Legislative Council

Wednesday, the 9th October, 1974

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

QUESTION WITHOUT NOTICE

RUBBISH DISPOSAL

Tabling of Reports

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

Will he have the following reports tabled in this Chamber—

Community Waste in Perth Metropolitan Region, 1974.

Refuse Disposal in Perth Metropolitan Area—Maunsell, 1974?

I asked the Minister for Justice to table one of these reports during a previous sitting of the House.

The Hon. N. McNEILL replied:

As I have not had prior notice of the question, and therefore being unaware of its background, I can only reply that I will agree to consider the request the honourable member has made and I will advise him accordingly.

The Hon. R. F. Claughton: The reports are tabled in another place, but not in this Chamber.

The Hon. N. McNEILL: I will have a look at the situation for the benefit of Mr Claughton.

QUESTIONS (16): ON NOTICE

1. ENVIRONMENTAL PROTECTION

Subiaco Development

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

Further to my question on the 27th August, 1974, regarding Subiaco Development—

(a) has the Minister received a reply from the City of Subiaco concerning Lot 160 Onslow Road, Subiaco;

(b) if so, would he advise the substance of the reply?

The Hon. G. C. MacKINNON replied:

(a) Assuming the Hon. Member intends to refer to No. 160 (lot 68) as opposed to Lot 160, the answer is "Yes".

(b) Zoning By-law No. 6 which is still current provides that all lots fronting Onslow Road between Derby Road and Railway Road are zoned for business. The By-law has not been repealed and until the Town Planning Scheme is gazetted, the land still remains zoned for such purpose.

Back in 1969, Subiaco City Council had given the owner of the lot an undertaking that in the event of his eventually requiring to expand his business, it would approve the application for him. In view of the approval given in 1969, Council dealt with Mr Evans' application in the light of its current zoning. The lot is situated in an area used for business purposes and there is a large shopping block on the opposite side of Onslow Road.

Pending approval of its Town Planning Scheme, Council dealt with the Application for Development in accordance with Clause 22 of the *Metropolitan Region Scheme* and as the land is zoned for business, approved of him going ahead with his proposed building.

2. HOUSING

Port Hedland

The Hon. J. C. TOZER, to the Minister for Justice:

Arising from the replies given to my questions relating to housing in Port Hedland on the 2nd October, 1974, would the Minister now advise—

(a) the number of applicants for tenancy of Housing Commission rental homes in—

(i) South Hedland; and

(ii) old Port Hedland (from the port to Pretty Pool);

(b) as far as it is within his prerogative to answer—

(i) who owns the single detached houses in the green belt area between Anderson Street and Great Northern Highway where the Commission is to remove the ten duplex units for re-erection in South Hedland; and

(ii) what is to be the fate of these remaining single detached units?

The Hon. N. McNEILL replied:

(a) (i) 116 applications.

(ii) As at 9th October, there are 61 applicants seeking accommodation in the Port Hedland area—as distinct from South Hedland.

(b) (i) 3 properties are owned by the Government Employees' Housing Authority and 1 by the Port Hedland Port Authority.

(ii) This is a matter for the respective Authorities.

3. PETROL TAX

Revenue, 1973-74

The Hon. T. O. PERRY, to the Minister for Health:

What was the total amount of revenue collected from petrol tax in Western Australia for the financial year 1973-74?

The Hon. N. E. BAXTER replied:

Net revenue collected in Western Australia was:—

Customs Duty—automotive spirit.

1972/73—$1 279 000

*1973/74—$2 164 000

Excise Duty—gasoline (excludes aviation spirit, aviation kerosene and diesel fuel).

1972/73—$38 600 000

*1973/74—$51 960 000

*Figures for 1973/74 are preliminary only and subject to review.

4. TEACHERS

Postings, and USA Reserves

The Hon. LYLA ELLIOTT, to the Minister for Education:

(1) Of the 936 teachers who graduated at the end of 1973, how many received—

(a) metropolitan posts;

(b) country postings?

(2) How many of those in (1) (a) have since been transferred to country areas?

(3) How many teachers have been recruited from the USA for the 1974 school year?

(4) How many of these in (3) have had previous actual classroom teaching experience?

(5) How many of the teachers recruited from the USA have received—

(a) metropolitan postings;

(b) country postings?

The Hon. G. C. MacKINNON replied:

(1) and (2) It is not possible to provide this information without undertaking an extensive and detailed analysis. Appointments are subject to considerable variation in the new year on account of many factors such as increased enrolments, teacher resignations, housing developments and decisions of the Teachers' Tribunal.

(3) 171.

(4) The aim in recruitment was to obtain the services of recently graduated teachers who would readily adapt to conditions in Australia. All are fully qualified teachers whose classroom experience is at least equal to the 936 teachers referred to in Question (1).

(5) (a) 148;

(b) 23.

5. GREAT NORTHERN HIGHWAY

Works Programme

The Hon. J. C. TOZER, to the Minister for Health:

(1) What is the road construction programme for 1974-75 on the Great Northern Highway?

(2) From what sources are the funds for such a programme being provided?

(3) Specifically, what is the detailed programme for the section of the highway between Meekatharra and Newman in 1974-75?

(4) In general terms, what is the forecast programme for ensuing years on—

(a) the section between Meekatharra and Newman; and

(b) the remainder of the highway?

(5) What road maintenance allocations have been made for Great Northern Highway in 1974-75?

The Hon. N. E. BAXTER replied:

(1) to (5) The information required by the Hon. Member will take some little time to collate. I will forward a reply to him as soon as possible.

6. HIGH SCHOOLS

Girrawheen and Whitfords Areas

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

(1) Is the Minister aware of the concern of High School teachers because of the delay in providing high schools for the Girrawheen and Whitfords areas?

(2) Can the Minister advise if a firm date can be given for—

(a) commencement; and

(b) completion;

of high schools to serve these areas?

(3) If so, what are the dates?

The Hon. G. C. MacKINNON replied:

(1) No. A new high school was provided for the Girrawheen area for the current school year.

(2) and (3) Firm dates for the commencement and completion of a new high school in the Whitfords area are not available. However, it is anticipated that this school will be required in 1976.

7. GREAT NORTHERN HIGHWAY

Classification by Commonwealth

The Hon. J. C. TOZER, to the Minister for Health:

(1) Is the whole length of Great Northern Highway classified by the Commonwealth Government as a National Highway?

(2) What are the implications of such classification?

(3) To what degree does the Commonwealth Government have to approve of any works proposed on National Highways and, in particular, are all major deviations subject to Commonwealth approval?

The Hon. N. E. BAXTER replied:

(1) We believe so, with the exception of a short section from Midland to Middle Swan Road and spur roads to Broome, Derby and Wyndham. However, the decision rests with the Commonwealth.

(2) The highway qualifies for construction and maintenance funds under the National Roads Act 1974.

(3) Approval is required from the Commonwealth for all proposed works including standards and major deviations.

8. SCHOOL NURSING SERVICE

Government Policy

The Hon. LYLA ELLIOTT, to the Minister for Education:

As the appointment of a full-time Nursing Sister at Belmont Senior High School by the Tonkin Government has proved to be an outstanding success insofar as the welfare of the children is concerned, will the Minister advise whether the present Government intends to make similar appointments in other schools?

The Hon. G. C. MacKINNON replied:

Yes. By February, 1975, it is hoped that an additional ten medical centres will be in operation in the following senior high schools—

Metropolitan—

Balga
Bentley
Governor Stirling
Hampton
Hollywood
Rossmoyne.

Country—

Bunbury
Collie
Geraldton
Northam.

9. CONSUMER PROTECTION

Beer Price Inquiry

The Hon. D. W. COOLEY, to the Minister for Education:

Further to my question of Thursday, the 1st August, 1974, regarding a beer price inquiry, and the Minister's reply, will he indicate—

(a) whether the financial information sought from the several hotels he referred to, has been obtained to complete the inquiry;

(b) if so, will the Minister advise the House of the Bureau's findings;

(c) if the answer to (a) is "No" will the Minister request the Australian Hotels Association to defer any decision to increase the price of beer until the result of the inquiry is available; and

(d) has the Minister any power to prevent an increase in the price of beer if the inquiry reveals that the increases of either February or May of this year were unjustified?

The Hon. G. C. MacKINNON replied:

(a) Yes.

(b) and (c) The report is being finalised. It is anticipated that it will be available at the end of the week.

(d) No.

10. HOUSING

Pilbara and Kimberley

The Hon. J. C. TOZER, to the Minister for Justice:

How many applications for tenancy of Housing Commission accommodation were unsatisfied on the 30th September, 1974, in the various Kimberley and Pilbara towns?

The Hon. N. McNEILL replied:

Outstanding applications for tenancy assistance listed at the 30th September, 1974, were as follows:—

Kimberley	Applications
Broome	68
Camballin	11
Derby	57
Hall's Creek	24
Kununurra	22
Wyndham	22

Pilbara	Applications
Karratha	59
Marble Bar	5
Onslow	3
Point Samson	1
Port Hedland and South Hedland	162
Roebourne	46
Wickham	23
Wittenoom	2

11. GOVERNMENT EMPLOYEES' HOUSING AUTHORITY

Programme: North-West

The Hon. J. C. TOZER, to the Minister for Justice:

Arising from the reply given to my question relating to the housing programme in the North on the 2nd October, 1974, would the Minister now advise—

(1) On a town-by-town basis, and not as total figures for the whole region, for which departments are the 50 Government Employees' Housing Authority houses listed on the programme being built?

(2) From which materials will the GEHA houses be built in—

(a) Broome;
(b) Derby;
(c) Fitzroy Crossing;
(d) Halls Creek;
(e) South Hedland;
(f) Karratha;
(g) Kununurra;
(h) Tom Price;
(i) Paraburdoo;
(j) Roebourne;
(k) Wickham; and
(l) Wyndham?

(3) To what degree will air-conditioning equipment be installed in the houses in the towns referred to in (2) above?

The Hon. N. McNEILL replied:

(1) and (2)—

Town	Department	Total	Construction
Broome	Correction 6		Timber Framed
	P.W.D. 1		,,
	Education 1	8	,,
*Derby	Crown Law 1		,,
	Comm. Welfare 4		,,
	Education 1	6	,,
Fitzroy Crossing	Comm. Welfare 1	1	,,
Halls Creek	Comm. Welfare 1	1	,,
South Hedland	Mines 1		,,
	Pub. Health 1		,,
	Police 2		,,
	Comm. Welfare 1		
	S.H.C. 1	6	
Karratha	Police 1		,,
	Education 5	6	,,
Kununurra	Agriculture 3		,,
	Comm. Welfare 1		,,
	North West 1		,,
	P.W.D. 4	9	,,
†Tom Price	Education 2	2	Brick
†Paraburdoo	Education 1	1	Brick
Roebourne	Comm. Welfare 2		Timber Framed
	Correction 3	5	,,
Wickham	Education 2		,,
	Pub. Health 1	3	,,
Wyndham	Education 1	1	,,
		49	

*Building Programme has been reduced from 7 to 6 units because an existing GEHA house was allocated to the Police Department in lieu of building a new one.
†Houses being built through the agency of Hamersley Iron Company.

(3) At the request of the Authority an air-conditioning unit will be installed in the main bedroom of each unit of accommodation with exception of the houses at Tom Price and Paraburdoo which will be fully air-conditioned.

12. BREAD

Metric Measurements

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

(1) When did metric measurements become effective as applied to bread?

(2) What was the increase/decrease in the weight of the metric equivalent to the former standard 1 lb loaf of bread?

(3) What retail price change accompanied the changeover to metric weights?

The Hon. G. C. MacKINNON replied:

(1) The Metric Conversion Act converted the terms on 30th September, 1973.

(2) To produce a nominal 1 lb. loaf, the dough to be weighed had to be not less than 18 ozs. (actual conversion 509.4 grammes was rounded to 510 grammes) and not more than 20 oz. (actual conversion 566 grammes rounded to 570 grammes).

(3) Nil.

13. HOUSING

Government Departments: North-West

The Hon. J. C. TOZER, to the Minister for Justice:

Arising from the reply given to my question relating to the housing programme in the North on the

2nd October, 1974, would the Minister now advise the client departments for—

(a) the 26 houses to be built in South Hedland; and

(b) the houses in Wyndham, Derby and Roebourne?

The Hon. N. McNEILL replied:

(a) 8 houses for the Main Roads Department;

11 houses for the Department of Civil Aviation;

2 houses for the Department of Aboriginal Affairs;

1 house for the Department of Social Security;

2 houses for the Commonwealth Electoral Department;

2 houses for the Department of Meteorology;

(b) Derby—1 house for Postmaster-General's Department;

Roebourne—2 houses for Department of Social Security;

Wyndham—1 house for Department of Aboriginal Affairs.

14. BREAD

Price Increases

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

(1) What increases have been approved in the—

(a) wholesale; and

(b) retail;

price of bread since the 1st April, 1974?

(2) What were the dates on which each of these increases became effective?

(3) What is the total estimated increased cost to the public due to each of these increases?

(4) What is the present—

(a) wholesale; and

(b) retail;

price of bread?

The Hon. G. C. MacKINNON replied:

(1) (a) The wholesale price of bread is not subject to price fixing.

(b) and (2) There are eight controlled lines of bread, the re tail prices of which are fixed on the recommendations of the Wheat Products Prices Committee. These have increased as follows for unwrapped or where it is sliced and unwrapped or wrapped—

	Price on 1/4/74 Cents	Increase on 29/7/74 Cents	Increase on 4/10/74 Cents
900 grammes 2 lb.) ordinary loaf	27	29	32
900 grammes (2 lb.) ordinary loaf, sliced and wrapped or wrapped	31	33	37
450 grammes (1 lb.) ordinary loaf	14	15	16
450 grammes (1 lb.) ordinary loaf, sliced and wrapped or wrapped	16	17	20
680 grammes (1½ lb.) milk loaf	28	30	33
680 grammes (1½ lb.) milk loaf sliced and wrapped or wrapped	31	33	36
450 grammes (1 lb.) protein increased loaf	24	25	29
450 grammes (1 lb.) protein increased loaf, sliced and wrapped or wrapped	27	28	32

(3) This information is not available.

(4) (a) Not known.

(b) Answered by (1) (b).

15. HOUSING

Aborigines: North-West

The Hon. J. C. TOZER, to the Minister for Justice:

Arising from the reply to my question relating to the housing programme in the North on the 2nd October, 1974, wherein the Minister indicated that no Aboriginal housing was planned for Roebourne, would he now advise—

(a) under what programme is it planned to erect houses for Aborigines in Roebourne;

(b) does this same programme provide for Aboriginal housing in other northern towns and localities which are not shown on the information already provided; and

(c) if so, what are the numbers and locations of these houses?

The Hon. N. McNEILL replied:

(a) The information inadvertently overlooked in reply to the Hon. Member's question of the 2nd October, 1974, is that 45 houses will be erected in Roebourne in 1974-75 under the Aboriginal housing scheme.

(b) and (c) Apart from information already provided there is no other Aboriginal housing except for that being undertaken for Housing Societies at One Arm Point and Luma.

16. LOCAL GOVERNMENT

Traffic Control in Country Areas

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

Further to my question regarding traffic control in country areas on the 14th August, 1974, would the Minister advise—

(a) if all the information is now to hand;

(b) if the answer to (a) is "No", will he supply the information that is available?

The Hon. N. E. BAXTER replied:

(a) Yes. I seek leave to table the information.

(b) Answered by (a).

The document was tabled (see paper No. 254).

TEACHER EDUCATION ACT AMENDMENT BILL

Returned

Bill returned from the Assembly without amendment.

BILLS (3): RECEIPT AND FIRST READING

1. Library Board of Western Australia Act Amendment Bill.

Bill received from the Assembly; and, on motion by the Hon. G. C. MacKinnon (Minister for Education), read a first time.

2. Commonwealth Places (Administration of Laws) Act Amendment Bill.

3. Acts Amendment (Judicial Salaries and Pensions) Bill.

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

STATE HOUSING ACT AMENDMENT BILL

Third Reading

THE HON. N. McNEILL (Lower West—Minister for Justice) [4.52 p.m.]: I move—

That the Bill be now read a third time.

THE HON. R. F. CLAUGHTON (North Metropolitan) [4.53 p.m.]: In the comments the Minister kindly had prepared in response to the questions I asked during the Committee stage, he first referred to section 60 (b), whereas I thought in my remarks I had referred to section 60 (a). However, that is a minor detail, and it is difficult to know at this stage what difference it might have made to the Minister's reply, except that section 60 (b) incorporates an amendment made in 1969 referring to interest rate subsidies for borrowers. I am wondering whether the reference to section 60 (b) is a typographical error.

The Hon. N. McNeill: I am just having a look at it.

The Hon. R. F. CLAUGHTON: Paragraph (b) of section 60 reads—

(b) No provision of this Act which would exclude from the benefits of this Part of this Act a person in receipt of an income (as determined by the Commission) not exceeding twelve pounds per week shall have effect.

I think the reference to section 60 (b) was probably a typographical error.

The Hon. N. McNeill: That is a possibility and I am not able to confirm it at the moment, but it really makes no difference to the substance of what I said.

The Hon. R. F. CLAUGHTON: No. The limitation of £12 a week is somewhat outdated and raises the question why that limitation has remained. Is it that the section is no longer used and is considered not an acceptable means of providing the assistance which both the State and Federal Governments seek to provide? I do not expect the Minister to be able to answer that off the cuff, although I would appreciate it if he did know the answer.

The other part of the Minister's reply sets out the categories of people who can at present be helped under the existing Commonwealth-State housing agreements, which I will not read out in full. The first category is a family of two parents, with or without children, in which there is a limitation which cuts off the assistance at 85 per cent of average weekly earnings; where there are children some additional allowance is made. The second category is a couple without dependants if the breadwinner is an invalid, and the third category is a single aged person or an invalid whose gross income does not exceed 40 per cent of the average weekly earnings. On looking at those three categories it is quite obvious that other sections of the community would certainly not be covered in the provisions, and for that reason we will support the legislation.

Question put and passed.

Bill read a third time and passed.

SALE OF LAND ACT AMENDMENT BILL

Report

THE HON. N. McNEILL (Lower West—Minister for Justice) [4.57 p.m.]: I move—

That the report of the Committee be adopted.

THE HON. I. G. MEDCALF (Metropolitan) [4.58 p.m.]: During the Committee stage of this Bill a matter was brought to my attention which I believe merits the further attention of the Minister in charge of the Bill, whether by way of consideration in this House or by asking the Minister who will handle the Bill in another place to deal with the matter. I draw attention to it because I believe it is a matter of considerable moment.

I refer to the situation in regard to persons who enter into a syndicate for the purpose of constructing a block of flats or some similar enterprise. It seems to me that because of the provisions of clauses 4 and 5 of the Bill such syndicates will not in the future be able to function in the way they have functioned in the past.

These clauses provide that a person cannot offer to sell undivided shares in land unless there is also offered occupancy of one of the flats or units involved in the sale; and that a person is deemed to be carrying on the business of doing this if he sells more than three lots of undivided shares in a 12-month period. That is the combined effect of the three clauses in fairly simple terms.

