the House think the matter is urgent. If the Speaker were able to decide for himself it would be a reflection upon him to have to find seven other people in the House to agree with him. In what other area does the Speaker make a ruling and then have to find seven other members to support him?

What would happen if the Speaker were to make a ruling and seven members did not rise in their places to support him? That is not to say the House is quarrelling with the Speaker when he decides that the matter is one of urgency. Clearly the Speaker is not being asked to decide whether the matter is urgent. Clearly a minority of the House is being asked to decide whether the matter is urgent.

I would like now to look at the other aspect of the matter and that is the point on which your actual ruling has been disagreed with. The member for Balcatta is the only other person who has dealt with this particular point. It has been argued on this side that the matter actually is urgent so if we are wrong in our earlier arguments, we could be overruled, as perhaps we shall be, when we say, "You do not have the power", and members on the other side say, "You do; and the House is happy that you ought to have it." Nevertheless we disagree with the Speaker's judgment that it is not an urgent matter.

It has been suggested by the other side, in fact by the Minister who has just sat down, that there was plenty of time available to the member for Balcatta to raise this point because he had four weeks' notice. The Minister suggested that the member for Balcatta had spoken on this matter a long time ago. The Minister almost suggested that the member for Balcatta did not raise the issue of housing in his speech. However, the member for Balcatta moved an amendment on housing to the Address-in-Reply on Thursday, the 25th August, 1977, and that was the last Thursday that we sat. We have had only two sitting days since then.

Mr O'Connor: It is not a matter of urgency then, is it? It was discussed long ago.

Mr PEARCE: Just let me read a small section from that debate which will indicate why the member for Balcatta was led to desist from speaking on this matter at that time. I am referring to *Hansard*, page 1009, the first column on the page.

About two-thirds of the way down that column the member for Balcatta canvassed this issue and suggested that there was an increase in rents in the pipeline, both in metropolitan and country areas. He went on to say, "The Minister can deny those things if he likes . . ."; that is to say the suggestion that rents will be substantially increased in both the metropolitan and country areas. The member then continued—

> —time will tell who is right—but at the same time it is certainly true, as everybody knows and as the Minister has even implied, that some sort of increase is in the pipeline.

That some sort of increase is in the pipeline; not "a substantial increase" or "an increase of x number of dollars is before Cabinet" but that "some sort of increase is in the pipeline". The Minister said by way of interjection, "What you say is not true".

Mr O'Connor: Yes, but you did not include the part about Cabinet. You conveniently forgot that the member said, "It is before Cabinet."

Mr PEARCE: It does not say that immediately before the interjection. Interjections are normally made straight after the particular words to which they refer. However, it is all on page 1009.

Point of Order

Mr CLARKO: Mr Speaker, on a point of order I would like to ask whether Standing Orders or the practice of the House allow the member to quote from an earlier debate of the same session.

The SPEAKER: Order! The question is whether the debate that is being quoted is the subject of the question before the Chair. If that is the case then I rule that the member may quote in the way that he is.

Debate (on dissent motion) Resumed

Mr PEARCE: Thank you, Mr Speaker, I have in fact completed the quote.

Mr O'Connor: No you have not. You did not read the first part of it which says, "It is before Cabinet." It is all on page 1009. You conveniently eliminated that part.

Mr PEARCE: Members can read the whole debate if they wish.

Mr O'Connor: But just tell us the truth; that is all.

Several members interjected.

Mr PEARCE: I think the point that needs to be made is that interjections are different from speeches. When one interjects one interjects at a particular point in the speech and one is interjecting in direct relation to the words that preceded the interjection. The Minister interjected with the words, "What you say is not true." He made that interjection immediately after the words, ". . . as everybody knows and as the Minister has even implied, that some sort of increase is in the pipeline".

Mr O'Connor: You should read the whole paragraph to get the full picture. You know that very well.

Several members interjected.

The SPEAKER: Order!

Mr PEARCE: Mr Speaker, I am not trying to press the point that the Minister has misled the House. All I am trying to suggest is that only three sitting days ago the member for Balcatta raised this issue and it was denied by the Minister. Surely the member for Balcatta was quite reasonable in terms of attitudes in this House not to proceed after those assurances and take up the matter at any greater length and move some sort of follow-up motion on that specific issue. However, despite those assurances we find in this morning's paper that these increases are to be made; they are substantial; and they are to apply from the 1st October, which is only three weeks away. The member for Balcatta canvassed this and I believe there is some relevance to the point he made that increases of this type cannot be implemented overnight; some time has to be allowed for the procedure of going through the rent rolls, or whatever, and actually obtaining the rent from those people.

The expectations of people are involved. The people who inhabit the 20 000 homes of the State Housing Commission all have commitments of various types, and they will now have to start to readjust their personal budgets to try to cope with this increase in rent. We cannot expect people in this State to start to reorganise their finance to cope with an increase that is to be made when in two weeks' time a decision may be made by this House that the increase in rents is not justified and should be scrapped.

Obviously the point of urgency is that there is a period of only three weeks before the implementation of the increase. If we pressed the Government on matters in respect of which action has been promised and asked it to do something about them, we would be told that three weeks is a very short time for a Government to get things moving through the bureacratic channels. We would be told three weeks is a short time and does not allow administrative procedures to be gone through.

Other members on this side have indicated that we could not possibly bring up the matter until next Wednesday, which is private members' day; and then, if the debate were adjourned, a decision may be taken only seven or eight days before the date of implementation of the increase. Surely the matter of the increase is more urgent than that.

I rest my case on three points. I think there is a fair degree of doubt as to whether you, Mr Speaker, actually have power under Standing Orders Nos. 48 and 49 to rule out the matter on the ground that it is not urgent. Even if the Standing Order can be construed to give you the power to do that, we feel you should not exercise a value judgment, but should leave the matter to the House. The third point is that we feel the matter is extremely urgent, and even if you have the power to make a value judgment we feel you are in error in doing so in this case.

Mr SHALDERS: I move—

That the House do now divide.

Mr B. T. Burke: A gag on a dissent motion!

Mr SODEMAN: I formally second the motion.

Question put and a division taken.

Remarks during Division

Mr Pearce: I hope the member for Karrinyup observed that little bit of convention.

Mr Laurance: After one speaker! Can't you count? Back to the chalk.

Mr Pearce: That is the gag. What do you think I meant by the gag?

Mr Clarko: You don't understand the motion.

Mr B. T. Burke: "Premier bullies Parliament"!

Result of Division

Division resulted as follows—

Ayes 26

Mr Blaikie	Mr O'Connor
Mr Clarko	Mr Old
Sir Charles Court	Mr Ridge
Mr Coyne	Mr Rushton
Mr Crane	Mr Sibson
Dr Dadour	Mr Sodeman
Mr Grayden	Mr Spriggs
Mr Hassell	Mr Stephens
Mr Herzfeld	Mr Tubby
Mr Laurance	Mr Watt
Mr MacKinnon	Mr Williams
Mr Mensaros	Mr Young
Mr Nanovich	Mr Shalders

(Teller)

Noes 15

Mr Barnett	Mr Jamieson
Mr Bertram	Mr McIver
Mr Bryce	Mr Pearce
Mr B. T. Burke	Mr Tonkin
Mr T. J. Burke	Dr Troy
Mr Grill	Mr Wilson
Mr Harman	Mr Bateman
Mr Hodge	*(Teller)*

Pairs

Ayes	Noes
Mr O'Neil	Mr Carr
Mr Cowan	Mr Davies
Mr P. V. Jones	Mr T. D. Evans
Mrs Craig	Mr Taylor
Mr Grewar	Mr H. D. Evans
Mr McPharlin	Mr Skidmore

Question thus passed.

The SPEAKER: The question now is—

That the Speaker's Ruling be disagreed with.