I believe we have tended to overlook the fact that in the last 15 years the metropolitan area has benefited considerably from the actions of people who have formed syndicates and erected flats. Indeed, if one travels from the causeway along the river into the city one sees dozens of blocks of flats which have been erected largely as a result of people promoting flat syndicates. This also applies to large areas of the new suburbs and of old suburbs such as West Perth, Graylands, and many other areas of Perth which are dotted with blocks of flats. These have been of considerable assistance in alleviating housing problems, because they have in many cases provided people with relatively cheap housing. It seems to me we will run the risk of preventing this type of syndicate from operating in the future.

In most cases the way this is done is that a person buys a piece of land and, because it is suitably zoned, he decides it is appropriate for a flat project. He gets a half-dozen other people—or perhaps more—to join with him in a flat syndicate, and those people contribute to the erection of a block of flats. The result is they are then the owners in undivided shares in the land. There may be 10 or 12 owners owning the land in undivided shares as tenants in common. They may each own only a one-tenth or one-twelfth share in the land; they do not own individual flats. They all own the whole of the land, including the buildings which are erected upon it.

I am sure the Government would not wish to stifle this type of enterprise and to force people either to desist from this practice or to form companies with complicated trust deeds, which is really the effect of this legislation. I applaud the Bill and have already indicated I support it wholeheartedly and I have indicated to the Minister that I appreciate the amendments he has moved to it in connection with preventing the activities of racketeers; but nevertheless what I am talking about now has nothing at all to do with that. I am talking about bona fide syndicates formed for the purpose of building a block of flats in conformity with the building by-laws and other laws of the land.

I am afraid such people will be debarred from carrying on, except in accordance with the Act, which means they must have trust deeds and must comply with the Companies Act, which will involve them in considerable expense. I do not believe it was ever intended that this legislation should apply so as to stifle flat building, because if we drive people out of this area and make it too hard or too expensive for them to carry on this activity, we will prevent enterprise in this direction.

Many leading architects and citizens are now the owners of flats as tenants in common. They have put up the money for the construction of the flats. They do not live in the flats; as I said, they own them. This activity has been most useful. It has not only improved the areas in which the blocks of flats have been built, but it has also provided a great deal of employment, and in many cases it has provided for many people to be accommodated at a relatively cheap rate when compared with other forms of housing.

I know it is late in the piece to bring this matter up. I expressed to the Minister this afternoon my regret at having to mention it now. Had my attention been drawn to it earlier I would most certainly have brought it up. In the circumstances, I ask the Minister if he would be good enough to raise this matter in such manner as he sees fit, but possibly in another place, with a view to considering whether or not something can be done to rectify the situation to which I refer.

The Hon. N. McNeill: Before you sit down: you are not referring to people who are in this for once only; you are referring to people who undertake this as an investment and as a continuing operation. Is that correct?

The Hon. I. G. MEDCALF: I thank the Minister for that question. I am referring to people who might engage in more than one transaction, and not to people who might be involved in only one simple transaction of joining in one flat syndicate. It so happens that some promoters and reputable architects become involved in more than one of these transactions. It is these people to whom I am referring.

I appreciate the Minister's point; that is, if they engage in only one transaction they are not covered by the provisions of the Bill.

THE HON. N. McNEILL (Lower West—Minister for Justice) [5.07 p.m.]: I have noted the remarks made by Mr Medcalf. I am agreeable to have a further look at the situation and the circumstances to which he has referred. I cannot promise that I will be able to do anything about it, because I think we are getting into a somewhat difficult area when we try to provide legislation to cover all circumstances. Nevertheless, I think Mr Medcalf's point is valid and I am agreeable to having a further study made of it.

Question put and passed.

Report adopted.

MONEY LENDERS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 1st October.

THE HON. GRACE VAUGHAN (South-East Metropolitan) [5.08 p.m.]: We have read the second reading speech of the Minister in connection with this Bill. We consider the question of interest rates is of great moment to the public of Western Australia. Considering some of the serious remarks made by the Minister concerning competition between the States in regard to the borrowing of money and the disadvantage at which Western Australians have been placed; considering also that many members in this House are singularly lacking in knowledge of money matters—usury is something we all avoid, even though some of us earn interest on our money—because this is a subject about which perhaps many of us do not think very clearly and long; and considering that it appears some form of uniformity between the States may be required and there are many matters to be considered in the fixing of interest rates, I would like to foreshadow that we will move for the appointment of a Select Committee to investigate the matters referred to by the Minister.

THE HON. I. G. MEDCALF (Metropolitan) [5.09 p.m.]: For some time now the Money Lenders Act has been a cause of considerable concern to many people in our community—indeed it has been so ever since interest rates started to rise in last April or May thus making the Money Lenders Act completely out of date.

Unfortunately this Act, which was designed in 1912 to fit the circumstances of the time, is now quite out of date, and it is thoroughly necessary that it be given a complete review. I know the Minister is well aware of this, and intends completely to review the Act. It is indeed good to know that will take place; but in the meantime I believe he has rightly put forward certain amendments which appear in the Bill before us.

Very briefly, the effect of the amendments is that an attempt is being made to bring money lenders into line with the present interest rate position. Interest rates, of course, started to rise dramatically—in fact, in an unprecedented manner—in last April or May, and by July we had the spectacle of borrowings being made by reputable financial institutions at rates of up to 25 per cent. This is completely unprecedented, and I trust it is not likely it will be a permanent feature of our economic climate.

Nevertheless, this is a very serious matter and it illustrates that the Money Lenders Act, with its absolute maximum of 15 per cent, is completely out of date because many loans are being made at the rate of 20 per cent and above. In addition, it illustrates that the requirement that a person must register as a money lender if he or she lends money at a rate of interest exceeding 12½ per cent is also completely out of date.

In the last few months we have had the spectacle of many reputable citizens breaking the law without being aware of it, because when without registering they lend money at a rate of interest exceeding 12½ per cent they break the law; and yet people have been clamouring to borrow the money at whatever rate they could obtain it.

The Hon. R. Thompson: I well remember the speeches of your predecessor (the late Hon. H. K. Watson) in this respect.

The Hon. I. G. MEDCALF: The Leader of the Opposition has an advantage over me there. The situation has been that anyone who has lent money at a rate of interest exceeding 12½ per cent, and who is not a registered money lender, has been breaking the law and is therefore liable to a penalty of a fine of not less than $100. The Act contains one of those irreducible minimum penalties so that the court cannot impose a fine of less than a certain amount which in this case is $100. The maximum penalty is $200. On previous occasions argument has been heard in this Chamber about what a bad thing minimum penalties are; and, of course, generally speaking they are quite bad. However, this is one of those cases in which the court has no discretion, and it must fine a person not less than $100 if he is guilty of the offence of being an unregistered money lender.

I must stress that the term "money lender" includes any person who lends money at a rate of interest exceeding 12½ per cent. So any such person who has lent money to a finance company or to a private person—or to anyone at all—in the last few months, and who is not registered

as a money lender, has been breaking the law and is liable to a penalty of not less than $100.

That serious position is about to be rectified by the Government, and I applaud it for this action. In the circumstances it is thoroughly desirable that money be made available; it must be made available to those who require it for various purposes. People in the community must have money to build and to meet all their other requirements. Consequently they must operate at the going rates.

All this Bill is doing is taking cognisance of the going rates. I wonder whether the Minister would be prepared to say at some stage during this debate what rate the Government proposes to insert as being the rate at which a person must register as a money lender? At present the rate is 12½ per cent; and although the Bill provides that this will be the prescribed rate I wonder whether the Minister could indicate during the course of the debate what rate the Government might think of prescribing?

The Government must have some figure in mind, or it must be about to make some decision on the matter. I would like to know what the figure is, because it is pretty urgent, as many private citizens have unwittingly broken the law in the last three or four months by lending money above the rate of 12½ per cent without being registered as money lenders. To be a money lender one must obtain a license from the court. Not only has the average person not done this but he is not aware of the requirement.

Accordingly I will be interested if the Minister can let us know at a later stage of the debate what rate the Government is considering as the rate which will be the limit for private citizens who transform themselves into money lenders.

The Hon. N. McNeill: The maximum rate was intended to be 20 per cent, but that is not the figure to which you are referring.

The Hon. I. G. MEDCALF: No. There are two figures; one is the rate of 12½ per cent above which a person who lends money is required to register as a money lender. The other rate is 15 per cent, which is the maximum rate at which any loan can be made. The Minister has already indicated that it is proposed to raise this latter rate to 20 per cent. This is quite distinct from the other rate of 12½ per cent. If a person lends money above the rate of 12½ per cent he must be registered as a money lender, otherwise he commits an offence.

If a person lends at above a rate of 15 per cent he is liable to a penalty or a fine, because he is not permitted to charge more than 15 per cent. Also, the rate may be cut back to 15 per cent. Apart from this if one is a money lender such action could be held against one when one seeks to renew his license. Accordingly there are two distinct rates.

I will be most interested to hear—if it is possible for the Minister to disclose the figure at a later date—what rate will be inserted in lieu of the 12½ per cent which is the rate above which a person is required to register as a money lender.

Another matter I wish to raise in connection with the Bill refers to section 16 of the Money Lenders Act where a rate is laid down as being the maximum rate which can be charged if a loan is guaranteed.

Many of the loans made in commerce by reputable financial institutions require a guarantee, particularly if they involve large amounts. If, for example, somebody seeks a loan and a guarantee is required—say a Government guarantee—the Rural and Industries Bank normally gives such a guarantee on behalf of the Government. It is permissible for a charge to be made for acting as a guarantor and this is commonly done and a charge is commonly made by most financial institutions which act as guarantors.

There may be a large loan involved for the purpose of erecting a factory—let us say the amount of the loan is $250 000—and the lender wants a guarantee of repayment, and the borrower who perhaps has not the full security must find somebody who will guarantee him. Such person charges a fee, and under section 16 of the Act the maximum fee is 5 per cent of the amount of the principal sum actually lent.

It so happens that the provision does not state that the figure shall be 5 per cent per annum; it merely says 5 per cent of the amount of the principal sum lent, which means over the whole period of the loan no more than 5 per cent can be charged.

Accordingly if the loan continues for 10 years it will mean the maximum fee permitted will be ½ per cent per annum; if the loan continued for 20 years the amount of the fee would be ¼ per cent per annum.

This, of course, is completely unrealistic particularly with interest rates rising as they have been. So here we have a situation where it would not be possible to get a money lender to lend the necessary money unless he is able to do so at the existing market rate. In addition, we have a guarantor who would not guarantee that money unless he, too, is able to secure the market rate. If the market rate for a guarantee is 1 or 2 per cent, then the loan cannot last for more than two or three years before it exceeds the total of 5 per cent allowed under the Act; because, as I say, it is 5 per cent overall, and not 5 per cent per annum—Indeed 5 per cent per annum would probably be much too high.

If this section were treated in the same light as the other amendments and we had a rate prescribed by the Government, from time to time, for guarantees in accordance with market factors we would not be doing a disservice to anyone; in fact we would be encouraging the free flow and the free lending of money.

We are all aware that today everything depends upon credit so far as most transactions are concerned. There is a credit element in all major commercial dealings; indeed credit really oils the wheels of industry and commerce and, without it, there would be no business and no development and a consequent lack of expansion and opportunity.

Therefore it is desirable that we look at all aspects of money lending as they are involved in this Bill, and including the other aspect I have mentioned which is not referred to in the measure before us but which, I believe, is equally important; namely, that there should be some provision to ensure that guarantors are allowed to charge the proper market rate. If they cannot get the market rate then, of course, they will not be in business.

I may say in closing that the Money Lenders Act has occasioned a considerable amount of interest and there are a great number of people who are anxiously waiting in the hope that the Act will be amended so as to facilitate the dealings in which they would like to engage.

One very serious aspect which has already been touched on by the Minister is that money has been leaving the State and going to other States where there is no similar ceiling on loans. Money has been flowing to other States in the Commonwealth; money which, in fact, has been generated in Western Australia; indeed, it has frequently been borrowed by Australia-wide companies which simply transfer the amounts by bank transfer to their Eastern States counterparts where it is lent out to industry in the Eastern States, while local industry and the local people are deprived of such loans.

This perhaps is more serious than we think and that is another very good reason to amend the Act.

I whole-heartedly support the Bill, but I do ask the Minister whether he will be able at some stage to give us further information of the Government's thinking in respect of the rate which will be applied to registered money lenders. I also commend to the Minister my suggestion that section 16 of the Act should also be looked at in the course of considering the other provisions of the Bill.

With those comments I support the second reading.

Debate adjourned, on motion by the Hon. D. W. Cooley.

FUEL, ENERGY AND POWER RESOURCES ACT AMENDMENT BILL

In Committee

Resumed from the 8th October. The Chairman of Committees (the Hon. J. Heitman) in the Chair; the Hon. G. C. MacKinnon (Minister for Education) in charge of the Bill.

Clause 7: Section 44 added—

The Hon. R. F. CLAUGHTON: This clause deals with the ratification of the order by Parliament when a state of emergency is declared. It is necessary for this order to be ratified by both Houses of Parliament. If it is not ratified by both Houses of Parliament this will revoke any regulations made under the order.

If we consider that it is possible for an order to be made for the existence of an emergency which does not in fact exist, but is thought to be likely to exist—and that is the situation when the House meets and considers the order—it is then likely that the order will be ratified without an emergency actually being in existence at the time, or being in existence after the order has been ratified by Parliament.

There is a sort of dubious quality about this safeguard. There is no doubt it is a safeguard, but it is not an absolute safeguard.

In an emotional situation where people are not examining things rationally; where there may be emotional public debate about an issue or where, in fact, the Government may feel there is a political advantage to be gained from declaring a state of emergency, there is a distinct possibility that the powers in the legislation before us could be misused and abused.

The Hon. Clive Griffiths: If it is in you want it out and if it is out you want it in.

The Hon. R. F. CLAUGHTON: If both Houses of Parliament ratify the order declaring a state of emergency and the day after Parliament is adjourned and the state of emergency no longer exists, the order will still stand for the full six months, and this to my mind is another failing in the legislation.

It would be far better to have what has been termed a self-destructive provision within the Bill rather than rely on this particular clause to give a more democratic consideration of what the Bill is all about.

In respect of the South Australian legislation which contained a self-destructive provision, we are told the Commonwealth Press Union held a conference in Hong Kong recently. In *The West Australian* of the 5th October it was reported that at this conference the view was expressed that the South Australian legislation was a threat to the Press.

If the South Australian legislation which contained greater safeguards than the Bill before us was seen as a threat to the Press, then the Bill before us is a greater threat. This provides argument that Government members should consider what they are supporting. They should not rely merely on the arguments put forward by the members of the Opposition.

The Hon. N. McNeill: Just as well for them.

The Hon. Clive Griffiths: In respect of the clause we are supporting, it is the ratification by Parliament of a state of emergency.

The Hon. R. F. CLAUGHTON: There is an abundance of material for members of the Government to study to enable them to assess the value of this legislation. I put it to the Minister that a state of emergency can be declared and ratified by Parliament on the ground that an emergency is likely to occur; but, in fact, it might not occur at all. In those circumstances the order and regulation will persist for the full six months.

If it is a national emergency of a temporary nature which might cease on the day after Parliament has ratified the order or regulation, then such order or regulation will also persist for the full six months.

The Hon. LYLA ELLIOTT: Last week the Minister undertook to obtain information from the Crown Law Department concerning section 8 (c) of the parent Act. I think this gives the commission very wide powers in handling an emergency. Last night the Minister also undertook to provide an opinion on whether the Supreme Court has power to reverse a previous decision validating the declaration of a state of emergency.

The Hon. G. C. MacKINNON: The right of appeal to the Supreme Court would more properly be dealt with under clause 8. I did intend to raise this matter under that clause. I cannot recall my undertaking to look into section 8 (c) which states—

> to initiate or promote negotiations, consultations, or other measures to ensure that supplies of suitable fuel and power are available for use in the State in the manner best calculated to further the public interest in all respects.

This is a provision which was agreed to by the previous Administration; it has applied since that time, and not only when an emergency existed.

We are now dealing with clause 7 and I cannot see how the reaction of a Press conference affects it. The question that the South Australian legislation contained more safeguards was also raised.

The Hon. R. F. Claughton: I brought it up in reference to the South Australian legislation which contained a self-terminating provision, but the Bill before us does not contain such a provision.

The Hon. G. C. MacKINNON: I suppose in these days when we see television programmes frequently we become accustomed to terms such as "self-destruction". However, I regard this as a limiting provision. I do not agree that the South Australian legislation contained more safeguards than our legislation.

We should examine the purpose for which the South Australian legislation was designed to cope. Irrespective of the views of Mr Dunstan, as reported in the newspapers, the legislation was not dropped.

Clause 7 simply makes provision for the declaration of a state of emergency to be ratified within 30 days of the order being laid before Parliament. That being the case, and in view of what has been said in the debate, I naturally expect the clause to be passed without a dissentient voice.

The Hon. R. F. CLAUGHTON: I dispute the comments of the Minister dealing with the South Australian legislation. The reports I have seen indicate the legislation was not dropped because it was ineffective, but because of strong opposition to it. The Minister has not disputed the two points I made regarding orders and regulations being effective without a state of emergency being in existence. Where an emergency ends, after the order has been ratified by Parliament, the order will still apply for the full six months.

The Hon. G. C. MacKINNON: I did not comment on that aspect because it was self-evident. I accept the view of Mr Claughton that his comments on the clause are not really a criticism of the clause, but a criticism of the system. The best defence one can offer is to say whatever imperfections the system may have, it is the one under which we operate. It is the best that could be devised to meet existing conditions.

Many things, though highly improbable, are possible. It is possible for the hypothetical case to arise under the provisions of the Bill when it becomes an Act. A declaration of a state of emergency is not likely to be successful, unless there is clear evidence of an emergency. I repeat that this is a protective device which to the best of my knowledge has been welcomed by everybody.

Clause put and a division taken with the following result—

Ayes—18

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

(Teller)

Noes—9

Hon. R. F. Claughton	Hon. R. H. C. Stubbs
Hon. D. W. Cooley	Hon. R. Thompson
Hon. D. K Dans	Hon. Grace Vaughan
Hon. S. J. Dellar	Hon. Lyla Elliott
Hon. R. T. Leeson	*(Teller)*

Clause thus passed.

Clause 8: Section 45 added—

The Hon. R. F. CLAUGHTON: It has been claimed that the clause provides a great number of safeguards. Having listened to the debates, both inside and outside Parliament, I fail to see where such safeguards exist. I would like clarification this afternoon of the provision in the clause.

In his second reading speech Mr Medcalf said—

> Immediately an emergency is declared there is nothing to prevent any person who may so desire to seek an injunction to restrain the Government, or the Minister, or the fuel commission from enforcing any of the powers and authorities in this legislation.

Yesterday we discovered that while every citizen has the right to issue a writ, nothing in fact happens at the time. Eventually the matter is brought before the court and a hearing takes place. This does not guarantee that the applicant will receive satisfaction, or that the emergency which has been declared will be ruled to be *ultra vires*.

Mr Medcalf said that everyone has a right to take this course, but that does not guarantee any protection. Proposed new section 45 states—

> 45. The powers and authorities conferred by this Part of this Act shall not be exercisable—
>
> (a) except in a part of the State in relation to which a state of emergency has been declared; and

In other words, if an emergency exists within the metropolitan area none of the regulations can have effect outside the boundaries of the metropolitan area. That is quite clear and a court would have no trouble in determining whether or not such a situation existed. The proposed new section continues—

> (b) except in respect of an emergency in relation to which a state of emergency has been declared. .

Again, this provision is not difficult to understand although it seems that some Government members read it differently, from what I have heard of their addresses to public meetings. To me the provision means that any declaration of a state of emergency will refer to a particular emergency. Regulations made under an order cannot apply to another emergency situation which might arise. I have no difficulty in understanding the provision and I do not think any court would have difficulty in ruling on it. I believe it would be a most unusual coincidence for two separate emergencies to occur at the same time. Perhaps the Minister can confirm my interpretation of the proposed new section.

The Hon. G. C. MacKINNON: This is an important new section and I would like members to examine it closely. What a stern proposed new section it is. Even the marginal note does not refer to the operations of the part of the Act, but to the limitations of the operations of the part. The proposed section states that the powers and authorities conferred by it shall not be exercisable except in a part of the State in relation to which a state of emergency has been declared, or except in respect of an emergency in relation to which a state of emergency has been declared. That is sternly worded construction, and quite deliberately so because it offers more protection to the citizen who always has to be protected.

The proposed new section is inserted to make it quite clear that the provisions of the Bill relate to emergency situations only, and are not of general application in a normal situation. Nothing could be done under the provisions of this Bill in a part of the State where the state of emergency had not been declared, or in respect of any matter, whether of an emergency nature or not, which was not a matter relevant to the order declaring the state of emergency. In the case of an emergency which was not relevant to an order, an emergency which had already been declared would not apply. If, for instance, an oil embargo had occasioned the declaration of a state of emergency the powers under the Bill could not be used in relation to an earthquake which might occur during the continuance of that state of emergency unless by a separate order the powers had been specifically applied to the earthquake situation.

The provision also affords to the court an opportunity to consider whether or not an emergency exists, in fact. I think it was only last night we dealt with the situation with regard to law. The extent to which the court will look behind the exercise of the Governor's discretion is extremely limited, but if there were a blatant abuse of power, then the provision of this proposed section would enable the court to declare the declaration of the state of emergency invalid.

Subsequent clauses provide further redress for citizens to take action. I believe in that explanation I have covered all the points raised by Mr Claughton.

The Hon. R. THOMPSON: Last night we discussed new section 43 at length. It will be recalled that some airy fairy words were used, and now, two clauses later, we come to the limiting of action. I do not

know whether the Minister can explain how the laws of demarcation can be set. Perhaps the Minister can put forward a hypothetical case—which he did not like my doing recently—to illustrate how a line of demarcation can be set for the purposes of limiting operation of that part of the Bill. New section 43 dealt with the transport of oil by sea, natural disasters, and other circumstances or cases affecting, or likely to affect, the supply or distribution of the resources of fuel and energy to the community, or any substantial portion of the community. We then had conflict on the definition of "is or may be". A Government member did send across to me a definition which was quite humorous and rather hilarious; it meant nothing. However, the definition finished the early morning on a bright note.

A declaration of a state of emergency could involve a very small section of the State, and could be contrary to the provisions of new section 43 which refers to a "substantial portion" of the community. A state of emergency in the south-west corner of the State, or in the Esperance region, would not involve a substantial portion of the State. How will a line of demarcation be decided.

The Hon. G. C. MacKINNON: Quite frankly, I can see no difficulty at all. We set lines of demarcation between shires.

The Hon. R. Thompson: The Minister should take new section 43 into consideration, which could change this clause.

The Hon. G. C. MacKINNON: The part which has to be taken into consideration is that which refers to the disruption of shipping or other transport outside or within the State, and circumstances and cases affecting the supply of fuel in or to the State, and which affects the community or any substantial portion of the community. There is no reference at all to an area.

The Hon. R. Thompson: The Minister should read further. There is reference.

The Hon. G. C. MacKINNON: The state of emergency shall exist either in the whole State, or in any part of the State specified in the declaration.

The Hon. R. Thompson: It could be a very small section where a substantial community does not live.

The Hon. G. C. MacKINNON: Of course, it could be a substantial area such as Esperance, which has a substantial community. A state of emergency could be declared.

The Hon. R. Thompson: Why did the Minister not answer in that manner last night?

The Hon. G. C. MacKINNON: Because the Leader of the Opposition did not ask me the question in that manner last night. That brings me to another matter: On approximately five occasions the Leader of the Opposition has said I took objection to his use of a hypothetical case. He is telling a little fib.

The Hon. R. Thompson: The Minister knows that I do not tell fibs.

The Hon. G. C. MacKINNON: All right. The Leader of the Opposition was not quite telling the story as it should have been told. He posed a hypothetical case and asked what the attitude of Cabinet would be to that particular situation. I would not answer and state how the Government might react to a hypothetical situation. I was not prepared to say how somebody, whom I might not have even met, might react to a hypothetical case. I would not accept the question in that case, and in that case only. I was quite justified, of course, as the Leader of the Opposition would be the first to admit.

The Hon. R. Thompson: I am quite prepared to let you make up your hypothetical cases.

The Hon. G. C. MacKINNON: One could imagine emergency situations in any of the ports which have bulk terminal facilities. Let us take the example of a major explosion occurring at the Port of Esperance. Perhaps a fire would follow the explosion with a resultant loss of life and a certain amount of mayhem. It could well be desirable to declare a state of emergency for a week while the situation is sorted out in order to give the people the protection that may be necessary. I see nothing in the Bill to militate against such action. A substantial portion of the population is there, and it is in a specified area of the State.

I can see no difficulties in specifying given areas of the State. We could do this by using local authority boundaries. The declaration might say, "within the Shire of Esperance" and that is a clearly delineated boundary. It is easy enough to define such an area. Nowadays the local authorities group themselves together to define a region, and they have no difficulty in performing this exercise. I can see no problems whatever with this provision.

Sitting suspended from 6.02 to 7.30 p.m.

The Hon. R. F. CLAUGHTON: Clause 8 deals with the powers and authorities conferred by this Act and states that those powers shall not be exercisable in certain circumstances; this has been covered already. In proposed new section 45, the court would have to be satisfied as to the true prerequisites of the use of any power. The questions the court would ask would be, firstly, was there a state of emergency declared in the first place; secondly, was there an emergency at all; and, thirdly, was the state of emergency declared in relation to that emergency and not in relation to some other matter?

It has been said that this proposed section will provide protection for the community because any declaration can be challenged in a court. However, I should like to challenge that assertion. I again express my regret that debate on proposed section 41 was cut short, because we were not able to explore all that was meant by the word "judgment" in that proposed section. I will just have to do the best I can under this clause. I contend that the court would be able to decide only two things firstly, whether the state of emergency had been declared for that particular area and, secondly, whether an order declaring a state of emergency had actually been made. Its authority to express an opinion would not go beyond that.

If I had been able to develop this argument on proposed section 41, I would have said that under this section, although the courts may have been able to express an opinion on the declaration of a state of emergency and perhaps even state that the Government was wrong in so declaring, that opinion would have no effect because of what is contained in proposed section 41. It is on that question in its two parts that I should like the Minister to express his views. The court is able only to decide firstly, whether the area on which the person making an application is in dispute—that is, in relation to the piece of land to which his complaint relates—secondly, whether the order had actually been declared; and, thirdly, whether in its view the declaration was justified. If my reading of new section 41 is correct, the court's opinion would have no effect on the declaration.

The Hon. G. C. MacKINNON: The debate on proposed new section 41 was cut down to a mere seven hours.

The Hon. R. Thompson: It could have gone on for 27 hours.

The Hon. G. C. MacKINNON: It could have gone on for the rest of this year.

The Hon. D. K. Dans: Not likely.

The Hon. G. C. MacKINNON: Quite right, but members opposite suggest that that could have happened. However, it did not; the debate was limited to seven hours. That is quite an adequate length of time to discuss anything. To say that the debate was cut short and brutally guillotined is just a load of nonsense.

The DEPUTY CHAIRMAN (the Hon. R. J. L. Williams): Order! I draw the attention of members to Standing Order 82. If we are to go backwards, I shall regard that as a reflection on a vote of the Legislative Council.

The Hon. G. C. MacKINNON: I would agree, of course.

The Hon. D. K. Dans: It is a funny thing about this debate. I am not learning much about the Bill, but I sure am learning a hell of a lot about Standing Orders.

The Hon. G. C. MacKINNON: Then the debate has served a useful purpose because a knowledge of Standing Orders is desirable. We are dealing with clause 8 of the Bill. I believe I have explained it thoroughly. I have mentioned that it permits a citizen who feels himself to be aggrieved to appeal to the court. In other words, the citizen is afforded all those protections which are available to him before the courts of the land. That is highly desirable. I appreciate that the courts are reluctant to interfere with what they call the prerogative power of the Executive, but they will do so. Indeed, the history of the judicial actions of this country and of the United Kingdom before it show many examples of such action. By the very comments of Mr Claughton, the provisions of this clause are accepted by the Opposition. To my mind, the action a judge takes, whether he listens to this argument or to that argument to a large extent will be guesswork and will have no real bearing on the matter. It might be very interesting for learned counsel to discuss, but it will be resolved by the judge when he gets the person in the court. That is the protection which is available to the private citizen under this Bill.

The Hon. R. THOMPSON: The marginal notes to this clause are, "Section 45 added. Limitation on operation of this part". I know we cannot take much notice of those marginal notes. My criticism has been that there is no hurry for this Bill and that the Government should withdraw it and re-examine it. Let me take the hypothetical case which was put forward before the suspension of the sitting and which related to a state of emergency being declared in the Esperance region. To use the Minister's own words, the emergency could last for a week or a fortnight. However, the order could stay invoked for six months. Is there any necessity for this? If a state of emergency is over, why should it remain in force for six months? Why should there be more than one order made in one region? We could have order on order on order.

The Hon. G. C. MacKinnon: I have explained this point.

The Hon. R. THOMPSON: Yes, the Minister has explained those points, but he says that this proposed section represents a safeguard for the community. Those were the Minister's words.

The Hon. G. C. MacKinnon: I said that it is one of the safeguards.

The Hon. R. THOMPSON: If it is a safeguard for the community, then the people should be completely safeguarded in that if an emergency is declared for a specified period, the declaration should make it clear that it shall be invoked only during that period. However a period of emergency should not last for six months and then, after it has expired, another state of emergency be declared three weeks later. In these circumstances we could have a snowballing effect with one emergency following another and with each emergency being declared by one of 12 different Ministers of the Crown. A limit should be placed on the period of emergency.

The Hon. R. F. CLAUGHTON: The Leader of the Opposition has raised an interesting point in that although we accept that the initial declaration of a state of emergency is most likely to be the collective decision of Cabinet, this need not necessarily apply to a subsequent renewal of that declaration. That would then depend on the state of mind of the Minister.

I do not think the Minister has satisfactorily answered the point I raised. I would point out to him again that this proposed new section in the Bill is very important, because members on the Government side have claimed that under it people have the right to apply to a court for redress for any injustice they may suffer.

The Hon. C. G. MacKinnon: The proposed section does not deny them that right, and therefore they are left with that right.

The Hon. R. F. CLAUGHTON: I agree that they have the right to apply to a court, but I do not agree that they will get the necessary satisfaction because they have that right.

The Hon. G. C. MacKinnon: That depends on the case, in the same way as it would on any other case before a court.

The Hon. R. F. CLAUGHTON: The Minister has his opinion of the proposed section, but there are other people who would not agree with his opinion; in other words they would not agree that the court has any jurisdiction beyond what is provided in that proposed subsection. The court can state whether a state of emergency applies in a particular area, or whether a declaration for a state of emergency does in fact exist. There is nothing in this proposed section which will enable the court to state other than that. Proposed new section 45 reads—

> The powers of authority conferred by this Part of this Act shall not be exercisable—
>
> (b) except in respect of an emergency in relation to which a state of emergency has been declared.

So the operative words are, "whether a state of emergency has been declared". The court needs only to be presented with that evidence. If the Minister is challenged all he need say is, "there is an order that declares a state of emergency". However there is nothing else in the provision to state that the court has authority to go beyond that point.

I reiterate the importance of the provision because we have to bear in mind that proposed section 41 provides that whatever action is taken under it will prevail over all other Acts, laws, and judgments. It is claimed a judgment can be made under that proposed section and that it refers only to judgments, because they refer to something that has occurred in the past and have nothing to do with this proposed new section. Proposed section 41 refers to an opinion that has already been given. In practice it can apply only to future judgments that have some relationship to the state of emergency and the challenges made in respect of this proposed section.

The Government has a duty to show more carefully how this proposed section will apply in the way it claims; that is, in giving people the right to seek redress and that the judgment of the court will prevail if it decides that a state of emergency does not exist. Among other things, we have to keep in mind that a state of emergency may not exist; that it is thought it is only likely to exist in the circumstances obtaining.

The Hon. G. C. MacKinnon: We have dealt with this point, of course.

The Hon. R. F. CLAUGHTON: If we are talking about the right of a court to make a decision on the question of what will have priority over regulations that are made in respect of a state of emergency, this point has to be considered. I do not think the Government has given enough satisfaction to those people outside the Chamber who will be affected by this provision, because they will want to know what will happen in these circumstances.

I can only assume from the Minister's silence that he does not have any argument to refute what I have said, and so we must now assume that the court, in fact, has no authority, and any judgment it makes will have no effect, because the regulations made under proposed section 41 will prevail.

The Hon. G. C. MacKINNON: We reach a stage where the people about whom Mr Claughton is speaking have to make a judgment on whether they accept his explanation or my explanation, or pay to obtain an opinion from someone else. Anyone who believes that in the State of

Western Australia a Supreme Court judge, acting in the full range of his power, does not have authority, will have another think coming if the judge makes a decision that the Governor has sufficient evidence to declare a state of emergency in all the circumstances which we have discussed over and over again. Therefore I do not know what else can be said. I am content that the explanation given is adequate in all the circumstances, and I repeat that the people to whom Mr Claughton has referred will have to make a decision themselves as to whom they believe.

The Hon. R. F. CLAUGHTON: The court can make a judgment only within the terms of the legislation. The provision in the clause contains two factors: whether there is evidence that a state of emergency has been declared over the part of the State involved, and whether there is in existence an order declaring a state of emergency.

Clause put and a division taken with the following result—

Ayes—17

Hon. C. R. Abbey	Hon. N. McNeill
Hon. N. E. Baxter	Hon. I. G. Medcalf
Hon. G. W. Berry	Hon. T. O. Perry
Hon. Clive Griffiths	Hon. I. G. Pratt
Hon. J. Heitman	Hon. J. C. Tozer
Hon. T. Knight	Hon. W. R. Withers
Hon. G. C. MacKinnon	Hon. D. J. Wordsworth
Hon. G. E. Masters	Hon. V. J. Ferry
Hon. M. McAleer	*(Teller)*

Noes—8

Hon. R. F. Claughton	Hon. R. T. Leeson
Hon. D. W. Cooley	Hon. R. H. C. Stubbs
Hon. D. K. Dans	Hon. R. Thompson
Hon. S. J. Dellar	Hon. Lyla Elliott
	(Teller)

Pair

Aye	No
Hon. A. A. Lewis	Hon. Grace Vaughan

Clause thus passed.

Clause 9: Section 46 added—

The Hon. D. W. COOLEY: The Bill could well do without the provision in the clause. Even if the Government agrees with our contention to remove the provision, it would merely make this bad law a little better. Much legal comment has been made on clause 9 which provides for the retrospective validation of acts.

According to advice which has been obtained and opinions which have been expressed this is, to say the least, an unusual action for any Government to take. The Law Society was extremely kind in its comments on the Bill, when it said that common law countries had always properly considered that retrospective legislation could only be justified, if ever, in the most extreme situations, and that these had very rarely arisen.

We have heard that on occasions emergencies arise from extreme situations, but certainly it is not proper under any circumstances for a clause to be inserted into legislation in this form.

Mr Leslie Stein, a senior lecturer in law at the University of Western Australia, has commented on this provision, and he read into it an attack on the trade union movement. In fact, he said the whole Bill was an attack on the trade union movement. He also said it was the worst piece of legislation he had ever seen in his experience; and he was referring in particular to the provision in this clause. In these circumstances I hope the Government will see fit not to incorporate such a provision in our Statutes.

To the best of my knowledge no attempt has been made previously to include such a provision in our laws. Perhaps the Minister will seek to justify this provision in the same way that he attempted to justify the passage of the Commonwealth legislation of 1949 by the Chifley Government. Similarly, Mr Tozer could also justify this provision in the same way that he tried to justify the inclusion of provisions in the earlier clauses.

The Bill opens the way for abuse to arise from proposed new section 41, the discussion on which was torpedoed by the action of the Government.

The Hon. G. C. MacKinnon: That was after seven hours of debate!

The Hon. D. W. COOLEY: Mr Medcalf brushed over this part of the Bill very quickly and in my view he did not say anything at all convincing about it.

Like the previous clauses this one has no place in legislation expected of a democratic system. If it is deleted the Bill will lose very little. Therefore, I hope that in retrospect the Government will see fit to delete it to improve a little what is rather bad legislation.

The Hon. G. C. MacKINNON: I take it that Mr Cooley does not like clause 9, but I am not sure why.

It has been suggested that the purpose of this provision is to make it possible for a Government to make lawful an act which was unlawful at the time it was done, and to a limited extent this is so. One point I gathered from Mr Cooley's comments was that this sort of provision should be included in a Bill to be used only in a dire emergency; and that is precisely the reason for its inclusion. Sometimes in an emergency situation it is necessary to act quickly, and if a person or authority is aware that had there been time to make regulations under the Act, certain action could have been taken, it seems a pity to prevent that action being taken merely because formalities at that time had not been completed.

I doubt that there is any criticism ever levelled at a Government with such regularity as the criticism that there is too much red tape. These things must be done in procedural ways. Yet, the moment it is

suggested that under an emergency situation such red tape might be cut, trouble is experienced.

The provision makes it possible for a person or authority who wishes to take emergency action to do so, provided he, or the authority, is reasonably certain that what is done will be subsequently made lawful by the regulations and that those regulations will not be disallowed—and provision remains for them to be disallowed. Obviously an act which is contrary to criminal law is unlikely to be made lawful by regulation. The expression "unlikely" would be the understatement of the time I guess. What actually occurs in an emergency situation is to be dealt with as best as it then can be, and those circumstances cannot be foreseen.

It is a question for the courts to decide whether or not the act was done within the powers provided by the regulations. If it were, then the regulations prevail; but, even so, the matter can be brought to the notice of the Minister under proposed new section 58, and the Minister may find it politically expedient to produce an appropriate remedy. I have no doubt whatever that someone will fasten onto my deliberate choice of the words "politically expedient"; but that is the situation, and a Minister has the power under the Act to listen to an appeal from any of his delegated authorities.

If the matter is not within the powers provided by the regulations, the courts will operate in their normal manner; that is, action can be taken.

That is a factual explanation of the clause, almost phrase by phrase, and I hope that any further debate will be confined at least to the explanation of those particular phrases in the clause.