Motion put and a division taken with the following result—

Ayes 15

Mr Barnett	Mr Jamieson
Mr Bertram	Mr McIver
Mr Bryce	Mr Pearce
Mr B. T. Burke	Mr Tonkin
Mr T. J. Burke	Dr Troy
Mr Grill	Mr Wilson
Mr Harman	Mr Bateman
Mr Hodge	*(Teller)*

Noes 25

Mr Blaikie	Mr Old
Mr Clarko	Mr Ridge
Sir Charles Court	Mr Rushton
Mr Coyne	Mr Sibson
Dr Dadour	Mr Sodeman
Mr Grayden	Mr Spriggs
Mr Hassell	Mr Stephens
Mr Herzfeld	Mr Tubby
Mr Laurance	Mr Watt
Mr MacKinnon	Mr Williams
Mr Mensaros	Mr Young
Mr Nanovich	Mr Shalders
Mr O'Connor	*(Teller)*

Pairs

Ayes	Noes
Mr Carr	Cowan
Mr Davies	Mr P. V. Jones
Mr T. D. Evans	Mrs Craig
Mr Taylor	Mr Grewar
Mr H. D. Evans	Mr O'Neil
Mr Skidmore	Mr McPharlin
Mr T. H. Jones	Mr Crane

Motion thus negatived.

INDUSTRIAL ARBITRATION ACT AMENDMENT BILL (No. 2)

Introduction and First Reading

Bill introduced, on motion by Mr Tonkin, and read a first time.

RAILWAYS CLASSIFICATION BOARD ACT AMENDMENT BILL

Second Reading

MR O'CONNOR (Mt. Lawley—Minister for Works) [4.40 p.m.]: I move—

That the Bill be now read a second time.

The 14 amendments to the Railways Classification Board Act, 1920, proposed in this Bill, are required as the Act in its existing form is not suitable for the current industrial climate in Western Australia. Westrail and the Railway Officers Union have made a joint study of the original Act and agree that the proposed amendments are necessary to facilitate the working of the Classification Board.

The amendments will allow the Board to—

(1) Issue its decisions in the form of minutes and allow parties to speak to the matters contained in such minutes.

The original Act does not make this provision, which is in accord with standard industrial procedure, and is incorporated in the Industrial Arbitration Act.

(2) Consider other claims and not be restricted to the specific claim before it.

This amendment is to give the board more scope, and it brings the Act into line with the provisions of the Industrial Arbitration Act.

(3) Take into account information not raised at a hearing.

The original Act restricts the board to the consideration of information which is submitted at the hearing only. This amendment will permit it to take cognisance of relative matters outside the actual hearing submission. Similar provision is made in the Industrial Arbitration Act.

I know these matters have been concerning both the union and Westrail for some time. To continue—

(4) Hear the parties concerned if the board proceeds to consider other claims or information not raised at a hearing.

This amendment is related to (2) and (3) and gives the parties to the hearing the opportunity to be heard in relation

to any other claims or information which the board decides it will take into consideration.

(5) Grant liberty to either party to apply for an amendment to an award.

The member for Avon, having been closely connected with the department over the years, would be well aware of some of the problems which exist. I presume officers from Westrail in Perth have discussed the points with him. To continue—

The existing Act requires that an award cannot be amended until six months have elapsed after issue. This amendment gives the board discretionary powers to grant liberty to the parties to apply to vary the award before the six-month period has expired. There is no similar restriction contained in the Industrial Arbitration Act, and the amendment will bring the Railways Classification Board Act into line with the industrial arbitration legislation.

(6) Make an award at any time and provide for the right of either party to amend an award when there are changed circumstances, instead of waiting for the expiration of the present mandatory period of six months.

(7) Amend an award at any time with the consent of the parties.

These amendments are consequential upon amendment No. (5). They make provision for dealing with award variations resulting from changes in circumstances which have occurred since the award was previously varied.

(8) Make retrospective application of its awards and decisions.

The Act in its present form does not provide for retrospectivity. This amendment is in keeping with Industrial Arbitration Act provisions.

The proposed amendments will also make provision for—

(9) The department to have the right to reclassify any vacant position, with the union having the right to approach the board if it does not agree with the classification determined.

Under the existing Act, the department is unable to reduce in classification, due to changed circumstances, positions becoming vacant, without obtaining prior agreement of the union, or reference to the board. This amendment allows the commissioner, under certain circumstances, to reclassify positions and, at the same time, protect the union's interests by giving right of appeal to the board. The Public Service Board has similar power under the Public Service Act.

(10) Appointment of a deputy chairman.

There is no provision in the original Act for appointment of a deputy chairman. The position is considered to be necessary and the amendment provides for such an appointment.

(11) Deletion of the present provision for assessors.

The existing Act provides for the board to sit with two assessors when dealing with the classification of officers. This requirement is outmoded in current industrial conditions, and the amendment is designed to update the Act by deleting their need.

(12) Decisions of the board to be published in the Western Australian *Industrial Gazette* instead of the *Government Gazette*.

I am quite sure members will find no problem with this point. To continue—

It is considered awards and variations of awards should be published in the *Industrial Gazette*, as is the case with other industrial tribunals. At present these advices are published in the *Government Gazette*.

(13) A report to the Minister when the board finds that the department is not complying with an award, instead of the report being made to the Governor, as at present.

It is considered this report should be submitted to the Minister who is responsible for the operations of the department.

(14) Jurisdiction for the board to arbitrate on the provision of protective clothing.

The existing Act does not allow the board to deal with protective clothing issues, and it has been the practice for agreements to be negotiated between the department and the union. It is considered the board should deal with the matter similarly to other conditions of employment for railway officers.

I wish to point out to members that there are no contentious issues in the proposed amendments, which are purely intended to bring the Act into line with modern-day thinking and industrial practice.

The amendments have been agreed to by both Westrail and the Railway Officers Union, and I recommend that the Bill be approved by members.

Debate adjourned, on motion by Mr McIver.

ADMINISTRATION ACT AMENDMENT BILL

Second Reading

SIR CHARLES COURT (Nedlands—Premier) [4.47 p.m.]: I move—

That the Bill be now read a second time.

Section 55 of the Act currently enables applications for probate or administration to be made direct to the Master of the Supreme Court where the value of the estate does not exceed $5 000.

This limit has remained unchanged since 1963 and could now be considered to be unrealistic in the light of the significant rises in property values since that time.

The purpose of this Bill is to increase the limit set out in section 55 from $5 000 to $10 000.

Section 55 also provides for applications for probate and administration to be made to a district agent rather than the Master of the Supreme Court where the normal place of abode of the deceased was more than 80 kilometres from Perth.

As section 57 deals with the transmission of applications from district agents to the Master of the Supreme Court in respect of estates not exceeding $5 000, a consequential amendment to this section is also required.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Bertram.

CRIMINAL CODE AMENDMENT BILL

Second Reading

SIR CHARLES COURT (Nedlands—Premier) [4.50 p.m.]: I move—

That the Bill be now read a second time.

The main purpose of this Bill is to allow reports already tabled in the Federal and other State Parliaments to be published under parliamentary privilege in Western Australian newspapers.

The State Government and interested parties have been aware of this anomaly for some time. In fact, the Law Reform Committee, now the Law Reform Commission, in its report on defamation in August, 1972, recommended changes in the law to overcome the anomaly. These recommendations were not acted upon, mainly because of the possibility of reform being considered on a national and uniform basis. The matter was brought to a head earlier this year when Western Australian newspapers were unable to publish details of two reports tabled in the New South Wales Parliament, the contents of which affected the interests of many people in Western Australia.

The details of the reports were published in Eastern States' newspapers and were readily available to Western Australian readers. However, such details could not be published here under the protection of parliamentary privilege, with newspapers thereby obtaining immunity from prosecution and from civil action for defamation, until the reports had been tabled in the State Parliament.

The topic was referred by the Federal Attorney-General to the Australian Law Reform Commission for it to study defamation law and recommend a uniform law for the whole of Australia. A working paper on this subject has been issued by the Australian Law Reform Commission, but the final report has not yet been completed.

This Bill seeks to rectify the matter by amendment to section 354 of the Criminal Code which will make it lawful to publish in good faith for the information of the public a fair report of the proceedings of any House of any Australian Parliament, as distinct from the present provision which refers only to the Western Australian State Parliament. The same provision would extend privilege to the report of any committee of any House or any joint committee of both Houses of any Australian Parliament.

The amendment also seeks to extend privilege to the publication in good faith for the information of the public of a copy of or an extract from an abstract of any paper published by order of or under the authority of any House of an Australian Parliament. However, privilege will not be extended to notices from Government departments in other parts of the Commonwealth. A publication is said to be made in good faith for the information of the public if the person by whom it is made is not actuated by ill-will or any other improper motive as at present laid down in section 354 of the Criminal Code.

As well as including other Australian Parliaments, there is a reference to the Territories. In fact, the only Territory at present concerned is the Northern Territory, it being the only one

with a Legislature with authority to pass Ordinances and which also has an Administrator-in-Council. However, other Territories will be included in the future if they acquire such legislative structures.

The Bill also seeks to extend the same immunity from prosecution and from action for defamation to the publication in this State of reports of statutory inquiries in the other States or Territories. At present the Criminal Code gives this necessary protection only to the publication of the reports of inquiries conducted under the provisions of a Statute of this State.

Finally, a technical change has been incorporated in relevant sections by substituting the appropriate reference to the District Court in lieu of "Court of Session".

I commend the Bill to the House.

Debate adjourned, on motion by Mr Bertram.

OFFENDERS PROBATION AND PAROLE ACT AMENDMENT BILL

Second Reading

SIR CHARLES COURT (Nedlands—Premier) [4.54 p.m.]: I move—

That the Bill be now read a second time.

Section 42 of the Act provides that the Governor may by Order in Writing direct the release from prison on parole of a prisoner undergoing a sentence of imprisonment for life on such terms and conditions and for such parole period, not exceeding five years, as he thinks fit. Other provisions of the Act relating to release of prisoners on parole, with such adaptations as are necessary, apply to such a prisoner. In other words, a prisoner sentenced to life imprisonment may not be released without Executive Council authority.

However, section 42 *inter alia* states that where a prisoner is released from prison on parole pursuant to this section and his parole has been cancelled, the board may from time to time release the prisoner on parole under section 45 of the Act for such period, not exceeding five years, as the board thinks fit. In effect, the board is therefore able to re-release a prisoner whose parole has been cancelled after original release under Executive Council authority even though the re-release may be against the wishes of the Government of the day.

Subsection (3) of section 45, which gives the board this power, was inserted in 1969, the reasons given in Parliament being as follows—

> Several lifers have already been released under section 42. In one instance, a native prisoner so released, left his employment, started drinking and generally behaved in such a manner as to leave no reasonable hope of his eventual rehabilitation. The board considered it expedient to cancel his parole and return him to prison, with the idea of re-paroling him after a month or so if employment in a suitable locality could be found.
>
> However, doubts have arisen as to whether it is within the competence of the board to re-parole such a prisoner without a further order by the Governor. The proposed amendment will make it clear that the board has this power.

As the quotation indicates, the idea of the amendment was to obviate the need for further Executive Council action where the parole had been cancelled for some relatively minor transgression and it was desired to re-parole.

There may be occasions where the re-parole is likely to engender just as much public concern as the original release, and herein lies the defect in that previous amendment. The main purpose of this Bill, therefore, is that where an offender requires the approval of the Governor for his first release from prison on parole under a sentence of imprisonment for life, he will similarly require the Governor's approval in the event of subsequent release after cancellation of parole. This is to apply to all further cancellations and releases, if more than one.

I commend the Bill to the House and as members would know, this Bill has been through another place.

Debate adjourned, on motion by Mr Bertram.

URANIUM

Endorsement of Governments' Decisions: Motion

SIR CHARLES COURT (Nedlands—Premier) [4.57 p.m.]: I move—

> That this House endorses the decision of the Government to permit in Western Australia—
>
> (a) The mining of uranium; and
>
> (b) The processing of uranium, including the production of yellow cake (U_3O_8), and the upgrading and eventual enrichment of uranium to a level suitable for use in nuclear power stations.
>
> For these purposes—
>
> (1) Exploration for uranium shall be encouraged.

(2) All phases of uranium exploration, mining and processing shall be subject to—

(a) adequate personal and community health safeguards,

(b) adequate environmental safeguards, and

(c) adequate mining, transport, handling and processing safeguards,

which are covered by existing statutes and regulations, and by those to be amended and proclaimed from time to time.

(3) There shall be continuing research in Western Australia, in co-operation with the Commonwealth and appropriate overseas authorities, into—

(a) the methods of exploration, mining, processing and end use for peaceful purposes of uranium and products derived from uranium, and

(b) the need for, the timing, and the methods of introducing nuclear energy into Western Australia.

(4) The policies in respect of uranium enunciated by the Federal Government in the Parliament of the Commonwealth of Australia, in Canberra on 25 August, 1977 shall be endorsed so far as they relate to the Commonwealth's constitutional responsibilities.

and further,

This House is of the opinion that active participation in uranium exploration, mining, processing and export of uranium and products derived from uranium, on the lines proposed by the Western Australian and Commonwealth Governments, is the most practical way of ensuring—

(1) That Australia has a voice internationally in the end uses of uranium and products derived from uranium, with particular reference to the ability to require conditions of sale directed at non-proliferation of nuclear weapons, and

(2) That Australia and Western Australia have the right and the opportunity to be kept up to date with international research and development on nuclear and alternative energy sources.

The Government has decided that the time has come when Western Australia must join the world in framing basic policy on uranium.

A growing list of nations have included in their future the uranium option. More than 500 nuclear power reactors are in operation, under construction, or on order in 35 countries at the present time.

The decision of these countries to include the uranium energy option implies firm intentions to harvest its undoubted benefits in the generation of electrical energy. Their decision is not ideological. It is based on practical necessity.

Responsible estimates indicate that global nuclear power generation will multiply by a factor of 8 to 12 during the next 23 years to the year 2000.

Mr Tonkin: What is the source of that estimate?

Sir CHARLES COURT: If the honourable member would allow me to state the case for the motion, the question will be dealt with during the course of debate. There will be plenty of opportunity to speak when the time comes.

These estimates are influenced by the current recession and by disruptive protest in the free world. By contrast, estimates of expected nuclear growth in the communist world—where protest is absent—are double those for the free world.

Nations around the world are turning to uranium so decisively that nuclear power is growing at a greater rate than all other forms of energy combined.

Mr Tonkin: You want us to be more like the communist world.

Sir CHARLES COURT: This trend was accelerated by the 1973 Arab oil embargo, and will gain further impetus from recognition that the world's most widely used energy source—petroleum—faces early depletion. Fortunately for Australia, nuclear power within Australia is not an urgent immediate need.

The majority of States depend mainly on coal for power generation. But the 1980s will see Australia's dependence on imported energy in the form of petroleum rising rapidly from 30 per cent to an estimated 70 per cent. Our dependence on imported oil will be at least as important to us as other countries' growing dependence on uranium. As energy-dependent people, we cannot ignore the need of other energy-dependent people.

Neither should be ignore the benefits we can gain for ourselves while conferring the benefits of access to uranium energy on others—

> Firstly, the export of uranium can generate income to help balance the rising cost of imported petroleum—thereby helping us to maintain our living standards.
>
> Secondly, a growing world experience in the management and development of uranium-based energy can be applied to our benefit whenever we need the uranium alternative as part of our energy mix.

The need for a uranium energy policy—as part of our total energy policy—is therefore self-evident. Energy alternatives other than uranium may make a big future contribution to our basic energy mix. But, until they are doing so, we must frame policies related to energy sources that are certain to be available. This has been our common-sense approach up to this time. It must continue to be so.

This is the reason why the Government has adopted a State policy on uranium, as part of its total approach to the energy question. In the immediate future, the Government is committed to make major use of coal from Collie and gas from the North-West Shelf.

Our policy incorporates the uranium option with these basic resources. It lays down the basis on which the uranium option is to be managed. It is a positive policy—a firm declaration, as it must be. It makes possible a step-by-step approach, under our control and in keeping with our needs, as they arise. It makes possible the evolution of a timetable that can be as fast or as slow as we require it.

It does ensure, however, that we have a definite sense of direction—

> On one hand, it recognises, without hesitation, that the uranium energy option may be necessary to the interests of Western Australia.
>
> On the other hand, it makes it possible for us to respond to the interests of other communities which need the uranium energy option now and in the immediate future.

Each step in the policy paves the way for progressively deeper involvement with uranium as we see fit.