The Hon. D. K. DANS: Like my opposite number, Mr MacKinnon, I often find myself in agreement with him, but I am afraid I cannot agree with him on the explanation he has just given. I would agree that Governments are accused of being involved in too much red tape; but, after all, this is one of the great safeguards of the British legal system and the parliamentary system under which we operate. However, in such circumstances progress may seem a little slow from time to time to people outside Parliament, particularly when the actions do not suit them personally.

These provisions are normally and generally an inbuilt safeguard for the people at large, and I do not think anyone would argue with that description. We all know what sits on the top of the Old Bailey in London, and we all know what it means—that British justice is fair and it is swift. However, I have not been able to come across legislation of this nature anywhere validating actions. In other words, it puts into operation the authority in advance. I suppose one could use easier terms than that.

Let us consider the worst situation a Government could face—the declaration of war. Is anyone going to suggest to me that someone will say that as of midnight tonight this country is at war with X country, and we will validate the legislation for the previous month? This is very real and has all kinds of legal implications.

I do not want to hammer this point, but it is so important. The dangerous aspect of this legislation is that it deals with people. Although it is amending an Act dealing with power, energy, and fuel resources, the Bill deals with people—flesh and blood. It does not define the kind of emergencies with which it will deal. Let us consider a couple of them. Let us suppose a natural disaster occurs—an act of God; an earthquake—at midnight tonight at Meckering.

In such an event a lot will depend on the state of mind of the Minister, and I will come back to that one! I do not want to traverse what has already been said regarding responsibility, and the use of the words "idiot" and "maniac". Does the Minister suggest he would have power, in the event to which I have referred, to bring in an emergent situation which would backdate a declaration of emergency even one day? Is it to be suggested that if the Ord River Dam were to burst its banks, and create a natural disaster, the Minister would be able to validate legislation to deal with such a situation? Of course he would not.

So, as we proceed we are narrowing the field where the validation of this legislation would be necessary. Is it suggested that if the oil refinery at Kwinana were to catch fire we would have to validate legislation to deal with that situation? Bearing in mind that I commenced my examples with the extreme case of a declaration of war, I would respectfully suggest that would be the prerogative of the Australian Government, and not the State Government, as would be the case with so many situations with which this Bill presupposes it will deal.

The Hon. W. R. Withers: Such as, in respect of this clause?

The Hon. D. K. DANS: I am quite capable of making my speech without any help from Mr Withers. I find he usually digs a hole, throws away the shovel, and then jumps into the hole himself.

One could go on and quote natural disasters and acts of God, and it has never been necessary to declare a state of emergency because the natural compassion and energy of the Australian people has always risen to the occasion. It will not be necessary for the Government to go out and order people to assist.

The Hon. D. J. Wordsworth: Does the honourable member think that what he is saying is really right?

The Hon. D. K. DANS: Is the honourable member saying there has never been such a case?

The Hon. D. J. Wordsworth: You quote one; you are making the speech.

The Hon. D. K. DANS: I have previously quoted the 1933 riots in Kalgoorlie, and I went a little further and quoted the riots in Broome at the turn of the century. I suppose I could also refer to the actions of the Chinese in the Queensland goldfields.

The Hon. I. G. Medcalf: I do not think that has anything to do with the present Bill.

The Hon. D. K. DANS: Neither do I, but I was simply answering interjections. I am trying to narrow down this particular clause which will allow a state of emergency to be validated or made retroactive.

The Hon. I. G. Pratt: Is the member saying there would be no need to do anything unlawful in an immediate emergent situation?

The Hon. D. K. DANS: I am not saying that at all. I am saying we can deal with all the situations in this State and in this country—including a declaration of war—without the necessity to have an Act of Parliament which validates or makes legislation retroactive.

The Hon. D. J. Wordsworth: The member is saying that such situations could not have been dealt with better had there been additional power.

The Hon. D. K. DANS: It appears to me that if, for example, the transport workers did something wrong and a state of emergency were declared with the result that the transport workers stopped doing what had been wrong, that would not make any difference at all because the action will be made retroactive.

The Hon. I. G. Pratt: Is the member not getting confused between lawful and unlawful?

The Hon. G. C. MacKinnon: Of course.

The Hon. D. K. DANS: No, I am not confused. Who will be the judge of what may be lawful or what may be unlawful? What one person may consider to be lawful another might not. Let us return to regulatory clause 4 which added new section 41.

The DEPUTY CHAIRMAN (the Hon. R. J. L. Williams): Order! I will not allow the Committee to go back to clause 4.

The Hon. D. K. DANS: I am asking the Committee to look back at clause 4; I neglected to say "let us look back to the clause".

The Hon. I. G. Pratt: Let us get back to the clause under discussion.

The Hon. D. K. DANS: No.

The DEPUTY CHAIRMAN: Order!

The Hon. D. K. DANS: The member opposite will have an opportunity to make a speech.

The DEPUTY CHAIRMAN: Order! Interjections are highly disorderly. The Hon. D. K. Dans.

The Hon. D. K. DANS: Thank you Mr Deputy Chairman.

The Hon. D. W. Cooley: All the interjections are coming from the Government side, Mr Deputy Chairman.

The DEPUTY CHAIRMAN: Order! There is no need for the honourabe member to join in the act. The Hon. D. K. Dans.

The Hon. D. K. DANS: Having dealt with clause 4, which has added new section 41, we are now dealing with the next most important aspect of the Bill. Perhaps there are other important pieces of legislation such as that dealing with company law or interest rates under which it is necessary to validate certain financial situations. However, I do not know of any other legislation which would operate in this way. The difference between lawful and unlawful has been tossed in, but that is tweedledum and tweedledee.

The Government will have to re-examine the position regarding this clause. Under what circumstances are we to use the validatory prescription? It has not been necessary previously. Was it necessary in order to deal with the Dwellingup fire? I believe Mr McNeill was the chief fire officer on that occasion but I do not think he had any need to ask the Government to introduce legislation to deal with looters.

The Hon. N. McNeill: As a matter of fact, there may well have been situations in which it would have been appropriate.

The Hon. D. K. DANS: The fact is that it was not done.

The Hon. R. Thompson: The wharfies went down and fought the fire without having to be asked.

The DEPUTY CHAIRMAN: Order! Members will stop interjecting. The Hon. D. K. Dans.

The Hon. D. K. DANS: I am a pretty reasonable person as I think everyone would agree.

The Hon. R. F. Claughton: You are, we all agree with that.

The Hon. D. K. DANS: I do not want to belay this Committee. I am sorry I meant to say "delay".

The Hon. N. McNeill: Perhaps "belay" would be better.

The Hon. D. K. DANS: I do not want to delay this debate but we think we are entitled to know just what the provisions

of the clause allude to. I feel I have canvassed a pretty wide area where emergencies could prevail, and where they have previously prevailed. We have not previously required legislation such as this. I almost said, "on the one hand" until I remembered that Mr Gayfer had said he would love to find a one-handed lawyer.

It leaves only one section of the community untouched; that is, the trade union movement. Assurances could go into *Hansard* for everyone to understand and to read in the future.

The Hon. R. Thompson: Including the judges.

The Hon. D. K. DANS: I have an idea the judges might hear about it, although they might not read it. This proposed section is punitive. Perhaps we all accept that no-one will use it, in the interests of liberty and freedom; but Governments do change. I agree with the Minister that we can make legislation only on the basis that our governmental and parliamentary system will not change, but I always have the fear that in a changing economic situation a Government of the extreme right or left could be sitting here. The crowd which shares our victory today is the same crowd which could jeer us on the way to the gallows tomorrow. We all know that; it is part and parcel of human nature and we do not have to go very far to find it.

These are some of the matters we should consider and if there is the slightest bit of doubt in anyone's mind it should be cleared up. I am very sure the Government itself would not want to have on the Statute book legislation which would in one way or another impinge on the liberty and freedom of the individual, no matter from which section of the community he might come. I think it is a valid request that these matters be brought out and explained by the Minister. He has explained a good deal to me tonight; this is the first time I have been on my feet tonight and I certainly do not want to be here as late as we were yesterday.

The Hon. G. C. MacKinnon: It is up to you.

The Hon. D. K. DANS: It is not up to me. It depends on our being given explanations in order that the confusion and fear which are prevalent among such a wide range of people may be cleared up and people's minds may be set at rest. I think that is a reasonable request.

I do not know whether I have gone far enough. I agree with what Mr Pratt said in some of his interjections in regard to what is lawful and what is unlawful. It is a matter of definition.

It is very strange that following the Nuremburg trials some men were hanged, with which I did not agree; but all that the Hitler regime did was done within German law. After all, laws are made by men under certain circumstances to deal with the political thinking of the time and according to the strength they have in a particular area. I am not suggesting —and God forbid that I ever do—that the great principles of law, justice, and equity in our predominantly Anglo-Saxon society, dating from the Magna Carta, will be overturned overnight. The only reason we have maintained those standards is that debates like this have ensued over the centuries, and people have been able to probe and get answers. Whatever the weaknesses of our parliamentary system may be, no-one can claim that our parliamentary democracy is carried on behind closed doors. People can come, listen, purchase, and be informed about the actions of their representatives, and they have a perfect right under our electoral system either to retain those representatives or turn them out.

It is a strange and sad fact that one of the weaknesses of our parliamentary system—whether a Labor, a Liberal, or some other Government is in office—is that once a law goes onto the Statute book, even though it may have been vehemently opposed by the Opposition at the time, it normally stays there. It is put into one of the big books on the shelves, and perhaps at some time someone will come along and say, "I have a recollection that when I was doing history I read that way back in so-and-so a particular law was enacted; I will find out whether it is still there."

If there is in this proposed subsection anything which might impinge on the rights of any individual, it should not be passed, or at least it should be placed on record in *Hansard* for all to see in the future as an indication that it does not mean what I think it means.

The Hon. I. G. PRATT: I have been accused of sitting and saying nothing throughout this debate. That is a charge to which I very happily plead guilty because I do not judge my contribution on the volume of verbiage I inflict upon the ears of other members. When I have something to say or when I think a comment is worth making, I interject. I interjected while Mr Dans was speaking because it was very obvious that he had mistaken the words "lawful" and "unlawful" in this proposed subsection, which simply and clearly makes lawful acts which may have been unlawful but which were necessary to handle the emergency. It does not, as he claimed, make unlawful any lawful acts which had been carried out prior to the emergency.

The Hon. G. C. MacKINNON: I always enjoy listening to Mr Dans, and I appreciate why he was so successful as a union secretary.

The Hon. J. C. Tozer: In small doses, perhaps.

The Hon. G. C. MacKINNON: In smaller doses than we have been subjected to. Invariably a couple of valid points come out of his speeches, and two valid points came out of his last speech. One was that he had ranged very wide in his examination of an emergency situation. He ranged from one side of the country to the other, not once touching on the kind of emergency one would expect to be affected by the provisions of a Bill dealing with fuel, energy, and power resources.

The Hon. D. K. Dans: I came to that when I made my last point.

The Hon. G. C. MacKINNON: The other valid point he made was that he knew very well this Government would not introduce a piece of legislation containing a clause which meant what he thought this proposed subsection meant. So, as I say, however long one may have to listen, a couple of bits of truth always come out.

I said that to a minor extent the statement that the proposed subsection is designed to make lawful something which might have been unlawful, was correct. I then gave an explanation to cover that provision in a wider context. This proposed subsection seems to me to be very simple.

Incidentally, I have been looking at the Unfair Trading and Profit Control Act. It was a dreadful piece of legislation which was introduced by the Hawke Government. It was thrown out the moment we were returned.

The Hon. R. Thompson: You made sure of that. It was your very first Bill.

The Hon. G. C. MacKINNON: There are a couple of sections in that Act which would horrify members.

The Hon. D. K. Dans: How did you just happen to have that? I was reading it the other day.

The Hon. G. C. MacKINNON: It was dreadful legislation which made a direct attack upon one law-abiding section of the community.

The Hon. D. K. Dans: That is a pretty broad statement.

The Hon. G. C. MacKINNON: It is no broader than to say this Bill is a direct attack on the union movement.

The Hon. D. K. Dans: I am asking you.

The Hon. G. C. MacKINNON: And I have contradicted it time after time. I have fallen for the three card trick again —I should not let myself be drawn into these side issues.

There can be little or no valid argument that in a genuine emergency, dealing with fuel, energy, and resources, occasion could well arise demanding immediate action which may cut across certain accepted procedures. It might be highly desirable, in the interests of safety, economy of effort, and economy of those resources, to take some action which would cut across accepted practice. Nothing done in that way which may possibly be actionable under "normal" circumstances, could be objected to, provided that the action is subsequently validated by a regulation which stands up both before the courts and before Parliament. That is all this clause does.

The Hon. I. G. MEDCALF: I would like to correct some comments made by Mr Cooley during the course of the discussion on this clause, or perhaps I should say I would like to add to the comments I made myself. Mr Cooley indicated that I tended to gloss over this point in my earlier discussion. It seems to me to be transparently clear—and I have not the slightest doubt in my mind when I say this—that acts done under the regulations cannot be validated if they occur before a declaration of a state of emergency. Clause 9 reads as follows—

> . . . Where any acts are done before the commencement of any emergency regulations . . . and by virtue of those regulations those acts would have been valid . . . if those regulations had been in force . . . the acts shall be deemed to have been validly done under the authority . . . of this Act.

The Hon. D. W Cooley: You left out, "when the acts were done".

The Hon. I. G. MEDCALF: I will read out the whole of the clause.

The Hon. D. W. Cooley: You left it out.

The Hon. I. G. MEDCALF: I was attempting to summarise the clause, but I would not like it to be thought I was leaving anything out. Clause 9 reads as follows—

> 9. The principal Act is amended by inserting after section 40 a new section, to stand as section 46 as follows—
>
> > 46. Where any acts are done before the commencement of any emergency regulations made under this Part of this Act, and by virtue of those regulations those acts would have been valid and lawful if those regulations had been in force when the acts were done, the acts shall be deemed to have been validly done under the authority of this Part of this Act. .

No-one can say I left out anything that time because there is not another word in the clause, except the marginal note.

The Hon. D. W. Cooley: You said "when the acts were done" that time.

The Hon. I. G. MEDCALF: That means that acts done before the regulations have been promulgated will be validated provided the regulations are promulgated. It

has been suggested that this would entitle people to go back in time and to validate acts performed before a state of emergency was declared. This is absolutely wrong, and to illustrate how wrong it is, it will be necessary for me to refer to the previous clause which states—

> The powers and authorities conferred by this Part of this Act shall not be exercisable—
>
> . . .
>
> (b) except in respect of an emergency in relation to which a state of emergency has been declared.

The Hon. R. Thompson: Mr Deputy Chairman, that means we can go back now that you have allowed Mr Medcalf to go back.

The DEPUTY CHAIRMAN (the Hon. R. J. L. Williams): I feel that the honourable member was linking up this clause with his explanation and that it was necessary for members to understand the point he was making.

The Hon. R. Thompson: I would like to link up clause 4, too.

The Hon. I. G. MEDCALF: Thank you, Mr Deputy Chairman. I believe it was necessary because otherwise it is impossible to make the point that the acts must be performed after an emergency has been declared. It is absolutely essential that these two clauses be linked together in order to follow that point. I must reiterate that no power or authority at all can be exercised under this Act unless a state of emergency has been declared. If no power can be exercised, then no acts can be done until the emergency has been declared. Members must look now at clause 9 and read it in the context of an emergency having been declared.

The Hon. R. Thompson: I understand that as clearly as you do.

The Hon. I. G. MEDCALF: It is quite obvious that the emergency must be declared in the proper manner by the Governor before acts can be performed under that state of emergency, and not before.

The Hon. R. Thompson: The Minister declares the emergency—not the Governor.

The Hon. I. G. MEDCALF: It is quite wrong to say the provision is retrospective in the sense that it goes back before the state of emergency is declared. It cannot do that. An illegal act performed before the emergency is declared is illegal, and the person performing the act is answerable for it. This does not make legal an illegal act performed before the declaration of the state of emergency. It only makes legal any acts done after a declaration of a state of emergency and before the Government has time to draw up regulations under that state of emergency. To say that this is retrospective legislation is overstating the position to an enormous extent. I believe the regulations would be gazetted in the shortest possible time after the declaration of emergency. Surely we will not stand around doing nothing while we wait for the *Government Gazette* to come out.

The Hon. D. W. COOLEY: Far be it from me to cross legal swords with Mr Medcalf because he would leave me for dead in a legal argument. The Minister has to rely on legal advice when explaining the respective clauses of the Bill. I would like to put my interpretation on what this clause says. Mr Medcalf told us that the clause will not validate acts performed before an emergency. Why then is it written in here? It says quite clearly—

> Where any acts are done before the commencement of any emergency regulations made under this Part of this Act, and by virtue of those regulations those acts would have been valid and lawful . . .

The Hon. W. R. Withers: There is no punctuation between the words "emergency" and "regulations".

The Hon. G. C. McKinnon: You misread it.

The Hon. D. W. COOLEY: I would like to give my understanding of the clause without interjection. I am seeking a proper explanation.

The Hon. G. C. MacKinnon: We are trying to be helpful.

The Hon. D. W. COOLEY: As a member voting on this clause tonight, I think I am entitled to that explanation. My understanding of the wording is that an unlawful act can be done before an emergency is declared—I know Mr Medcalf might say that is wrong—and if there were no state of emergency, the person who committed that unlawful act could be prosecuted.

However, if that unlawful act comes within the framework of the regulations made under this proposed new section, and subsequently a state of emergency were proclaimed, then the act would be valid and lawful. Perhaps I am wrong, but that is how I read the clause.

The Hon. R. F. Claughton: Many people agree with you.

The Hon. D. W. COOLEY: Yes, I know many people agree with me in this respect; 65 out of 69 of Mr Medcalf's colleagues in the Law Society agree with me.

The Hon. I. G. Medcalf: They do not agree with what you have just said.

The Hon. D. W. COOLEY: Maybe they do not. What worries me is that—

The Hon. V. J. Ferry: You can't understand it.

The Hon. D. W. COOLEY: We cannot understand how Mr Ferry could stifle discussion of a very important clause of a Bill by placing himself in the position of a hatchetman—

The DEPUTY CHAIRMAN (the Hon. R. J. L. Williams): Order!

The Hon. D. W. COOLEY: —and cutting off discussion in respect of one of the most important pieces of legislation—

The DEPUTY CHAIRMAN: Order!

The Hon. D. W. COOLEY: —which has ever come before this Parliament.

The DEPUTY CHAIRMAN: Order! The honourable member will come to order. I would remind him of Standing Order 82.

The Hon. D. W. COOLEY: I understand that Standing Order, Sir, but when I hear interjections such as that I am tempted to be in violation of it. I do not think the action of that member last night was good.

The DEPUTY CHAIRMAN: Order! In order to clarify the position I will read Standing Order 82. It is as follows—

> 82. No Member shall reflect upon any vote of the Council except for the purpose of moving that such a vote be rescinded.

I would ask Mr Cooley to stick to the spirit and token of that Standing Order.