Let it be clearly understood that there is no question of proceeding without effective safeguards. Likewise, there is no question of holding back if we need to proceed. In other words, our policy is not inhibited by moratoriums or referendums. The Government of Western Australia has no intention of bogging the State down in any so-called policies based on indecision.

I refer to the uranium experience. Australia is no stranger to uranium. Neither is uranium any stranger to Australia.

I remind the House of the timescale of the uranium experience in Australia—

> 83 years ago, uranium was discovered in Australia.
>
> 33 years ago, a British Government wartime request for access to uranium reserves was made to the Australian Government led by Mr John Curtin, and led to small discoveries.
>
> 30 years ago, incentives offered by the Commonwealth Government led by Mr Ben Chifley led to a systematic search.
>
> 28 years ago, the first important uranium find was made at Rum Jungle in the Northern Territory.
>
> 24 years ago, an intensive discovery boom began, which led to 400 finds, and production of uranium from 17 locations.
>
> 23 years ago, Australia started up its first uranium mill at Rum Jungle, under Commonwealth Government ownership.
>
> 10 years ago, a new export policy stimulated further discovery, leading to major new finds—such as Narbalek, Ranger, Koongarra, Jabiluka and Yeelirrie.
>
> Two years ago, at the instigation of the Commonwealth Government, led by Mr Gough Whitlam, Mr Justice Fox began investigating aspects of Northern Territory uranium mining, and his findings have now been presented.

To this history may be added two recent notations—

> Two months ago, the Australian Labor Party suddenly decided that uranium might be a source of emotional political propaganda, and is now desperately trying to use the issue for this purpose in an artificially generated atmosphere of fear—regardless of the national interest, or of the interests of Western Australia.
>
> Two weeks ago, the Federal Government—in striking contrast—made a firm and responsible decision to permit uranium mining and export to proceed in Australia, subject to adequate safeguards.

Even more recently, we have had the ACTU executive—a handful of only 18 men—claiming to speak for two million Australian workers in

demanding a referendum on uranium. It is hard to say which is the more cowardly approach—the ALP moratorium or the ACTU referendum.

Points of Order

Mr TONKIN: Mr Speaker—

The SPEAKER: Order! The Premier will resume his seat.

Mr TONKIN: I take exception to that comment about a cowardly approach. It is certainly most unparliamentary.

Several members interjected.

The SPEAKER: Order!

Mr TONKIN: It is also most unbecoming.

Mr JAMIESON: Mr Speaker, before you rise from your place with regard to this issue, I also take exception to the words as I was one of those who was a party to the approach. I have shown cowardice on no occasion to the Premier or to anyone else, and I ask for a withdrawal.

Speaker's Ruling

The SPEAKER: In the context in which they were used I do not consider the words used to be unparliamentary and I do not ask for a withdrawal. I remind members of the very deliberate statement that I made regarding language within this House during the first week we were sitting. I adhere to that statement. If we allow the situation to develop where members repeatedly ask for the withdrawal of words we will finish up with not enough words remaining in the vocabulary for us to say anything.

Point of Order

Mr TONKIN: Surely the Standing Orders state that imputations of improper conduct are not to be entertained. For the Premier to refer to people who disagree with him as cowards—which is his normal *modus operandi*—is most unparliamentary. It is an imputation against the Leader of the Opposition which he has no right to make.

Sir Charles Court: I did not refer to the Leader of the Opposition.

Mr Jamieson: Yes, you did.

The SPEAKER: Order!

Sir Charles Court: I referred to the ALP moratorium.

The SPEAKER: Order! I adhere to the ruling I have given.

Dissent from Speaker's Ruling

Mr JAMIESON: I move—

That the House dissent from the Speaker's ruling.

I do so in all sincerity, Mr Speaker, because although you made a ruling at the beginning of this session, unfortunately you departed from it and allowed to be used words which although not unparliamentary were unbecoming. To be accused of cowardice by the Premier is surely a little more than unbecoming. It is underhand, it is unnecessary, and it is typical of his style—dirty politics. He has been so often associated with them lately that he cannot differentiate between them and normal politics.

Mr Speaker, we must rely upon you to make a ruling in accordance with what has taken place. If you, Sir, refer to parliamentary references you will find that the accusation of cowardice is unparliamentary and it is among those words which have been deemed on occasions to be unparliamentary. I submit that you should reconsider your decision because if you let the Premier get away with this on this occasion, Mr Speaker, when we call people cowards or use that sort of language there will be a hurly burly in this House of members asserting that they are justified to defend their characters during the onslaught by whoever is making the accusation.

They are entitled to do so and I certainly feel they are entitled to do so on this occasion. I have never accused the Premier of this sort of conduct. I have accused him of a lot of things and of being on all sorts of pedestals, but I have never accused him of cowardice. I object very strongly, being one of the persons he directly—not indirectly or obscurely—referred to in his speech as having shown cowardice.

It does not do the Premier any good; it does not do the State any good; and it certainly does not do the Government any good for such terminology to be included in a written speech. It was not as though the Premier were speaking off the cuff. This has been deliberately done because he was speaking from notes which were prepared and through which he undoubtedly read before he approved of them. So, under the circumstances on this occasion your judgment was wrong when you directed that the Premier should not withdraw the terminology which is most objectionable; and which has no place in the Parliament of the Westminster system, when members are going about their legitimate business in an open forum as was the case on this occasion.

Again I appeal to you, Sir, to rethink the decision you have given. I submit that the remark was most unparliamentary and should be withdrawn.

The SPEAKER: There are one or two things I would like to say with respect to the submission made by the Leader of the Opposition. He said that if I were to refer to the journals I would find the words used have been ruled unparliamentary. I have no doubt that would be the case because Speakers throughout the system have asked for quite innocuous words to be withdrawn.

I referred to the earlier ruling I made about temperate language. I do not want the situation to be reached where members are leaping to their feet regularly, and calling for the retraction of words. Such action does nothing for the debates in the House.

Inevitably members will say some things which will be unacceptable to other members. An opportunity will present itself during this debate for any member of the House to retaliate in response to the Premier's speech and words he uses in that speech. I must say that the words to which the Leader of the Opposition has referred go very close to offending; but I restate that I adhere to my ruling.

Points of Order

Sir CHARLES COURT: Mr Speaker, if it assists you in your dilemma I have no objection to amending the words. I think members are overlooking the fact that they were not used in reference to a particular member; but if it will assist, I can rephrase my speech in a manner which will be equally effective, but not offensive.

Mr TONKIN: On the same point of order, I wish to state that a motion has been moved to disagree with your ruling. The ruling has been given and we maintain that it is an incorrect ruling. For the Premier now to say he will not withdraw, but will alter the wording is not the correct action. He had plenty of time to think over the speech—weeks in fact—when he could have done this. We are now disagreeing with your ruling, and I maintain I should have the call as the seconder of the motion to dissent from your ruling.

Sir Charles Court: We are still on a point of order.

The SPEAKER: The Premier has taken a point of order and the member for Morley, on the same point of order, has made a submission. I would be happy to accept the Premier's offer of rephrasing that passage to which the Opposition has taken exception, and I would take it that he meant—

Sir Charles Court: A withdrawal of the phrase.

The SPEAKER: —he would be withdrawing the offensive phrase. If that is the case, it resolves the situation.

Mr TONKIN: Mr Speaker, on another point of order—

Mr O'Connor: Fair go!

Mr TONKIN: I am glad the Minister used the words "fair go" because that is exactly what we want; that is, a fair go!

The question is not whether the Premier will now withdraw the phrase, but whether your ruling is correct. That is the whole point. We have moved to dissent from your ruling and we have a right to do so. To try to get out of it by saying that the Speaker can change his mind is not the correct procedure.

Sir Charles Court: The Speaker has not changed his mind.

Debate (on dissent motion) Resumed

Mr TONKIN: Earlier you said that you had given a ruling previously in the session about the ridiculous situation in which we would find ourselves if members started seeking withdrawals of remarks willy-nilly. I will remind you of your earlier rulings because they are very pertinent to the point and we in this Chamber need to get clear in our minds once and for all whether or not we are to have a fair go.

The member for Maylands had to withdraw the words "confidence trick" and the word "conned". Indeed the Speaker did say that he was uncertain as to whether the words were unparliamentary. He did not call them unparliamentary, but unbecoming, which seems to be writing a new rule for Erskine May.

I used the term "slush funds" and the Premier jumped to his feet and said they were unparliamentary.

Sir Charles Court: That is fair enough.

Mr TONKIN: If those words are unparliamentary, what do we call the word "cowardice" in reference to the Leader of the Opposition?

Sir Charles Court: It was not.

Mr TONKIN: It certainly is. This is typical of the twisting mind of the Premier. The policy of the ALP has been determined and it has been described as cowardice. The Leader of the Opposition was prepared to stand up in a public forum—unlike the Liberal Party—with the Press present and tell the people what he believed. It is not correct to call this cowardice. We believe the very system by which the Speaker of this House is selected by the Premier is wrong. He

is not elected by his peers, as is the case with the Labor Speaker. The present Premier holds the absolute destiny of his Speaker in his hands.

If the Speaker wants to rise in the Ministry, it is the Premier who will decide the issue, and it is this very autocratic system of the Liberal Party which will destroy the whole system of the Speakership because it means that the Speaker must do exactly as the Premier says if he is to have a ministeral future. This is particularly the case with the present Premier who does not believe anyone has a right to a view different from his own. We have evidence of this.

Mr Jamieson: Look at what happened to the member for Scarborough.

Mr TONKIN: I was asked to withdraw the words "slush funds"; the member for Maylands was required to withdraw the words "confidence trick" and the word "conned" and they were not even considered unparliamentary, but unbecoming. In that case how can we describe the word "cowardice"? It is an imputation against the Leader of the Opposition and the use of the word was certainly not in the best interests of this House. The Premier is reading every word of his speech. It is a deliberate speech.

Sir Charles Court: That is so.

Mr TONKIN: Sometimes in this House, being human, we lose our temper and say unparliamentary things which we have to withdraw. However, the Premier did not make this remark in the heat of the moment. He used it deliberately. Someone has written a speech for him and the Premier has approved it, or altered it if he did not approve of it completely. This was a deliberate and preconceived comment, so it is not something we can say he stated in temper. It was very deliberate.

Members in this place must be sure that there is fairness for both sides of the House. If I say something unparliamentary and I am required to withdraw it—and if I do not the penalties are there—then certainly members on the other side of the House should have to behave likewise.

Certainly, if the member for Maylands was required to withdraw the words, "confidence trick", if he has had to withdraw even the word "conned", and if I have had to withdraw the term "slush fund", then surely the Premier in all good conscience should be required to withdraw the imputation of cowardice against the policy makers of the Australian Labor Party and the ACTU. The policy makers of the Australian Labor Party, on this occasion, included the Leader of the Opposition.

A Government member: The Premier has said he will withdraw.

Mr TONKIN: That is right, but that is not the point; it has gone beyond that. The point is whether, in fact, we are to have the situation where the Speaker will be able to rule in the way he has and say that the word "cowardice" is not unparliamentary whereas the other expressions are unparliamentary.

Mr Clarko: What does it mean? Tell us your definition?

Mr TONKIN: We accept that the Premier should withdraw his statement, but we have gone beyond that point. The credibility of the Speaker is now involved and it it most important that the Speaker, whom I respect, should have credibility in this place. Once it is perceived—and the perception may be wrong and may not reflect reality —that the Speaker is partisan, and is capable of making different rules according to who asks for the ruling, then we will have reached a serious state of affairs in this place.

The SPEAKER: The member for Morley several times referred to a ruling which I gave last week in which I said words used were "unbecoming". It was a slip of the tongue, and if members refer to *Hansard* they will observe that I deliberately changed the word "unbecoming" to the word "objectionable" because that was the word I had in my mind when I ruled on that occasion.

I refer members to Standing Order No. 144 which reads—

> 144. When any Member objects to words used in debate by another Member, the Speaker, or Chairman of Committees shall, if either considers the words to be objectionable, or unparliamentary, order them to be withdrawn; and, if necessary, an apology made.

I admit to the House that I regret having called upon one member to withdraw the words "slush fund" and having called upon another member to withdraw the words "confidence trick", because it was not consistent with rulings I gave earlier.

The ruling I have given today is in line with what I intend to do in the future. It was because I regretted having called upon members to withdraw those words last week that I have taken a harder line regarding the question of withdrawals in this House.

Mr BRYCE: The question of dissent from your ruling, Mr Speaker, impinges on what constitutes a reflection upon the character of a person

and what constitutes an imputation. Standing Order No. 128 reads—

> 128. No Member shall use offensive or unbecoming words in reference to any Member of the House.

Standing Order No. 129 reads—

> 129. All imputations of improper motives, and all personal reflections on Members, shall be considered highly disorderly.

If the Premier was not highly disorderly when he suggested, by implication, that the Labor Party policy—when the Leader of the Opposition had already indicated that he was one of the persons who made that policy—was guilty of cowardice, and if that is not an imputation or a reflection upon somebody's character, I simply cannot imagine what does constitute a reflection.

Mr Coyne: You know better than that. The Leader of the Opposition may not have agreed with the decision.

Mr Clarko: He may have voted against it.

Mr BRYCE: The point has been made by my colleague, the member for Morley—and I believe it needs to be emphasised—that it is possible in this forum for a member of Parliament to make statements, from time to time, in the heat of debate which he may not make under cooler circumstances.

In this case we have a situation where one of the most experienced—probably the most experienced at least of the class of 1953, as I understand it—parliamentarian in this House is reading from a document a well contrived piece of phraseology which was aimed directly at members sitting opposite to the Premier. Certainly the Leader of the Opposition was entitled to take strong exception to the remark. It was contrived and thought out and, presumably, the Premier does not stand up in this place and read speeches without having checked them, so obviously he has made up his mind quite deliberately and quite consciously that he will use this phrase.

The phrase is not like many of the phrases to which objection is taken, from time to time, during the heat of the debate.

Mr Clarko: The Premier has offered to withdraw the remark, but members opposite want to keep the debate going.

Mr BRYCE: If the Premier now acknowledges to this House that what he said was unparliamentary, despite your ruling, Mr Speaker, and if he sincerely believes that is the case, and he is prepared to withdraw—as he has indicated—in the light of the action he is prepared to take, he has no option but to come to this side of the House and support the motion.

The Speaker ruled initially that the use of the term was not unparliamentary. Members on this side of the House clearly contend that it was unparliamentary, and that it falls on the wrong side of the line of demarcation. We then have the situation where the person who used the unparliamentary term takes his place in this Chamber and says he is prepared to withdraw his statement. He acknowledges that the expression used was unparliamentary in its context; he has already admitted that. If there is any consistency in the Premier's argument, or any sincerity in it, when we divide the Premier will cross the floor and vote in accordance with the statement he made on the floor of the House and indicate that he is sincere.

Motion (dissent from Speaker's ruling) put and a division taken with the following result—

Ayes 15

Mr Barnett	Mr Jamieson
Mr Bertram	Mr McIver
Mr Bryce	Mr Pearce
Mr B. T. Burke	Mr Tonkin
Mr T. J. Burke	Dr Troy
Mr Grill	Mr Wilson
Mr Harman	Mr Bateman
Mr Hodge	*(Teller)*

Noes 25

Mr Blaikie	Mr Old
Mr Clarko	Mr Ridge
Sir Charles Court	Mr Rushton
Mr Coyne	Mr Sibson
Mr Crane	Mr Sodeman
Mr Grayden	Mr Spriggs
Mr Hassell	Mr Stephens
Mr Herzfeld	Mr Tubby
Mr Laurance	Mr Watt
Mr MacKinnon	Mr Williams
Mr Mensaros	Mr Young
Mr Nanovich	Mr Shalders
Mr O'Connor	*(Teller)*

Pairs

Ayes	Noes
Mr Carr	Mr Cowan
Mr Davies	Mr P. V. Jones
Mr T. D. Evans	Mrs Craig
Mr Taylor	Mr Grewar
Mr H. D. Evans	Mr O' Neil
Mr Skidmore	Mr McPharlin
Mr T. H Jones	Dr Dadour

Motion thus negatived.