The Hon. D. W. COOLEY: I was not talking about the vote of members; I was talking about a member who torpedoed discussion on a very important matter, and that was the member who interjected so rudely a short while ago.

In the last few nights in this place we have passed clauses which will give to the Government the ability to make regulations which will override awards, agreements, Acts of Parliament, and all other manner of things. Further to that we have bestowed upon a Minister the right to appoint any person or any authority to give effect to those regulations. In this proposed new section 46 we are giving to that person or authority the right to commit acts which are presently unlawful, and in the event of a state of emergency being declared those acts will become lawful if they are within the confines of the regulations made after the emergency has been declared. At the very least this situation should be cleared up and not brushed aside. I am not satisfied with the explanation of either the Minister or Mr Medcalf. We should have considerable discussion on this clause so that we all have a complete understanding of the position. I would appreciate a more comprehensive explanation.

The Hon. G. C. MacKINNON: What a hopeless situation we arrive at when a member stands up and reads a proposed new section in this way: "Where any acts are done before the commencement of any emergency, regulations made under this Part of this Act. . ."; whereas it actually states, "Where any acts are done before the commencement of any emergency regulations made under this Part of this Act. . .". That, of course, is totally different. Mr Medcalf explained that the emergency must have been declared; and the hiatus between the declaration of the emergency and the publication of the regulations is covered by this clause.

As I pointed out, Mr Cooley read out the provision in such a way as to imply that a punctuation mark appears between the words "emergency" and "regulations" when that is not so. It is a hopeless proposition trying to make an explanation when a member refuses to listen and refuses even to read the provision as it is written.

The Hon. R. F. CLAUGHTON: The Minister and Mr Medcalf have stated their opinions on this matter. However, I point out that different opinions have been obtained. One is that of the Law Society, which states that this proposed section has the effect of rendering lawful that which was illegal at the time it was done. It also states that the effect of the section is to validate acts whether or not done in anticipation of emergency regulations. Another opinion which, I believe, may be attributed to the Crown Law Department states that the clause relates only to time and not to subject matter. That opinion appears to agree with that expressed by Mr Cooley.

It is claimed that acts done before the emergency is declared will be rendered lawful; and the period of time involved is not limited in any way. This could apply even 10 years later.

The Hon. W. R. Withers: It doesn't say that.

The Hon. R. F. CLAUGHTON: Does Mr Withers believe that is not so?

The Hon. W. R. Withers: Yes.

The Hon. D. J. Wordsworth: The Law Society does not say that is so.

The Hon. R. F. CLAUGHTON: I do not know how members opposite read plain English.

The Hon. G. C. MacKinnon: Or French; it is preferable to double Dutch, anyway.

The Hon. R. F. CLAUGHTON: The words in the proposed section appear to be quite plain to me. To enlighten Mr Withers, I would point out that it states—

> Where any acts are done before the commencement of any emergency regulations—

I do not know whether I need read the entire proposed new section.

The Hon. W. R. Withers: You do not seem to know it yourself, so you had better read it.

The Hon. R. F. CLAUGHTON: Very well. It continues—

> made under this Part of this Act, and by virtue of those regulations those acts would have been valid and lawful if those regulations had been in force when the acts were done, the acts shall be deemed to have been validly done under the authority of this Part of this Act.

Obviously that situation will apply only if the acts are done before the regulations are made.

The Hon. W. R. Withers: That is right, only from the stage when the emergency was declared.

The Hon. Lyla Elliott: How can you be so sure of that?

The DEPUTY CHAIRMAN: Order!

The Hon. R. F. CLAUGHTON: Perhaps Mr Withers could get up and tell me where the words appear in plain English language in that section. It does not say when the emergency must occur; it does not say whether it will occur a day, a week, a month or even a year later. Mr Withers has claimed several times that the interpretation of this clause has been incorrect and that we have misrepresented the situation. Perhaps he could explain now where the Law Society and, it would appear, the Crown Law Department has misrepresented this clause.

The Hon. W. R. WITHERS: For me to do what Mr Medcalf has already done would be tedious repetition.

The Hon. R. F. Claughton: Mr Medcalf has not done it.

The Hon. W. R. WITHERS: Mr Medcalf referred to clause 8 and tied it in with clause 9 and explained to the House and the honourable member that anything that was done before the regulations were made could be made lawful only if it were done between the declaration of the emergency and the writing of the regulations. That is clear and simple and that is the way it was written in clauses 8 and 9.

The Hon. R. THOMPSON: Of course, that is completely untrue; it is not written that way and it does not say that. There has been a lot of confusion about this clause, I respect the opinion given by Mr Medcalf, although many opinions have been given as to what this new section means. As I said when I spoke during the second reading debate, I do not want to be a party to amending a bad Bill. It is not too late for the Government to clarify this section. Everybody should know what it means. Although I will not move such an amendment formally, the Government could correct the situation by adding the words, "after a state of emergency has been declared and" so that proposed new section 46 would read, "Where any acts are done after a state of emergency has been declared and before the commencement of any emergency regulations . . .". That would have clarified the situation and would have obviated the need to debate this clause for more than one hour. Irrespective of what Mr Medcalf and the Minister say, the provision does not state what they claim it states. Members opposite should read the comments of the Law Society in respect of this clause; they would see the Law Society considers that it is not stated. Members should read what was contained in yesterday's *Daily News* and by Professor Harding about this clause. Every other person who has commented on this clause has disagreed with the opinions expressed by Mr Medcalf and the Minister. It is an atrocious clause and should be clarified.

The Hon. R. F. CLAUGHTON: That is one aspect of this clause. I think we have demonstrated that the criticism levelled against the Government has some foundation. I hope the Government takes note of these criticisms. We have a great duty to make sure that the provisions of this Bill are clearly understood. Perhaps if we are successful, the Government may decide to take a second look at the Bill. I think we have amply demonstrated that the time limitation the Government appears to believe is contained in the Bill in fact does not exist. As I said, that opinion would appear to be supported by the Crown Law Department.

The other aspect of the clause is that the regulations made would validate acts that are illegal by making them legal. We would hope that any Government implementing these regulations would be a responsible Government; no doubt in the main, that would be the case. However, it is not difficult to imagine in an emotional political climate rash decisions and provisions being made which may be regretted later. On that point alone, it is not wise to write this sort of power into an Act. We could agree that if the Bill were more specific, this section would be less objectionable, but we must consider it in the context of the entire legislation.

One aspect we have not considered is the effect of the *sub judice* rules on debate in this Parliament.

The Hon. R. Thompson: A very valid point.

The Hon. R. F. CLAUGHTON: If a writ is issued and the Standing Orders are applied, how can we even discuss these regulations? We cannot even begin to discuss them.

Clause put and a division taken with the following result—

Ayes—17

Hon. C. R. Abbey	Hon. M. McAleer
Hon. N. E. Baxter	Hon. N. McNeill
Hon. G. W. Berry	Hon. I. G. Medcalf
Hon. V. J. Ferry	Hon. T. O. Perry
Hon. Clive Griffiths	Hon. I. G. Pratt
Hon. J. Heitman	Hon. W. R. Withers
Hon. T. Knight	Hon. D. J. Wordsworth
Hon. G. C. MacKinnon	Hon. J. C. Tozer
Hon. G. E. Masters	*(Teller)*

Noes—8

Hon. D. W. Cooley	Hon. R. T. Leeson
Hon. D. K. Dans	Hon. R. H. C. Stubbs
Hon. S. J. Dellar	Hon. R. Thompson
Hon. Lyla Elliott	Hon. R. F. Claughton (*Teller*)

Pair

Aye	No
Hon. A. A. Lewis	Hon. Grace Vaughan

Clause thus passed.

Clause 10: Section 47 added—

The Hon. S. J. DELLAR: We have now reached the stage in the Bill where emergency regulations can be declared under the clause we are now discussing. I hope that my rising at this stage does not precipitate what occurred here yesterday evening at a similar stage of the proceedings; that is, if the Press correctly reported the incident. I thought the time at that stage was three minutes to twelve.

The Hon. W. R. Withers: Did you hear the clock striking?

The DEPUTY CHAIRMAN (the Hon. R. J. L. Williams): I remind the honourable member there are no striking clocks in this Chamber.

The Hon. S. J. DELLAR: I do not need any assistance from the honourable member. This clause seeks to insert proposed new section 47 which is in two parts and under it emergency regulations may be framed if a state of emergency has been declared.

The main objection to this Bill all along has been the fear and doubt that exists in the minds of the people who oppose the measure in that they do not know what is contained in it despite the assurances given by the Minister handling the Bill. On numerous occasions the Minister has said that he would like to have specific points to answer in debate. I therefore point out that under subsection (1) of proposed section 47 a state of emergency can be declared and if it continues to subsist. the Governor may make regulations. Therefore what I am asking the Minister is whether a state of emergency continues to subsist, or is it the declaration made under this subsection which continues to subsist?

The Hon. G. C. MacKinnon: Sit down and I will tell you.

The Hon. S. J. DELLAR: I will do that and await the Minister's reply.

The Hon. G. C. MacKINNON: Mr Dellar wants to know whether a state of emergency continues to subsist after a declaration has been made. The answer is that it does continue to subsist; but it fails to subsist when it is revoked or at the end of six months, whichever comes first.

The Hon. S. J. DELLAR: That information does not satisfy me. Why should the Government declare a state of emergency and then wait for it to subsist before it decides whether or not to make the emergency regulations? I stress that the Government will not make the regulations until a state of emergency has been declared and it continues to subsist. What is the point in making a declaration of a state of emergency and then waiting for it to subsist?

The Hon. G. C. MacKinnon: The honourable member is asking a question but gives me no chance to answer it.

The Hon. S. J. DELLAR: I repeat the question: How long does a state of emergency have to subsist before an approach is made to the Governor to declare there is a state of emergency which requires some emergency regulations?

The Hon. G. C. MacKINNON: I am not sure whether the honourable member is having me on or is as silly as he sounds; or both.

The Hon. R. F. Claughton: He wants an answer to the question he has asked.

The Hon. G. C. MacKINNON: It appears he does not want an answer. Let us say that an emergency is declared under the Act and the Governor is satisfied that a state of emergency exists; and it is not revoked immediately. The Governer in pursuance of the two reasons mentioned may then make regulations. The provision is as simple as that.

The Hon. R. F. CLAUGHTON: Mr Dellar has experienced some trouble in understanding proposed new section 47, and consequently he had difficulty in framing his question. I understand what he was aiming at, but the Minister has failed to do so.

The Hon. G. C. MacKinnon: That is drawing a long bow.

The Hon. R. F. CLAUGHTON: The question which Mr Dellar has asked is relevant to the proposed new section. The Minister has talked about a situation which subsists, and about the declaration of a state of emergency. Mr Dellar has asked how long a period must elapse from the making of an order before the regulations are issued under that declaration. No time appears to be set down in the Bill. It could be after Parliament has been called together before the regulations are issued. That is the essence of Mr Dellar's question.

The Hon. G. C. MacKINNON: The honourable member has answered his own question. The question was what time would elapse from the declaration of a state of emergency before the regulations have to be issued? I do not see how there could be any period laid down. If a period of 10 days is provided there might be a breakdown in the printing office and the regulations cannot be printed in that time. The regulations are issued as soon as possible, because Parliament has to be called together.

Proposed new section 47 contains the power to make emergency regulations, but it starts with the proposition that the regulations can only be made for certain purposes, and that no other regulation which would be inconsistent with the powers given by the Bill can be made.

Subsection (1) limits the power to make regulations by requiring that they fulfil one of the two conditions set out in paragraph (a) and paragraph (b). If a proposed regulation does not fulfil one of those conditions, then it could be declared invalid by the Supreme Court under rule 11 of order 58.

That being so, it is impossible to envisage the sort of situation where it is alleged that the suspension of the Electoral Act or the censorship of the Press could be brought within either of those two conditions. Neither of those matters would in any manner assist to provide or secure supplies or services or to prevent supplies or services being disposed of in a prejudicial manner. They are, therefore, clearly inconsistent with the Bill and clearly invalid.

That is what the provision means, and that is what it does.

The Hon. D. K. DANS: Ever since the introduction of the Bill I have been very wary of it. Whether or not I agree with legislation, I am always happy to look at it provided it is well drafted. However, the Bill before us does not fall into that category. It is a very cunning piece of legislation.

I would rather deal with a dishonest person than a cunning person. In particular I am concerned about proposed section 47(2)(k) and (l). These paragraphs bring right to the surface the whole ambit in which this emergency legislation can be invoked because there is hardly any activity which does not involve fuel, energy, and power resources.

I will now speak with a parochial attitude and refer to the attitude on the waterfront. We consider this to be a strike-breaking clause and no amount of explanation will change our mind on it. In fact we will not ask for an explanation.

The Hon. R. Thompson: We know all about strikes and their repercussions.

The Hon. D. K. DANS: It concerns an expression used here; that is, "volunteer". In the City of Fremantle, among all sections of the community—businessmen or otherwise—that is a filthy word.

The Hon. D. J. Wordsworth: What, "volunteer"?

The Hon. D. K. DANS: If the honourable member will be patient I will tell him why. In the City of Fremantle a monument, recently taken down, will shortly be erected in front of the Fremantle Town Hall. It is a monument to Tom Edwards, killed on a Sunday in 1919, referred to as Bloody Sunday. It was a day on which a Government sought to introduce volunteers, or scabs as we call them, to the Fremantle waterfront. It is to the credit of the people of the City of Fremantle that not only the waterside workers, but the whole of the community, rose against the action. Policemen stripped off their coats and never got further than the traffic bridge. If anyone would like to take a walk with me one day and have lunch in Fremantle I will introduce him to people who were there at the time and they come from all sections of the community.

On the day Tom Edwards was buried the whole of the City of Fremantle shut down for two days—not only on the waterfront, but in business and industry.

When one tampers with this kind of thing, one tampers with dynamite. I do not want any explanation from the Minister. We have formed our opinions and we are cast iron on them. We are inflexible.

We will assist in any emergency; we always have done so. Not only have we assisted in emergencies, but if it has been a question of raising money for the blind, Torchbearers' for Legacy, the crippled children's home at Rockingham, the Swan boys' orphanage holiday cottage, and so on we have never failed to do so, and we will continue in this way. But volunteers —no, not in any circumstances.

If the Government wants to bring on a situation which will shut down the whole of the State and bring out every trade unionist in Australia it need only persist with this clause and retain it in the legislation because this is the whole kernel of the Bill. In a developing economic situation the Government is trying to do what the Heath Government attempted and failed to do. Through devious methods it is trying to brand the trade union movement with the responsibility for the problems which beset the whole of the western world, but the Government will not get away with it. Just as the British miners turned the Heath Government back, so we will turn this Government back well and truly.

If we face a genuine emergency we will rise to the occasion. No legislation is required for that. However, if some of the legislation must be invoked in a general emergency, and it does not impinge on the rights of anyone, but particularly the trade unions, we will go along with it; but do not try it any other way.

The Hon. W. R. Withers: When you say "we" are you referring to the seamen?

The Hon. D. K. DANS: I am referring to the City of Fremantle, not to any union.

The Hon. W. R. Withers: When you say "we" you mean the City of Fremantle?

The Hon. D. K. DANS: Yes.

The DEPUTY CHAIRMAN (the Hon. R. J. L. Williams): Order! The interjections will cease.

The Hon. D. K. DANS: Ever since the incident on Bloody Sunday in 1919 no-one has been quite stupid enough ever to attempt to put another scab back on the wharf in Fremantle and, on behalf of those people, I say the Government could never do it. Take heed. This Bill is nearly through. I will not warn the Government because that is not my purpose; but there is an old eastern saying that he who rides a tiger can never dismount. The Government should remember that.

I intend to say nothing else about this clause. If it is proceeded with, even if it is not acted upon, while it remains in the legislation, the Government will have hostility not only in this State, but throughout the length and breadth of this land.

As I have said, I do not want any explanation. We have had this clause explained to us by the best legal brains in the country, but we will not trot out what they have said because they represent only opinions. However we know full well what the clause means and we will react.

In the early part of the debate I said that the trade union movement was a reactionary movement and I said it quite coldly and deliberately. We will not act, but we will react and the Government will have the biggest emergency this State has ever known.

The Hon. W. R. Withers: What do you mean by "we"?

The DEPUTY CHAIRMAN (the Hon. R. J. L. Williams): Order!

The Hon. D. K. DANS: I am making a statement on behalf of the people I represent and they have not been misinformed. We are not stupid enough to misinform them. We do not depend on pamphlets, my word, or the word of a union official, even though he may be the unions' own official. We have enough money, resources, experience, and expertise to find out what it really means.

The Hon. W. R. Withers: I was quite sincere in my question.

The Hon. D. K. DANS: Maybe Mr Withers was; but let me leave this thought with members: this will be the most foolish Government on record, and it will go down in history as being the most foolish Government on record, if this clause remains in the Bill. No matter how the Minister tries to explain it—I have already said I do not want to hear any explanation because my mind is a closed book on it—we know what it means and we are just not going to cop it.

The Hon. G. C. MacKINNON: There is a speech to end all speeches! There is a member who wants it both ways. It is all right to have volunteers for anything else in the country—the great Australian about whom Mr Dans was telling us. There is no problem with regard to emergencies in this country because we are a group of volunteers who will volunteer for any emergency except in Fremantle where volunteers are banned! That is the attitude; do not explain it to me; do not confuse me with facts; do not tell me anything! Split the country down the middle! In that speech Mr Dans was not representing people, but an idealogy.

That is nothing but ideology; straight-down-the-middle-of-the-line ideology. Mr Dans talked about representing people. I know people in Fremantle; I have spoken to them, and I have friends down there who would find the ideology expressed in the speech we have just heard—that closed mind and shuttered attitude—absolute and complete anathema. If there were an emergency in Kalgoorlie volunteers could be used, but on the mighty waterfront volunteers could not be used! I come from a waterfront town and I know the way waterfront workers volunteer in time of trouble. I know the sort of fellows who work there because I have friends there, and some of them vote for me.

A speech such as that to which we have just listened makes me very angry indeed. It is absolutely contrary to everything for which many of us fought.

The Hon. D. K. Dans: And so did the people on the waterfront.

The Hon. G. C. MacKINNON: Yes, and so did the people on the waterfront and, my word, that is why many of them will read Mr Dans's speech with horror.

The Hon. D. K. Dans: Does the Minister want to put scab labour on the waterfront? He is missing the point.

The DEPUTY CHAIRMAN (the Hon. R. J. L. Williams): Order!

The Hon. G. C. MacKINNON: When my friends front up at union meetings, and I have been to union meetings myself—

The Hon. D. W. Cooley: How long ago?

The Hon. G. C. MacKINNON: A long time ago. I bought my own business and moved up the scale.

The Hon. D. W. Cooley: You must have been a good member of the union.

The DEPUTY CHAIRMAN: Order! Members will cease interjecting.

The Hon. G. C. MacKINNON: I have seen union meetings. I have been told to go to Collie, and that is in my electorate.

The Hon. D. K. Dans: Come to Fremantle with me next week.

The Hon. G. C. MacKINNON: I do not need to go to Fremantle.

The Hon. D. K. Dans: Say they will not put scabs on the waterfront, and we will agree.