Debate (on motion) Resumed

Sir CHARLES COURT: I want to make it clear before I proceed that any reference I made which was objected to was to decisions of two organisations and not to any individual in this House. I thought I made that clear.

Mr Tonkin: Individuals made the decisions.

Sir CHARLES COURT: Both of these proposals shirk a duty to give clear-cut leadership. Both reflect a mentality that is literally running away from reality. Both are asking the people to answer a question which the ALP and the ACTU are afraid to answer.

Even if one gave the ACTU the benefit of the doubt and assumed that it was sincere in its request for a referendum, one would be naive in the extreme if one believed that it would be able to implement its undertaking to honour a pro-uranium result of a referendum.

One has only to look at the machinations of the left wing in the ALP and in the ACTU over the last few days to realise that, just as this left-wing element is prepared to fly in the face of the will of the people expressed through the elected Government, it would have no compunction in flying in the face of the will of the people expressed through a referendum—so strong is its ideological commitment in this matter.

The real world does not wait for moratoriums or referendums.

Mr Bryce: What about the upper House of this Parliament?

Sir CHARLES COURT: The real world responds to its needs, and contemptuously ignores the trembling procrastinators pretending to be leaders.

The railway revolution was opposed as irrationally as is the uranium revolution. But the world did not wait for a moratorium or a referendum on railways. Nor will it wait for a moratorium or a referendum on uranium. It will put its money on the new winner and back it all the way.

This will be in sharp contrast to some of the people who are backing the ALP and ACTU approach. In Australia, the left-wing policy is to frustrate nuclear development. Back home in Moscow, it is quite the reverse. Let me give some examples.

Mr Jamieson: You seem to know all about Moscow.

Sir CHARLES COURT: On the Australian front, I was reading the August issue of the *Transnational Monitor*, a well-known left-wing front publication. It talks of a strange new Australian organisation calling itself the Transnational Co-operative—TNC.

These left-wingers regard the ALP moratorium decision as providing "the basis for unprecedented unity within the Labor Movement" around the uranium issue. They also consider the campaign against the mining and export of Australia's uranium has given what they choose to call the progressive movement in this country a unique opportunity. They go on to say that by concentrating their efforts "within the Labor Movement", they hope to "both complement and extend the work of other groups within the anti-nuclear movement".

It all has a familiar ring. The old "front" type movements and infiltrations are still on the march. While they campaign to frustrate uranium mining and export in Australia, their friends back home in Moscow are consolidating their nuclear energy advantage over the free world by marching to a different tune.

A recent Soviet brochure on nuclear energy made the following forthright statement—

> Unlimited power resources are a major prerequisite for the progress of mankind. Thousands of scientists, engineers, technicians, and industrial workers strive to tap this inexhaustible source of power, nuclear energy.

Mr Pearce: Many of those who strove are now against it. Why?

Sir CHARLES COURT: Fortunately, the real people on both sides of the iron curtain recognise the truth of what Dr Glenn Seaborg said in 1970, when he stated—

> I believe nuclear energy has arrived on the scene historically speaking in the nick of time.

Mr Pearce: Seven years ago. Much has happened since then.

Sir CHARLES COURT: The uranium economy is better researched and better understood than any previous technical advance. Its pioneer safety record is unparalleled in the annals of industrial development.

Mr Barnett: Where is the proof of that?

Sir CHARLES COURT: The capacity to master uranium's power peacefully for the benefit of man is proven beyond doubt.

Mr Pearce: It is not proven beyond doubt.

Sir CHARLES COURT: The uranium experience is now part of our lives as global citizens. And it is here to stay, whether we like it or not.

I now speak about the policy framework. The motion before this House is brief but adequate. It permits mining of uranium. It permits processing of uranium up to a predetermined level.

The permitted processing includes separation of the weakly radiocative natural uranium from its ore. This process requires a mill and the product is called yellow cake in which the active uranium content is 0.7 of 1 per cent. The permitted processing could include upgrading of yellow cake to uranium hexafluoride. This process prepares the product for later enrichment. Enrichment to the level required for power station fuel would lift the active uranium content to about 3 per cent according to the specification needed for this specific purpose.

To pave the way for these primary steps to be taken our policy sets out four guidelines. They are simple guidelines; and their effectiveness lies in their simplicity.

The first guideline is obvious. It provides for the encouragement of uranium exploration. It is in our interests to promote discovery of this valuable resource.

The second guideline is essential. It lays down the requirements for strict safeguards in the mining, transport, handling, and processing of uranium.

These safeguards are embodied in Federal and State laws and regulations for the protection of uranium workers, the public, and the environment.

Mr Barnett: They are insufficient as they are at the moment.

Sir CHARLES COURT: Australian safeguards are among the strictest in the world and benefit from both Australian and overseas experience in mining, processing, and handling uranium.

The principal Statutes governing safe practices in the mining, processing, and handling of uranium are—

The Western Australian Mining Act and regulations.

The State Clean Air Act.

The State Radiation Safety Act.

The Commonwealth Code of Practice on Radiation Protection in the Mining and Milling of Radioactive Ores, administered by the Commonwealth Health Department.

There are also a number of important advisory bodies of value to operations in Australia and Western Australia; namely—

The International Labour Organisation.

The International Atomic Energy Agency.

The International Commission on Radiation Protection.

The National Health and Medical Research Council.

The Australian Atomic Energy Commission.

The State Radiological Council—which has a medical advisory committee, and an industrial advisory committee, and is ready to set up a mining and milling advisory committee to cover uranium operations. It has accepted in principle the Commonwealth Code of Practice as a basis for future State regulations.

In addition, the Federal Government intends to set up a uranium advisory council whose advice will be available to the industry as well as to Government.

Also, we have undertaken to co-operate fully with the Commonwealth Government in the review of national codes or the development of new ones for personal and community health and safety related to the mining, processing, handling, and transporting of uranium and products derived from uranium. Where necessary, our local technical and advisory bodies will be expanded.

The third guideline provides prudently for continuing research. Naturally our resources will be limited compared with those available internationally, but they can still be meaningful in the total scene.

There is no reason why we should not maintain close liaison with those involved in all aspects of research related to uranium in Australia and overseas. In this way, any work done here will benefit from the maximum flow of knowledge.

In this respect, our participation in the world industry through uranium exports is most important. We cannot expect our share of knowledge if we follow the Labor Party and run away from the world. We can expect a share if we participate. By participation we will remain abreast of world developments of value to ourselves and to others.

One vital advantage is that it will keep us abreast of developments associated with nuclear generation of electric power. It is not generally realised that this knowledge is vital not only to the practical application of nuclear energy, but also to the framing of all the required regulatory safeguards.

Nations overseas which are now using nuclear power have up to a 10-year lead on us in terms of developing the regulatory structure; quite apart

from the practical experience of operation. Without a crash programme, we in Australia are 15 to 20 years away from applied nuclear power because of the essential steps that lie between a decision to proceed and the first flow of electricity into a grid.

Mr Barnett: The longer the better.

Sir CHARLES COURT: This fact alone highlights the need to adopt now a policy that opens the door to preparing ourselves for the future. There is no hazard in getting ready; quite the reverse, in fact. We are simply doing what any responsible Government must do.

The fourth guideline is the adoption of the Federal policy on uranium in so far as the Commonwealth Government's constitutional authority extends over affairs in Western Australia.

Our responsibilities cover land rights, prospecting rights, and mining rights and practices—as well as the substantial State administration of matters relating to environment, health, and safety.

Commonwealth responsibilities lie substantially in the area of export licensing and international safeguards, the exercise of what would normally be State responsibilities in Commonwealth Territories, and the exercise of specific national responsibilities in respect of environment, health, safety, and work practices.

By incorporating the relevant Commonwealth policies into our own policy, we are helping to unify the Australian approach to uranium. We are also giving proper support to the essential safeguards reguired in respect of uranium export to approved recipient countries.

Australia is a party to the treaty of nonproliferation of nuclear weapons. As a party to that treaty, it must impose conditions on the sale of uranium, aimed at preventing nonpeaceful uses. I make no pretence—nor does the State Government—that any preventive measures can be totally successful without co-operation.

The best any nation can do is to make a maximum contribution to the kinds of control that will offer the maximum disincentive to the misuse of uranium. Experience shows that misuse is more likely when nations are deprived of vital resources in such a way that their economic security is threatened. The more secure a nation becomes, the more it develops an interest in global security, and co-operates accordingly. We support the negotiations which Australia is now planning with about 12 potential uranium-buying countries. The aim of these negotiations is to prepare the basis of safeguard agreements.

Once Australia becomes a significant supplier, I believe she will then have very good opportunities for initiating or supporting arrangements with other supplying nations for what amounts to a global understanding which can be enforced in respect of safeguards.

Mr Pearce: That means safeguards are not adequate yet, according to your own speech.

Sir CHARLES COURT: I remind the honourable member I was talking about enforcing safeguards. In brief, if we do not supply uranium, we will have no influence at all. If we do supply uranium, we can have significant influence.

No-one should pretend that we can have total influence; but there will be a vast and positive difference between being in and being out. Furthermore, as a supplier, we will have a number of nations interested in the maintenance of our security. I hope that will be important to members opposite.

Thus, the larger our position as a supplier, the greater our potential security as a nation. Therefore, by adopting the Federal policy to the extent that it can apply in Western Australia, we are not only helping to unify the Australian approach to uranium internally, but also we are standing behind the best way to improve Australian and global security on the nuclear front.

The policy we are now presenting for parliamentary endorsement will not come as any surprise to the members of this House. As a Government we have clearly spelt out our basic approach and we made it a plank of our platform in the last election.

We make no excuses to this Parliament or to the public for giving decisive leadership on this matter. The world will not wait for Western Australia, or for Australia. Globally, the uranium debate is long since over.

Mr Barnett: Are you confident enough to call an election on the issue?

Sir CHARLES COURT: Nations are voting by decision—not by indecision. The uranium age is being shaped actively by the leading nations of the world.

It is futile to pretend—as the Labor Party pretends—that Australia is or can be responsible for the behaviour of other nations, either in respect of uranium or anything else.

Mr Jamieson: We could set an example.

Sir CHARLES COURT: But we can have important influence if we participate in the uranium supply and technology of the world.

The most arrogant pretence is the Labor Party's assumption that other nations know less than we do about uranium and that we must protect them by keeping uranium from them.

The truth is that we in Australia—while implementing the strongest safeguards in the world—will still be looking to other nations for practical experience in uranium technology, applied to the generation of power and to upgrading and enrichment. It is not they who will learn from us, but we who will learn from them.

Our direct involvement will give us access to what they learn. Our direct involvement, as explained earlier, will give us very significant influence in favour of peaceful application of uranium technology. We have a responsibility to be in—not out.

I want to refer now specifically to Yeelirrie itself because that is the most significant known and proved deposit of uranium in our State.

Mr Barnett: Are you going to say it is right in the middle of a flood plain?

Sir CHARLES COURT: I want to remind members that we are talking about a deposit in Western Australia whereas much of the discussion and debate surrounding the Commonwealth Government's involvement has been in relation to deposits found and proved in the Northern Territory, a Territory where, of course, the Commonwealth has its own special responsibilities.

I want to refer to Yeelirrie, because this is a deposit which has been found by an Australian company, a company which has an extremely good record in searching for minerals; a company which has been applauded publicly on many occasions by members of the Australian Labor Party as one of the best of the mining companies. This company was prepared to embark on a very imaginative programme of search from its early gold days through its exploration and development of a number of minerals and metals.

The company has proved this deposit in a first-class way, and, I believe, in a very professional way. It has come forward with a proposal which, if the present timetable is followed, seems to us to be a very sensible one. A pilot plant is to be established in Kalgoorlie at a cost of about $13 million. This pilot plant will be used for the testing and proving of the processes which are necessary for the extraction of the required fractions from the uranium ore at Yeelirrie.

This is not the same type of ore that is found in some of the other proved deposits. Therefore, it is wise that the company carry out this major pilot plant exercise, and then it will be able to save a lot of money on the design of the plant that will be necessary for the full-scale development of the project on site. I think this is indicative of the sensitivity of the company and its good sense in trying to ensure its technology is sound before it embarks on the investment of over $200 million to develop the total project at Yeelirrie itself.

I mention Yeelirrie again for another reason: that is, that when the Fox inquiry report was first published a great deal of emphasis was placed on so-called sequential development. It seemed to be assumed by some people in this State and in other parts of Australia that sequential development meant Yeelirrie would have to wait its turn. However, as is now known by all members following the statement made by the Federal Government, that Government has not adopted the recommendation in respect of sequential development even in respect of its own territory. I think that is very wise. People who are now studying the significance of sequential development would applaud that decision, because sequential development has many weaknesses.

However, regardless of the sequential development of the Northern Territory deposits, I emphasise that does not impinge on our own deposits, because our deposits are separate and distinct from those which were the subject of the Ranger inquiry, or what is more commonly known as the Fox inquiry. It is important that members realise that just as soon as we can clear the decks we can start to get into the timetable that is necessary for mining and processing.

I understand it will take about a year to build a pilot plant, because that in itself is a major operation. Then it would take at least another year of plant operation to carry out the necessary testing. Then, of course, there would be the construction of the major project, following the pilot plant testing period and the technology that comes out of it.

So far as the main deposit at Yeelirrie is concerned the company could go straight ahead with mining operations if there was a necessity to do so; it could rely on the experience it has gained from laboratory and other tests. But this usually brings a commissioning period which is extended and which can be quite costly; and, of course, the operation is not quite as safe. Therefore, from my point of view I would prefer to see the company follow the original programme it laid down in respect of the development of the Yeelirrie deposit via the pilot plant system.

I want to emphasise to members that this pilot plant is in itself a major thing. Although it is small in comparison with the total project, it is important on its own. The reason for establishing

it at Kalgoorlie is quite logical. Kalgoorlie is a mining town which is accustomed to this type of processing, and it has the type of skilled labour necessary for this work.

I would remind members opposite that the pilot plant at Kalgoorlie will in fact produce marketable yellow cake. I do not want anyone to come along later and say he felt it would be only a pilot exercise and a laboratory-type operation. The size of the plant will be such that it will produce marketable quantities of yellow cake; the quantities will be comparatively small, but nevertheless marketable. So I want there to be no misunderstandings about that or allegations that full details were not exposed.

Mr Barnett: What are the details of the environmental impact statement?

Sir CHARLES COURT: If the member for Rockingham is a student of these matters—and I hope he is because of the responsibility he holds—he will know that an environmental study in respect of Yeelirrie is well advanced.

The company has not been dilatory at all in facing up to its responsibility; and when the environmental statement is produced, naturally it will be available to the Commonwealth and the State, as part of the company's commitment.

Mr Tonkin: Will it be available to the public?

Mr Barnett: You will go ahead before it is produced?

Sir CHARLES COURT: I have not talked about going ahead before it is produced at all. I am telling the member what is our objective, and I have also told him that certain safeguards have to be observed both in respect of personal and community health and in respect of the environment and the other safeguards which are listed in the motion.

Mr Barnett: If the impact statement recommends that the company does not go ahead, what would you think about that?

Sir CHARLES COURT: Why are such studies carried out—for fun? They are carried out to determine what deleterious effects there might be, and then the State and Commonwealth Governments of the day have to make their decisions based on the report regarding what must be done to ensure that the environment is protected and health aspects are protected.

Mr Barnett: Will you investigate the pressures that are being brought to bear?

Sir CHARLES COURT: If the honourable member has allegations as serious as that, let him make them in public.

Mr Barnett: Will you make investigations about pressure being brought to bear by Western Mining Corporation on the people who are preparing the environmental impact statement?

Sir CHARLES COURT: Of course I will; if people are being pressurised and the member for Rockingham makes a specific allegation, I will investigate it, just as I said I would investigate the matter raised by the member for Balcatta the other night if he produced names.

I remind members that the motion is in two parts. The first requests the Parliament to endorse the decision of the Government in respect of the mining of uranium, and the processing of uranium into its various forms. After that the first part of the motion sets out what is necessary to achieve that purpose.