The Hon. G. C. MacKINNON: At a union meeting a fellow usually gets up with a microphone and he controls the whole meeting.

The Hon. D. K. Dans: Bunkum.

The Hon. G. C. MacKINNON: Bunkum my eye. I have been there and seen it happen.

The Hon. D. K. Dans: When?

The Hon. G. C. MacKINNON: When one talks to the reasonable fellows they say, "What can we do? We are in the body of the meeting and you know what it is like." Of course, members opposite know what it is like. The speech we have just heard is the sort of speech which might receive cheers for Mr Dans in Fremantle; some parts of it. It would ensure him his election down there but it will bring him no admiration from this House, and it will gain him no admiration from those who read it. He said he did not want any explanation from the Minister.

The Hon. D. K. Dans: We know what the clause means.

The Hon. G. C. MacKINNON: The member opposite knows, and I know.

The Hon. D. K. Dans: The Minister is still not trying to explain the clause.

The Hon. G. C. MacKINNON: I am not. If Mr Dans spoke to the union involved—whichever one it might be—and that union received several legal opinions from eminent QCs around this country I am absolutely certain that at least one of those QCs would explain what the use of the word "engaged" meant in this particular clause; it would not be scab labour.

The Hon. D. K. Dans: I did not say anything about scab labour.

The Hon. R. F. Claughton: I thought that is what Mr Medcalf said.

The Hon. G. C. MacKINNON: The clause refers to the use of volunteers.

The Hon. D. K. Dans: I spoke about the attitude to volunteers in Fremantle. You have to refer to history.

The Hon. G. C. MacKINNON: I know the attitude to volunteers.

The Hon. D. K. Dans: If the Government never introduces volunteers it will have our co-operation forever.

The DEPUTY CHAIRMAN: Order!

The Hon. G. C. MacKINNON: That is not the question. The question is that no explanation was required. There was to be no discussion; the minds of the Opposition are made up. Legal opinions have been obtained from two, three, four, or five lawyers and I am absolutely certain they do not all square off.

The Hon. D. K. Dans: It would be amazing if they did.

The Hon. G. C. MacKINNON: It would be impossible. So the opinion which suits the honourable member has been selected.

The Hon. D. K. Dans: Has the Minister not done the same thing with Mr Medcalf's opinion?

The Hon. R. Thompson: The Minister has accepted many opinions.

The Hon. D. K. Dans: And rejected that of the Law Society.

The DEPUTY CHAIRMAN (the Hon. R. J. L. Williams): Order! Honourable members will cease interjecting. The honourable the Minister.

The Hon. G. C. MacKINNON: We did not reject the opinion of the Law Society because it has not considered this Bill. The Law Society sat in judgment on the original Bill as members opposite have admitted during their speeches. I was horrified as I sat here and listened to the rigid iconoclastic attitude expressed by Mr Dans.

The Hon. D. K. Dans: Only if you want to put volunteers on the water front.

The Hon. G. C. MacKINNON: Only if we want to put volunteers on the waterfront! Let us suppose there was an explosion in a ship tied up to the wharf at Fremantle, with consequent loss of life. It seems they would not accept volunteers there.

The Hon. D. K. Dans: All volunteers could come under those circumstances, and the Minister knows that.

The Hon. G. C. MacKINNON: We now have a change of mind and a different attitude. We now switch back to the Australian attitude, which does not require the legislation.

The Hon. D. K. Dans: We know what that means.

The Hon. R. Thompson: Those on the wharf would be the first to do the work.

The Hon. G. C. MacKINNON: There might not be the opportunity because so many could be killed in the explosion and the resultant emergency could require the use of volunteers. Volunteer workers have been on the wharves.

The Hon. R. Thompson: When?

The Hon. G. C. MacKINNON: Ambulance drivers, before they were employed.

The Hon. D. K. Dans: Those drivers still go onto the wharf.

The Hon. G. C. MacKINNON: They are volunteers.

The Hon. D. K. Dans: I have explained what I meant.

The Hon. G. C. MacKINNON: Mr Dans explained and put steel shutters around everything and did not even allow for a peephole. Let us make no mistake about that.

I come back to the main point. The speech we have just heard did not represent all the people of Fremantle. It was

a speech representing the ideology—the reactionary ideology—which is so reactionary it is more conservative than were the English Tories of 100 years ago. I am sorry to have heard that sort of speech in this place.

Question put and a division taken with the following result—

Ayes—16

Hon. C. R. Abbey	Hon. N. McNeill
Hon. N. E. Baxter	Hon. I. G. Medcalf
Hon. G. W. Berry	Hon. T. O. Perry
Hon. J. Heitman	Hon. I. G. Pratt
Hon. T. Knight	Hon. J. C. Tozer
Hon. G. C. MacKinnon	Hon. W. R. Withers
Hon. G. E. Masters	Hon. D. J. Wordsworth
Hon. M. McAleer	Hon. V. J. Ferry
	(Teller)

Noes—8

Hon. R. F. Claughton	Hon. R. T. Leeson
Hon. D. W. Cooley	Hon. R. H. C. Stubbs
Hon. D. K. Dans	Hon. R. Thompson
Hon. S. J. Dellar	Hon. Lyla Elliott
	(Teller)

Pair

Aye	No
Hon. A. A. Lewis	Hon. Grace Vaughan

Clause thus passed.

Sitting suspended from 9.40 to 10.07 p.m.

Clause 11: Section 48 added—

The Hon. R. F. CLAUGHTON: The Minister who introduced the Bill in another place said he had made three additions to the original Bill, and this is one of them. It deals with retaliation, discrimination, and intimidation.

If there is a clause which more than any other demonstrates that the Bill is directed at the union movement, it is this one. It does not matter how the Minister in this Chamber talks about closed minds or how much he indulges in rhetoric about the attitude on our side in relation to the Bill, it has been abundantly evident throughout the debate that if there is any fault in relation to the ideological inability to accept differences of opinion or to agree to reasonable amendments to the legislation, it lies with the Government.

Even now, we could pursue at much greater length the implications of all these clauses, as we have done earnestly and responsibly, in an attempt to draw out all the dangers and implications for all sections of the community; but it is evident that the Government is obdurate and determined not to listen to reason but to have the Bill proceed through this Chamber without change.

The Hon. G. C. MacKinnon: Now could you deal with the clause?

The Hon. R. F. CLAUGHTON: I simply point out that we have heard similar comments throughout the debate on the Bill, with points of order being taken to stifle debate and reasonable criticism.

I do not intend to dwell at length any further on this or any other clause. As we have said, no matter how much attention we draw to the faults of this legislation, the Government is determined to persist with it.

Clause put and a division taken with the following result—

Ayes—17

Hon. C. R. Abbey	Hon. I. G. Medcalf
Hon. N. E. Baxter	Hon. T. O. Perry
Hon. G. W. Berry	Hon. I. G. Pratt
Hon. Clive Griffiths	Hon. J. C. Tozer
Hon. T. Knight	Hon. R. J. L. Williams
Hon. G. C. MacKinnon	Hon. W. R. Withers
Hon. G. E. Masters	Hon. D. J. Wordsworth
Hon. M. McAleer	Hon. V. J. Ferry
Hon. N. McNeill	*(Teller)*

Noes—8

Hon. R. F. Claughton	Hon. R. T. Leeson
Hon. D. W. Cooley	Hon. R. H. C. Stubbs
Hon. S. J. Dellar	Hon. R. Thompson
Hon. Lyla Elliott	Hon. D. K. Dans
	(Teller)

Pair

Aye	No
Hon. A. A. Lewis	Hon. Grace Vaughan

Clause thus passed.

Clause 12: Section 49 added—

The Hon. D. W. COOLEY: This is another clause of the Bill to which we are opposed. We could speak very strongly about many parts of the clause, but I will confine myself to paragraphs (a) and (b) of subsection (3) of proposed new section 49, in respect of the penalties that can be imposed if a person is guilty of an offence under this part of the Bill.

I would like briefly to go back to the point Mr Dans made during the discussion on the last clause about the engaging of persons, whether for reward or otherwise, and relating this aspect to the clause we are discussing. This seems to me to be a harsh and pernicious provision. The situation could arise, as envisaged by Mr Dans, that a person is directed to engage in work without reward. He may refuse to do this because he does not wish to be involved in a situation where he can be branded a scab or an industrial renegade. He would betray his principles if he performed this work. Under these provisions I believe such a person could be imprisoned for six months or suffer a fine of $500.

If this person is the member of a union and the union directs him not to take on this type of employment, the union can be fined for such amount as the court thinks just, having regard for all the circumstances. That is a very wide provision.

If we then turn to proposed subsection (4), we find that if the breach continues, the fines will continue with it. I do not know any other provision in any other Act which provides power for the court to impose unlimited fines on a body corporate.

I know it has been said that big oil companies may be engaged in black marketing, but even under these circumstances I feel it would accord with British justice to prescribe a maximum penalty. Abominable as we may think such actions as engaging in black marketing in times of emergency are, at least we feel there should be some restriction on the power of the

court. Our concern is mainly with the effect of these provisions on an individual in the first instance, and secondly, with its effect on a body corporate such as a union.

Government members have repeatedly said throughout the discussions on this Bill that the Government has no axe to grind; that the legislation is not aimed at the trade union movement as such, and the Government thinks the movement should be encouraged. However, the provision for continuing fines upon a body corporate is certainly directed at the unions. There can be no doubt about that, although the provision would apply to any other corporate body as well. This is another example of the futility of a measure of this nature.

I do not want to repeat all that Mr Dans said in respect of the engagement of volunteers without reward in a strike situation, except to say that his remarks would be supported, not only on the waterfront, but by the whole of the trade union movement throughout the length and breadth of the State and, indeed, throughout Australia. Government members say it would not and could not happen; that the penalties would not be applied in such a situation. It is a cold fact of industrial life that the Government would not get away with it. Even in the Industrial Arbitration Act the penalties that can be invoked are limited. We know the penalties of that Act have not been applied since 1969, and we know that there will be similar resistance to this legislation.

Members opposite may think that is a threat. I do not see it that way; I see it as a fact of modern industrial life that penalties like this just cannot be imposed on people who stand up for their beliefs or on the organisations who represent them.

The Hon. I. G. Pratt: Do you support men who stand up for their beliefs?

The Hon. D. W. COOLEY: Mr Pratt ought to know my stand in respect of this.

The Hon. I. G. Pratt: Can you give a "Yes" or "No" answer?

The Hon. D. W. COOLEY: I join with my leader in respect of this situation. I pity Mr Pratt because he is a young man and will suffer the consequences of this provision at some time; perhaps not while I am in this Chamber, but at some time he might have to account for what is being done here.

The Hon. I. G. Pratt: There is nothing complicated about my question. Can you answer it?

The Hon. D. W. COOLEY: I do not know what Mr Pratt's principles are, but the principles of some of his colleagues in respect of strikebreaking have been plainly enunciated and are firmly recorded in *Hansard*.

The Hon. I. G. Pratt: In other words, you will not say you are a person who stands up for his principles?

The Hon. D. W. COOLEY: I do not understand the import of the question, and I will not say something to enable the honourable member to place his own interpretation on it. I will say what I believe in strongly and to the best of my ability. Mr Pratt has the opportunity to state what he believes in. I feel sorry for him for sitting through this debate without taking part in it because some day he may have to answer for what has occurred this week.

The Hon. I. G. Pratt: I was merely asking you to clarify what you said.

The Hon. D. W. COOLEY: One of the weaknesses of the Bill is the events it will precipitate if it is applied against people for standing up for their beliefs. For this very reason we should get back to what we were talking about in the beginning.

The Hon. V. J. Ferry: Clause 12.

The Hon. D. W. COOLEY: We were talking about passing reasonable legislation with the co-operation of all sections of the community—

The Hon. G. C. MacKinnon: You have made this speech before.

The Hon. D. W. COOLEY: —including the trade union movement; and that co-operation is not achieved by the imposition of unlimited fines. The co-operation of workers in respect of engaging them for labour is not achieved by imposing a fine of $500 or imprisonment for six months if they refuse to do what is asked of them. This is where the confrontation will occur with those who stand up for their principles. I fear the outcome of such a confrontation. I would hate to see it happen because I do not like to see the authority of Governments defied at any time. However, this legislation is inviting defiance.

The Government knows it is passing legislation which is not in keeping with modern industrial law. It is turning back the clock by the inclusion of these penalties. The legislation must certainly fail if it is ever implemented. I believe laws should not be passed unless they are possible of implementation. There is no way in the world that the Government could implement a provision like this.

The Hon. G. C. MacKINNON: I apologise to the Chamber for rising again, but I simply cannot let those remarks pass, despite the fact that we have heard them about 12 times. One or two of the comments really were beyond the pale. Mr Cooley mentioned, quite wrongly, of course, that he believes the Government can conscript labour under this clause. He sees that as an evil. However, he thinks it is perfectly valid for union officials to direct their members not to do something. It is all right for them to do

that, but it is not right for anybody else to do it. This is the sort of double standard we have seen throughout the debate.

Mr Cooley said that we cannot impose penalties on unions. I suggest that he talk to Mr Dans and consider the industrial laws being asked for by a section of the trade union hierarchy; that is ratified agreements.

Unions themselves impose harsh penalties, to the point of dismissal or suspension, and no argument is allowed.

When Mr Cooley was speaking I was reminded of a couple of chaps on a radio programme some years ago who used to talk about Communists and say that the Liberals looked under their beds for Communists. Mr Cooley has the same state of mind with regard to the union movement. He sees a threat to the movement in every clause. Much of this clause is directed against the possibility of unionists being militated against by large organisations of black marketers.

The Hon. D. W. Cooley: What nonsense that is!

The Hon. G. C. MacKINNON: It is not; it is a fact.

The Hon. D. W. Cooley: Why don't you get on with the facts instead of denigrating people?

The Hon. G. C. MacKINNON: The union movement consists of many people who have individual rights to lead their lives without being directed by a union hierarchy. The movement does not consist only of a group of fellows who live in an ivory tower or in Curtin House.

All sorts of people are unionists by definition under the industrial laws. Some are extremely wealthy men. Mr Cooley did not even define his terms correctly, because the President of the Chamber of Commerce is a unionist under the Act. In no way can we attack unions *per se*.

The Hon. D. W. COOLEY: I join with the Minister in saying that I did not wish to rise again. However, it is one of his traits to denigrate people for the purpose of getting his argument across. To draw an analogy between the obligation of a union member to his union and what is provided in this legislation is going beyond the realms of reasonable argument.

The Minister has drawn a comparison between a union member and what he is trying to impose on the people by this legislation but, of course, no such comparison can be made. In the first place, I cannot see anything written into any rule, order, or Act providing for gaol sentences for trade unionists who do not obey what Mr MacKinnon termed as the "heirarchy" of the union.

The Hon. G. C. MacKinnon: Did I say that?

The Hon. D. W. COOLEY: The Minister did not say it but that was the inference to be drawn. If a person belongs to any organisation and does not agree with the rules of that organisation and does not wish to comply with them, he may opt out of that organisation.

The Hon. G. C. MacKinnon: Did you listen to Mr Dans talking about scabs? We know your attitude towards those people.

The Hon. D. W. COOLEY: I listened to Mr Dans. I was trying to explain to the Minister that the provisions of this Bill provide for penalties to be imposed on people who will not break down their principles in respect of working under voluntary conditions.

The Hon. G. C. MacKinnon: We impose penalties on black marketers in time of emergency.

The Hon. D. W. COOLEY: The Minister has failed to understand that we accept there is a need for some form of emergency legislation; there is a need to crack down on black marketers. However, the way to do that is to introduce legislation directed specifically against those people instead of bringing in a Bill with such broad, all-embracing clauses directed against trade unionists. The Bill contains provision for blackleg labour, for fining unions and, under certain circumstances, for taking away the rights of unionists and their awards and agreements. Is it any wonder that the Bill has aroused protests from the trade union movement? I repeat: we do not solve anything in the field of industrial relations by imposing harsh penalties on people who do not obey bad laws.

Clause put and a division taken with the following result—

Ayes—17

Hon. C. R. Abbey	Hon. I. G. Medcalf
Hon. N. E. Baxter	Hon. T. O. Perry
Hon. G. W. Berry	Hon. I. G. Pratt
Hon. Clive Griffiths	Hon. J. C. Tozer
Hon. T. Knight	Hon. R. J. L. Williams
Hon. G. C. MacKinnon	Hon. W. R. Withers
Hon. G. E. Masters	Hon. D. J. Wordsworth
Hon. M. McAleer	Hon. V. J. Ferry
Hon. N. McNeill	*(Teller)*

Noes—8

Hon. R. F. Claughton	Hon. R. T. Leeson
Hon. D. W. Cooley	Hon. R. H. C. Stubbs
Hon. S. J. Dellar	Hon. R. Thompson
Hon. Lyla Elliott	Hon. D. K. Dans
	(Teller)

Pair

Aye	No
Hon. A. A. Lewis	Hon. Grace Vaughan

Clause thus passed.

Clause 13: Section 50 added—

The Hon. S. J. DELLAR: Earlier in the Bill, we made provision for emergency regulations to be made. It is not my intention to ask a question of the Minister. When I rose on two previous occasions to ask a question, I did not receive a reply, although the Minister may have said that I was dumb or stupid. Clause 50 (1) states—

> Emergency regulations made under this Part of this Act may confer upon any Minister of the Crown the power

to make any order or give any direction for the purposes of the regulations.

Any Minister can do anything he likes for the purposes of the regulations.

The Hon. G. C. MacKinnon: I would like to see him try.

The Hon. S. J. DELLAR: That is the way I read it and that is the way I have interpreted it.

The Hon. G. C. MacKinnon: One would only have to know how the system works to know that your interpretation is incorrect.

The Hon. S. J. DELLAR: We know how the system works because we have seen it operating. Subclause (2) provides that the Minister may revoke or vary any order or direction if he changes his mind. Subclause (3) provides for rationing and states, "in the opinion of the Minister". I presume that to be one Minister or any Minister or one or two Ministers.

The Hon. G. C. MacKinnon: It means what it says—the Minister.

The Hon. S. J. DELLAR: Such rationing or control will be implemented if in the opinion of the Minister it is necessary or expedient. Subclause (5) states—

> Where under this Part of this Act two or more Ministers have power to make orders, the power may be exercised by them jointly or separately.

The whole Cabinet or any two Ministers have this authority.

The Hon. G. C. MacKinnon: With different interests.

The Hon. S. J. DELLAR: The Minister will probably be able to explain this when he replies. Subclause (7) provides that a person who contravenes or fails to comply with an order shall be guilty of an offence.

I come now to subclause (8), which is one of the only clauses in the Bill I can follow. The Minister has stated that right throughout this Bill there are saving clauses and protection for individuals. Subclause (8) reads—

> Where any direction is given under this Part of this Act to any person or body, a person or body who fails to comply with the direction commits an offence against this Part of this Act,—

This is the saving part—

> —but it shall be a sufficient defence to a prosecution for an offence under this subsection in respect of a failure to comply with a direction if the defendant satisfies the court that he so failed with reasonable excuse.

This is perhaps the only place in the Bill where it is spelt out that a person can satisfy the court that he failed to comply with an order or direction for whatever reason. I oppose clause 13.

Clause put and a division taken with the following result—

Ayes—16

Hon. C. R. Abbey	Hon. I. G. Medcalf
Hon. N. E. Baxter	Hon. T. O. Perry
Hon. G. W. Berry	Hon. I. G. Pratt
Hon. T. Knight	Hon. J. C. Tozer
Hon. G. C. MacKinnon	Hon. R. J. L. Williams
Hon. G. E. Masters	Hon. W. R. Withers
Hon. M. McAleer	Hon. D. J. Wordsworth
Hon. N. McNeill	Hon. V. J. Ferry *(Teller)*

Noes—8

Hon. R. F. Claughton	Hon. R. T. Leeson
Hon. D. W. Cooley	Hon. R. H. C. Stubbs
Hon. S. J. Dellar	Hon. R. Thompson
Hon. Lyla Elliott	Hon. D. K. Dans *(Teller)*

Pair

Aye	No
Hon. A. A. Lewis	Hon. Grace Vaughan

Clause thus passed.

Clause 14: Section 51 added—

The Hon. R. THOMPSON: This proposed section would be the most stupid I have ever seen inserted in any Statute I have studied over a number of years. There is no rhyme or reason in the wording that has been written into this proposed new section.

When Mr Medcalf gave a reasoned opinion on proposed section 51 he baulked after I asked him a question by interjection and said he thought he should proceed with the next clause, because he found it impossible to answer my question. We accepted his other reasoned opinions.

The Hon. D. J. Wordsworth: He was answering the Law Society report.

The Hon. R. THOMPSON: Yes, that is so. The Government has accepted Mr Medcalf's opinion. Of course, Mr Medcalf would not be true and faithful if he did not put forward the opinion he did, because the voting on this Bill has been totally regimented on behalf of the Government. No-one can deny that—

The Hon. G. C. MacKinnon: I will deny that.

The Hon. R. THOMPSON: —because each time after a division has been held there has been almost a mass exodus of Government members from the Chamber. Members on the other side of the Chamber are so interested in the clauses of this Bill that every time a member rises to his feet they walk out; therefore they would not know what is taking place. We have been keeping this Chamber going and last night I told my colleagues they should not continue to do this because that is the Government's responsibility.

The Hon. G. C. MacKinnon: We are doing just that.

The Hon. R. THOMPSON: This is the last speech I intend to make on the Bill, although I have not spoken a great deal this evening. The reason I am making this my last speech is that this is the last clause in the Bill which is directly related to clause 4, in which members were denied

the right of debate by the application of the gag motion moved last night. Consequently we have been denied the right to correlate other clauses in the Bill with clause 4. Despite the fact that other members have not been warned, on three occasions since clause 4 was debated I have been pulled up while I have been speaking, which to my mind smacks of some sort of favouritism.

The Hon. G. C. MacKinnon: This sounds like a reflection on the Chair.

The Hon. R. THOMPSON: We have now reached this stupid clause. I say that because I doubt whether any member can understand it if it is examined in its full context with a view to ascertaining its intent. Proposed section 51 does provide that a Minister, according to his state of mind, can delegate power to anyone he nominates. In fact, each of the 12 Ministers, according to his state of mind, can delegate powers to any other person. We have to bear in mind the repercussions that could result from the delegation of such powers, and in saying this I refer members to subsections (1) and (2) of proposed section 60 contained in clause 23.

Proposed section 51 contains a delegation of power, depending on a state of mind. Such delegation may be supported in writing, and the power may be delegated to some other person.

The Hon. G. C. MacKinnon: It is a discretion or a state of mind.

The Hon. R. THOMPSON: That is so. Members of the Opposition have been placed in a ridiculous position. Throughout this debate we have tried our utmost to extract information from the Minister. Although we are still capable of proceeding and indulging in filibustering, despite the application of the gag, members of the Opposition will conclude their debate on this clause. There will be no further debate, because we have been denied the democratic right to question and seek information to enable us to understand the Bill. Such information has not been given to us.

Last night when a summary of the Bill appeared in the newspaper we were not allowed to refer to it. I contend—and a former Chairman of Committees agreed with me privately—we were entitled to refer to it, because the summary did not deal with a debate in this Chamber. What took place is a reflection on this Chamber, and it will not be able to live down the disgrace, because on this occasion the Government is introducing some of the most atrocious provisions in legislation that Australia has ever experienced. No lawyer, barrister, Queen's Counsel, or professor of law can say what the Bill will do. This puts the citizen at a disadvantage, because under the provision in clause 14 he can be directed through ministerial action to appear before a court. The only appeal he is accorded in another provision in the Bill is an appeal to the Minister.

This is a most disgraceful piece of legislation. I intend to vote against this clause and each subsequent clause; but for my part I shall not enter into any further debate. This Chamber has denied me the right to debate in a common-sense manner the meaning of this legislation. This is a reflection on the Government members who have spoken in the debate, but have not participated since. That is because they were proved to be wrong. We proved them to be wrong by extracting from the Minister what we sought.

Government members were as much in the dark as Opposition members on the meaning of the Bill, otherwise they would not have made the stupid comments they did. Even the Minister from time to time has refuted those statements. Members of the Opposition have been denied their democratic right as a result of the application of the gag last evening.

The Hon. G. C. MacKINNON: The Bill has been debated in this Chamber for 32 hours.

The Hon. R. Thompson: If it had been explained properly it would not have been debated for more than four hours.

The Hon. G. C. MacKINNON: Clause 4 was debated for seven hours, and in that period I gave a detailed explanation on at least four occasions. Any member can verify this by pursuing the fairly fruitless job of checking what appears in *Hansard*.

The Leader of the Opposition has said constantly that the Bill has not been explained. In the second reading the purpose and the broad principle of the Bill involved are explained, and that is the general practice. I have yet to see a Bill, every clause of which is explained, as has been asked for by the Leader of the Opposition on this occasion. However, in this debate that was done. I have been willing and able to explain every single clause.

The speech of the Leader of the Opposition is a classic in lack of understanding. He poked fun at the Parliamentary Counsel for the way in which he drafted this clause by using the term "discretion or state of mind". To my knowledge this aspect has been debated in the Chamber for many hours, during which comments were made and explanations were given.

The unfair trading legislation has nothing whatsoever to do with the lack of mental balance, or the mental illness of anybody. The expression means exactly what it says: the state of mind. It is a legal convention, and that is understood clearly by lawyers. Only this morning I checked that with two lawyers, and they are of that opinion.

Under the provision the Minister may delegate power, and he does so having a

certain state of mind towards some particular action he feels should take place. It is accepted that the person to whom power is delegated will pursue the authority given to him under such delegation in the same state of mind and with the same aims and objectives.

There is no need for me to deal with the word "discretion", because I am fairly certain it is understood clearly. It is a legal connotation which lawyers and judges understand, just as they understand the meaning of the words "reasonable", "substantial", and "state of mind". All of those words have been debated in this instance. In Bill after Bill, and consequently in Act after Act, these words appear almost without exception, and we see the situation where the powers of the Minister may be delegated.

The Minister might delegate powers to a person—and this is done almost daily—and such person might perform those duties in a way that displeased the Minister.

He was displeased because the person did not interpret the state of mind of the Minister properly, and the Minister has the right to discharge him from the responsibilities given to him by the delegated powers; but he is protected, as he should be protected, provided he does not break the law, because it is assumed he has interpreted the attitude of the Minister towards the performance of that duty and has genuinely tried to perform the duty in the way the Minister would wish it to be performed. That is all it means. It is perfectly proper and reasonable and, in law, it is commonplace.

An example of this sort of delegation is that certain powers could be delegated to, say, the Chairman of the SEC and perhaps the Chairman of the MTT because of their professional expertise in handling the situation in a manner best calculated in their professional estimation to achieve the objectives of the Bill.

The Leader of the Opposition said that he spoke in a common-sense way, but he did not; and it is a pity that when all those legal opinions were secured the Opposition did not obtain a little legal advice along with them.

Clause put and a division taken with the following result—

Ayes—17	
Hon. C. R. Abbey	Hon. I. G. Medcalf
Hon. N. E. Baxter	Hon. T. O. Perry
Hon. G. W. Berry	Hon. I. G. Pratt
Hon. Clive Griffiths	Hon. J. C. Tozer
Hon. T. Knight	Hon. R. J. L. Williams
Hon. G. C. MacKinnon	Hon. W. R. Withers
Hon. G. E. Masters	Hon. D. J. Wordsworth
Hon. M. McAleer	Hon. V. J. Ferry
Hon. N. McNeill	*(Teller)*

Noes—8	
Hon. R. F. Claughton	Hon. R. T. Leeson
Hon. D. W. Cooley	Hon. R. H. C. Stubbs
Hon. D. K. Dans	Hon. R. Thompson
Hon. S. J. Dellar	Hon. Lyla Elliott
	(Teller)

Pair	
Aye	No
Hon. A. A. Lewis	Hon. Grace Vaughan

Clause thus passed.

Clause 15: Section 52 added—

The Hon. R. F. CLAUGHTON: We heard the Minister relate the number of hours which have been spent in debate on this Bill. Somehow he has been keeping a precise account because he referred to the fact that seven hours were spent on clause 4. However he did not mention the amount of time he took up on debate on that particular clause—

The Hon. R. Thompson: Stonewalling.

The Hon. G. C. MacKinnon: Cut it out.

The Hon. R. F. CLAUGHTON: —making rather long explanations. It reminds me of the opening remarks Mr Medcalf made in his second reading speech. He extolled the virtues of short speeches and then proceeded to speak from about 5.00 p.m. to 8.45 p.m.

I did not rise to debate the clause to which we have no particular objection. I rose simply to register our intention to divide on this and all other clauses.

Clause put and a division taken with the following result—

Ayes—17	
Hon. C. R. Abbey	Hon. I. G. Medcalf
Hon. N. E. Baxter	Hon. T. O. Perry
Hon. G. W. Berry	Hon. I. G. Pratt
Hon. Clive Griffiths	Hon. J. C. Tozer
Hon. T. Knight	Hon. R. J. L. Williams
Hon. G. C. MacKinnon	Hon. W. R. Withers
Hon. G. E. Masters	Hon. D. J. Wordsworth
Hon. M. McAleer	Hon. V. J. Ferry
Hon. N. McNeill	*(Teller)*

Noes—8	
Hon. R. F. Claughton	Hon. R. T. Leeson
Hon. D. W. Cooley	Hon. R. H. C. Stubbs
Hon. D. K. Dans	Hon. R. Thompson
Hon. S. J. Dellar	Hon. Lyla Elliott
	(Teller)

Pair	
Aye	No
Hon. A. A. Lewis	Hon. Grace Vaughan

Clause thus passed.

Clause 16: Section 53 added—

The Hon. D. K. DANS: This is an operative clause and I give notice, Mr Chairman, that we intend to oppose it and divide the Committee.

Clause put and a division taken with the following result—

Ayes—17	
Hon. C. R. Abbey	Hon. I. G. Medcalf
Hon. N. E. Baxter	Hon. T. O. Perry
Hon. G. W. Berry	Hon. I. G. Pratt
Hon. Clive Griffiths	Hon. J. C. Tozer
Hon. T. Knight	Hon. R. J. L. Williams
Hon. G. C. MacKinnon	Hon. W. R. Withers
Hon. G. E. Masters	Hon. D. J. Wordsworth
Hon. M. McAleer	Hon. V. J. Ferry
Hon. N. McNeill	*(Teller)*

Noes—8	
Hon. R. F. Claughton	Hon. R. T. Leeson
Hon. D. W. Cooley	Hon. R. H. C. Stubbs
Hon. D. K. Dans	Hon. R. Thompson
Hon. S. J. Dellar	Hon. Lyla Elliott
	(Teller)

Pair.	
Aye	No
Hon. A. A. Lewis	Hon. Grace Vaughan

Clause thus passed.

Clause 17: Section 54 added—

The CHAIRMAN: The question is that clause 17 be agreed to.

Point of Order

The Hon. S. J. DELLAR: On a point of order, Mr Chairman, are members to resume their seats before debate on the clause resumes?

The Hon. G. C. MacKinnon: They do not have to if they do not intend to speak to the clause.

The Hon. S. J. DELLAR: Then, I withdraw my point of order.

Committee Resumed

The Hon. LYLA ELLIOTT: As with every other clause of this Bill, we on this side of the Chamber are opposed to clause 17, and we intend to divide on it.

Clause put and a division taken with the following result—

Ayes—15

Hon. C. R. Abbey	Hon. T. O. Perry
Hon. G. W. Berry	Hon. I. G. Pratt
Hon. T. Knight	Hon. J. C. Tozer
Hon. G. C. MacKinnon	Hon. R. J. L. Williams
Hon. G. E. Masters	Hon. W. R. Withers
Hon. M. McAleer	Hon. D. J. Wordsworth
Hon. N. McNeill	Hon. V. J. Ferry
Hon. I. G. Medcalf	*(Teller)*

Noes—8

Hon. R. F. Claughton	Hon. R. T. Leeson
Hon. D. W. Cooley	Hon. R. H. C. Stubbs
Hon. D. K. Dans	Hon. R. Thompson
Hon. S. J. Dellar	Hon. Lyla Elliott
	(Teller)

Pair

Aye	No
Hon. A. A. Lewis	Hon. Grace Vaughan

Clause thus passed.

Clause 18: Section 55 added—

The Hon. S. J. DELLAR: I earlier referred to new section 50 and indicated it was the first time since we have debated this Bill that I found a clear and concise position whereby a person could resort to the courts for relief. From my reading of clause 18 there is some saving for personal injury claims. Perhaps this is a good clause in the Bill and may have been inserted after some objections were raised. In any case, it is still part of a bad Bill which should never have been introduced and I intend to oppose it.

The Hon. R. F. CLAUGHTON: I remind the Minister that in view of the criticisms made there is nothing to prevent him from giving some further explanation if he feels it is necessary.

The Hon. G. C. MacKINNON: I have become absolutely convinced from the behaviour over the last few clauses that the actual situation has revealed itself and the Opposition is not interested in any explanation.

The Hon. R. F. CLAUGHTON: Despite what the Minister has said, we feel we have done our part.

The Hon. D. J. Wordsworth: Does the member consider the Opposition has done its part when it divides the House on something with which it agrees?

The Hon. R. F. CLAUGHTON: The Government has shown some obstinacy but if the Minister feels he has some duty with regard to the public, even though he has little regard for members on this side of the Chamber, there is nothing to prevent him from making some further explanation.

The Hon. G. C. MacKINNON: I have been prepared to give explanations up to date. However, we were told that no explanation would be listened to. We have seen a situation where on clauses which are absolutely necessary and highly desirable in any legislation—such as rights of appeal and compensation, as Mr Dellar has pointed out, and despite statements in various newspapers that no compensatory clauses are in the Bill—the Opposition has divided the Committee. What are we supposed to believe in those circumstances?

The Hon. S. J. DELLAR: The Minister has just said he was told by a member of the Opposition that no explanations were required. I remind the Minister that on the first two occasions I spoke I asked for explanations. Perhaps my reasons were not clear to the Minister, but that would be because the whole Bill is not clear.

If the Minister thinks that one member does not want an explanation, I remind him that on the two points on which I wanted clarification I received none. By interjection, Mr Wordsworth asked, "Why do you vote against something you believe in?" The reason is that the Bill does not meet with our satisfaction and we will oppose it.

The Hon. G. C. MacKINNON: The explanation is that the normal processes of the law will apply in the case of personal injury claims.

The Hon. S. J. DELLAR: I did not ask for an explanation of clause 18. When I spoke I said it was quite clear to me.

Clause put and a division taken with the following result—

Ayes—16

Hon. C. R. Abbey	Hon. I. G. Medcalf
Hon. N. E. Baxter	Hon. T. O. Perry
Hon. G. W. Berry	Hon. I. G. Pratt
Hon. T. Knight	Hon. J. C. Tozer
Hon. G. C. MacKinnon	Hon. R. J. L. Williams
Hon. G. E. Masters	Hon. W. R. Withers
Hon. M. McAleer	Hon. D. J. Wordsworth
Hon. N. McNeill	Hon. V. J. Ferry
	(Teller)

Noes—8

Hon. R. F. Claughton	Hon. Lyla Elliott
Hon. D. W. Cooley	Hon. R. H. C. Stubbs
Hon. D. K. Dans	Hon. R. Thompson
Hon. S. J. Dellar	Hon. R. T. Leeson
	(Teller)

Pair

Aye	No
Hon. A. A. Lewis	Hon. Grace Vaughan

Clause thus passed.

Clause 19: Section 56 added—

The Hon. D. W. COOLEY: I think my leader made it perfectly clear at the beginning of the debate that it was the intention of the Opposition to divide on every clause of this Bill. We are now being criticised for voting against provisions which we believe are desirable. Some members opposite who have sat silently during the debate have voted in favour of many provisions which they think are undesirable. Throughout the debate we have been criticised for speaking to the Bill and for speaking for too long, and now we are being criticised for dividing, which we said at the beginning we would do. The democratic processes about which members opposite boast are not being followed.

The HON. LYLA ELLIOTT: I was not given clarification of a matter I raised in connection with this clause. I would like the Minister to clarify the words, "A person who, as the result of compliance with any emergency regulation or while complying with" etc. The question I posed earlier, which the Minister did not answer, was: Does this mean that only a person who is complying with a regulation is eligible for compensation, or does it also include people who suffer loss or injury indirectly in the state of emergency even though they are not carrying out the regulations? If a person were charged under the Act and his home was searched, damage was done, and he was subsequently cleared by the court, would he be entitled to seek compensation?

The Hon. G. C. MacKINNON: As I understand the clause, it deals with a person who has accepted an engagement of employment and is actually complying with the regulations and the conditions of that employment in a state of emergency; if he suffers personal injury, loss, or damage, he is entitled to compensation. If a person were sitting at home in front of a television set and a brick fell through the roof and hit him on the head, I take it he would not be entitled to this compensation. It seems to me to be specifically a person who is working.

The proposed clause does not deal with personal injury claims because they remain subject to the normal law. It does not deal with loss, damage, or injury caused by nonavailability of goods and services because they arise not from the action of the legislation but from the very occurrence of the emergency situation. It does not deal with loss, damage, or injury shared in common with the community because in times of emergency when loss falls generally it must be accepted and the Government should not be asked to pay for it. There are sometimes schemes under which people may be assisted but the general rule is as I have outlined.

The proposed section makes provision for a person who suffers some special loss because of the operation of the legislation. Proposed subsection (1) states the entitlement, and (2) states that claims must be made in the prescribed manner. I hope that satisfies the honourable member.

The Hon. LYLA ELLIOTT: I thought I understood what the Minister was saying until he spoke about the operation of the legislation, which would broaden the area of claims. I understood he said, firstly, that only a person who was complying with the regulations would be eligible. Is that right?

The Hon. G. C. MacKinnon: Yes, in compliance with the regulations.

The Hon. LYLA ELLIOTT: A person who was carrying out work—

The Hon. G. C. MacKinnon: He would be right.

The Hon. LYLA ELLIOTT: The Minister has still not answered the question in regard to the person who suffers loss indirectly and who is not carrying out the regulations. I give the example of a person whose car is parked on the street, and a fight develops between pickets and scab labour, or something of that sort, and his car is burnt. Would he be eligible for compensation?