The second part of the motion calls on the House to express an opinion that active participation in uranium exploration, mining, processing and export of uranium and products derived from uranium, on the lines proposed by the Western Australian and Commonwealth Governments, is the most practical way of ensuring—

(1) That Australia has a voice internationally in the end uses of uranium and products derived from uranium, with particular reference to the ability to require conditions of sale directed at non-proliferation of nuclear weapons, and

(2) That Australia and Western Australia have the right and the opportunity to be kept up to date with international research and development on nuclear and alternative energy sources.

In conclusion I want to say that I have become somewhat appalled at the viewpoint of some people who I thought would have been much more progressive and liberal in their attitude towards research into matters of this kind so that Australia may become the possessor of modern technology that is so important if we are to obtain the maximum benefit from our uranium resources.

I look with some sadness at the way some people who should be giving a lead in the economic and scientific fields are just not doing so. They should be providing a lead to ensure that young people are given a chance to grow up with this technology so that we can develop in our country the technology which is so necessary, and with which we will have much greater influence and strength internationally as we enter the field of mining, processing, and then the exporting of uranium and its products.

If we are to have this blackout in respect of uranium, we will deny the young people of this country an opportunity which they deserve, and

to which they are entitled, to be able to participate in this research and to be part of it.

Mr Jamieson: That is not so.

Sir CHARLES COURT: As this technology develops, presumably new techniques will be developed in respect of the generation of power. New technology will be developed in respect of the end uses for peaceful purposes of uranium and the products which are derived from it. To my mind we will be missing a tremendous opportunity if we do not allow our young students, graduates, research people, and scientists to grow up in this atmosphere and to be part of the world team, instead of their having to leave this country and go overseas to make a contribution in this field—and some of them will make a magnificent contribution.

Many members of Parliament—I do not know whether all—will have had access to a package of documents put out by the Commonwealth Government in a folder marked "Uranium—Australia's decision". They are important and historic documents because they record in the clearest of terms the policies of the Federal Government. They go beyond the ministerial statements which were actually made in the National Parliament on the 25th August.

I understand many members have obtained copies for themselves, and I request leave of the House to table my copy so that it will be there for our permanent records. If other members who do not have copies would like me to endeavour to obtain some for them, I will be only too pleased to do so.

I recommend that even those who, for some ideological or other reason, are violently opposed to the mining and sale of uranium should read these documents and see the fairness with which the Commonwealth Government has endeavoured to explain its position and to demonstrate the way it has interpreted and attempted to follow the recommendations of the Fox inquiry.

I seek leave to table the papers and I commend the motion to members.

The papers were tabled (see paper No. 227).

Mr MENSAROS: Mr Speaker, I formally second the motion.

MR JAMIESON (Welshpool—Leader of the Opposition) [6.02 p.m.]: In addressing myself to this motion I indicate very clearly that above all other things the Australian Labor Party probably has done more research and given more leads into the problems associated with the mining and sale of uranium than any other political party in the history of this country. The Liberal Party and the National Country Party—or whatever they might call themselves—have been significantly absent in attempting to inform the public on this issue.

Funds are always a problem for political parties, and more particularly for the Australian Labor Party. Despite this, the Labor Party spent a considerable amount of money preparing and issuing cases and films for and against uranium mining, seeking public debate. Nothing could be fairer than that. None of the other political parties ventured into this field.

It is useless for the Premier to say that the Government is giving the lead to young people of the future, because if the Premier had his way his concern for young people would be similar to the concern expressed by one of the prominent mining people in this State. When I went to see him not so long ago, he had a notice facing the visitors which said, "Environmentalists? Let the bastards freeze to death in the dark!" If that is the attitude of the mining fraternity, it is no wonder we get nowhere with these people.

The Premier in his usual bland way told the House that if Australia did not embark on research into the mining and production of uranium we would be denying our young people the right to be associated with this great development. That is not so. There are times when it pays to bypass a phase in history. Like many other people in the community, the Premier does not seem to be able to comprehend that atomic energy is only a phase of development. It is an early phase, and generally, early phases of any development are inclined to be rough and to have problems which would not be associated with the development at a later stage. All we are saying as a political party is that the same position applies to the present stage of uranium development.

The Premier takes no notice of debate in this Chamber. He is not interested in the development of atomic energy; he is interested only in the sale of uranium. One wonders at the number of advertisements which are appearing on television and the full page advertisements in the newspapers which appear almost daily on behalf of the uranium lobby. Why are these advertisements appearing constantly and in such number? Have you asked yourself that question, Mr Speaker? Has any other member asked himself that question? There must be some motive behind the spending of all this money. Certainly, it is not the motive that the advertisements are for the good of the health of Mr Speaker, the members of this Chamber, or any other member of the community. Obviously, these people are lobbying for the mining

and sale of Australian uranium, because it represents a possible avenue of profit.

I say without fear that within the next 20 years uranium will be of no further use in power generation. Scientists have been experimenting for a long time with alternative means of generating power.

Mr Sibson: All the more reason that we should sell it now.

Mr JAMIESON: That is not the point. The member for Bunbury suggests we should go blindly ahead; it does not matter if we harm the entire community. It was that type of thinking which put children in the coal pits.

Mr Sibson: I did not say that at all.

Mr JAMIESON: Yes, you did. This is the attitude of the Government. I suppose members opposite consider that it was all right for our forebears in Great Britain to send children into the coalmines when the world was searching for an earlier type of power generation. Those children suffered various forms of tuberculosis and so on. Then later, because of the hunger of miners to reap profits from goldmining before they really knew the dangers involved, many people went into the goldmines in Kalgoorlie and contracted pneumoconiosis. On many occasions action has been regretted, because not enough consideration has been given to such matters. Damage to health was the end result in each of those cases. With asbestos one must always be very careful, but the mining of asbestos seemed so remunerative and there was so much determination to make a profit from it that all safeguards for the community and people handling asbestos were disregarded.

All that the Australian Labor Party asks is that that section of the Fox report which recommends further safeguards be undertaken, be implemented. It is of no use for the Premier to make all these statements about actions that are being taken or not being taken in a general effort to safeguard the community. He has implied that we have some ulterior motives. He is kicking the communist can again and he has said that the disruption with regard to the development of uranium in the Western world is not taking place in other parts of the world. I would say that the Russians are probably much further ahead than we are in the development of fusion generators, because they realise that if there is to be danger to the public it is better to get away from the activity causing it and make maximum efforts to keep away from it.

Mr Sibson: Was it correct to do it in that country if it is not correct here?

Mr JAMIESON: At times I despair of trying to convince the member for Bunbury. Obviously the point I was making was beyond him. I was mentioning that the Russians are probably further ahead in the development of fusion generators than we are, because they realise the dangers inherent in playing around with something that it is not worth while to play around with.

Before I seek leave to continue my remarks, I should like to turn to the Yeelirrie position, because I do not think the Premier knows the situation. When the suggestion that a pilot plant be erected at Kalgoorlie was first mooted Western Mining Corporation had negotiated with the Government. Before the announcement was made to the Press, John Oliver and another senior executive officer of the company came to see me. They told me very clearly before the Federal conference of the ALP in this State that if a decision at that conference went against uranium mining there would be no development at Yeelirrie. They said that the rationale behind this was that the mining companies would not put themselves into a situation similar to the situation with regard to the mining of sands on Fraser Island involving heavy investment which the mining companies could not recoup.

This decision was freely stated. It was freely stated even around the goldfields; I checked the matter out last week. A decision has been made. It would be interesting if the Premier were to check to see whether Western Mining Company has changed its mind. I doubt whether it has, because if it had it would not obtain the overseas finance that is available.

I have indicated that there are good and sufficient reasons to indicate why the people of this country should be aware that there are problems associated with uranium. The Government is merely trying to prop up its case by moving a motion that it knows will be passed by this House. This sort of development is not new but it is not indulged in by many Governments. The Government does not need to move a motion of this kind; it is not necessary. It is one of those stupid moves that the Premier is inclined to make every now and then in an endeavour to belittle people who might be trying to look after the affairs of the people of this country.

Leave to Continue Speech

Mr Speaker, I now move—

That I be given leave to continue my speech at the next sitting of the House.

Motion put and passed.

Debate thus adjourned.

House adjourned at 6.12 p.m.