The Hon. G. C. MacKINNON: If the man were doing something in compliance with the regulations, he would be compensated. I suppose a person could be told to go to a certain area, and if he fell over in that area and broke a leg, he would have suffered an injury because he was complying with the order given. In those circumstances he may not be working. It does not cover generalities, and that is why I read out what the clause does not cover.

The Hon. Lyla Elliott: So it is as narrow as I thought it was in the first place.

The Hon. G. C. MacKINNON: It is deliberately meant to be narrow. I think it is reasonable under all the circumstances.

Clause put and a division taken with the following result—

Ayes—17

Hon. C. R. Abbey	Hon. I. G. Medcalf
Hon. N. E. Baxter	Hon. T. O. Perry
Hon. G. W. Berry	Hon. I. G. Pratt
Hon. Clive Griffiths	Hon. J. C. Tozer
Hon. T. Knight	Hon. R. J. L. Williams
Hon. G. C. MacKinnon	Hon. W. R. Withers
Hon. G. E. Masters	Hon. D. J. Wordsworth
Hon. M. McAleer	Hon. V. J. Ferry
Hon. N. McNeill	*(Teller)*

Noes—8

Hon. R. F. Claughton	Hon. R. T. Leeson
Hon. D. W. Cooley	Hon. R. H. C. Stubbs
Hon. D. K. Dans	Hon. R. Thompson
Hon. S. J. Dellar	Hon. Lyla Elliott
	(Teller)

Pair

Aye	No
Hon. A. A. Lewis	Hon. Grace Vaughan

Clause thus passed.

Clause 20: Section 57 added—

The Hon. R. F. CLAUGHTON: This clause deals with the expiry or revocation of regulations. We again intend to divide to express our objection to this Bill in the only way that is reasonably open to us without being forced to continue this debate for many long hours.

Clause put and a division taken with the following result—

Ayes—17

Hon. C. R. Abbey	Hon. I. G. Medcalf
Hon. N. E. Baxter	Hon. T. O. Perry
Hon. G. W. Berry	Hon. I. G. Pratt
Hon. Clive Griffiths	Hon. J. C. Tozer
Hon. T. Knight	Hon. R. J. L. Williams
Hon. G. C. MacKinnon	Hon. W. R. Withers
Hon. G. E. Masters	Hon. D. J. Wordsworth
Hon. M. McAleer	Hon. V. J. Ferry
Hon. N. McNeill	*(Teller)*

Noes—8

Hon. R. F. Claughton	Hon. R. T. Leeson
Hon. D. W. Cooley	Hon. R. H. C. Stubbs
Hon. D. K. Dans	Hon. R. Thompson
Hon. S. J. Dellar	Hon. Lyla Elliott
	(Teller)

Pair

Aye	No
Hon. A. A. Lewis	Hon. Grace Vaughan

Clause thus passed.

Clause 21: Section 58 added—

The Hon. S. J. DELLAR: This clause provides for the addition of new section 58 to deal with appeals against certain actions under the Bill. I suppose it could be described as a Fuehrer clause—appealing from Caesar to Caesar. I do not see the justice in this.

The Hon. G. C. MacKinnon: It is not appealing from Caesar to Caesar; it is an administrative idea.

The Hon. S. J. DELLAR: I refer members to the wording of proposed section 58. If an aggrieved person can find the correct form, he can then appeal in the prescribed manner. I cannot read into that where a person may appeal to anyone other than the Minister; that is, if he can find the form which may or may not be prescribed. If the Minister thinks fit, he may or may not uphold the appeal.

In closing it is interesting to note that Government members have at last taken an interest in the Committee stage of this Bill. It is the greatest rally the Minister has had behind him; I do not think he has had much support since the Committee debate commenced.

The Hon. G. C. MacKINNON: I have had all the support I could wish for. I point out very briefly that appeals against convictions are dealt with by the courts, and matters of compensation are dealt with by judges of the Supreme Court or of the District Court in their capacity as arbitrators. There can be very little left to appeal against other than administrative directions of which no other person or body is likely to have full knowledge of all the surrounding circumstances. This is a completely extra appeal. All the other appeals that we can think of are prescribed in this Bill, but this is an extra one which is open to a person who does not like some administrative act performed by someone to whom power has been delegated.

The Hon. R. Thompson: Remember the Minister delegated the power to that person.

Clause put and a division taken with the following result—

Ayes—17

Hon. C. R. Abbey	Hon. I. G. Medcalf
Hon. N. E. Baxter	Hon. T. O. Perry
Hon. G. W. Berry	Hon. I. G. Pratt
Hon. Clive Griffiths	Hon. J. C. Tozer
Hon. T. Knight	Hon. R. J. L. Williams
Hon. G. C. MacKinnon	Hon. W. R. Withers
Hon. G. E. Masters	Hon. D. J. Wordsworth
Hon. M. McAleer	Hon. V. J. Ferry
Hon. N. McNeill	*(Teller)*

Noes—8

Hon. R. F. Claughton	Hon. R. T. Leeson
Hon. D. W. Cooley	Hon. R. H. C. Stubbs
Hon. D. K. Dans	Hon. R. Thompson
Hon. S. J. Dellar	Hon. Lyla Elliott
	(Teller)

Pair

Aye	No
Hon. A. A. Lewis	Hon. Grace Vaughan

Clause thus passed.

Clause 22: Section 59 added—

The Hon. D. K. DANS: In normal circumstances this would be an ordinary operative clause to sustain the other clauses in the Bill, but I think one must agree that in this case it is a sham. I have said before the Bill is a cunning document, and this clause reinforces my opinion. It could be argued that the clause would apply in a genuine emergency when fuel rationing is prescribed, but in my opinion that situation would be handled by the Australian Government of the day.

The Hon. N. McNeill: South Australia implemented rationing and issued coupons, didn't it?

The Hon. D. K. DANS: I have no intention of agreeing with the Minister because I do not know if that is a fact.

The Hon. N. McNeill: I am saying it is.

The Hon. D. K. DANS: I will not comment because I know nothing about it. Knowing the Minister I would be prepared to say that what he says is correct. I know it was suggested that a number of State Governments had printed rationing coupons in case their use was necessary. I heard a rumour that the Western Australian Government did this, but it was subsequently denied.

This provision is laughable because I do not think people vitally affected by the legislation would produce false documents, etc. I think they would display their opposition in a more positive manner. We oppose the clause.

Clause put and a division taken with the following result—

Ayes—17

Hon. C. R. Abbey	Hon. I. G. Medcalf
Hon. N. E. Baxter	Hon. T. O. Perry
Hon. G. W. Berry	Hon. I. G. Pratt
Hon. Clive Griffiths	Hon. J. C. Tozer
Hon. T. Knight	Hon. R. J. L. Williams
Hon. G. C. MacKinnon	Hon. W. R. Withers
Hon. G. E. Masters	Hon. D. J. Wordsworth
Hon. M. McAleer	Hon. V. J. Ferry
Hon. N. McNeill	*(Teller)*

Noes—8

Hon. R. F. Claughton	Hon. R. T. Leeson
Hon. D. W. Cooley	Hon. R. H. C. Stubbs
Hon. D. K. Dans	Hon. R. Thompson
Hon. S. J. Dellar	Hon. Lyla Elliott
	(Teller)

Pair

Aye	No
Hon. A. A. Lewis	Hon. Grace Vaughan

Clause thus passed.

Clause 23: Section 60 added—

The Hon. D. W. COOLEY: The Opposition opposes clause 23. This Bill provides for the delegation of powers and authorities to all sorts of people and departments. We have been told there is a possibility of dire things happening in a state of emergency and that we must prosecute black marketers and other people who may break the law under this legislation. Yet subsection (1) states—

> A prosecution for a contravention of this Part of this Act, or of any regulation made thereunder, shall not be commenced without the consent of the Attorney-General.

It seems odd that with all the things that have been said regarding the Bill, a prosecution cannot be commenced without the consent of the Attorney-General. Is it suggested that this proposed subsection will circumvent the Police Act? It would seem to me that the police should conduct the prosecution. I do not know whether this sort of provision is contained in other Acts. I should like the Minister to explain why such a provision is thought to be necessary.

The Hon. G. C. MacKINNON: We have really got down to some fairly sick thinking. This proposed section provides that no prosecution under the Bill or any regulation made under the Bill can be commenced unless the Attorney-General gives his consent. That is another safeguard.

The Hon. N. McNeill: A tremendous safeguard.

The Hon. G. C. MacKINNON: The comments we have heard from members opposite have been rather shattering. It has been suggested that this provides no protection because the Attorney-General might be the tool of a corrupt Government.

The Hon. S. J. Dellar: That was not said.

The Hon. G. C. MacKINNON: The suggestion was there.

The Hon. S. J. Dellar: Not at all.

The Hon. G. C. MacKINNON: It was suggested that we should leave it to the police; however, by doing that, the additional safeguard would be lost.

The Hon. R. Thompson: Mr Cooley asked whether this subsection would circumvent the Police Act.

The Hon. G. C. MacKINNON: Circumvent my eye!

The Hon. R. Thompson: Do not put a wrong construction on it.

The Hon. N. McNeill: Look who is talking!

The Hon. G. C. MacKINNON: Of course this is an additional protection and a very valuable one, too.

The Hon. D. W. COOLEY: It seems odd that the Minister talks about safeguards at this late stage of the Bill.

The Hon. G. C. MacKinnon: I have been talking about safeguards since the day we commenced discussing this Bill—since last Tuesday.

The Hon. D. W. COOLEY: As far as we are concerned, this Bill provides few safeguards for civil liberties. I was not being insulting when I made my point; I said nothing about a corrupt Attorney-General.

The Hon. G. C. MacKinnon: The implication was there.

The Hon. D. W. COOLEY: I beg to differ and I take strong exception to that remark. I would not suggest for one moment, unless it were proved to the contrary, that anybody was corrupt. I said only that I thought it strange that the Attorney-General should give his consent. The Minister is being hypocritical when he talks about safeguards because he knows very well that the rights of trade unionists and individual people are not protected under this legislation. That is why there has been such a tremendous amount of protest against this Bill.

The Hon. N. McNeill: Could not this be a safeguard for the people?

The Hon. D. W. COOLEY: Perhaps it is; however, the Bill does not contain sufficient safeguards.

The Hon. N. McNeill: That is not true.

The Hon. D. W. COOLEY: The Minister knows that it is true. The Bill does not contain the same safeguards provided in similar legislation in Australia. The Leader of the House referred to the New South Wales legislation and to Bills introduced elsewhere in Australia. However, none of them takes away the civil liberties and rights of individuals.

The Hon. N. McNeill: I referred only to the New South Wales Act; that Act certainly does not contain the safeguards provided for in this Bill.

The Hon. D. W. COOLEY: I beg to differ. The New South Wales Act contains certain safeguards in respect of the rights of trade unionists and other people, even to the extent that there could be a strike in an emergency. Other safeguards ensure that people are employed at no less than award rates; that is not specified in this legislation. In fact, people can be engaged without reward. It is complete hypocrisy to say that the rights of the people are safeguarded. It is a complete untruth to say that I said an Attorney-General could be corrupt; I simply asked whether this provision could circumvent the Police Act. Time and time again we have seen the Minister stand and insult members on this side for the purpose of trying to get his argument across. In fact, I believe he is endeavouring to draw a smokescreen over some of the issues involved.

The Hon. G. C. MacKINNON: That speech was delivered by a man who, a little while ago, said that it was perfectly in order for the union bosses to direct their members to work, whether or not they wanted to. He now talks about civil liberties and has the effrontery to lecture us about hypocrisy! Mr Cooley cannot gainsay the fact that pressure is used, because even on the front page of today's issue of the *Daily News* there is a photograph of a picket line. The facts speak for themselves.

The Hon. R. F. CLAUGHTON: I did say I was not going to debate any further clauses, but the Minister would appear to have been deliberately provocative.

The Hon. G. C. MacKinnon: It would be more to the point to say I was deliberately provoked.

The Hon. R. F. CLAUGHTON: Perhaps he was touched on a raw spot. Mr Cooley asked his question in a quiet and rational manner with no hint of the suggestions the Minister impugned to him. The Minister's reaction to the question only reinforced the opinion that this legislation is designed to attack trade unions. The Minister did not answer Mr Cooley's question as to why this provision has been placed in the Bill.

Why do we bypass the normal processes of law enforcement in circumstances such as these?

The Hon. D. J. Wordsworth: What do you consider to be "normal"?

The Hon. R. F. CLAUGHTON: The sort of circumstances one would expect to find if one went out on the streets today.

The Hon. D. J. Wordsworth: What are they? You say we would bypass the normal processes of law enforcement. How would we bypass them?

The Hon. D. W. Cooley: By making a complaint. It would not matter how much one complained, it would still have to be referred to.

The Hon. R. F. CLAUGHTON: I choose to ignore Mr Wordsworth because I would have thought he would know what would be normal without any explanation being made, and I ask: why it is thought necessary that the normal processes of law enforcement should be bypassed in this emergency legislation?

I know other pieces of legislation contain a similar provision, and I can understand why it has been inserted in those Statutes, although Mr Cooley, being a comparatively new member may not know of these Acts. I think the Minister should regard the request as one worthy of being satisfied, even if he has no regard for Mr Cooley and his opinion on it. Apart from this his answer is recorded and any other member who is interested in the debates in this Chamber is able to read it and obtain the same information.

As the Minister does not choose to reply it is obvious he does not have an explanation, or, alternatively, he does not think the people of Western Australia are entitled to an explanation.

The Hon. G. C. MacKINNON: This proposed section provides that no prosecution under the Bill or any regulation made under the Bill can be commenced unless the Attorney-General gives his consent. That is an unusual step and at the point when I read out the explanation previously, Mr McNeill interjected by saying, "A very excellent protection", or words to that effect. Does the honourable member now recall that I gave an explanation?

The Hon. R. F. Claughton: It does not say why.

The Hon. G. C. MacKINNON: When one goes to the most senior legal officer in this State for an opinion how much higher can one go? What more safeguards can one obtain? All the legal benefits are introduced for political expediency, because it is a political decision as well as a legal decision at that stage and it seems to be self-evident.

Clause put and a division taken with the following result—

Ayes—17

Hon. C. R. Abbey	Hon. I. G. Medcalf
Hon. N. E. Baxter	Hon. T. O. Perry
Hon. G. W. Berry	Hon. I. G. Pratt
Hon. Clive Griffiths	Hon. J. C. Tozer
Hon. T. Knight	Hon. R. J. L. Williams
Hon. G. C. MacKinnon	Hon. W. R. Withers
Hon. G. E. Masters	Hon. D. J. Wordsworth
Hon. M. McAleer	Hon. V. J. Ferry
Hon. N. McNeill	*(Teller)*

Noes—8

Hon. R. F. Claughton	Hon. R. T. Leeson
Hon. D. W. Cooley	Hon. R. H. C. Stubbs
Hon. D. K. Dans	Hon. R. Thompson
Hon. S. J. Dellar	Hon. Lyla Elliott
	(Teller)

Pair

Aye	No
Hon. A. A. Lewis	Hon. Grace Vaughan

Clause thus passed.

Clause 24: Section 61 added—

The Hon. D. K. DANS: Our attitude to this clause is exactly the same as it is to all the other clauses in the Bill. We have told the Government right from the introduction of the measure that we oppose it and, to be consistent, we intend to divide the Committee on this clause.

Clause put and a division taken with the following result—

Ayes—17

Hon. C. R. Abbey	Hon. I. G. Medcalf
Hon. N. E. Baxter	Hon. T. O. Perry
Hon. G. W. Berry	Hon. I. G. Pratt
Hon. V. J. Ferry	Hon. J. C. Tozer
Hon. Clive Griffiths	Hon. R. J. L. Williams
Hon. G. C. MacKinnon	Hon. W. R. Withers
Hon. G. E. Masters	Hon. D. J. Wordsworth
Hon. M. McAleer	Hon. T. Knight
Hon. N. McNeill	*(Teller)*

Noes—8

Hon. R. F. Claughton	Hon. Lyla Elliott
Hon. D. W. Cooley	Hon. R. T. Leeson
Hon. D. K. Dans	Hon. R. Thompson
Hon. S. J. Dellar	Hon. R. H. C. Stubbs
	(Teller)

Pair

Aye	No
Hon. A. A. Lewis	Hon. Grace Vaughan

Clause thus passed.

Clause 25: Section 62 added—

The Hon. R. F. CLAUGHTON: This clause deals with the evidential provision, and it relates to the provision that appears in clause 8. When a person seeks an injunction and a court has to decide on the facts, the basis on which it will decide whether a state of emergency exists is laid down in the clause.

Clause put and a division taken with the following result—

Ayes—17

Hon. C. R. Abbey	Hon. I. G. Medcalf
Hon. N. E. Baxter	Hon. T. O. Perry
Hon. G. W. Berry	Hon. I. G. Pratt
Hon. V. J. Ferry	Hon. J. C. Tozer
Hon. Clive Griffiths	Hon. R. J. L. Williams
Hon. G. C. MacKinnon	Hon. W. R. Withers
Hon. G. E. Masters	Hon. D. J. Wordsworth
Hon. M. McAleer	Hon. T. Knight
Hon. N. McNeill	*(Teller)*

Noes—8

Hon. D. W. Cooley	Hon. R. T. Leeson
Hon. D. K. Dans	Hon. R. H. C. Stubbs
Hon. S. J. Dellar	Hon. R. Thompson
Hon. Lyla Elliott	Hon. R. F. Claughton
	(Teller)

Pair

Aye	No
Hon. A. A. Lewis	Hon. Grace Vaughan

Clause thus passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

House adjourned at 12.16 a.m. (Thursday)

Legislative Assembly

Wednesday, the 9th October, 1974

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

QUESTIONS ON NOTICE

Submission: Statement by Speaker

THE SPEAKER (Mr Hutchinson): I have a brief statement to make on the submission of questions on notice. It is a pity that more members are not present but perhaps those who are here will inform their neighbours, who are absent, of my request.

Although members are permitted to hand in questions up to half an hour after the House sits, it would be appreciated if members, whenever possible, would try to avoid handing them in in large numbers during that period. One day recently the typing staff had the experience of receiving only a dozen questions before 4.00 p.m., and then receiving an additional 40 with which to deal thereafter.

The co-operation of members, therefore, is requested.

QUESTIONS (52): ON NOTICE

1. TRAFFIC

Great Eastern Highway: Speed Limit

Mr HARTREY, to the Minister for Traffic:

(1) What is now the maximum permissible speed for vehicles travelling on the Great Eastern Highway?

(2) What is the metric equivalent of the former maximum permissible speed of 65 miles per hour?

Mr O'CONNOR replied:

(1) 110 km/h unless otherwise restricted by provisions of the Road Traffic Code, e.g. heavy vehicle, probationary driver, speed zone or control area.

(2) 104.607 km/h.

2. KENT STREET HIGH SCHOOL

Home Economics Facilities

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

What improvements are planned to upgrade home economic teaching facilities at Kent Street Senior High School?

Mr MENSAROS replied:

No improvements are in hand at the present time but work on either upgrading or replacement is to be considered from a future fund allocation.